

Danny Mayfield  
Commissioner, District 1

Virginia Vigil  
Commissioner, District 2

Robert Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

## MEMORANDUM

**DATE:** May 10, 2011

**TO:** Board of County Commissioners

**FROM:** Vicki Lucero, Development Review Team Leader *VL*

**VIA:** Jack Kolkmeier, Land Use Administrator *JK*  
Shelley Cobau, Building and Development Services Manager *w/cob*  
Wayne Dalton, Building and Development Services Supervisor *WD*

**FILE REF.:** BCC CASE # MIS 02-4325 La Pradera Master Plat Authorization

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### ISSUE:

Gardner Associates LLC and La Pradera Associates LLC (Alexis Girard), Applicants, request authorization to proceed with a Master Plat for the creation of 22 residential (live/work) lots on approximately 2.27 acres within the existing La Pradera Subdivision (Phase I), which is located within the Community College District. The property is located west of Richards Avenue between I-25 and the Arroyo Hondo, within Sections 17 & 18, Township 16 North, Range 9 East (Commission District 5).

### SUMMARY:

On January 28, 2003, the EZA (Extraterritorial Zoning Authority) granted Master Plan Approval for a Mixed Use Development (La Pradera) consisting of 80 residential units and 16,335 sq. ft. of commercial space on 69.2 acres. (Refer to meeting minutes attached as Exhibit "F").

On March 9, 2004, the BCC granted Final Plat/Development Plan approval for the mixed use subdivision.

On June 30, 2005, the EZA granted approval of a Master Plan amendment to the previously approved La Pradera (Phase I) mixed use Subdivision to allow an expansion of an additional 158 residential lots (Phases 2-6) on 94 ± acres. (Refer to EZA Minutes attached as Exhibit "F").

On January 31, 2006 the BCC granted Preliminary Plat/Development Plan approval for Phases 2 thru 6 and Final approval for Phases 2 and 3 (refer to Jan. 2006 BCC minutes attached as Exhibit D) consisting of 97 lots.

On July 10, 2007, the BCC granted final plat/development plan approval for phases 4 thru 6 of the La Pradera Subdivision which consisted of 60 lots on 28.4 acres.

The Applicants have submitted an application for a Master Plan Amendment for the La Pradera Subdivision in order to create an additional 37 residential lots. Twenty-seven of the proposed lots will be created by adjusting lot lines of existing lots to reduce the size of some of the oversized lots in Phases II-VI. The Applicant states that these smaller lot sizes are dictated by the significant changes to our economy and the market demand for entry-level housing. The other ten proposed lots will be combined with 12 previously approved units from Phase I to create a "village concept" which will have the potential of being live/work units, and will be replacing the previously approved 32,667 square foot commercial area.

For clarification, at this time the BCC is not taking action on the Master Plan Amendment which will later determine the zoning and density of the project. The BCC is being asked to make a decision as to whether or not the applicants may proceed with the development under the "Master Plat" process as defined in the County Land Development Code which would not require that a specific lot layout be defined prior to plat recordation and would grant administrative authority to create lot boundaries once buyers are identified or home construction is complete.

Article V, Section 5.6.1 of the Code states, "In commercial, industrial or high density residential subdivisions which are to be developed in phases or in cases where a condominium proposes to convert to a subdivision, the Board may delegate authority to the Land Use Administrator to administratively approve a specific lot layout plan when it determines that due to the size, scale or marketing requirements that approval of a plat with a specific lot layout is in the best interest of the County and developer."

Before seeking Master Plat approval, the developer must file a petition with the Board requesting that it be permitted to obtain approval pursuant to this Section. If the Board approves the petition, the Application will be reviewed by the CDRC and the Board for Preliminary and Final Plat approval which will then be referred to as the "Master Plat". (NOTE: Before Final Plat approval, the Board may rescind its intent to delegate it's authority to the Land Use Administrator if it determines that such delegation is not in the best interest of the County.)

The Applicants are requesting authorization to proceed with a Master Plat for 10 of the proposed lots and 12 of the previously approved residential lots/units in Phase I for a total of 22 Master Planned lots.

The Applicants state that the reason for the request to proceed under a Master Plat is that by creating a “village concept” with relatively small building footprints, lot-lines cannot be pre-determined. The ultimate lot lines will be very irregular and cannot be identified and finalized until after home construction is complete.

**REQUIRED ACTION:**

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

**RECOMMENDATION:**

Staff has reviewed this Application and has found the following facts to support this submittal: authorization of the Master Plat shall delegate authority to the Land Use Administrator to approve plat amendments establishing new lots; the CDRC and BCC shall establish development standards applicable to the subdivision as authorized by the Code; the CDRC and BCC may approve both the Preliminary and Final Plat which will be known and designated as a Master Plat.

Staff has established findings that this Application is in compliance with Article V, Section 5.6, Administrative Approval of Lot Layout. Staff recommends **approval** of the Applicants petition to obtain Master Plat Authorization to create 22 lots on 2.27 acres.

**ATTACHMENTS:**

Exhibit “A” – Applicant’s letter of request

Exhibit “B” – Site Plan

Exhibit “C” – Vicinity Map

Exhibit “D”– Article V, Section 5.6 (Administrative Approval of Lot Layout) of the  
County Code

Exhibit “E”-Letter of opposition

Gardner Associates LLC / La Pradera Associates LLC  
P.O. Box 1627, Santa Fe, NM 87504

Board of County Commissioners  
Santa Fe County  
102 Grant Avenue  
Santa Fe, NM 87501

To Whom It May Concern:

Gardner Associates LLC and La Pradera Associates LLC, the owners and developers of the La Pradera Subdivision are submitting a Development Permit Application for La Pradera for a master plan amendment, lot line adjustment and preliminary and final plat approval that will result in the creation of thirty-seven (37) additional housing units.

No additional land will be required and no additional roads will be needed.

Twenty-seven of these lots will be created by using lot line adjustments to reduce the size of some of the oversized lots in Phases II- VI to an average of 75 foot frontage.

These smaller lots are dictated by the market demand for entry-level housing (from \$225,000) and the relatively absent demand for homes above, say, \$325,000.

This new norm is required to reflect the significant changes to our economy and the resultant change in the community's consumption and affordability profiles.

Ten (10) of the incremental units requested will be in Phase I as part of a detached single family village, with live-work flexibility. These ten (10) incremental units will be combined with eleven (11) units approved in the original Phase I master plan, Phase I residential lot (Lot 35), and the commercial lot (Lot 34), to form the Master Plat lot. (Please see attached proposed Master Plat)  
The commercial zoning of 32,667 square feet will be deleted.

The reason for the Master Plat is that by creating a village concept with relatively small footprints, lot lines cannot be pre-determined. The ultimate lot lines will be very irregular and cannot be identified and finalized until after home construction is complete.

*Per the Santa Fe County Land Development Code 5.6.2 Master Plats. After such a delegation is made, the County Development Review Committee and Board shall establish development standards applicable to the subdivision, as authorized by the Code and other applicable ordinances and laws, establish the maximum number of lots to be permitted, intensity of use, and required improvements, and may then*

EXHIBIT

tabbles

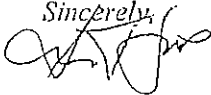
A

Board of County Commissioners  
April 11, 2011  
Page 2

*approve both the preliminary and final plat which will be known and designated as a master plat. The master plat and all subsequently filed plat amendments shall be filed with the County Clerk. The County Clerk is authorized to accept for filing amended "master plats" approved by a signed certificate of the Land Use Administrator stating that the master plat has been approved by the Board and County Development Review Committee pursuant to this Code Section and that he has been delegated authority to approve plat amendments establishing new lots.*

