

Daniel "Danny" Mayfield  
Commissioner, District 1

Virginia Vigil  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

## MEMORANDUM

**DATE:** 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 *wdf*  
Wayne Dalton, Building and Development Services Supervisor *WD*

**RE:** BCC CASE # MIS 02-5053 Sonterra Master Plan Extension

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### ISSUE:

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

### SUMMARY:

On August 26, 2002, the BCC granted Master Plan approval for the referenced development (Refer to August 2002 BCC minutes attached as Exhibit "C").

On February 28, 2006, the BCC granted approval of a water service agreement for use of the Santa Fe County Water System (Refer to Exhibit "E").

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

On September 8, 2009, the BCC granted another two-year time extension of the Sonterra Master Plan which will expire on August 26, 2011 (Refer to Exhibit "G").

The Applicant's agent has submitted a request for a third 2-year time extension of the Master Plan, stating that due to current market conditions and limited demand for residential lots, the owners of the property are requesting additional time in order for the residential market to rebound. At that stage they will proceed with Preliminary Plat and/or Development Plan.

The County Land Development Code specifies that Master Plan approvals shall be considered valid for a period of 5 years from the date of approval by the BCC. Master Plan approvals may be renewed and extended for additional 2-year periods by the BCC at the request of the developer. Progress in the planning or development of the project approved in the master plan shall constitute an automatic renewal of the master plan approval, progress is defined as the approval of preliminary or final plats or development plans for any phase of the project.

**RECOMMENDATION:**

Staff considers the Master Plan to be an integral part of the Community College District objectives relevant to road connections and a district trail connection between the State Land Office, Rancho Viejo and Turquoise Trail, and the Master Plan also includes a designated elementary school site and a 5 acre community park. Staff recommends approval of a 2-year extension until August 26, 2013 subject to the following conditions:

1. Compliance with the conditions of the approved Master Plan.
2. Submit affordable housing plan in conformance with current requirements.
3. Compliance with review comments from the following:
  - a) County Open Space, Parks & Trails Division.
4. Preliminary and Final Development plan must conform with the new Sustainable Land Development Code and the new Sustainable Growth Management Plan.

**ATTACHMENTS:**

Exhibit "A" – Applicant's Letter  
Exhibit "B" – Site Plan-Vicinity Map  
Exhibit "C" – August 26, 2002, BCC Minutes  
Exhibit "D" – August 2002, BCC Staff Report  
Exhibit "E" – Water Service Agreement  
Exhibit "F"-April 10, 2007, BCC Minutes  
Exhibit "G"-September 8, 2009, BCC Minutes

# SANTA FE PLANNING GROUP, INC.

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

March 22, 2011

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

RE: Sonterra Master Plan Extension

Dear Vicky:

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

The master plan was approved by the CCDRC/BCC in August 2002, extended 2-years by the BCC in August 2007, and extended two more years by the BCC in September 2009. The master plan is set to expire on August 26, 2011. Due to current market conditions and limited demand for residential lots, the owners of the property (the Richard Montoya family) are requesting additional time in order for the residential market to rebound. They will proceed with preliminary plat and/or development plan at that stage.

Please schedule this case for public hearing with the BCC on **May 10, 2011**. It is assumed that noticing to the New Mexican and Posting will occur on April 25, 2011.

