

MINUTES OF THE
SANTA FE COUNTY
DEVELOPMENT REVIEW COMMITTEE

Santa Fe, New Mexico

July 18, 2013

This meeting of the Santa Fe County Development Review Committee (CDRC) was called to order by Chair Juan José Gonzales, on the above-cited date at approximately 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:

Juan José Gonzales, Chair
Susan Martin, Vice Chair
Phil Anaya
Maria DeAnda,
Dan Drobnis
Frank Katz
Manuel Roybal

Member(s) Excused:

[None]

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

CDRC MINUTES
PAGES: 31

I Hereby Certify That This Instrument Was Filed for
Record On The 22ND Day Of August, 2013 at 10:47:29 AM
And Was Duly Recorded as Instrument # 1715793
Of The Records Of Santa Fe County

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

Staff Present:

Steve Ross, County Attorney
Wayne Dalton, Building & Development Services Supervisor
Jose Larrañaga, Development Review Specialist
Rachel Brown, Deputy County Attorney
Penny Ellis-Green, Land Use Administrator
Vicki Lucero, Building and Development Services Manager
Mike Romero, Development Review Specialist
Mark Hogan, Facilities Director



IV. APPROVAL OF AGENDA

Member Katz moved to approve the agenda as published. Member Martin seconded and the motion carried by unanimous [7-0] voice vote.

V. **APPROVAL OF MINUTES: June 20, 2013**

Member Katz moved to approve the June minutes as submitted. Member DeAnda seconded and the motion passed by unanimous [7-0] voice vote.

VI. **OLD BUSINESS**

- A. **CDRC CASE # Z/S 12-5450 Cielo Colorado Subdivision. Cielo Colorado, LLC., Applicant, Jim Siebert, Agent, requests Master Plan Zoning approval for a 24-lot residential subdivision on 246.30 acres ± within Tract 15A-2 of the Eldorado at Santa Fe Subdivision. The Applicant also requests to allow two cul-de-sacs (dead-end roads) to exceed 500 feet in length. The property is located on the east side of US 285, off Camino Acote, within Sections 21 & 22, Township 15 North, Range 10 East (Commission District 4).**

Mr. Larrañaga presented the staff report as follows:

“On February 21, 2013, the County Development Review Committee met and acted on this case. The decision of the CDRC was to table this case so that the Applicant could have further conversations with the community. The Applicant has had several meetings with the community and as a result has amended the Master Plan submittal to accommodate the concerns of the adjoining property owners.

“In the original Master Plan Zoning application the Applicant requested a 67-lot residential subdivision with the lot sizes ranging between 2.50 and 7.29 acres on 257.16 acres. The proposed subdivision would have been developed in 9 phases over a 9-year period with an anticipated start date of 2015.

“The Applicant is now requesting Master Plan Zoning for a 24-lot residential subdivision with the lot size ranging in size between 2.54 and 16.16 acres on 246.30 acres. The proposed subdivision will be developed in four phases over an eight-year period with an anticipated start date of 2014.

“Tract 15 A-2 was created as part of the Eldorado at Santa Fe Subdivision. A Master Plan for Cielo Colorado was approved by the BCC in 1995. The Master Plan included 91 lots with an average density of 3.79 acres on 344.58 acres; 25 of the 91 proposed lots were platted in 1995. An amended Master Plan, recorded in 2000, eliminated 4 lots totaling 12.5 acres. In 2002, the Master Plan was vacated to allow the platting of larger lots at the east end of Tract 15A-2. This Application for Master Plan includes the remainder of the property that has not been platted within Tract 15A-2.

“Article V, § 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'.

"The Applicant also requests that the CDRC allow two cul-de-sacs to exceed 500 feet in length. The dead end road which serves Lots 3-6 is 787 feet in length, and requires a cul-de-sac with a minimum driving surface radius of 50 feet. The second dead end road, which is an extension of Camino Acote, serves Lots 18-21 and is 1,361 feet in length. These closed end roads will have a cul-de-sac with a minimum driving surface radius of 60 feet."

Mr. Larrañaga said staff reviewed the Applicant's request and recommends the approval of two cul-de-sacs to exceed 500 feet in length subject to the following staff conditions:

1. The Applicant shall comply with design standards set forth in Article V, § 8.2.1d.
2. The Applicant shall comply with the Santa Fe County Fire Marshal requirement that the extension of Camino Acote maintain a cul-de-sac with a minimum driving surface radius of 60 feet.

Staff also recommends approval for Master Plan Zoning for a 24-lot residential subdivision on 246.30 acres \pm within Tract 15A-2 of the Eldorado at Santa Fe Subdivision subject to the following staff condition:

1. Master Plan with appropriate signatures shall be recorded with the County Clerk, as per Article V, § 5.2.5.
2. The Applicant shall address the requirement for all weather access on Camino Acote with the Preliminary Development Plan.
3. A detailed water budget and water restrictive covenants shall be submitted prior to Preliminary Development Plan.
4. An analysis of appropriate liquid waste disposal setback shall be required for the first sustainable phase of this development prior to Preliminary Development Plan.

Mr. Larrañaga noted DOT's review [*Exhibit 1*] and a packet of support letters regarding the development [*Exhibit 2*] that were distributed to the CDRC

Duly sworn, Jim Siebert, agent for the applicant, said the developers have held five meetings with the neighbors following the CDRC's tabling. The project began with 67 lots and after several meetings there are now 24 lots.

Using a site map, Mr. Siebert located Tract 15 within the area and the existing utilities within the subdivision. The original master plan consisting of 2.5-acre lots was vacated to plat larger lots. He discussed the agreement with the Eldorado Area Water and Sanitation District to provide service, which was originally for 67 taps, and that will be revised and reduced. He discussed the entry to the subdivision, the equestrian and pedestrian trail and how the moratorium affected this subdivision.