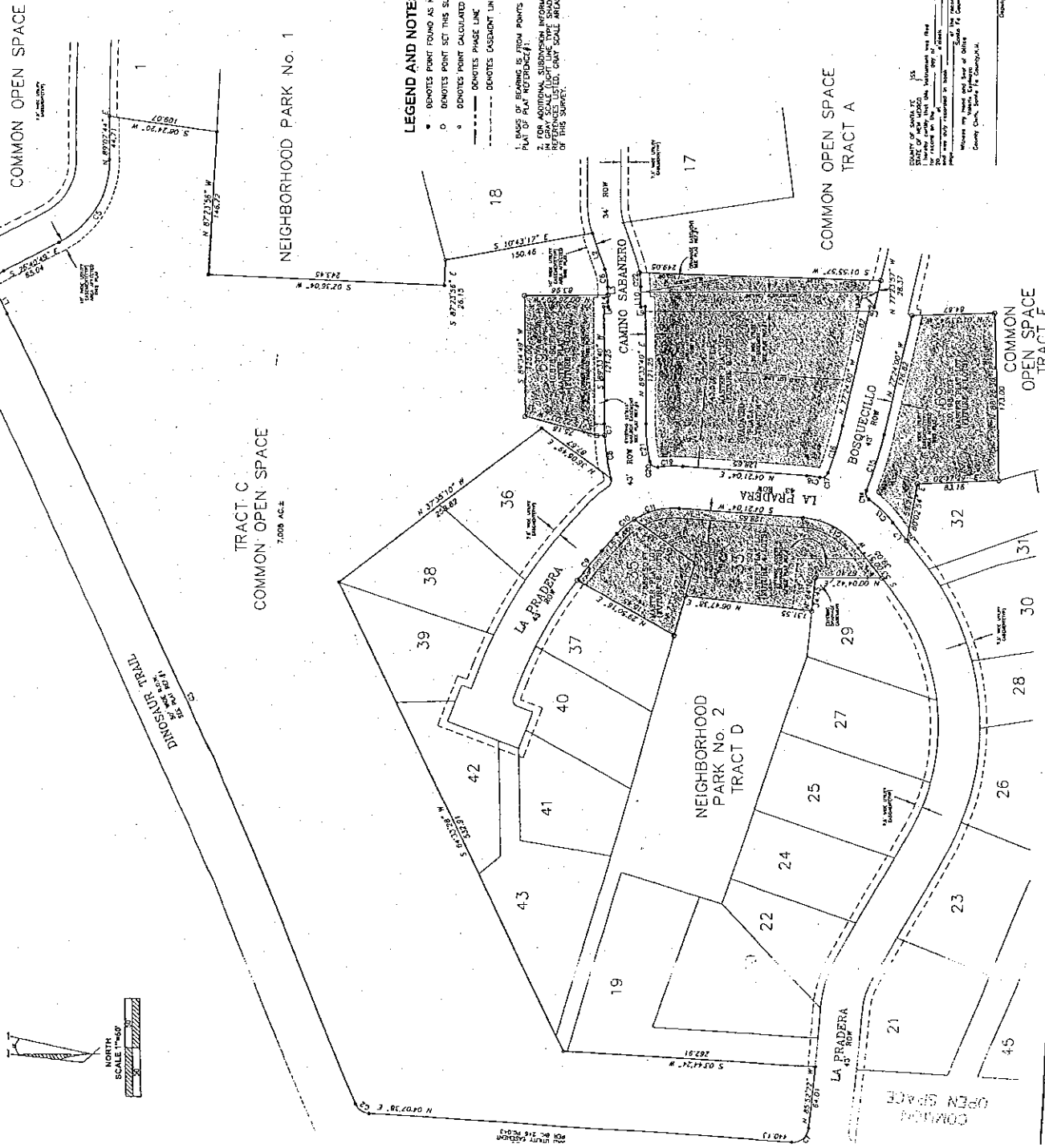
*Thank you for your consideration.*

*Sincerely,*

A handwritten signature in black ink, appearing to read 'Alexis K. Girard', written in a cursive style.

*Alexis K. Girard for Greer Enterprises, Inc., member Gardner Associates LLC*





CURVE	LENGTH	RADIUS	CHORD	ARC	DELTA
C1	25.13	16.00	34.02	22.11	92.00/00"
C2	25.13	16.00	34.02	22.11	92.00/00"
C3	25.13	16.00	34.02	22.11	92.00/00"
C4	25.13	16.00	34.02	22.11	92.00/00"
C5	25.13	16.00	34.02	22.11	92.00/00"
C6	25.13	16.00	34.02	22.11	92.00/00"
C7	25.13	16.00	34.02	22.11	92.00/00"
C8	25.13	16.00	34.02	22.11	92.00/00"
C9	25.13	16.00	34.02	22.11	92.00/00"
C10	25.13	16.00	34.02	22.11	92.00/00"
C11	25.13	16.00	34.02	22.11	92.00/00"
C12	25.13	16.00	34.02	22.11	92.00/00"
C13	25.13	16.00	34.02	22.11	92.00/00"
C14	25.13	16.00	34.02	22.11	92.00/00"
C15	25.13	16.00	34.02	22.11	92.00/00"
C16	25.13	16.00	34.02	22.11	92.00/00"
C17	25.13	16.00	34.02	22.11	92.00/00"
C18	25.13	16.00	34.02	22.11	92.00/00"
C19	25.13	16.00	34.02	22.11	92.00/00"
C20	25.13	16.00	34.02	22.11	92.00/00"
C21	25.13	16.00	34.02	22.11	92.00/00"
C22	25.13	16.00	34.02	22.11	92.00/00"

**LEGEND AND NOTES**

- BEARINGS POINT FOUND AS NOTED
- BEARINGS POINT SET THIS SURVEY
- BEARINGS POINT CALCULATED
- BEARINGS CASERDENT LINE

1. BASIS OF BEARING IS FROM POINTS FOUND AS NOTED IN PLAT OF LOT 33 & TRACT D (PART) AND LOT 34 & OPEN SPACE TRACT A.

2. ALL BEARINGS AND DISTANCES ARE IN FEET AND DECIMALS THEREOF.

3. ALL DISTANCES ARE TO THE CENTER OF THE CURVE UNLESS OTHERWISE NOTED.

4. ALL DISTANCES ARE TO THE CENTER OF THE CURVE UNLESS OTHERWISE NOTED.

5. ALL DISTANCES ARE TO THE CENTER OF THE CURVE UNLESS OTHERWISE NOTED.

**PLAT REFERENCES**

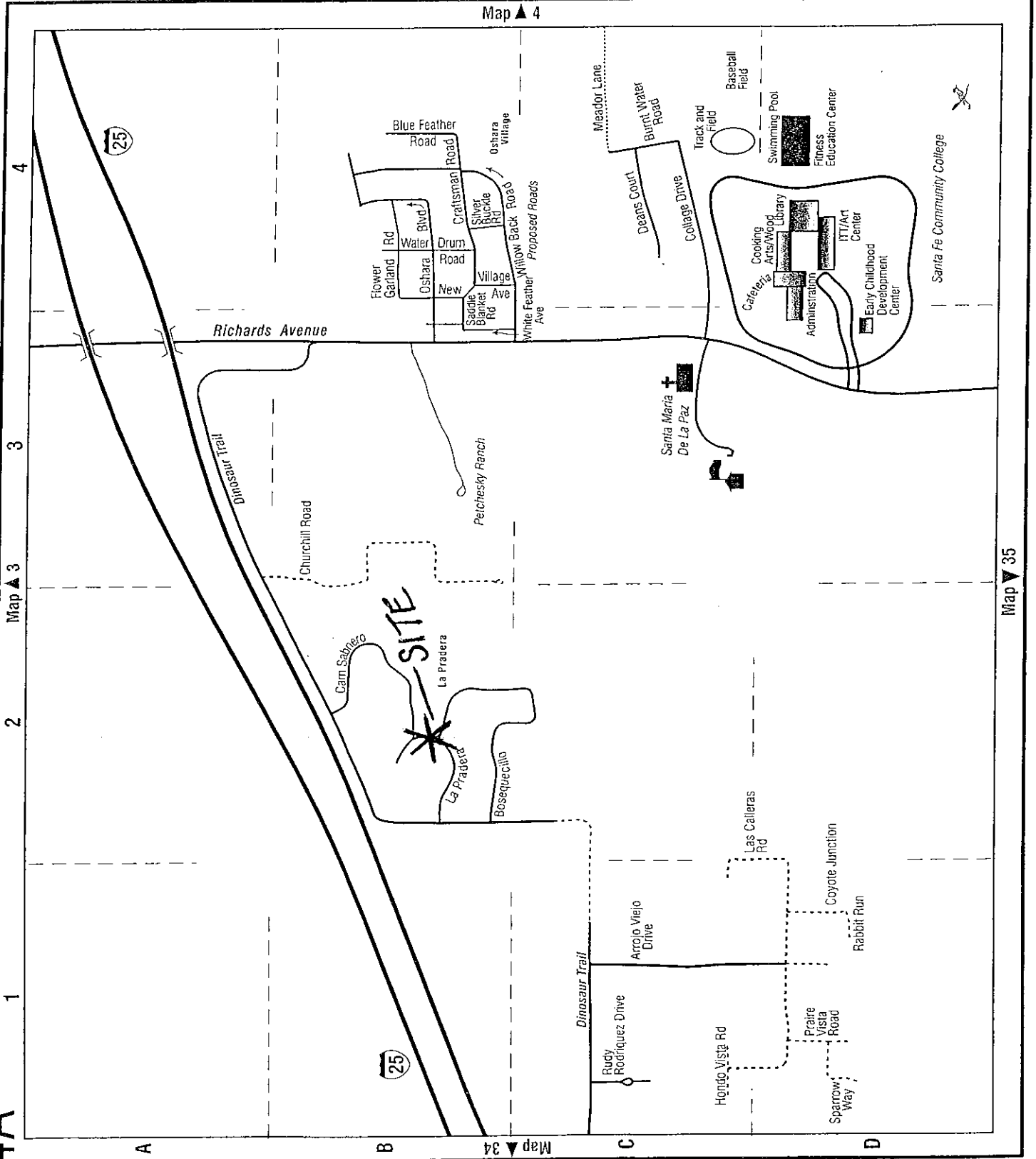
1. SURVEY OF NEIGHBORHOOD PARK PHASE 1 BY RICHARD A. MORRIS SURVEYING, INC. AND RECORDED IN PLAT BK. 512, PAGES 024-027.
2. LOT LINE ADJUSTMENT OF LOT 33 & TRACT D (PART) AND LOT 34 & OPEN SPACE TRACT A BY RICHARD A. MORRIS SURVEYING, INC. AND RECORDED IN PLAT BK. 524, PAGE 016.
3. LOT LINE ADJUSTMENT SURVEY PLAT PREPARED FOR GANNON ASSOCIATES, INC. BY PAUL A. ANTONIUS, INC. AND RECORDED IN PLAT BK. 707, PAGE 004.
4. SURVEY OF NEIGHBORHOOD PARK PHASE 2 BY RICHARD A. MORRIS SURVEYING, INC. AND RECORDED IN PLAT BK. 524, PAGES 010-016.
5. LOT LINE ADJUSTMENT OF LOTS 184-186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000.