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

Sincerely,

  
Scott Hoeft

EXHIBIT

A

# SONTERRA MASTER PLAN

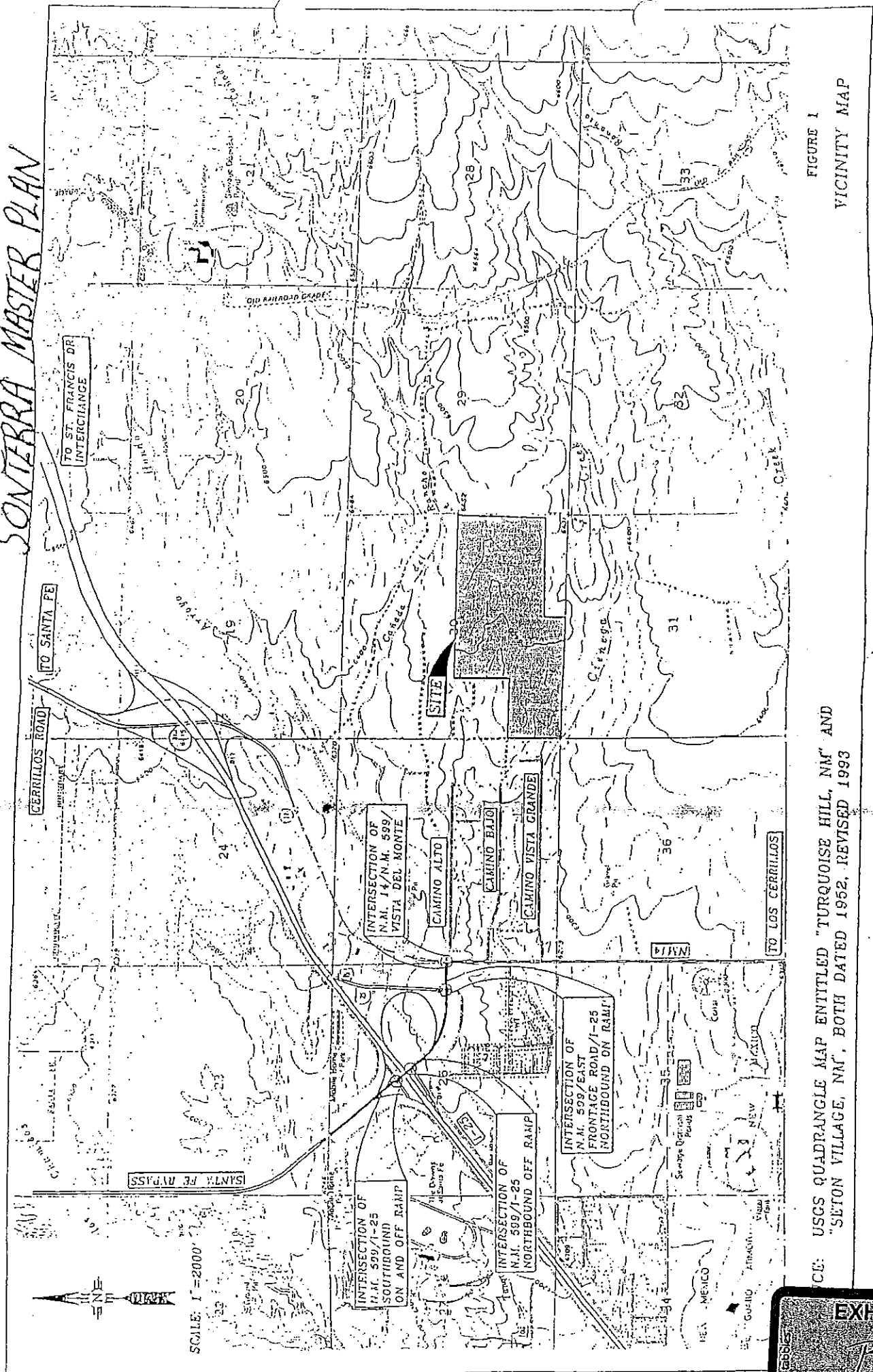
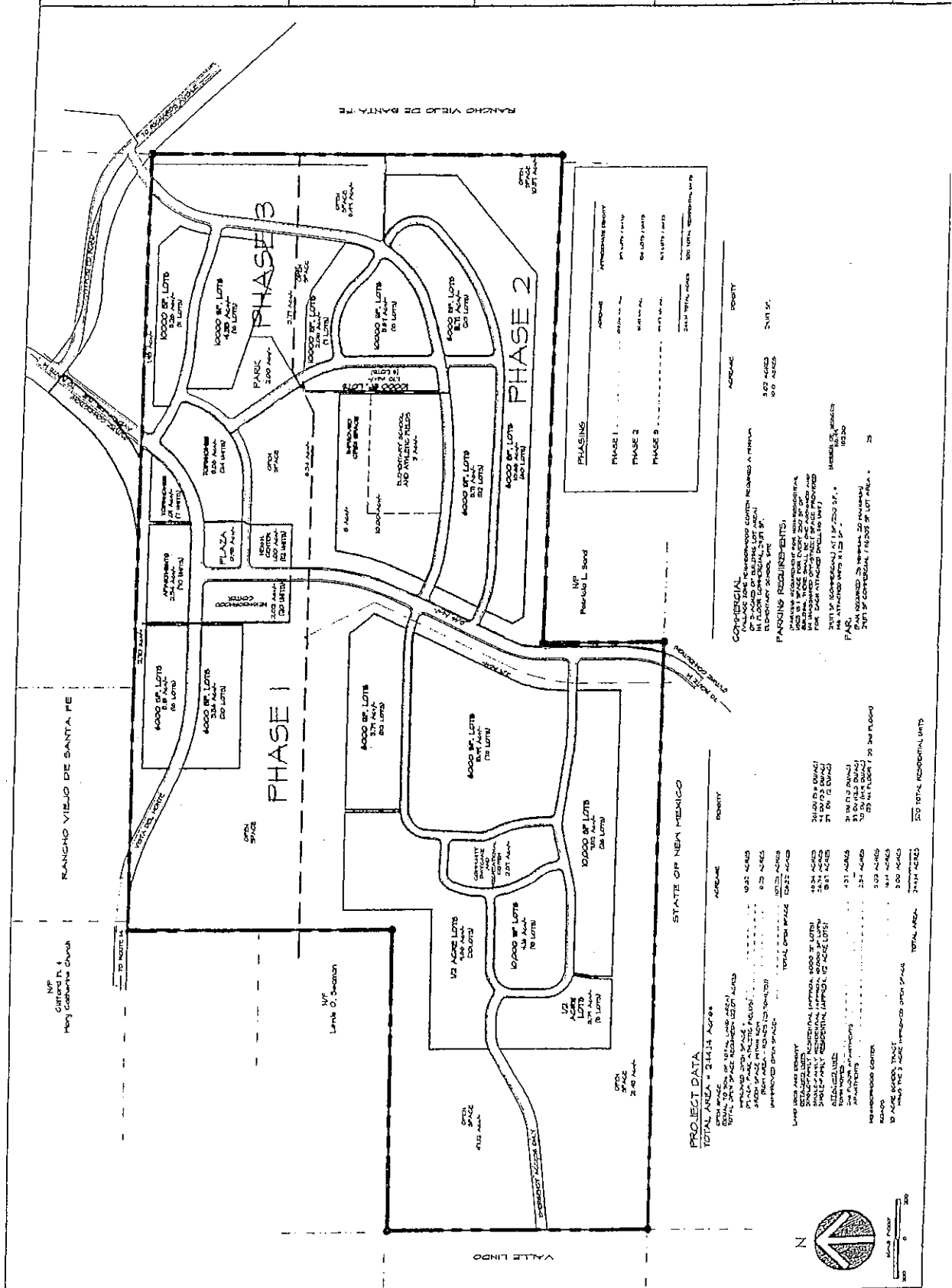