Mr. Siebert said the developer is confident that water can be supplied to the subdivision. He added that the hydrants in the area meet the County's 500 gpm flow standard.

Duly sworn, Gregory Hart, 116 Camino Acote, president Lot 15A2 Homeowners Association, said a group of area residents concerned with the development met and organized to ask questions of the developer. He and other area residents now support the development. Mr. Hart said the revised master plan will definitely "increase value to our homes."

Chair Gonzales thanked the speaker and noted it was good when the area residents and developer can meet and come to agreement.

There were no other speakers on this case.

Member Katz moved to approve the variance regarding the cul-de-sac and recommend approval of Z/S 12-5450 master plan zoning with all staff-imposed conditions. His motion was seconded by Member Anaya and passed by unanimous [7-0] voice vote.

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

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

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

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

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

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

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

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

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

Mr. Archuleta said staff recommends approval of this request.

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

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

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

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

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

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

Member Roybal said it appeared the County had an unfair water advantage over other developers. He asked whether the other owners of the ranch would have the option to tie into the lines that the County brings in. Mr. Ross said he didn't know the answer to that but did know they were denied County water for the entire development and that led them to successfully propose the use of groundwater.

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

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

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

Ray Romero, mayordomo of Acequia La Cienega, distributed a letter [not made available for this record] addressed to Adam Leigland, County Public Works Director, discussing the history of Acequia La Cienega and the impact development over the past 30 years has had on the acequia. He noted that wells are not metered as required by the County. He stated that over 200 homes in the area are required to hook up to County water but without the necessary infrastructure these homes are using groundwater. He urged the legislators and officials to secure the necessary funding to extend the

infrastructure. The community needs to be taken care of before the County develops La Bajada Ranch. Mr. Romero said over the years the flow of the acequia has decreased by over 50 percent. As stewards of the acequia for over 300 years, he said the community expects more than a waterline from the County: "We expect actual connections to homes."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Member Anaya moved to approve Z/S 13-5130, La Bajada Ranch Master Plan Amendment as submitted with the three conditions: 1) All conditions set forth in the Order of the Board of County Commissioners in LCDRC Case MP/S 06-5212 shall remain in full force and effect; 2) This application only changes the source of water to be provided to the master planned development under the Order In LCDRC Case MP/S 06-5212 from wells identified by the original applicant to the County water system and supplied by water from the Rio Grande River through the Buckman Direct Diversion; 3) No other changes are proposed to the conditions of approval set forth in the Order in LCDRC Case MP/S 06-5212. Any additional changes to the conditions of approval may

occur only through a further application to amend the master plan or an application for preliminary plat approval. Member Katz seconded and the motion passed by majority [4-2] voice vote with Members Roybal and DeAnda voting against. [Chair Gonzales had recused himself from this case.]

VII. NEW BUSINESS

- A. **CDRC CASE # MIS 13-5180 John DePrimo Radio Antenna. John DePrimo, Applicant, requests approval of a non-commercial radio antenna, to be constructed 45 feet in height, to be utilized for amateur radio communications on 5 acres. The property is located at 136 Sunlit Drive West, within Section 19, Township 16 North, Range 10 East, (Commission District 4).**

Chair Gonzales resumed his position as chair and Miguel Romero reviewed the staff report as follows:

“The Applicant requests approval to allow a 45-foot vertical antenna to be used for non-commercial amateur radio communications. The antenna is a single aluminum tube, which can be cranked down to approximately 26 feet.

“The Applicant states he will place the antenna in an area of the property that minimizes the visual impact of his closest neighbors and will crank down the antenna when the antenna is not in use.”

Mr. Romero said staff reviewed the request and recommends approval to allow the vertical height of an antenna at 45 feet to be used for non-commercial amateur radio communications as an accessory use to the residence, subject to the following conditions:

1. The Applicant shall obtain a development permit from the Building and Development Services Department for the placement of the antenna (As per Article II, § 2).
2. The Applicant shall recline the antenna to a lowered position when not in use.

Member DeAnda asked whether the tower could be painted and the base of the tower fenced. Mr. Romero said staff did discuss these items with the applicant and he recommended directing the questions to the application.

Mr. Romero clarified that when the tower is cranked down it will be at a height of 26 feet. Windmills and antennas cannot exceed 45 feet in height and at full height this antenna is no higher than 45 feet.

Ms. Ellis-Green pointed out that the zoning regulations require that the CDRC approve residential accessory structures such as windmills and radio antennas to exceed the maximum height restrictions. This is not a variance.

Mr. Romero said according to the applicant, there are other towers within the area.

Duly sworn, John DePrimo, 136 Sunlit Drive West, said the tower is of a crank-up variety and has a nested triangular section within a triangle section. When fully nested it is 25 feet in height and its maximum height is 45 feet. He said he has been a licensed, non-commercial amateur radio operator for over 50 years. He has met with his neighbors and sent the necessary certified mailings.

Regarding the reflective nature of the tower, Mr. DePrimo said while aluminum is difficult to paint he was willing to do. The base of the tower was located in a "reasonable" place set back from the street and the fence will shield it from neighbors.

He indicated that he belongs to a number of organizations that require frequency band activity throughout the month. He mentioned weekend contests and gatherings he participates within around the world.

Responding to the Chair, Mr. DePrimo said he would paint the tower in an effort to reduce reflectivity and identified two other towers in the vicinity of his home. He distributed a photo of the tower.

Fred Maas of Seton Village Road said he has had a 65-foot tower for over 32 years.

Duly sworn, Gerald DePrimo, the applicant's father, informed the Committee that his son has been involved in radio communications since 1961 and worked in communications in the Navy.

Duly sworn, Christine Enos said her property is directly above the applicant's and all of her views look on to his property. She said she's confused as to what the tower height is mentioning that the base is very large. The tower is not good for the community of Sunlit Hills. She questioned whether Mr. DePrimo contacted the subdivision architectural committee for review.