**AMENDED SUBDIVISION  
PLAT FOR  
LA PRADERA SUBDIVISION  
OF  
PHASE 1**

LYING WITHIN SECTION 17, T.18N., R.5E., N.M.P.M., COUNTY OF SANTA FE, NM.

**RICK CHATROOP  
PROFESSIONAL LAND SURVEYOR**  
NEW MEXICO REGISTRATION NO. 11011  
(602) 470-0027 110 WILSON TRAIL RD., CERRILLOS, N.M. 87010

INCLUDING INFORMATION FROM THE COUNTY CLERK:  
**GANNON ASSOCIATES, LLC**  
LYING WITHIN SECTION 17, T.18N., R.5E., N.M.P.M., COUNTY OF SANTA FE, NM.





offer of dedication. Upon full conformity with County road construction standards, the roads may be accepted for maintenance by the County. Acceptance of offers of dedication on a summary review plat shall not be effective until the summary review plat is filed in the office of the County Clerk or a resolution of acceptance by the Board is filed in that office. Maintenance of public dedications require a separate action of the Board pursuant to Section 8.1.9 of this Article.

5.5.10 A copy of the summary review plat shall be provided to every purchaser, lessee, or other person acquiring an interest in the subdivided land prior to sale, lease or other conveyance

5.5.11 Advertising. The advertising requirements covering the sale, lease, or other conveyance of subdivided land provided in Section 5.4 of this Article V shall be applicable to summary review plats.

#### 5.6 Administrative Approval of Lot Layout

5.6.1. Procedure. In commercial, industrial or high density residential subdivisions which are to be developed in phases or in cases where a condominium proposes to convert to a subdivision, the Board may delegate authority to the Land Use Administrator to administratively approve a specific lot layout plan when it determines that due to the size, scale or marketing requirements that approval of a plat with a specific lot layout is in the best interest of the County and developer. Before seeking approval of a plat, the developer shall first file a petition with the Board requesting that it be permitted to obtain approval pursuant to this Section. If the Board approves the petition, it will direct that the development request be submitted to the County Development Review Committee. Before final plat approval, the Board may rescind its intent to delegate if it determines that such delegation is not in the best interest of the County.

5.6.2 Master Plats. After such a delegation is made, the County Development Review Committee and Board shall establish development standards applicable to the subdivision as authorized by the Code and other applicable ordinances and laws, establish the maximum number of lots to be permitted, intensity of use, and required improvements, and may then approve both the preliminary and final plat which will be known and designated as a master plat. The master plat and all subsequently filed plat amendments shall be filed with the County Clerk. The County Clerk is authorized to accept for filing amended "master plats" approved by a signed certificate of the Land Use Administrator stating that the master plat has been approved by the Board and County Development Review Committee pursuant to this Code Section and that he has been delegated authority to approve plat amendments establishing new lots.

5.6.3 Conformance. Once the authority is delegated, the Land Use Administrator will review lot layout proposals and may approve such proposals if they are consistent with the Code and General Plan, the development plan and plat approved by the Board and County Development Review Committee, sound planning principles, the County's master road plan with applicable County policies and ordinances, and with applicable laws. After administrative approval is made, a plat amending the master plat approved by the Board and County Development Review Committee shall be filed with the County Clerk, which amended plat shall include all lots previously approved.

History. 1980 Comp. 1980-6. Section 5.6 of Article V is added material by County Ordinance 1987-7.

Matthew Cooke  
85 La Pradera  
Santa Fe, NM 87508

Thursday, April 28, 2011

Board of County Commissioners  
% County Land Use Administrator  
PO Box 276  
Santa Fe, NM 87504  
RE: Opposition to BCC CASE # MIS 02-4325 La Pradera

I am writing in opposition to approve a master plan amendment for the applicants.

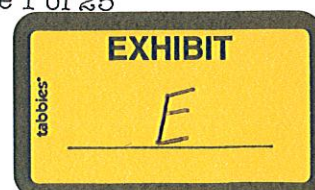
In the BCC meeting on March 9, 2004, extensive discussion occurred for the concern of water supply as expressed by the commissioners for the development of La Pradera subdivision. The applicants, under sworn oath, agreed to comply with water restrictive covenants stating that commodes and landscaping would use only reclaimed (non-potable) water. This was a condition for the approval of the final master plan development. The applicants stated, under sworn oath, that they "would have to be in compliance with the conditions of approval on this development which include an approved water budget and the water restrictive covenants". The applicants also stated, under sworn oath, that "we couldn't" and "We would not" develop if they did not meet these conditions. The applicants chose to delay development of affordable housing, against the Commission's desire, stating under oath their intention for the "Commission to feel comfortable with the water budget" and "promoting a subdivision that was greener than most subdivisions that you see in this county".

In the BCC meeting on January 10, 2006, the applicants, under sworn oath, stated "The water conservation measures are top notch" and "Our treatment plant is an advanced reclaimed water plant". The applicants further stated under oath that "there are only four conditions in that record that have not been met", giving no mention of their lack of compliance to the water restrictive covenants which were presented to the BCC for the approval of the development of La Pradera.

The applicants were unable to implement the reclaimed water plant in a way that property owners were able to use it and stated in a meeting on April 27, 2011 that they had voted, as the board representing the home owners, to disable the system.

The Office of the State Engineer has never issued a positive opinion on the development of La Pradera, to the best of my knowledge.

There are restrictive covenants in the warranty deed recorded with the county that specify "Any house placed thereon shall contain at least 1500 square feet of floorspace, exclusive of storage buildings or barns". The applicants have already violated these covenants as there are two homes presently for sale less than 1500 square feet (62 La Pradera, 1162 sq ft, MLS # 201100972 and 80 La Pradera, 1371 sq ft, MLS # 201003732). There is concern that the applicants may continue to violate these covenants in their proposition to increase the density of the subdivision.



La Pradera development was initially presented as a visionary plan for water conservation, reclamation and sustainability. That vision has become a horrific nightmare displaying the applicants incompetence and failure to comply with the recorded water restrictive covenants presented to the BCC for approval of the development of La Pradera.

Please reference the included documents within this opposition packet:

page 3: Santa Fe County BCC Regular Meeting minutes of March 9, 2004 Page 53  
page 4: Santa Fe County BCC Regular Meeting minutes of March 9, 2004 Page 57  
page 5: Santa Fe County BCC Regular Meeting minutes of January 10, 2006 Page 99  
page 6: Santa Fe County BCC Regular Meeting minutes of January 10, 2006 Page 102  
pages 7-8: OSE negative opinion letter dated March 9, 2004  
pages 9-11: OSE negative opinion letter dated December 2, 2004  
pages 12-13: OSE negative opinion letter dated January 31, 2005  
pages 14-15: OSE negative opinion letter dated May 10, 2005  
pages 16-18: OSE negative opinion letter dated January 9, 2006  
page 19: Instrument 1355764A, page 5, La Pradera water restrictive covenants  
pages 20-22: Santa Fe New Mexican article dated August 4, 2009  
page 23: Instrument 1343381, page 1, restrictive covenants in warranty deed  
page 24: real estate listing for 62 La Pradera  
page 25: real estate listing for 80 La Pradera

Cordially,

A handwritten signature in black ink, appearing to read 'M. Cooke', written in a cursive style.