FIGURE I  
VICINITY MAP

USGS QUADRANGLE MAP ENTITLED "TURQUOISE HILL, NM" AND "SETON VILLAGE, NM", BOTH DATED 1952, REVISED 1993

EXHIBIT

B



**PHASINGS**

PHASING	ACREAGE	PRIORITY
PHASE 1	10.37 ACRES	PHASE 1
PHASE 2	14.24 ACRES	PHASE 2
PHASE 3	14.24 ACRES	PHASE 3
<b>TOTAL TOTAL ACRES</b>	<b>38.85 ACRES</b>	

**COMERCIAL**  
 INCLUDING THE RECREATION CENTER REQUIRES A PERMIT  
 IN ORDER TO CONSTRUCTION PERMIT

**PARKING REQUIREMENTS:**  
 1.5 SPACES PER 1,000 SF OF GROSS FLOOR AREA  
 2.5 SPACES PER 1,000 SF OF GROSS FLOOR AREA FOR COMMERCIAL BUILDINGS  
 3.0 SPACES PER 1,000 SF OF GROSS FLOOR AREA FOR OFFICE BUILDINGS  
 4.0 SPACES PER 1,000 SF OF GROSS FLOOR AREA FOR RETAIL BUILDINGS  
 5.0 SPACES PER 1,000 SF OF GROSS FLOOR AREA FOR MULTIFAMILY BUILDINGS  
 6.0 SPACES PER 1,000 SF OF GROSS FLOOR AREA FOR HOTELS  
 7.0 SPACES PER 1,000 SF OF GROSS FLOOR AREA FOR THEATERS  
 8.0 SPACES PER 1,000 SF OF GROSS FLOOR AREA FOR RESTAURANTS  
 9.0 SPACES PER 1,000 SF OF GROSS FLOOR AREA FOR NIGHT CLUBS  
 10.0 SPACES PER 1,000 SF OF GROSS FLOOR AREA FOR CASINOS  
 11.0 SPACES PER 1,000 SF OF GROSS FLOOR AREA FOR OTHER COMMERCIAL BUILDINGS

**PROJECT DATA**  
 TOTAL AREA = 214.14 ACRES

DESCRIPTION	ACREAGE	PRIORITY
TOTAL AREA	214.14 ACRES	
PHASE 1	10.37 ACRES	PHASE 1
PHASE 2	14.24 ACRES	PHASE 2
PHASE 3	14.24 ACRES	PHASE 3
<b>TOTAL TOTAL ACRES</b>	<b>38.85 ACRES</b>	

**LAND AREA SUMMARY**

DESCRIPTION	ACREAGE	PRIORITY
TOTAL AREA	214.14 ACRES	
PHASE 1	10.37 ACRES	PHASE 1
PHASE 2	14.24 ACRES	PHASE 2
PHASE 3	14.24 ACRES	PHASE 3
<b>TOTAL TOTAL ACRES</b>	<b>38.85 ACRES</b>	



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

CHAIRMAN DURAN: Any other discussion?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

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

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

CHAIRMAN DURAN: Does the second agree to that?

COMMISSIONER GONZALES: Yes.

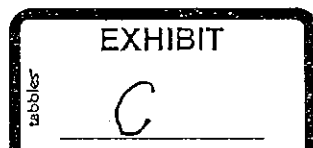
CHAIRMAN DURAN: Any further discussion?

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

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

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

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



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

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

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

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

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

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

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

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impact.

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

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

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

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

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

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

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



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

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

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

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

[The conditions are as follows:]

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

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

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

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

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

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

MR. CATANACH: I believe that—

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

Phase 1?

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

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

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

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

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

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

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

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

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

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

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

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

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

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

[Duly sworn, Scott Hoeft testified as follows:]

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

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

[Duly sworn, Rosanna Vazquez testified as follows:]

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

CHAIRMAN DURAN: Which direction?

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

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

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

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

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

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

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

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

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

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

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

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

[Duly sworn, Renee Chato testified as follows:]

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

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

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

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

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

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

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

[Previously sworn, Dina Chavez testified as follows:]

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

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

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

CHAIRMAN DURAN: Thank you. Next speaker please.

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[Previously sworn, Walter Wait testified as follows:]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Previously sworn, Patty Burks testified as follows:]

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

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

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

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

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

So I want to circulate a New Mexico drought map that shows in black and white and color that Santa Fe, this is according to the New Mexico Natural Resources Conservation Service, they have posted on their website and they have it available to the public, the drought status as of June 18<sup>th</sup> of this year, and the drought status as of August 8<sup>th</sup> of this year, and for those who are behind me that would like to see it, I'm going to estimate that about  $\frac{3}{4}$  of the state is now under an emergency severe drought status. So I'd like to submit these to you.