Duly sworn, John Bolt, Camino Pacifica, Sunlit Hills, identified himself as a graduate mechanical engineer and also a member of the Hondo volunteer fire district. Mr. Bolt said he lived on the hill above the applicant's property. He said the applicant knew the hill was there before he purchased the property at the base of the hill. There are covenants and restrictions to the subdivision restricting any building height from exceeding two stories. The regulations prohibit windmills and he was not at all happy about the antenna stating it was inappropriate location. The antenna will be visible to hundreds of residents in the area.

Mr. Bolt said he could not imagine any scenario where this antenna could be appropriate in the proposed location.

Member DeAnda pointed out that the County has no authority regarding homeowner association covenants. Ms. Brown confirmed that point adding that the

homeowner association can enforce their covenants separate and apart from the County process.

Member DeAnda asked whether it would be appropriate for the CDRC to table this case and allow the applicant to meet with the homeowner association and Ms. Brown responded that it was the CDRC's choice; however, these are not related proceedings.

Member Drobnis mentioned that federal regulations regarding radio towers may override covenants and all the applicable facts should be reviewed.

Duly sworn, Nick Nagosta, 130 Sunlit Drive West, neighbor to the applicant, said Sunlit Hills has an antenna that is several acres back from the house. He said he wants the applicant to have what he needs but aesthetically he can't support this request. Other technology should be investigated.

Duly sworn, Alden Oyer, Bishops Lodge Road, stated that he has been a licensed radio amateur since 1974, is currently the president of the Santa Fe Amateur Radio Club, the vice president of an emergency communication group and a retired professional engineer. He stood in support of Mr. DePrimo's application. He cited the Code of Federal Regulations regarding emergency communication.

Duly sworn, Fred Maas clarified that he lives in Sunlit Hills, Unit 1, Lot 6 and has done so since 1972. He is a licensed radio operator, communicates around the world and was the second American to operate in the Soviet Union. Mr. Maas said it appears the area residents have not noticed his 60-foot antenna.

Member DeAnda asked Mr. Maas whether he received approval from the homeowner association for his antenna. He responded that the covenants in Sunlit Hills do not make any mention of radio antenna. He erected his antenna in 1980.

Ms. Enos said Mr. Maas' pole is different than the tower Mr. DePrimo is requesting. She said neighbors Judge and Ruth Kelly asked her to communicate to the CDRC that they do not support the tower.

Mr. DePrimo said Mr. Maas' tower is no different from his. He said he and his wife purchased this property in Sunlit Hills because there are no restrictions on antennas.

Member Anaya move to approve the MIS 13-5180 with conditions. Member Martin seconded.

Member DeAnda said she would support the motion because it appears the homeowner association covenants do not address antenna.

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

REC'D CLERK RECORDED 08/22/13 1:13

VIII. PETITIONS FROM THE FLOOR

None were presented.

IX. COMMUNICATIONS FROM THE COMMITTEE

None were presented.

X. COMMUNICATIONS FROM THE ATTORNEY

None were presented.

XI. COMMUNICATIONS FROM STAFF

The next meeting was scheduled for August 15, 2013.

XII. ADJOURNMENT

Having completed the agenda and with no further business to come before this Committee, Chair Gonzales declared this meeting adjourned at approximately 7:05 p.m.

Approved by:

Juan J. Gonzales

Juan José Gonzales, Chair
CDRC

ATTEST TO:

Geraldine Salazar 8/21/13

COUNTY CLERK

Before me, this ____ day of _____, 2013.

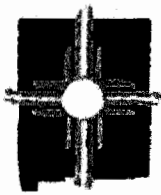
My Commission Expires:

Notary Public



Submitted by:

Karen Farrell, Wordswork



July 9, 2013

Mr. Jose Larranaga
102 Grant Ave.
P.O. Box 276
Santa Fe, NM 87504

RE: **Cielo Colorado Subdivision**

Dear Mr. Larranaga,

The appropriate engineers of the New Mexico Department of Transportation have reviewed the submitted material on the above referenced development and comments or concerns to be addressed are as follows:

Environmental Bureau: If access to NMDOT right of way is required for the project, including any infrastructure improvements in NMDOT right of way along US84/285, the project would require an access permit and environmental clearance from the NMDOT and the project proponent would need to contact Genevieve Head in the NMDOT Environmental Division at 505-827-5356.

Drainage Design Section: The existing access location will be maintained. Currently there is an existing 24" culvert located immediately outside of the NMDOT right of way that allows localized runoff and the roadside ditch to drain across the access road. It is unclear from the submittal application if this culvert is adequately sized. Approximate hydraulic computations performed for this review, utilizing the hydraulic information provided in the submittal, would indicate that the 24" culvert would need 6 feet of headwater to pass the 30 cfs; this headwater would appear to overtop the access and potentially US 285 based on the topographic information provided. It is recommended that this driveway culvert be improved in accordance with the State Access Management Manual and current Drainage Design Criteria or detailed computations submitted to document the existing culverts conformance to current design standards. The resubmittal still does not address the adequacy of the existing 24" culvert under Camino Acote. It is recommended that access to the subject development be permitted if the above condition is met.

Susana Martinez
Governor

Tom Church
Cabinet Secretary, Designation

Commissioners

Pete K. Rahn
Chairman
District 3

Ronald Schmeits
Vice Chairman
District 4

Dr. Kenneth White
Secretary
District 1

Robert R. Wallach
Commissioner
District 2

Butch Mathews
Commissioner
District 5

Jackson Gibson
Commissioner
District 6

Jose Larranaga



From: marilyn vonreiter <mvonreiter@msn.com>
Sent: Wednesday, July 17, 2013 8:11 AM
To: Jose Larranaga
Subject: CDRC case Z/S 12-5450, Cielo Colorado Subdivision letter of support

Categories: Red Category

Hello Jose,

In regards to the CDRC case Z/S 12-5450 for the Cielo Colorado Subdivision, currently scheduled for July 18th, I would like to state for the record that we support the project as presented to us on June 17th by the developer.