Matthew Cooke

That commercial building permit had to get approval from the Utility Department to make sure there was sufficient water rights under that water service agreement for this development. We were not issued a building permit from the Land Use Department until the Utility Director or the Acting Utility Director gave us a letter saying there's sufficient water in that water service agreement to serve this development. It is being done now.

COMMISSIONER SULLIVAN: Okay. So you then and your clients would not sue the County if that happened? In other words, you're looking at ultimately developing 80 units here. If the individuals out there used more than .16 and the Utility Department said based on your water allocation, you can only support 70 units, then you wouldn't seek to take any action against the County for enforcing that water restriction. Is that what you're getting at?

MS. VAZQUEZ: Mr. Chair, Commissioner, we wouldn't be able to. We've got a water use restriction on each lot that will be recorded with the Clerk's Office and will be covenanted. We would not be able to take action against the County at that point.

COMMISSIONER SULLIVAN: But that's with each lot.

MS. VAZQUEZ: We have also a total water budget that would be approved.

COMMISSIONER SULLIVAN: You have a total water budget. Okay. So my question is that, notwithstanding if your homes went over that total water budget, you would testify here that you would hold the County harmless from not being able to develop out the total 80 units.

MS. VAZQUEZ: We would have to be in compliance with the conditions of approval on this development which include an approved water budget and the water restrictive covenants. Yes, sir.

COMMISSIONER SULLIVAN: I'm not quite sure that answered my question, but you would not look to the County to let you develop out the remainder of those units. Is that correct? If you were over the total water budget.

MS. VAZQUEZ: Mr. Chair, Commissioner, we couldn't.

COMMISSIONER SULLIVAN: My question is, I understand your opinion that you couldn't. My question is, as representing the clients, would you?

MS. VAZQUEZ: We would not.

COMMISSIONER SULLIVAN: You wouldn't. Okay, that makes it very clear. We just answered the questions that way. Okay, so we have a safety valve, as it were here, that if the numbers don't add up to what everybody's computed, and we don't have actual numbers here on this development. And I can tell you everyone in the adjacent subdivision has swamp coolers, so getting people to live without swamp coolers is going to be a little difficult and getting them to use A/C units, which have a tremendous electrical usage is going to be difficult. But notwithstanding that, we have that back-up.

What you propose in this letter, which was in the packet, having to do with holding up on the construction of 11 of the condo units, is that what you were about to get at?

MS. VAZQUEZ: I was going to Mr. Chair, Commissioner.

COMMISSIONER SULLIVAN: Okay, go ahead. I have a question about that but could you go ahead and explain that to us?

SFC CLERK RECORDED 04/19/2004

3/25

that from a marketing standpoint?

MS. VAZQUEZ: No, we decided that the condos and giving them up would be a way to do a reserve factor for this Commission to feel comfortable with the water budget that we believe we could meet. We did it so that we would be able to promote a water system that used graywater in landscaping and toilet flushing, and also make this Commission comfortable with making a decision of promoting a subdivision that was greener than most subdivisions that you see in this county.

COMMISSIONER SULLIVAN: Let me ask a question about Dinosaur Trail.

COMMISSIONER DURAN: Commissioner Sullivan, can I ask just one question.

COMMISSIONER SULLIVAN: Sure.

COMMISSIONER DURAN: Just one question. Are all these affordable units going to be built if they withhold the eleven units? If they withhold the eleven units - they're suggesting they hold back eleven units to protect -

COMMISSIONER SULLIVAN: To protect the water.

COMMISSIONER DURAN: The water. But the big question for me is are all the affordable units going to be built? Or are some of those affordable units in those eleven units there going to be held back?

COMMISSIONER SULLIVAN: I think you'd better ask the applicant.

MS. VAZQUEZ: Some of those affordable units, Commissioner Duran, are within those units that will be reserved.

COMMISSIONER DURAN: And how many?

MS. VAZQUEZ: It appears that four of them are.

COMMISSIONER DURAN: Okay, that's what I thought. Thank you. Thank you, Commissioner.

COMMISSIONER SULLIVAN: Okay. You talked some about the road access to the west, and we didn't mention anything to the east other than the connection with the proposed development across Richards Avenue. Who will maintain Dinosaur Trail?

MS. VAZQUEZ: There is a conditional dedication on Dinosaur Trail.

COMMISSIONER SULLIVAN: What is a conditional dedication?

MS. VAZQUEZ: It's how this County requires us to do dedications of County roads. We conditionally dedicate it on the plat. It's not accepted by the County until it meets County road specs, and it is built to County standards.

COMMISSIONER SULLIVAN: Okay. That would be the portion within your development. Then what about the portion from the development to Richards Avenue? Who will maintain that?

MS. VAZQUEZ: The entire Dinosaur Trail will be dedicated to the County, because it will be entirely redone from our development all the way to Richard's Avenue.

COMMISSIONER SULLIVAN: Okay. So it'll be dedicated to the County.

SFC CLERK RECORDED 04/19/2004

4/25

traffic for this subdivision to go in front of their neighborhood. So we relocated Dinosaur Trail and we relocated it from right in front of the Vista Ocaso neighborhood to the area, the open space area adjacent to I-25.

We also addressed, in creating that road, some safety concerns. They didn't want high-speed traffic; we agreed. We put speed tables. We did a divided highway. We agreed to a speed limit in that area. In order to keep the traffic at a safe speed in that area.

The other thing we did is they wanted equestrian trails. We went ahead and provided equestrian trails as they requested. They wanted a new gateway to their development, something that said, Entering Vista Ocaso. We agreed to construct that. We agreed to the landscaping that Orallynn talked to you about, putting it up front first so they wouldn't see the construction and they wouldn't see - their view of the new subdivision would be buffered more. Our attempt was to put together a subdivision that not only was cohesive with the area, but was also going to create a subdivision in its own right that created a neighborhood, that created a place where people wanted to live. And that was why the relocation of Dinosaur Trail up to I-25 was a key component of creating a neighborhood and pedestrian-friendly subdivision.

I can't say that there are many subdivisions that I believe the owners have worked so hard to reach a compromise and I believe we can. And we are requesting final development approval because we just need a water service agreement for the safety factor. Out of the conditions that have been put into the record, Commissioners, there are only four conditions in that record that have not been met. One is the water service agreement, two are the redlines which we have not received to address. Three is the discharge permit and four is the submittal of the financial guarantee. Every other condition of approval that is set before you in the staff report has already been met by this applicant and we would respectfully request that you allow us the ability to get a water service agreement before we record the plat, keeping in mind it is below three acre-feet. I stand for questions on any of the information I've given you with regard to the water rights that we have, and anything else you may like me to address.

CHAIRMAN ANAYA: Any questions for Rosanna?

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Rosanna, the water rights, how old are those water rights?

MS. VAZQUEZ: Mr. Chairman, Commissioners, the Pena Blanca water rights are pre-1907 water rights and that's the bulk -

COMMISSIONER MONTOYA: The Pena Blanca ones are pre-1907?

MS. VAZQUEZ: Yes. And they're 50 acre-feet.

COMMISSIONER MONTOYA: And those are the ones we're partnering with you as the co-applicants?

MS. VAZQUEZ: Mr. Chairman, Commissioner Montoya, that is correct.

COMMISSIONER MONTOYA: Okay. And that looks like it started in January of 2005?

MS. VAZQUEZ: June of 2005.

SFC CLERK RECORDED 03/06/2006

6/25



March 9, 2004

Vicki Lucero  
Development Review Supervisor  
Santa Fe County  
102 Grant Avenue – P.O. Box 276  
Santa Fe, NM 87504-0276  
Fax No. (505) 986-6389

**CERTIFIED RETURN RECEIPT**  
**ANTICIPATED BY FAX**

**Re: EZ CASE # S 02-4321 La Pradera Subdivision**

Dear Ms. Lucero:

The Office of the State Engineer has received on this date, March 9, 2004, additional information regarding the water demand analysis for "La Pradera" Subdivision. This office reviewed the proposal for this subdivision and issued a negative opinion in November 2003. Please, refer to my letter, dated November 10, 2003, for the complete review and specific comments.

The consultant has provided additional information regarding the operation and maintenance of the proposed wastewater recycling system. Also, the per capita water requirement has been increased from 48 gallons to 56 gallons. While the final water requirement for the subdivision has not been provided, it is the opinion of this office that the details regarding the wastewater recycling system and the increased per capita water use make the water budget figures more realistic.

With regard to water availability the consultant states, "*The Santa Fe Board of County Commissioners in August 2003, approved transferring a portion of the 51.9 acre-foot Oshara Water Service Agreement to this project. The Board chose to leave the actual amount of the transfer undefined until the final water budget for the La Pradera Subdivision was approved by the BCC. At this time, we believe between 15 and 16 acre-feet will be transferred to this project*".