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

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

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

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

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

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

MS. BURKS: Valle Lindo.

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

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

COMMISSIONER TRUJILLO: On a well.

MS. BURKS: On a well.

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

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

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

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



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

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

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

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

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

CHAIRMAN DURAN: Thank you very much.

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

CHAIRMAN DURAN: Next speaker please.

[Previously sworn, Carolyn Sigstedt testified as follows:]

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

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

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

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

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

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

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

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

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

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

[Previously sworn, Bobby Perea testified as follows:]

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

CHAIRMAN DURAN: Thank you. Next speaker please.

[Previously sworn, Roland Richter testified as follows:]

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

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

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

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

CHAIRMAN DURAN: Thank you, sir.

[Duly sworn, Martin Bigon testified as follows:]

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

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

[Previously sworn, Jack Maruska testified as follows:]

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

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

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

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

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

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

[Previously sworn, Cal Baca testified as follows:]

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

We've had water and it's been going the length throughout the years. Right now they're proposing ten acre-feet, if I was correct to provide for this new subdivision of Sonterra. They're requiring 48 acre-feet. They're talking about the water rights. Where are these water rights going to come from and I think it was addressed by one of the Commissioners saying they can give 10 acre-feet of water now but in coming years they can drill their own wells. What's that going to do to the existing wells that are in Valle Lindo or in the Highway 14 area. That is my concern. We do not have the water available.

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

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

[Previously sworn, Steve Hidalgo testified as follows:]

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

CHAIRMAN DURAN: Thank you.

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

[audio difficulties]

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

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

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

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

[Duly sworn, Doug Frazier testified as follows:]

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

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

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

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

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

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

[Previously sworn, Robert Perea testified as follows:]

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

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

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

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

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

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

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

[The Commission recessed for ten minutes.]

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

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

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entire piece of property.

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

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

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

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

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

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



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

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

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

MR. LILLY: What kind of housing?

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

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

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

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

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

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

CHAIRMAN DURAN: Go ahead.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COMMISSIONER GONZALES: Okay. Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

CHAIRMAN DURAN: Commissioner Campos.

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

MR. LILLY: That's correct.

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

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

[Previously sworn Jim Corbin, testified as follows:]

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

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

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

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

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

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

MR. CORBIN: Yes.

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

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

COMMISSIONER CAMPOS: I understand.

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

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

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

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

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

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

MR. LILLY: Yes.

COMMISSIONER CAMPOS: Could you tell me what that is?

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

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

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

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

CHAIRMAN DURAN: Could you restate the question for me?

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

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

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

COMMISSIONER CAMPOS: How so?

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

CHAIRMAN DURAN: I doubt that.

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

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

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

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

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

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

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

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

CHAIRMAN DURAN: Whatever staff's recommendation is.

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

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

CHAIRMAN DURAN: I think 12 covers it.

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

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

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

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

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

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

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

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

COMMISSIONER GONZALES: So you would agree as part of any condition 38  
that any fiscal impact report that was brought forward by the County could be used to deny, if  
the Commission determines the application is going forward if that fiscal impact report does not  
support your recommendations at preliminary and final?

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

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

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

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

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

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

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

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

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

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

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

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

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

COMMISSIONER GONZALES: Thank you.

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

MS. VAZQUEZ: Mr. Chairman, I just have one point with regard to the last condition of approval that was stated by Mr. Catanach, and I just want a point of clarification. The condition read Water service agreement prior to final development plan and budget for first phase. I just wanted to know, does that require that the water service agreement be approved by the Board of County Commissioners or is that going to be approved on an administrative level.

COMMISSIONER GONZALES: That hasn't been determined yet, whether the agreements are going to come back to the Commission or approved administratively.

MS. VAZQUEZ: Okay, thank you.

CHAIRMAN DURAN: Judy.

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

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

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

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

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

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

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

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

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

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

CHAIRMAN DURAN: Thank you, Joe.

MR. CATANACH: Thank you.

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

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

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

CHAIRMAN DURAN: Not from me.

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

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

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

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

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

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

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

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developer.

That's my motion.

COMMISSIONER SULLIVAN: Second.

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

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

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

COMMISSIONER SULLIVAN: Do you want to reconsider it next month? Why don't we consider it right now while everybody's here.

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

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

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

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

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

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

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

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

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

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

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

COMMISSIONER CAMPOS: Give me a more concrete example.

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

COMMISSIONER CAMPOS: Right.

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

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

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

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

COMMISSIONER CAMPOS: Yes.

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

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



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

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

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

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

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

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

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

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

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COMMISSIONER CAMPOS: That's right.

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

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

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

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

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

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

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

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

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

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

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

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

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

COMMISSIONER CAMPOS: There were two additional staff amendments.

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

COMMISSIONER CAMPOS: Say it again.

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

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

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

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

COMMISSIONER CAMPOS: I have no problem. I'd like to have Commissioner Sullivan address that because he's been the major proponent of this condition.

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

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

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

COMMISSIONER SULLIVAN: I certainly would and—

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

COMMISSIONER SULLIVAN: Right.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COMMISSIONER SULLIVAN: I think your point is well taken—

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

COMMISSIONER SULLIVAN: It might be San Ildefonso.