We would like to add our support for the Master Plan for Cielo Colorado Estates to be heard by the CDRC on July 18th at 4 pm.

The developers, Ed and Chris DeZevallos have made a great effort to maintain the beauty of our community by reducing the lot count from 63 to 24 lots. This reduction of lots will also help support the assurance that water will not become an issue for our community.

Ed and Chris DeZevallos have been a pleasure to work with and have been most cooperative in working with us to resolve and find reasonable solutions to the concerns of our Lot 15-A-2 community.

Sincerely,

Marilyn & Andre Von Reiter

157 B Camino Acote
Santa Fe, NM 87508

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 07/23/08 BY 60322/UC/BAW

Jose Larranaga

From: Damian Gessler <dgessler@centurylink.net>
Sent: Monday, July 15, 2013 11:41 AM
To: Jose Larranaga
Cc: Victoria Dalton; James Siebert; Ed Dezevallos; Chris Dezevallos
Subject: CDRC CASE # Z/S 12-5450 Cielo Colorado Subdivision
Attachments: Cielo Colorado - Items for James W. Siebert, Inc..pdf; Cielo Colorado.pdf

Categories: Red Category

Dear Mr. Larranaga,

Re: CDRC CASE # Z/S 12-5450 Cielo Colorado Subdivision

Please accept this email and the two attached letters as relevant to the case for CDRC consideration. The first letter, dated March 25 2013, is a list of issues sent to and received by Ms. Victoria Dalton (Assistant for Mr. James Siebert) at Mr. Siebert's request.

The second letter, dated April 8 2013, sent to and received by Mr. Siebert and the Developers, outlines issues relevant to development of the area and Santa Fe County planning.

In a public meeting on June 17 2013 Mr. Siebert and the Developers presented a revised Cielo Colorado Master Plan. Please accept this email as my endorsement of the plan as I understand it. Material changes in the revised plan are evident, especially the de-scoping of the intensity of land use and a combination of explicit, implicit, or de facto addressing of the major issues raised.

Mr. Siebert and the Developers are to be commended for a thoughtful and balanced approach.

Best,
Damian Gessler
15 Acote Court
Santa Fe, NM 87508

Gregory Hart
160 Camino Acote

Damian Gessler
15 Acote Court

Residents of Tract 15A-2 and Cielo Colorado
Santa Fe, NM 87508

March 25, 2013

Mr. James Siebert
James W. Siebert and Associates, Inc.
918 Mercer St.
Santa Fe, NM 87507

Dear Jim,

Per your request, please find here a list of issues relevant to the proposed Cielo Colorado subdivision. The residents have worked diligently to compile the list, including tasking volunteers into "working groups" and soliciting wide and open engagement. Still, the list is preliminary at best, and at this point is neither final nor exhaustive.

We have identified seven areas for attention. We have kept the list of issues short and focused, so as to best aid a process of resolution. As we address items, further items may or may not be added as the process evolves.

1. Front Entrance

The front entrance is the sole ingress and egress into two neighborhoods—the existent and established 18 year old Cielo Colorado and its proposed expansion, and approximately 205 acres of other residences, not part of Cielo Colorado, yet part of the larger Tract 15A-2 which contains Cielo Colorado.

Issues:

1.1 *Setting a positive entrance statement:* What is the entrance "statement"—the initial thematic setting and impression of the development? Is it to accentuate the natural beauty of the land, or human and equestrian activities, or a sensitivity to native peoples, or something else? The Master Plan is unclear on this point.

1.2 *Attenuating the negative impact of proximity to US HWY 285 and maintaining the highest standards of the US 285 South Highway Corridor Plan and the Sustainable Growth Management Plan:* To date, a mostly-undeveloped 36 +/- acre Reserve Tract of land in the front entrance has provided a noise and visual buffer from US HWY 285 (a four lane, 55-mph highway). The proposed Master Plan develops this land with nine or more houses, substantially changing the natural and undeveloped character of the front entrance, but not defining a clear entrance portal or separation of activities (*e.g.*, entrance presence, public mailboxes possibly with weather protection, private homes, recreation, landscape and vegetation planning, etc). Residents are concerned that a heavy and unbalanced of use of the land in the

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front entrance shall negatively impact all the neighborhood areas thus serviced by Camino Acote.

1.3 Identification of a "Park" in the Front Entrance: The Master Plan presented to the community at the March 14th meeting had a "Park" on land wedged between the Santa Fe County Solid Waste Transfer Station and the US HWY 285 right-of-way. The "park" includes a protected arroyo. It is unclear how this land could satisfy regular and reasonable "park-like" activities.

1.4 Financial impact: To date, the undeveloped nature of the front entrance Reserve Tract has had a neutral impact on the neighborhoods' financial resources. If this is to change, for example, due to newly required regular maintenance for roads, additional mailboxes, possibly new walls, signage, or other treatments, what is the model to ensure such developments are financially viable?

2. Roads and Infrastructure

Tract 15A-2 is served by six roads: Camino Acote and Calle Cal, cul-de-sacs Senda Mescal and Senda Suaza, and Lone Coyote Ridge and Acote Court. The first four are paved roads of approximately three miles in aggregate length. The roads do not meet county base-course and pavement thickness standards. Approximately 45 residents pay \$45,000+/- per year to maintain those roads. At this rate, residents are informed that they will pay "forever"—as the annual revenue is sufficient to maintain only sections at a time, and by the time all sections receive maintenance, residents will have to restart the maintenance schedule from the beginning. Neighborhood By-Laws require that any new paved road connected to an existing paved road be maintained by the neighborhood. Lone Coyote Ridge and Acote Court are base-course, private roads. They are not maintained by the neighborhood but are maintained solely by the residences they serve. Residences on those roads pay for three road tiers: county taxes, neighborhood road fees, and separate private road maintenance.