It appears, from this statement, that Santa Fe County Water Utility (SFCWU) is ready to supply approximately 15 acre-feet of water per annum to this subdivision. The statement also indicates that the County approved the transfer of portion of the Oshara Water Service Agreement to this subdivision. However, the commitment does not solve the issue of long-term water availability. In fact, the State Engineer records indicate that this utility is not in possession of enough water rights to supply this subdivision; they also indicate that a good portion of the water rights relied upon at this time are San Juan/Chama diversion rights leased from the City of Santa Fe (the contract between the City and the US Bureau of Reclamation will expire on December 31, 2016).

7/25

The developer must provide information showing proof of sufficient water rights pursuant to Section 6.4.4 of the County Code and demonstrate that a 100-year water supply is available. A tabulation should be prepared showing permanent water rights owned by SFCWU, and leased water rights including expiration dates; annual water demand for existing customers, and commitments to supply water for new developments. This information will facilitate a comparison of the total water demand with the supply that is available. Consequently, this office is compelled, at the current time, to issue a negative opinion of the water supply availability for this development.

If you have any questions, please call me at 505-827-4273.

Sincerely,

Mara Smith  
Water Use and Conservation Bureau

cc: Brian C. Wilson, P.E., OSE Water Use and Conservation Bureau Chief

8/25



Some of the assumptions are not reflected in the water restrictive covenants, and are contradicted by statements contained in other sections of the proposal. Also, some omissions/issues have been found in the budget. More specifically:

- The analysis assumes 2.386 persons per household. It does not explain where this figure has been derived from. Please, note that the 2000 U.S. Census shows that the average occupancy is 2.42 in Santa Fe County.
- The proposal states that the subdivision will include 201 residential dwellings. However, Plat D-4 indicates a number of commercial/live-in units. The proposal should specify how many of these units the developer proposes to build. The commercial component of the water use must be accounted for in the water budget.
- The analysis does not account for any water losses within the dwellings and within the distribution system.
- The analysis assumes that front load washers (25 gallons/load) will be installed. However, the covenants state that cloth washers using no more than 43 gallons per cycle may be installed.
- The proposal does not explain how the landscaped areas will be watered during the initial phases of the project, when there will not be enough wastewater available for treatment and recycling.
- The proposal states that each home will be required to have storm water cisterns to collect rainwater for use on the individual lots' landscaping. The covenants do not contain any specific requirements in this respect.
- The covenants state that each dwelling is allotted 0.13 acre-feet of water per year, instead of the 0.126 estimated in the water budget.
- The proposal (page 9) states that each residence will use 0.13 acre-feet of water per year, and that the subdivision will require 25.5 acre-feet of water per annum. The proposal states that this amount includes 20% water losses. The calculation is not correct. In fact, if each dwelling is allotted 0.13 acre-feet of water per year, and 20% water losses are added, then the subdivision's water requirement would be 31.36 acre-feet per year.
- The proposal (page 8) indicates that 0.02 acre-feet of water per dwelling will be saved by using treated water for toilet flushing, and that, therefore, the residential water use would be less than 0.13 acre-feet per year. Using treated water for toilet flushing is not mentioned in any other part of the proposal. On the contrary, the water demand analysis includes six flushes per person per day.

This office had previously reviewed the proposal for Phase I of La Pradera (please, refer to the reviews dated November 10, 2003, and March 9, 2004, for details). The developer has made some substantial changes in this proposal. They include reducing the estimated per capita water use from 56 gallons per day to 47.3, and, apparently, abandoning the idea of using treated water for toilet flushing.

The proposal for Phases II-VI is silent on the reasons for these changes. Also, it does not explain whether the residents of the area designated as Phase I would have to follow different water conservation covenants from the residents of the areas designated as Phases II-VI.

10/25

#### WATER AVAILABILITY ASSESSMENT

The developer has indicated that Santa Fe County Water Utility (SFCWU) will supply water to the subdivision. The proposal includes a copy of a customer contract for commitment of water service, in which SFCWU states that it agrees to provide 51.9 acre-feet of water per year to Greer and Berridge, and it states (page 9) that the developer will request authorization to transfer an amount equal to the water budget to La Pradera. Incidentally, the developer had stated, in the proposal for Phase I of La Pradera, that he had requested to transfer a portion (11.58 acre-feet per year, which was less than the 12.89 acre-feet per year budgeted for Phase I) of the 51.9 acre-feet per year from the Oshara development to the Gardner (a.k.a. La Pradera) subdivision. It is not known if SFCWU had agreed to the transfer and for which amount.

In conclusion, the developer has not provided a letter, by SFCWU, in which the utility states that they are ready, willing, and able to supply this development with the maximum annual water requirement, as required by Section 6.4.4 (a) of the County Code.

Further, the OSE records indicate this utility is not in possession of enough water rights to supply this subdivision; they also indicate that a good portion of the water rights relied upon at this time are San Juan/Chama diversion rights, which will expire on December 31, 2016.

Section 47-6-11.F(1) of the New Mexico Subdivision Act requires an opinion from the State Engineer to determine "*whether the subdivider can furnish water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision*". The proposal does not demonstrate that the developer can provide the maximum amount of water required for Phases II-VI of the "La Pradera".

If you have any questions, please call me at 505-827-4273.

Sincerely,

Mara Smith  
Senior Water Resource Specialist

cc: John W. Longworth, OSE Water Use and Conservation Bureau Chief  
OSE Water Rights Division, Santa Fe Office

11/25

January 31, 2005

Mr. Joe Catanach  
Subdivision Review Division Director  
Santa Fe County  
102 Grant Avenue – P.O. Box 276  
Santa Fe, NM 87504-0276

**CERTIFIED**  
**RETURN RECEIPT**  
**REQUESTED**

**Re: EZ CASE # Z/S 02-4322 La Pradera Phases II-VI**

Dear Mr. Catanach:

On January 7, 2005, the Office of the State Engineer (OSE) received additional/amended documents regarding water demand analysis and water conservation measures for Phases II through VI of "La Pradera Subdivision". This office had previously reviewed the water supply proposal for this subdivision, and had issued a negative opinion in December 2004. Please, refer to my letter, dated December 2, 2004, for the complete review and specific comments.

**WATER DEMAND ANALYSIS & CONSERVATION**

The consultant has addressed the questions and omissions that this office had posed on some components of the water budget and has provided clarifications on the contradictions that had been identified in the first proposal.

The maximum water demand for each residential unit has been estimated at 0.126 acre-feet of water per residential unit, assuming 2.386 persons per dwelling, the installation of front load clothwashers, dishwashers using no more than 13 gallons per cycle, low flow toilets using 1.6 gallons per flush, shower heads using 2.5 gallons per minute, no evaporative coolers, and no water softening devices. This amount covers only indoor use, because the subdivision will have a private community sanitary sewer system connected to a reclamation plant, and treated water will be used for landscape irrigation. To provide a "safety factor", the developer has added an additional 20%. Thus, the total maximum water demand for the proposed 201 parcels has been estimated at 30.494 acre-feet per year.

The consultant has also amended the Declaration of Covenants and Water Restrictions, to reflect the assumptions made in the water budget. The water conservation measures are now clearly specified, and they should ensure that the estimated water allotment for each residential unit is not exceeded.

12/25

Mr. Joe Catanach  
January 31, 2005  
Page 2 of 2

La Pradera, Phases II-VI

#### WATER AVAILABILITY ASSESSMENT

The developer had indicated, in the first proposal, that Santa Fe County Utility (SFCU) will provide water to the subdivision, but had not provided any evidence that the utility is ready, willing and able to supply the maximum annual water requirement.

The documents currently provided for review are completely silent on the issue of water availability from SFCU or any other source.

Section 47-6-11.F(1) of the New Mexico Subdivision Act requires an opinion from the State Engineer to determine "*whether the subdivider can furnish water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision*". The proposal does not demonstrate that the developer can provide the maximum amount of water required for Phases II-VI of the "La Pradera".

For this reason, the OSE is issuing a negative opinion on the proposed subdivision.

If you have any questions, please call me at 505-827-4273.