COMMISSIONER GONZALES: Right. And this limits is from using it.

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

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

COMMISSIONER CAMPOS: Say that again.

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

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

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

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

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

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

COMMISSIONER GONZALES: Right.

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

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

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

CHAIRMAN DURAN: Right.

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

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

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

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

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

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

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

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

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

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

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

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

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

COMMISSIONER SULLIVAN: Sure. And the Buckman wells is included in that. If they want to move water to the Buckman wells—

COMMISSIONER GONZALES: I apologize for going with that, Mr. Chairman. Taking a lot of time.

COMMISSIONER SULLIVAN: I think it clarifies—

CHAIRMAN DURAN: We're famous for that.

COMMISSIONER SULLIVAN: But I think Buckman wells is included in that language.

CHAIRMAN DURAN: Where's the language? Which one is it? I'll let the maker of the motion read it out loud.

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

CHAIRMAN DURAN: Any other discussion?

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COMMISSIONER GONZALES: Is there clarification in terms of the, you understand the issue of the fiscal impact?

MR. HOEFT: Am I allowed to make a comment at this stage?

COMMISSIONER SULLIVAN: Mr. Chairman, I think we've finished with the comments from the—

CHAIRMAN DURAN: Yes. Point of order. We're in the middle of a motion.

**The motion to approve the Sonterra project, CCDRC Case #MP 02-5050 with the amendments discussed above, passed by unanimous [5-0] voice vote.**

COMMISSIONER TRUJILLO: Discussion. Let me, I say aye too, but for discussion. Let me understand the motion again, Commissioner Campos. Would you repeat that again, please? The one regarding water and no wells.

CHAIRMAN DURAN: For the record, that was unanimous.

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

CHAIRMAN DURAN: Okay. Thank you very much.

MS. VAZQUEZ: Point of clarification. Could I have you reread those, because we didn't get to write them all down. In particular the one that came after Santa Fe County water system; no onsite or other wells. The condition that went on after that.

CHAIRMAN DURAN: We'll give you a copy.

MS. VAZQUEZ: Now?

CHAIRMAN DURAN: We already made a motion, Rosanna. We're done.

COMMISSIONER CAMPOS: Any sentiment in favor of adjournment at this point?

COMMISSIONER GONZALES: No.

Marcos P. Trujillo  
Commissioner, District 1

Paul Duran  
Commissioner, District 2

Javier M. Gonzales  
Commissioner, District 3

Paul Campos  
Commissioner, District 4

Jack Sullivan  
Commissioner, District 5

Estevan R. Lopez  
County Manager



MEMORANDUM

DATE: AUGUST 13, 2002

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JOE CATANACH, DEVELOPMENT REVIEW SPECIALIST III

VIA: ROMAN ABEYTA, LAND USE DIRECTOR

RE: CCD CASE MP 02-5050 SONTERRA MASTER PLAN

A handwritten signature in black ink, appearing to be 'Roman Abeyta', written over the 'VIA' line of the memorandum.

ISSUE:

On March 7, 2002 the Community College District Review Committee recommended approval for the following:

Richard Montoya(Santa Fe Planning Group-Scott Hoeft, Agent) is requesting master plan approval for a mixed use development(residential, commercial, community) in a village zone consisting of a maximum of 520 residential units and a minimum of 29,117 sq. ft. of commercial space on 245 acres. The property is located off Vista Del Monte east of Valle Lindo Subdivision.

SUMMARY:

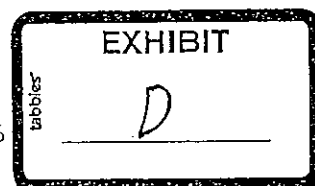
The master plan proposes the following with 122.5 acres of permanent open space/parks/plaza areas, and 60 residential units for affordable housing:

Phase 1 – Village Zone Neighborhood/Neighborhood Center:

- 239 detached residential units with an average lot size of 6,000 sq. ft. on approx. 54.2 acres
- community building for daycare and recreational activities
- portion of commercial neighborhood center consisting of a total of 29,117 sq. ft of commercial space on approx. 3 acres
- 47.8 acre feet water use

Phase 2 – Village Zone Neighborhood/Neighborhood Center:

- 101 detached residential units(compound units) with an average lot size of 10,000 sq. ft. on approx. 31 acres
- portion of commercial neighborhood center
- 29.7 acre feet water use





Phase 3 – Village Zone Neighborhood/Neighborhood Center:

- 180 residential units (townhomes, compound, live/work units, apartments) with a minimum lot size of 1,500 sq. ft. on approx. 15 acres
- portion of commercial neighborhood center
- 5 acre school site with 5 acre community park/open space
- 24.2 acre feet water use

BOUNDARIES OF LANDSCAPE TYPES/LOCATION OF ZONES:

The applicant has provided a slope analysis and identified slopes of 0-5%, 5%-10%, 10%-15% and over 15%. From this slope analysis the applicant has defined the land use types based on detailed site conditions. The CCD land zoning map is attached as an exhibit, and the slope analysis and detailed land zoning map are also attached.

ZONING ALLOWANCES:

The minimum residential density that is required in a village zone neighborhood/neighborhood center is 3.5 units per acre, the applicant is proposing approximately 4.2 units per acre.