Issues:

2.1 Developing new roads before lots are sold: We have been informed that land will be cleared and roads will be built before the lots they service are sold. This is an issue because empty cul-de-sacs—"roads to nowhere"—have a substantial negative impact. Empty roads and cul-de-sacs capture dirt and tumbleweeds, they attract temporary and transient activities, and contribute to an overall unsettled nature. Unused roads deteriorate faster than moderately used roads. Thus the proposed phasing plan appears to burden the neighborhood with a market risk of unsold lots on roads it does not need but must maintain.

2.1 Financial impact of new roads: What is the financial plan for maintaining new roads? Who pays for what, when? How many lots need to be sold and at what rate to preserve revenue neutrality for the HOA (Home Owners' Association)?

2.3 Impact on the existing Camino Acote: Construction and heavy-earth moving equipment will likely use Camino Acote because it is the only ingress and egress to the community. What is the financial plan to maintain Camino Acote over the nine-year phasing plan under this excess use?

2.4 Unclear infrastructure plans: We understand that, pending on-going negotiations with the various public utility and private communication companies, the current

status for infrastructure is: no natural gas, no cable, no high-speed Internet except what is currently available over DSL (Digital Subscriber Line). Current DSL bandwidth varies and is approximately 2-6 Mb/s to the desktop. This is adequate for light to moderate household use today, but is widely deemed inadequate for reasonable and anticipated future needs of multiple on-demand video feeds into single residences. Issues exist whether planned infrastructural additions to the neighborhood are adequate given the Master Plan's nine year phasing schedule.

3. Trails and Open Space

Tract 15A-2 is approximately 527 acres with neither community trails nor public open space: private land abuts private land. To date, this has been adequate, even if not desirable, due in part to a low intensity of use on the land. The Master Plan proposes to expand the number of houses by almost 150% by building 60+ new homes on less than 40% of the total acreage, so we expect an increased intensity of use to raise the need for designated trails and open space.

Issues:

3.1 *Planned open space:* The Master Plan allocates a "Park" (see sec. 1.3 above) that exceeds County minimum acreage requirements for the number residences. But the placement of the "park" does not lend itself to useful use. Open space between homes has a proven record of improving land and housing values, quality of life, and desirability, for example in nearby Eldorado. Can a strategic use of open space between houses be examined for this Master Plan? Is there a plan where fewer lots and more open space results in higher lot desirability?

3.2 *Trails to somewhere:* Trails—pedestrian, equestrian, bicycle—may be connectors, or they may be embedded in open space. What is the "traffic pattern" for trails that enhances their use and that of open space? Is there a pedestrian/equestrian trail that can circumnavigate part of the land so as to enhance its use?

3.3 *Trails that enhance public enjoyment and respect private property:* Some residents have expressed an issue that trails should not direct people to "dead-ends" that then encourage people to enter or cross private property. Easements (for example, under power lines), may be a gray-area, but in no case should trail planning simply assume that a property owner agrees to trails on or adjacent to their land.

4. CC&Rs: Covenants, Conventions, and Restrictions

Tract 15A-2 is covered under a set of CC&Rs loosely called the "1991" [Red Sky] CC&Rs. Initial development of the area of approximately 25 homes on 64 acres is subject to an additional, more restrictive set of CC&Rs called "Cielo Colorado Phase I." Additionally, some lot owners in Tract 15A-2 with over 12.5 acres (not part of Cielo Colorado Phase I) are subject to further variations. We understand that new development will generally follow the Cielo Colorado Phase I CC&Rs.

Issues:

4.1 *Acceptance of Phase I CC&Rs as a model for new development:* Formal polling of the neighborhoods for agreement or opposition to the wider adoption of the Phase I CC&Rs has not been done. In general, there appears to be support and recognition

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that broad adoption of CC&R's based on Phase I is a good and positive start. We understand that CC&Rs for new development do not by necessity impose new burdens on existing residents. Given the fractious nature of multiple CC&Rs, we simply ask for more time to conduct a more thorough review.

4.2 *Phase I CC&Rs are a good start, but may be out of date:* Some issues, such as water catchment, solar panels, and so forth, have gained importance since the Phase I CC&Rs were written. Other issues, such as the allowable number of horses, fencing, and so forth may need review.

5. Water

We are aware that the Eldorado Area Water and Sanitation District (EAWSD) issued a "ready, willing, and able" letter for the development. We are also aware of the Memorandum of Understanding (MOU) between the EASWD and the County. We are studying the issue. Presently:

Issues:

5.1 *Water, CC&Rs, and building design:* Will all new houses be required to have hot water re-circulators and other indoor water conservation devices? Is there a water conservation building standard or accreditation to which builders will be required to comply that exceed minimum county standards?

5.2 *Water, CC&Rs, and outdoor conservation:* Will building sites and run-off catchments adhere to the goals of water-neutrality (water that enters a lot, stays on the lot for reharvesting)? Is this dependent on house square-footage, or will it apply to all houses?

5.3 *Water and the Master Plan:* how does the Master Plan address the unique water conservation and catastrophic drought-tolerance goals of the area? For example, how is road planning, road run-off, and open space designed to mitigate the worst effects of drought and maximize water retention on the land?

6. Sustainability and Growth

A recent article in the press boasted Santa Fe as one of the best places for real estate, with a prediction of a rise in housing prices of 9.1% over the next five years. Yet this is an annual rate of only 1.75%, below even the rate of inflation. Market growth may be essentially flat, or even decreasing; it is hard to know.

Issues:

6.1 *Build and they will come:* Building that exceeds replacement rate burdens the neighborhood with an uncompensated market risk (see sec. 2.1). Furthermore, building that commits 0.25 afy (acre-feet/year) of water per house commits resources that cannot be re-committed to other projects—for example developments that may set forward-looking standards in water conservation, land stewardship, and protection of New Mexico as a national asset of exceptional beauty. This is an *opportunity cost*, and that cost is incurred by the neighborhood. How are these costs shared and compensated?