Sincerely,

Mara Smith  
Water Resource Master

cc: John W. Longworth, OSE Water Use and Conservation Bureau Chief  
OSE Water Rights Division, Santa Fe Office

13/25

May 10, 2005

Mr. Joe Catanach  
Subdivision Review Division Director  
Santa Fe County  
102 Grant Avenue – P.O. Box 276  
Santa Fe, NM 87504-0276

**CERTIFIED**  
**RETURN RECEIPT**  
**REQUESTED**

**Re: EZ CASE # Z/S 02-4323 La Pradera Phases II-VI-Amended Master Plan**

Dear Mr. Catanach:

On April 14, 2005, the Office of the State Engineer (OSE) received a request to review the water supply proposal for Phases II through VI of "La Pradera Subdivision". The developer proposes to build 158 residential units on 95.51 acres of land, 48 of which will be held as common open space. The lot sizes will range between 0.1 and 0.5 acres. The property is located approximately one mile west of Richards Avenue and immediately south of I-25, within Sections 17 and 18, Township 16 North, Range 9 East, NMPM. The subdivider proposes to obtain water from Santa Fe County Water Utility.

This office had reviewed the proposal for Phase II-VI of La Pradera on December 2, 2004, and on January 31, 2005. The current proposal amends the number of residential units, from 201 to 158.

This submittal has been reviewed pursuant to the Santa Fe County Land Development Code, the Community College District Land Use and Zoning Regulations, and the New Mexico Subdivision Act. It is the opinion of this office that the developer's water supply proposal does not satisfy the requirements of Article 6.4.4 (a) of the County regulations, and of § 47-6-11.F (1) of the New Mexico Subdivision Act. Accordingly, a negative opinion is issued at this time.

#### **WATER DEMAND ANALYSIS & WATER CONSERVATION**

The developer has conducted a detailed water demand analysis and has estimated the water use for each residential unit at 0.126 acre-feet per year, assuming 2.386 persons per dwelling, the installation of front load cloth washers using a maximum of 25 gallons per cycle, low flow toilets using 1.6 gallons per flush, shower heads using 2.5 gallons per minute, and no evaporative coolers. This amount covers only indoor use, because the subdivision will have a private community sanitary sewer system connected to a reclamation plant, and only treated water will be used for landscape irrigation. To provide a safety factor (water losses, fire protection, etc.), the developer has added an additional 20%. Thus, the total maximum water demand for the proposed 158 parcels has been estimated at 24 acre feet per year.

14/25

The water conservation measures included in the Restrictive Covenants and in the Disclosure Statement reflect the assumptions used in the water demand analysis, except for the following two items:

- o Item # 17 of the Disclosure Statement states that each lot is limited to 0.14 acre-feet per year or 3,801 gallons per months; it must be changed to 0.126 acre-feet per year or 3,421 gallons per month.
- o Article II (G) of the Restrictive Covenants states that dishwashers using no more than 25 gallons per cycle will be installed; it must be changed to 13 gallons per cycle.

#### WATER AVAILABILITY ASSESSMENT

The developer has indicated that Santa Fe County Water Utility (SFCWU) will supply water to the subdivision. The proposal includes a copy of a customer contract for commitment of water service, in which SFCWU states that it agreed (in 1999) to provide 51.9 acre-feet of water per year to Greer and Berridge, and it states that the developer will request authorization to transfer 24 acre-feet per year to La Pradera. Proof that the request has been submitted to and approved by SFCWU is nowhere in the proposal. Therefore, the proposal is not in compliance with Section 6.4.4 (a) of the County Code.

Further, the OSE records indicate this utility is not in possession of enough water rights to supply this subdivision; they also indicate that most of the water rights relied upon at this time are San Juan/Chama diversion rights, which will expire on December 31, 2016.

Section 47-6-11.F(1) of the New Mexico Subdivision Act requires an opinion from the State Engineer to determine "*whether the subdivider can furnish water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision*". The proposal does not demonstrate that the developer can provide the maximum amount of water required by La Pradera.

If you have any questions, please call me at (505) 827-4273.

Sincerely,

Mara Smith  
Water Resource Master

cc: John W. Longworth, OSE Water Use and Conservation Bureau Chief  
OSE Water Rights Division, Santa Fe Office

15/25

January 9, 2006

Ms. Vicki Lucero  
Development Review Supervisor  
Santa Fe County  
102 Grant Avenue  
P.O. Box 276  
Santa Fe, NM 87504-0276

**CERTIFIED MAIL**  
**RETURN RECEIPT**  
**REQUESTED**

**Anticipated by fax**

**Re: La Pradera Phases II-VI (Preliminary Development Plan) and La Pradera Phases II-III (Final Development Plan)**

Dear Ms. Lucero:

On December 13, 2005 the Office of the State Engineer (OSE) received a request to review additional documentation for the referenced subdivision.

This office has reviewed the proposal for Phases II-VI of La Pradera on December 2, 2004, on January 31, 2005, on May 10, 2005, and on November 18, 2005. Further, this office has reviewed the Master Plan for La Pradera and Phase I of La Pradera on November 10, 2003 and March 9, 2004.

The developer proposes to subdivide 94 acres into 157 residential lots, with sizes ranging between 0.1 and 0.3 acres. The property is located approximately one mile west of Richard Avenue and immediately south of I-25, within Sections 17 and 18, Township 16 North, Range 9 East, NMPM. The developer proposes to obtain water from the Santa Fe County Water Utility.

The OSE has reviewed the proposal pursuant to the Santa Fe County Land Development Code, the Community College District Land Use and Zoning Regulations, and the New Mexico Subdivision Act. It is the opinion of the office that the developer's proposal does not satisfy the requirements of Articles 6.6.1 and 6.4.4 (A) of the County Regulation, and of § 47-6-11.F (1) of the New Mexico Subdivision Act. Therefore, this office hereby issues a **negative** opinion.

1/6/25

### **WATER DEMAND ANALYSIS & CONSERVATION**

The developer has conducted a water demand analysis and has estimated the maximum annual water requirements for each residential lot as 0.16 acre-feet per year, as required for at least the first few years, by the Santa Fe County Hydrologist. The Disclosure Statement and the Restrictive Covenants include water conservation measures that would ensure that the 0.16 acre-feet per year are not exceeded. Therefore, it is the opinion of this office that the proposal satisfies the requirements of Section 6.6.2 of the County Subdivision Regulations.

The total maximum water requirement for Phases II and III (97 lots) has been estimated at 15.52 acre-feet per year (97 lots x 0.16 acre-feet), and the maximum water requirement for Phases II through VI (157 lots) has been estimated at 25.12 acre-feet per year (157 lots x 0.16 acre-feet). The developer has not included in the quantification of the subdivision maximum water demand any amount as a safety factor (distribution system losses, fire protection, etc.). Therefore, the proposal still does not satisfy the requirements of Section 6.6.1 of the County Subdivision Regulations.

### **WATER AVAILABILITY**

The developer has indicated that Santa Fe County Water Utility (SFCWU) will supply water to the subdivision. The proposal includes copies of various amended customer contracts for commitment of water services to various developers for various developments. For instance, there is a letter from SFCWU that commits 51.9 acre-feet of water per year to Greer Enterprises, and a letter by Greer Enterprises that states that 8.76 acre-feet (out of the 51.9) will be used for Phase II of La Pradera. There is another letter from SFCWU, which commits 10 acre-feet of water per year to Berridge, and a letter from Berridge (dated September 9, 2003) stating that 7 acre-feet (out of the 10) will be used in conjunction with a certain 34.5 acres of land. These two letters would suggest that 15.76 acre-feet of water per year could be used for La Pradera. This amount would not be sufficient even to cover Phases II and III, if water losses and other safety factors are included in the water budget.

Further, the proposal does not include a letter in which SFCWU states that they are ready, willing, and able and ready to provide the maximum annual water requirement for the subdivision, as required by Section 6.4.4 (A) of the County Subdivision Regulations.

Section § 47-6-11.F (1) of the New Mexico Subdivision Act requires an opinion from the State Engineer to determine whether the subdivider can furnish water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision. The proposal does

17/25



*Ms. Vicki Lucero  
January 9, 2006  
Page 3 of 3*

*La Pradera Subdivision*

not demonstrate that the developer can provide the maximum amount of water required for Phase II-VI of the La Pradera Subdivision.

If you have any questions, please call me at 505-827-6790.

Sincerely,

Julie Valdez  
Senior Water Resource Specialist

cc: John W. Longworth, Water Use & Conservation Bureau Chief  
OSE Water Rights Division, Santa Fe Office

18/25

C. Title to each lot shall be subject to the Master Deed Restrictions for the Subdivision (the "Master Deed Restrictions") recorded with the Santa Fe County Clerk, on \_\_\_\_\_, 2004, as Document No. \_\_\_\_\_, in Book \_\_\_\_\_, Page \_\_\_\_\_, as amended from time to time. Under the Master Deed Restrictions, the subdivider has reserved certain rights to add capacity to the liquid waste treatment plant to be owned by the Association and to connect to the system other properties near the Subdivision via existing easements through the Subdivision. The subdivider also reserved the right to grant road, access and utility easements through designated open space tracts, and to connect other property owners to the reclaimed water system and to grant non-exclusive easements to use roads, and community facilities including parks, trails, etc. within the Subdivision.