The minimum floor area ratio in a village zone neighborhood center is .25 and the maximum is 2.0, the applicant is proposing to maintain the minimum .25 floor area ratio, which includes commercial space and second story live/work residential units.

MARKET ANALYSIS/ECONOMIC/FISCAL IMPACT:

The market analysis indicates that Sonterra is primarily a residential development and therefore will have an appropriate relationship with Thornburg which is primarily commercial. It is projected that the residential density within Sonterra will create a demand for more than 20,000 sq. ft. of commercial space within the neighborhood center. The report address growth patterns south of the city with reference to existing and proposed residential projects within the City and the Extraterritorial Dist. It is expected that Sonterra will supply about 30 residential units per year, and the 520 residential units will be absorbed in about 17 years.

The applicant did not address economic/fiscal impact at this time.

WATER/WASTEWATER:

Water service is proposed from the Santa Fe County Water Utility. The total water demand at full build out is estimated to be 102 acre feet per year based on water conservation measures. The developer presently has a water supply contract for 10 acre feet with the county water utility and is also seeking to acquire additional water rights that could be transferred to the county water utility for use by this development. Water supply to support each phase of development must be available at the time a development

plan is submitted for each phase, and each phase must be able to function as a viable and complete development in the event that subsequent phases are not approved or developed.

Two options are proposed for liquid waste disposal. The options are to utilize the Santa Fe County wastewater treatment plant located next to the old state prison, or the Rancho Viejo wastewater treatment plant.

#### ROADS/ACCESS:

The primary access road to the property will be Vista Del Monte which intersects off State Road 14, and is in accordance with the Community College Dist. road plan. The intersection is presently signalized, however substantial improvements will occur as part of the Thornburg development proposal. Extension of the road to the Sonterra development will require substantial improvements to meet minimum standards for a traffic priority road, which may include additional easement, pavement, drainage improvements, landscaping, bike lanes and pedestrian trail. The secondary access roads are connections to exiting roads(Avenida Del Sur and Av Va Nu Po Rd.) which presently serve Rancho Viejo and the IAIA Campus, and are in accordance with the road plan. The primary access roads will be subject to a conditional dedication for future ownership and maintenance by the County. The internal subdivision roads will be paved with curb/gutter and sidewalks, with on-street parking. The road lay-out also provides for continuation of future connections with the State Land development proposal(San Cristobal) and Valle Lindo Subdivision.

#### TERRAIN/OPEN SPACE/LANDSCAPING/ARCHAEOLOGY:

The arroyo corridors and hillside areas with slope of 10 percent to 15 percent will be part of the open space. There are very small areas of slope over 15 percent. Retention/detention ponds and check dams will control post development drainage with emphasis on infiltration of storm water. Common recreational open space/parks/plaza areas must consist of a total of 122.5 acres. Community and recreational facilities, including public trails must be provided within the common areas. Low water landscaping will be planted including reseeding disturbed areas. An archaeological report will be submitted with the development plan.

#### HOMEOWNERS ASSOCIATION:

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

RECOMMENDED ACTION:

The following criteria shall be used for consideration of the proposed master plan:

- a) Conformance with the Community College Dist. Plan.
- b) Viability of the proposed phases of the project to function as completed developments in the event that subsequent phases of the project are not approved or completed.
- c) Conformance with the Community College Dist. Ordinance and other applicable law and ordinances in effect at the time of consideration, including required improvements, proposed roads and trails, community facilities, design and or construction standards, and open space standards.
- d) Impact to schools, adjacent properties or the County in general.

The proposed master plan is in accordance with the Community College District Plan and Ordinance. The CCDRC recommended approval subject to the following conditions:

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

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

August 13, 2002

Sonterra

Page Six

ADDITIONAL CONDITIONS:

20. Number of residential units for affordable housing shall not fall below 15 percent for each phase based on total number of residential units in each phase.
21. Open space/park acreage shall not fall below 50 percent for each phase based on total acres in each phase.

ATTACHMENTS:

- A – Applicant's Letter/Report
- B – Review Letter's
- C – Misc. Correspondence
- D – Master Plan/Vicinity Map
- E – CCDRC Minutes March 2002

WATER SERVICE AGREEMENT

This Water Service Agreement (hereinafter referred to as "the Agreement"), dated February 28, 2006, is made by and between the Board of County Commissioners of Santa Fe County (hereinafter referred to as "the County") and Burro Alley Partners, a New Mexico Limited Partnership (hereinafter referred to as "the Customer").

I. RECITALS

WHEREAS, the Customer is the owner of certain real property known as Sonterra Village, located in Santa Fe County and legally described as set forth in Exhibit A attached hereto and incorporated herein by reference (hereinafter referred to as "the Property") which the Customer desires to develop into a subdivision, in phases as described in Exhibit B hereto, for which Master Plan approval has already been granted (hereinafter referred to as "the Project");

WHEREAS, the Property is located in the Community College District, and within the designated water service area of the Santa Fe County Water Resources Department (hereinafter referred to as "the Department");

WHEREAS, the Customer is required by County Code to use the County utility as water service to the Customer and the Project;

WHEREAS, in order to provide water service to the Customer, the Department will be required to extend its water lines and facilities to and within the Property and acquire water rights to support deliveries of water to the Property;