6.2 *What if they do not come?* The neighborhood is being asked to share risk and front certain costs, such as road maintenance. What is the shared gain? How does

the phasing plan balance sustainability and growth, such that neighborhood risk and incurred costs are controlled?

7. Engagement

Engagement between the residents, the developer, the engineering firm, the surrounding communities, the County—these all involve various avenues that can positively or adversely affect success. We invite your thoughts and discussion on the following self-explanatory issues:

Issues:

7.1 How do we engage with you?

7.2 How do you engage with us?

7.3 How do we together engage with others?

7.4 How do we keep up-to date with the most current Master Plan Site Drawing and Master Plan Report?

7.5 How are community meeting dates, times, and places to be set? What lead time is reasonable?

7.6 How do we document our efforts such that it is acceptable to you and the County?

Mr. Siebert—Jim—we thank you for working with us on these issues. Let's set a goal to resolve as many as we can. The list is not final, and as we resolve some, others may rise. But with a little work and good faith, we are encouraged that we can bridge these together.

Damian Gessler
15 Acote Court
Santa Fe, NM 87508

April 8, 2013

Mr. Ed deZavallos and Mr. Chris deZavallos
Cielo Colorado, LLC

Dear Ed and Chris,

Thank you for the effort and engagement to which you have both invested. There is common ground here, and so I write to you so we may see more clearly a path forward. Together, you bring 50+ years of cumulative professional real-estate experience to the table; I think this is a huge asset, and something that I am not eager to see unfocused.

Ed—you asked me at my home and at the April 4th meeting if I would give the project my endorsement. That is a fair request. I have given it some thought. Let me share with you our challenges, because it is through this that we may—just may—be able together achieve a common goal.

To start:

- According to the UNM, Bureau of Business & Economic Research, Geospatial and Population Studies Group 2012 study [1], Santa Fe county will grow from 144,531 in 2010 to 184,832 in 2040. That is a 28% growth in 30 years, which is not much: it equates to less than 1% per year (geometric rate is 0.71% per year).
- The area has an average of 2.4 people per household [2], thus the market needs an additional 560 housing units per year for the next 30 years to meet this demand.
- If the HWY 285/Galisteo area grows at the same proportional rate as the county projections, then its 10,000 residents will grow to 12,800 over 30 years. This will require 1,167 new houses total, or about 39 houses per year, if the demand is met entirely by new single-family dwellings.
- Thirty-nine houses at 0.25 afy (acre-feet per year) adds 10 afy per year of water commitments. Total for 1,167 houses is 292 afy: a 45% increase in Eldorado Area Water & Sanitation District commitments [3]. When fully satisfied in 30 yrs, total commitments would be at 90% of current 2012 maximum capacity.
- We do not know what the maximum capacity will be in 30 years. We do know that in the last five years it has decreased each and every year, despite the addition of a new well in 2008 [3].

This is a problem. If we simply build to satisfy a projected demand, the area will be at 90% pumping capacity in one generation. Hardly a 100 year plan, and at 90%, not sustainable.

So something has to give: either more water, or less demand. Growing at a very modest projected rate of 0.71% per year is going to cause pain. And it is going to cause it soon: within a generation.

Let's look at some other factors:

- February 2013 (latest data available) was the 336th consecutive month with global temperatures higher than the long-term average [4]. These are not models; this is just simple data. Someone stakes a thermometer and comes back every day and measures the temperature and averages it for the month. Actually, nowadays this is done automatically and remotely with sensors, but the basic act of recording observed temperatures is just a modern-day variant on the Farmers' Almanac. And every single month for the last 336 months, that month has been warmer than the month's long-term average—February 2013 was warmer than the long-term average for February, January 2013 was warmer than the long-term average for January, December 2012 was warmer than the long-term average for December—and this has been going on for 336 months uninterrupted. No modeling; just data. Data is from NOAA National Climatic Data Center [4].
- So it is getting warmer. What about rain? Based on tree-ring data, average annual precipitation for the Southern Rio Grande Basin, which includes the Galisteo Basin and surrounding areas, for a 1,373 year period AD 622–1994 was 23.7 cm/yr (9.34 in/yr) ([5]; Tables 6-7). Five, 30-year averages for New Mexico for each decade since 1931 (1931-60, 1941-70, ... , 1971-00) have consistently been above 32.0 cm/yr (12.59 in/yr), with the 1971-00 average of 37.0 cm/yr (14.58 in/yr) [6]. Thus the recent 1971-2000 period has been exceptionally wet by historical measures: long term average for this area is ~10"/yr, yet we have just come out of a period where we got 50% more: ~15"/yr. So despite how dry it has been, it has not been dryer than normal, it has been wetter than normal. This is about to change:
- As the air warms, surface water evaporates faster. How much faster? A 2010 study by Gutzler and Robbins [7] shows that just a few degrees rise in annual average temperatures is sufficient to drive the Palmer drought index (the major index used by farmers, federal data centers, etc.) into essentially continual extreme drought. Look at just one of many graphs (Figure 1, next page): it compares 25-yr averages between known data and predictions of the effect of warming (100-year differences). Interestingly, although the days get warmer, precipitation is about constant (not shown in the figure but available in the paper); in other words it continues to rain and snow, but the surface water evaporates quicker. So trees are stressed, people water plants earlier and longer, that puts pressure on pumping more water, etc., etc.