D. Title to each lot shall be subject to certain Water Restrictive Covenants recorded with the Santa Fe County Clerk, on Nov. 22, 2004, as Document No. 1335763 in Book 374, Page 17-22, as amended from time to time. Such Covenants were required by Santa Fe County as a condition of approval of the Subdivision.

E. The following is a brief summary of many of the restrictions, reservations and conditions for the project. Purchasers should read documents noted in A and B above for a complete list of restrictions, reservations and conditions.

- i. Water use is restricted to 0.13 acre-feet per year per dwelling unit. To minimize water use of potable (drinking) water supplies, outdoor potable water use is prohibited, the use of evaporative air conditioning is prohibited, and homes must be plumb to provide for reclaimed water use in toilet commodes.
- ii. Stormwater cisterns which capture 85% of the roof drainage are required. Cisterns will be equipped with pumping systems and shall meet all of Santa Fe County Requirements.
- iii. All toilet commodes will be dual plumbed, with reclaimed water as the primary water source, and potable water as a backup water supply. All toilets will have a child-proof toilet lid locks. All bathrooms shall have a 1" x 4" sign stating the following: "Reclaimed Wastewater – Do Not Drink". In commercial establishments and public facilities, a sign shall be posted in English and Spanish by each toilet and urinal stating "To conserve water, this building uses reclaimed wastewater to flush toilets and urinals. Para conservar agua, este edificio usa aguas recobradas para los excusados y los urinarios".
- iv. Reclaimed water and stormwater shall be the only water supply connected to landscape irrigations systems.

SFC CLERK RECORDED 11/22/2004

## Lack of users, confusion stymies La Pradera subdivision's water-saving technology

By Phaedra Haywood | The New Mexican

8/4/2009

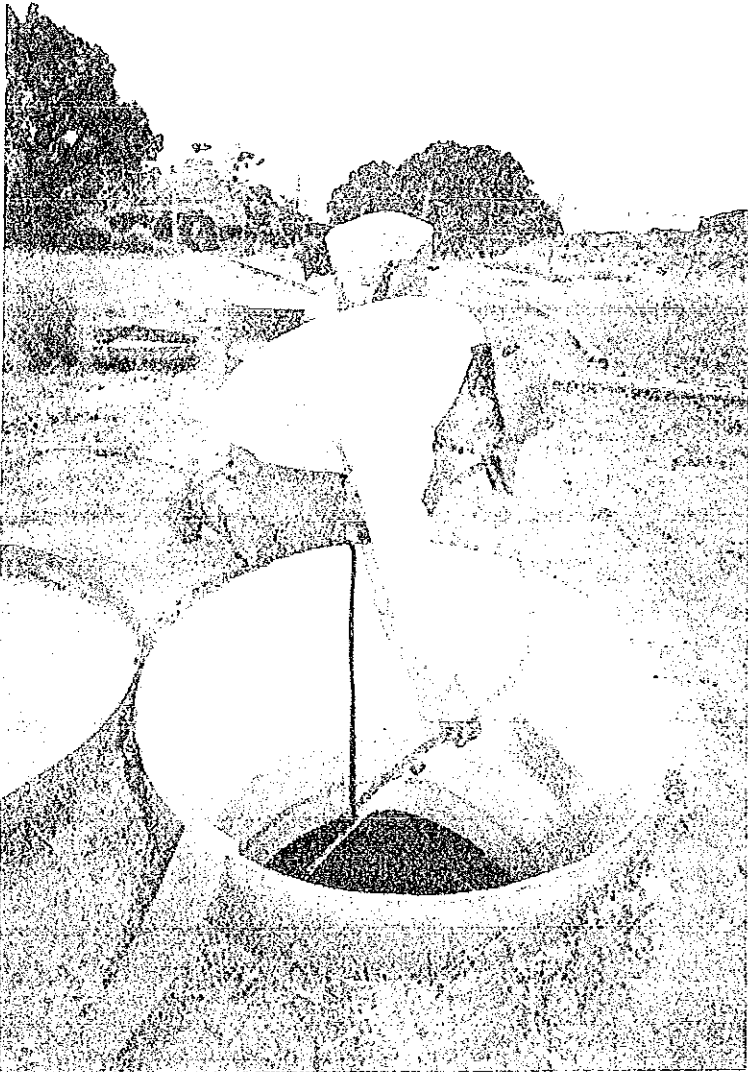


Photo by: [Jane Phillips/The New Mexican](#)

*The New Mexican* said they are not using the treated effluent in their homes.

Of the other three, two said the system was working well and one said he thought it was working, but didn't know for sure because he doesn't live in the home he owns in the subdivision.

Indeed, there seems to be a lot of confusion among La Pradera residents regarding the subdivision's two water-conservation systems.

When developers of the La Pradera subdivision Santa Fe County applied for master plan approval for their project in 2003, they promised the subdivision — which is south of the city along Dinosaur Trail — would feature the latest in water-saving technology.

In fact, the water system they proposed — one that recycles water from household drains and returns it back to the homes for toilet flushing — had never been used in Santa Fe County and certain construction codes had to be changed to permit it. Systems of this type had been approved for commercial use, but not residential.

The developers were granted approval for one of the lowest per unit water budgets (about 0.16 acre-feet-per house per year compared to a standard of about 0.25 acre-feet per year) that the county had ever allowed, according to county hydrologist Karen Torres. An acre-foot of water is 325,851 gallons.

The subdivision was approved for a total of 237 homes, most of which were to be priced in the \$400,000 to \$600,000 range. There are about 28 homes occupied in the development.

But more than two years after the first house was built, four of seven homeowners interviewed by

Most said the water-catchment system, which funnels rainwater into a 2,400-gallon underground cistern for watering landscaping, is working well. One woman, however, said hers was never hooked up, so she waters her plants with buckets of sink water from inside her house. The homes in La Pradera do not have spigots for hoses outside the homes except those that connect to the cisterns.

The status of the treated-effluent system is a bit murkier.

The system is designed to collect water from all the drains in the subdivision's homes — sinks, toilets, tubs, washers — treat it, then return it to the homes for use in flushing commodes. The water can also be used to feed underground irrigation systems for landscaping, but can't be used for washing clothes or dishes or bathing.

Michael Hendrick, who has lived in the subdivision for about a year, said the treated effluent system "is not up and running yet."

"I never tried it," said another homeowner Paul DeVicentis. "I could if I wanted to, but I haven't. I don't know why. I don't think anyone else is using it. I don't think the neighbors are using it. Some say it's working OK. Some say it's not."

"The report is that (the developers) are still working on a problem with the engineering," said Ken Gand, who has lived in the subdivision just over a year. "We're hoping everything goes well and we get hooked up soon."

"We've been renting," said Diane Kennedy. "I know they have some kind of water system set up, but we are not using it in this house. I forget what the whole thing was with it. The owner moved. We told her not to worry about it (because) we are just going to stay here temporarily."

Developer John McCarthy said the treated-effluent system is working, although it has been down from time to time when builders have hit a line.

McCarthy said part of the problem is that there are not enough users on the system to generate enough water to flush all the toilets if homeowners are also using the water for irrigation.

In the future, he said, toilet flushing will be the first priority for the treated effluent, but because much of the landscaping in the subdivision is new, the developers have directed the effluent to that use for now.

Though the project has master plan approval for 237 homes, only about 38 have been built and of those, only about 24 are occupied.

If the water in the plant runs low, McCarthy said, the pump that pushes water through the lines designed to funnel the treated effluent automatically turns off.

"It's been a little frustrating for some of the homeowners, I know," McCarthy said. "We've shut it down without notifying folks."

According to La Pradera homeowner Catherine Jarman, lack of communication is one of the biggest problems in the subdivision.

"I don't really know how the thing works or what is required of us," said Jarman, whose house is not connected to either the cistern or the treatment plant.

21/25

Jarman she heard from neighbors when she first moved in that the system had never worked. The association later sent a few guys around to talk to her about it, she said. "But they didn't seem to know what they were doing."

Jarman said she asked the men to come back and hook up the system for her, but never heard back from them. Jarman said when she told McCarthy she didn't know how the system worked, he suggested she hire someone at her own expense to inform her about it.

"It was never explained to me. I never would have bought the house had I known there would be this much fiasco over the water thing."

McCarthy said connection to the treated-effluent system is optional, but he's hopeful that the community will attract like-minded people who want to conserve water.

Torres said it appears the subdivision is complying with its water-restriction covenants, but it's hard to predict what will happen in the future. She estimates that per home water use in the subdivision averages about 0.13 acre-feet per year, but said that data is preliminary. "There are only a few lots that have been using water regularly for the fiscal year 2008, so it's really hard to know if this is representative of actual water use," Torres said.