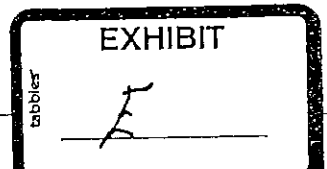
WHEREAS, the Customer is the owner of certain water rights described in Exhibit C attached hereto (hereinafter referred to as "the Water Rights");

WHEREAS, the Customer is willing to transfer the Water Rights to a point of diversion designated by the County, at no cost to the County;

WHEREAS, the Customer intends to develop the Project as soon as all necessary approvals are obtained;

WHEREAS, the Customer intends to apply for preliminary and final development plan approval of the Project and this submittal requires a Water Service Agreement, and specific arrangements with regard to the provision of water service to the Project need to be in place prior to approval of the Final Development Plan;

WHEREAS, the County has entered into two agreements with the City of Santa Fe that fundamentally change the way water is supplied from the City to the County and provide a different methodology for transfer and "parking" of water rights owned by the County at the City's Buckman Well Field;



WHEREAS, the City/County agreements are known as the "Water Resources Agreement Between the City of Santa Fe and Santa Fe County" and the "Joint Powers Agreement between the City of Santa Fe and the County of Santa Fe Governing the Buckman Direct Diversion Project;

WHEREAS, until the Buckman Direct Diversion is completed, or the County creates another suitable alternative water source for delivery of water to its customers, raw water supplies for projects like the Project will be limited by the delivery obligations stated in the Water Resources Agreement, and at this time the Project cannot be fully supplied through this Agreement;

WHEREAS, the Customer wishes to proceed with Phase I of the Project prior to completion of the Buckman Direct Diversion, and wishes to enter into a Water Service Agreement that will provide for deliveries to Phase I prior to completion of the Buckman Direct Diversion, and for deliveries to the remainder of the Project after completion of the Buckman Direct Diversion; and

WHEREAS, the County and the Customer desire to enter into a Water Service Agreement to supply the Project and to provide a methodology whereby the first phase and additional phases will be supplied, and desire to set forth herein their respective covenants and agreements concerning the water service.

NOW, THEREFORE, FOR GOOD AND ADEQUATE CONSIDERATION, the Customer and the County agree as follows:

II. LINE EXTENSION PROJECT

A. The Customer shall be responsible for the planning, design and construction of the Line Extension Project for the development (described in more detail in an exhibit to be provided at a later date hereto) in accordance with the Department's Line Extension Policy and other applicable Ordinances, Resolutions and regulations of the County. Engineering plans will be prepared and certified by a Licensed Professional Engineer in the State of New Mexico, and submitted to the County for approval. Construction will not begin until written approval from the County is provided to the Customer.

B. The Customer agrees that the planning, design and construction of the Line Extension Project will adhere to the standards, specifications and criteria established by the Department and will be in accordance with American Water Works Association Standards. It is further agreed that Customer will abide by all the terms and conditions of all applicable Ordinances, Resolutions, regulations and conditions imposed by the County.

C. The cost of planning, designing, constructing and inspecting the facilities required for delivering water from the Department's trunk lines to the Property or for distributing water within the Property to the points of ultimate delivery and use will be determined separately and will be the sole responsibility of the Customer. All planning, design and

construction of delivery and distribution facilities will be done in accordance with the line extension policy, as amended. Upon completion of construction of the delivery and distribution facilities, formal written acceptance of that construction by the County is required. Upon formal written acceptance by the County, the facilities, up to and including any and all meters, shall, to the extent permitted by law, be formally dedicated to the County and will thereupon become the County's property.

D. Upon completion of the delivery and distribution facilities and acceptance by the Department, the Customer will be entitled to delivery of such water and the Department will make such deliveries thereafter, at then-current water service rates. The Customer and the Department agree that the water service rates become effective only on the application by a customer requesting water service.

E. The Customer agrees to pay all costs incurred or charges imposed by the Department related to specific conditions affecting the Department's ability to furnish an adequate and reliable supply of water to the Customer.

F. Upon completion of the Line Extension Project and associated facilities, and after inspection and acceptance by the Department, the Customer agrees to dedicate, at no cost to the County, the water line and associated facilities, easements and real property to the County.

**III. AGREEMENT REGARDING WATER DELIVERY AND WATER RIGHTS**

A. **Project Water Needs.** Phase I of the Project (see Exhibit B) will require total deliveries to the Customer of a total of 35 acre-feet per year (hereinafter referred to as "afy") to the Property, of which the 8 acre feet of water is derived from a Water Service Agreement from the County's original 500 acre feet. The Customer requires an additional 27 acre feet of water to serve Phase I. The total allocation of water for all phases shall be needed as set forth in Exhibit B. The Customer and the County agree to deliver water in accordance with the time frame set forth in Exhibit B.

A.1. The Customer shall not require full delivery of water upon signature this Water Service Agreement, but will require a certain delivery of water per year as set forth in Exhibit B. The County agrees to deliver the water as needed and as set forth in Exhibit B.

A.2. The Customer shall give notice to the County Utility through Preliminary and Final Plan and Plat approval of the need and timing of water delivery. Delivery requirements shall not be greater from what is set out in Exhibit B.