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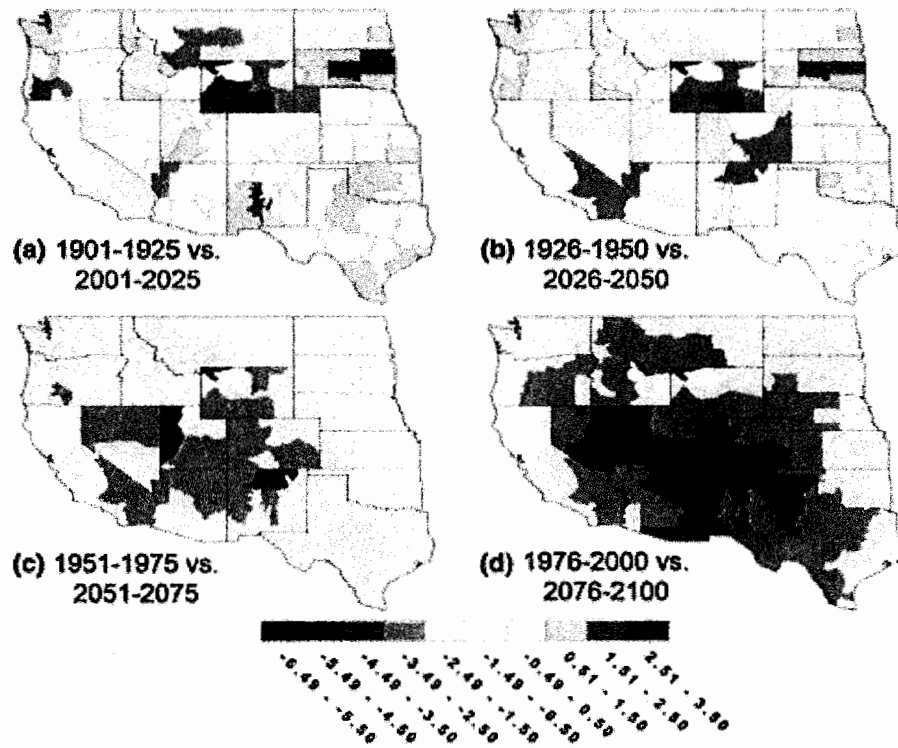


Figure 1 Palmer drought index. -3 is severe drought; -4 and less is extreme drought. Note that Santa Fe/Northern New Mexico is one of the hardest hit areas. While the projection is through 2100, onset of severe drought occurs much earlier: just 13 years from now starting in 2026 and only a few years after the planned completion of Cielo Colorado. Source: [7].

- So as the mighty Colorado and Rio Grande begin to dry, water mining (extracting groundwater) increases in importance. Yet county studies have discounted water mining as already unsustainable; indeed that was part of the rationale for the Buckman Direct Diversion project to rely on surface water from the Rio Grande. There is a disjoint here; something will break.
- Water is not oil. Prices today for Brent crude are approximately \$108/bbl. Eldorado Area Water and Sanitation District (EAWSD)—the customers of which pay for some of the most expensive water the nation—sells water retail at \$0.42 bbl. (42 cents for 42 gallons).
- With costs in the order of a million dollars per true newly discovered, productive water source, the math is not kind to drilling when you have to sell 100 million gallons just to cover the capital costs of a new well (\$1M at a penny a gallon retail).
- To make matters worse, the area is “geologically heterogeneous.” That means there is no known and reliable place to drill. Eighteen wells have been drilled in the area, but about half are out of commission. That means one can spend a lot of money drilling, only to come up dry, or have to drill again in a few years. A 2007 Glorieta Geosciences report estimates that six new wells will be needed just to meet current commitments of 600 afy for the next 100 years, yet this does not include new development or the effects of warming [8; p. 47].

So let's go back to those growth numbers: 0.71% growth per year driving 39 houses/yr in this HWY 285/Galisteo area. As noted above this drives the system into unsustainability within 30 years. If 39 is too many, what is reasonable?

- Currently the EAWSD is pumping water at approximately 50% of production capacity (approximately 550 afy). What is a reasonable figure for planning? A lot can change in 30 years, so just for planning a figure would be somewhere greater than 50% and less than 90%; a reasonable figure is 70%.
- At 0.25 afy per house, the difference between 50% (today) and 70% (2040) is approximately 740 houses total, or 25 houses/yr. This is just for the HWY 285/Galisteo area.
- Those 25 houses/yr are the total projected sustainable growth rate—it's a balance between demand for housing and demand for water. If residents are not afraid that new development is threatening the water, then population pressure remains positive, and demand for housing stiffens. As demand for housing exceeds supply, this acts to maintain housing prices and area stability. This growth of 25 houses/yr is to be satisfied by numerous parties—"Mom and Pop" residents, professional developers, etc. If professional developers took half that share, and all the Mom and Pops and everyone else took the other half, then we are at approximately 12.5 houses/yr for professional developers.
- If Cielo Colorado, LLC took half of that 12.5, and all the other developers had to compete for the other half, then we are looking at approximately 6 houses per year.

This is a very interesting number, because it is close to the Cielo Colorado phasing plan. Yet even six houses per year for Cielo Colorado is likely too aggressive:

- Building permits for new single-family units for the entire Santa Fe county for the last five years average 104 units/yr [2]. This is a loose metric on county-wide market demand for new homes. The last five years have been soft, but if Cielo Colorado is to build 6/yr, that is close to or exceeds market saturation for the entire HWY/Galisteo area. Perhaps a more realistic number for Cielo Colorado (just a small subdivision of the larger area) is 2-4 houses/yr.

Let's look at a few more numbers:

- Santa Fe County sets minimum lot sizes based, in part, on the hydrology (water supply) of an area. For example, in the La Barbaria hills where the ground is mountainous and water is scarce, minimum lot size is 80 acres. There are many exceptions (certainly some lots in that area are smaller than 80 acres). In our area, the minimum size for Mom and Pop (non-subdivision) lots is 12.5 acres. As you know, separate calculations allowing smaller lots are used for sub-divisions.
- Take that 12.5 acres per lot as a measure of what the land can carry. We are not pedantic that every lot must be that size, but overall, such an average mitigates the pressure on the land as reflected in water availability. For a Cielo Colorado additional acreage of 257 acres, $257 / 12.5 = 20.56$; let's call it 21: the land can hold 21 new homes, with plenty of options on exactly how it is

platted. (Actually, this is generous: there are already 44+ houses on the 527 acres of Tract 15-A, a pre-build average of already one house per 12 acres).