She said the subdivision's master plan approval requires water rights above and beyond what is budgeted to be kept in reserve until enough data is available to accurately gauge use in the development. "What we'd like to see is at least three years of use," Torres said.

Contact Phaedra Haywood at 986-3068 or [phaywood@sfnewmexican.com](mailto:phaywood@sfnewmexican.com).

**AFFIDAVIT OF JANE PETCHESKY  
CONCERNING RESTRICTIVE COVENANTS IN  
WARRANTY DEED RECORDED IN BOOK 300, PAGE 912**

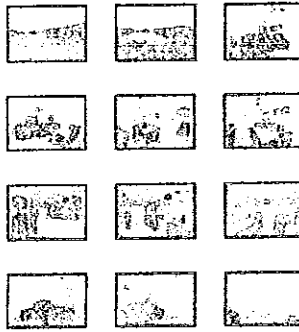
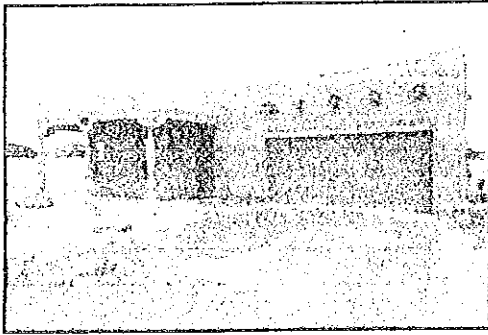
STATE OF NEW MEXICO        )  
  ) ss.  
COUNTY OF SANTA FE        )

Jane Petchesky, being first duly sworn upon her oath, states:

1. On May 8, 1973 my late husband, Gene Petchesky, and I executed a Warranty Deed conveying an interest in certain real estate to L.J. Reynolds, George R. Gardner and J.H Burttram. That deed is filed in Book 300, page 912 of the records of Santa Fe County, New Mexico, and a copy is attached hereto (the "Deed").
2. The purpose of this Affidavit is to state the intent of the grantors under the Deed with respect to certain restrictive covenants imposed on the lands conveyed (the "Property") by the Deed.
3. Paragraph 3D on page 2 of the Deed states that "[a]ny house placed thereon [on the Property] shall contain at least 1500 square feet of floorspace, exclusive of storage buildings or barns." It was the intention of my husband and I that all of a house "under roof" whether heated or unheated (such as a garage), be included when determining if a house has 1500 square feet of floorspace. It was our further intent that the square footage of buildings of any nature not attached to the main house should not be included in the calculation of 1500 square feet of floorspace.
4. Paragraph J on page 2 of the Deed discusses certain setbacks and horse and bike trails and utilities crossing lots which may be created within the Property. It was the intention of my husband and myself that this restriction was to be imposed on lots solely to accommodate trails and utilities running across those lots, and not as a general setback requirement on all lots. We believed that general setback requirements under County ordinances would be followed by individual lot

SFC CLERK RECORDED 08/25/2004

**62 La Pradera, Santa Fe, NM 87508 (MLS # 201100972)**



**\$274,754**  
**1,162 sq ft, 3 beds**  
**2 full**  
**Lot size: 9,583 sq ft**  
**Year Built: n/a**  
**Garage Spaces: 2.0**  
**Tract: La Pradera**  
**Community: South Of I-25**  
**County: Santa Fe**  
**Total Parking: 2**

Last Updated: 3/11/2011

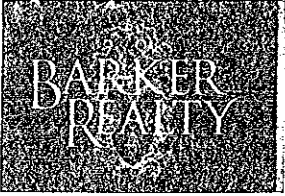
A lovely well maintained home in La Pradera, one of the most sought after new areas in Santa Fe. Close to Santa Fe Community College, with easy access to I25. This property has great mountain views and is surrounded by open spaces with walking trails, volleyball court, disc golf and children play areas.

**Additional Features**

ADA Compliant / No  
Apx. Heated SqFt / 001 - 1, 1, 250  
Association Fees inc / Community Area  
Maint, Rec. Facilities, Road Maintenance  
Construction / Frame, Stucco  
Extras / Cable TV, Cooking, Dishwasher,  
Disposal, Dryer, Garage Door Opener,  
Gas, Insulated Windows, Range/Oven,  
Refrigerator, Satellite TV, Washer  
Guest House / No  
Heating/Cooling / Gas, Natural  
Horse Property / No  
Lead Paint Disc. / No  
Levels / Single  
Lot Size Source / (Tax Data)  
Map Page / 34A  
Map Y Coordinate / B  
Property Subtype 1 / Single Family  
Right of 1st Refusal / No  
Sewage / Community  
Status / Active  
Substructure / Slab  
Transaction Type / Sale  
Water Rights / No

Age / 0-5 Years  
Association / Multiple Listing Service  
Auction / No  
Community Amenities / Other- See  
Remarks  
Electric / Public  
Fireplace / No  
Floor / Carpet, Tile, Vinyl  
Garage Type / Attached, Direct Entry  
Gas / Natural  
Heat Distribution / Forced Air, Gas,  
Stove  
High Speed Available / Cable, DSL,  
Satellite  
Interior Steps / No  
Lease Type / Net  
Lot Measurement / Acres  
Map Book / Horton - Santa Fe  
Map X Coordinate / 2  
On Market / TRUE  
Property Type / Residential  
Roof / Flat  
Square Footage Source / Appraiser  
Style / Pueblo, Single Level  
Trade / No  
Water / County

Joshua Maes  
Prudential  
Office: 505-231-4046  
Cell: 505-231-4046  
[jmaes@prusantafe.com](mailto:jmaes@prusantafe.com)  
[SantaFeRealEstateDowntown.com](http://SantaFeRealEstateDowntown.com)



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\$285,000

### 80 La Pradera

Santa Fe, NM 87508

#### Property Features

MLS #	201003732
Bedrooms	3
Full Bath	2
Square Feet	1,371
Acres	0.24
Age	0-5 Years
Status	Active
Property Type	Residential

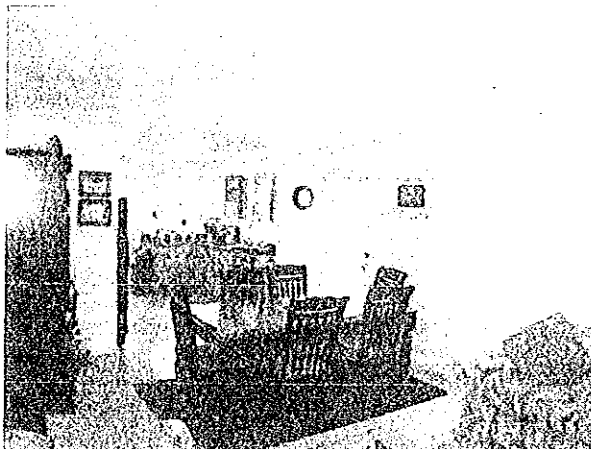


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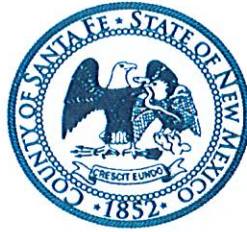
25/25



Danny Mayfield  
Commissioner, District 1

Virginia Vigil  
Commissioner, District 2

Robert Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

## MEMORANDUM

**DATE:** May 10, 2011

**TO:** Board of County Commissioners

**FROM:** Shelley Cobau, CFM, Building and Development Services Manager *SC*

**VIA:** Jack Kolkmeier, Land Use Administrator *JK*

**FILE REF:** CDRC CASE # MP/PDP 09-5300 UDV Temple. *SC for WD*

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### ISSUE:

Centro Espirita Beneficente Uniao do Vegetal (UDV Temple), Applicant, James Siebert, Agent, request Master Plan and Preliminary Development Plan approval for a Community Service Facility (religious institution) as defined in Article III, Section 7 of the Land Development Code (the Code), as amended. The Code was amended by Ordinance 2010-13, which defines a Community Service Facility as one which “provides service to a local community organization. These may include governmental services such as police and fire stations, elementary and secondary day care centers, schools and community centers, and churches”.

The two-phase proposal consists of a 4,660 square foot structure to be used as a temple with a 1900 square foot covered portal type structure—to be enclosed for inclusion to the temple as part of a subsequent phase (total 6560 square feet), a 540 square foot portal, a 706 square foot yurt, a 225 square foot utility room, and a 225 square foot storage building on 2.52 acres

The property is located at the southwest corner of the intersection of Arroyo Hondo Road (CR58) and Brass Horse Road (CR 58C) at 5 Brass Horse Road, within Section 13, Township 16 North, Range 9 East, (Commission District 4) (Exhibit A).

### SUMMARY:

This case is tabled to allow the applicant to gather additional information.