Thus we consider: 21 houses in 5 years; lot sizes 2.5 - 10+ acres on 257 acres; and consider these benefits:

1. Quick-in; quick-out; job is done in 5 years: time is money.
2. Instead of planning for 51 lots over 9+ years, building roads, laying infrastructure, and knowing that in reality, fewer lots are likely to be sold; boldly take the high ground and make a commitment to planning every house on tight, hard-bodied plan of 21 houses in 5 years. This is on the optimistic side of reality: it may still over-saturate Cielo Colorado if the larger market remains soft.
3. Fewer lots mean lesser impact means easier sell to the county, to the residents, to community.
4. Fewer lots on the same acreage opens opportunity for greenbelts, more freedom in building envelopes to accentuate high-value views, preservation of vegetation, and benefits that increase value and desirability to offset unit costs.
5. Higher desirability translates into differentiation and higher asking prices.
6. Allowing larger lots to share base-course driveways (two houses per driveway with a Y split) could—given the right master plan—substantially reduce paved roads to yield significant savings.
7. Fewer lots mean lower affordable housing requirements: new number is reduced to 3.15. This is an immediate savings of \$550,000.
8. The rate of growth is supported by a water-aware, sustainable growth plan and is in line with the existing rate of development.
9. The total number of houses is supported by the impact on the land and is responsive to the community character.
10. The marketing of a community-responsive development positively differentiates the subdivision for builders, realtors, and buyers.
11. The approach differentiates you from other developers; an important play in this environment .

Twenty-one homes is less than half the current plan of 51. I do not have insight into your P&L to know how much potential profit is lost (or gained), or if the model even attains minimum ROI. But I would not be so arrogant as to assume that I know your motivation. It is reasonable that a certain return on investment is required. But men do great things for many reasons, and great things have never been achieved by doing the minimum. These homes will out-last me and will make a statement on the land for at least half a century; a land where people have lived for 10,000 years. At some point we draw a line in the sand, and prioritize to leave a mark on this world such that it is better that we lived and affected it, than that we did not live at all.

My best wishes to you,
Damian.

References

- [1] Geospatial and Population Studies Group 2012. New Mexico County Population Projections July 1, 2010 to July 1, 2040. University of New Mexico. Available at: <http://bber.unm.edu/demo/PopProjTable2.htm>.
- [2] PD&R / Economic & Market Analysis Division (EMAD) Southwest Regional Office. 2013 Market at a Glance. HUD Housing and Urban Development. Available at: <http://www.huduser.org/portal/MCCharts/countyCharts.html?countyID=35049&countyName=Santa%20Fe%20County%2C%20NM&dt=March%2027,%202013>.
- [3] EAWSD Eldorado Area Water & Sanitation District 2013. Water Notes. 8:3. Available at: http://www.eldoradowaterdistrict.com/files/WN_2013_Mar_Water_Notes.pdf.
- [4] NOAA National Climatic Data Center, State of the Climate: Global Analysis for February 2013. Available at: <http://www.ncdc.noaa.gov/sotc/global/2013/2>.
- [5] Grissino-Mayer, HD 1997. A 1,373 year reconstruction of annual precipitation for the Southern Rio Grande Basin. Available at: <http://web.utk.edu/~grissino/downloads/Legacy%20Final%20Report.pdf>.
- [6] National Climatic Data Center, Historical Climatology Series 4-2. (no date). Available at: <http://www.wrcc.dri.edu/htmlfiles/avgstate.ppt.html>.
- [7] Gutzler DS, Robbins TO 2010. Climate variability and projected change in the western United States: regional downscaling and drought statistics. Climate Dynamics, DOI 10.1007/s00382-010-0838-7.
- [8] Glorieta Geoscience, Inc. 2007. Eldorado Area Water & Sanitation District hydrology study and well improvements project; Long-term water availability and well field management study report. pp. 1 -80.

2013/02/22/08 08:00 AM RECEIVED

Jose Larranaga

From: Bob Shelley <bobshelley2006@yahoo.com>
Sent: Monday, July 15, 2013 9:27 AM
To: camino_acote_neighborhood@yahoogroups.com; Jose Larranaga
Subject: CDRC Case Z/S 12-5450, Cielo Colorado Subdivision letter of support

Categories: Red Category

Hi Jose,

In regards to the CDRC case Z/S 12-5450 for Cielo Colorado Subdivision, which is currently scheduled for July 18th, I would like to state for the record that I support the project as presented to our homeowners association on June 17th by the developer.

The current plan contains 24 lots, a huge reduction from the original number of 63. The effect of this change is a substantial reduction in future water consumption, something many of us are concerned about given the limited rainfall in recent years. In addition, the developer has provided for more open space at the entrance to Cielo Colorado from highway 285, moved the affordable housing lots to a more appropriate location, and generally been very responsive to input from our community.

Thank you for your consideration.

Sincerely,
Bob Shelley
4 Calle Cal
Santa Fe, NM 87508

Z/S 13-5130 La Bajada Ranch Master Plan Amendment

EXHIBIT

tabbles

3

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

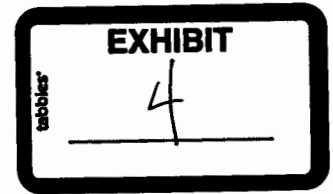
Ruel A. & Pamela F. Toups

36 Raven Ravine ✦ Santa Fe, NM 87507 ✦ Phone: (504) 382-6440
Email: toupstra@gmail.com & Email: pftoups@gmail.com



July 18, 2013

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



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

Dear Committee Members:

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

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

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

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

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

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

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

Sincerely,



Ruel A. Touns & Pamela F. Touns

36 Raven Ravine

Santa Fe, NM 87507

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

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

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