B. **Water Rights Transfers.** The Customer shall transfer Water Rights described on Exhibit E to the County, in an amount necessary to provide service to the Project. However, the County at present cannot supply the needs of subsequent phases of the Project beyond Phase I (see Exhibit B). Therefore, as specified in Subparagraph IV(C), below, the County's obligation to deliver water to supply subsequent phases of the Project shall be



contingent upon the completion of the Buckman Direct Diversion, or, if the Buckman Direct Diversion is not completed, the County obtaining a suitable alternative water source.

### C. Preparation and Filing of Application.

1. Upon execution of this Agreement, the Customer shall prepare and submit to the County an application for the transfer of Water Rights. The Water Rights transferred pursuant to this paragraph shall be transferred to a point of diversion specified by the County. Once the Water Rights are transferred, the Customer shall pay the additional cost, if any, necessary to transfer the Water Rights from the designated point of diversion to the Buckman Direct Diversion project, or another point of diversion of the County's choosing, at any time, if requested to do so by the County.

2. Concurrent with an application to transfer the Water Rights to the point of diversion, the Customer shall transfer the Water Rights to the County and obtain approval of said transfer through the Office of the State Engineer. The County shall join in such application.

3. Upon the final, non-appealable issuance of an order approving the application, the Customer shall inform the County and provide a copy of the order.

**D. Return Flow Credits.** Any return flow credits that may be approved by the Office of the State Engineer (hereinafter "the OSE") that are associated with the Water Rights described in Subparagraph III.B, above, shall belong the County.

**E. Offsets.** If required by the Office of the State Engineer, the Customer shall acquire and transfer ownership to the County sufficient water rights within an affected tributary system sufficient to offset depletion of the tributary surface flows, as determined by the OSE, and associated with the pumping of the transferred water rights from the diversion point.

## IV. WATER SERVICE

A. For and in consideration of, and subject to, all of the terms and conditions of this Agreement, and the Customer's fulfillment of its obligations set forth herein, and for so long as the Customer complies with such terms and conditions, the Department shall provide water service by means of individual customer taps and meters to individual customers at the Property. The Department will deliver such water as the Customer requires, suitable in quality for municipal, domestic, industrial use, and at pressures meeting applicable fire-flow requirements. However, the Department shall not be obligated under this Agreement to deliver more water to the Property than the total amount of Water Rights transferred to the County pursuant to this Agreement, or subsequently approved for transfer by the OSE, less 20% to account for necessary additional line capacity and inevitable line losses.

B. Water service from the Department will be provided in accordance with all of the Department's ordinances, resolutions, regulations, conditions and Department policies, and

subject to all the established fees, costs and expenses required by such ordinances, resolutions, regulations, conditions and Department policies, as these may be amended from time to time. With respect to the enforcement of these Department regulations, the Customer will be treated in the same manner as similarly situated customers.

C. The County's obligations to deliver water to the Project in excess of that required by the Phase I of the Project (see Exhibit B) shall be conditioned upon either the Buckman Direct Diversion Project becoming operational and capable of delivering water to the Customer or delivery of water by the County from any other suitable alternate water source. In addition, it is anticipated that policies for allocating the wholesale water deliveries provided for in the "Water Resources Agreements Between the City of Santa Fe and Santa Fe County" have not yet been issued by the Board of County Commissioners, but Customer nevertheless agrees to comply with those subsequently-developed policies so long as no term of such policies shall preclude the actual delivery the needs of the Customer as provided in this paragraph.

D. In the event of a shortage of water supply or an interruption of water supply due to operational constraints, the Department may curtail usage or customers in accordance with County ordinances and regulations. The County shall have no liability for any reduction in water deliveries due to water supply shortages or an interruption of water supply due to operational constraints.

V. CHARGES AND FEES

A. The Customer agrees to pay the fees and charges associated with the execution and performance of this Agreement and necessary for the provision of water service to the Property, including but not limited to, impact fees, connection fees, inspection fees, and engineering fees as determined by the Department from time to time, including specifically all the costs of the water rights transfers referred to above and any and all costs and attorneys fees resulting from administrative proceedings necessary to achieve a transfer of the Water Rights to the County, and the points of diversion specified herein.

B. The Customer agrees that, beginning upon execution of this Agreement, it will pay a service charge in the amount of Twenty-five Dollars (\$25.00) per dwelling unit per month for each dwelling unit to be constructed. The service charge shall ensure that the County has sufficient delivery capacity in the event the Customer's projected water budget proves to be insufficient to meet the actual water needs of the Property. This service fee will be reduced by \$25.00 each time a meter is installed and made operational at a dwelling unit on the Property. Upon the installation and operation of a meter, the service fee will be replaced by the standard utility rates and charges described in Subparagraph IV.B, above.

C. The Customer's obligation to pay standby fees will cease when a sufficient number of dwelling units and commercial properties have used water for a period of time sufficient for the County to determine whether the approved water budget reflects actual usage in Phase I (see Exhibit B) of the Property. Release of the Customer from its obligation to pay standby fees for all or a portion of the standby capacity will be at the sole discretion of the County but such release shall not be unreasonably withheld. The parties agree to reconsider the need for the continuation of this service charge annually, on or about the date of the execution of this Agreement.

VI. COUNTY ACTIONS UNAFFECTED

Except as specifically stated in this Agreement, it is expressly understood and agreed to by the Customer that this commitment by the Department to supply the above-stated water service does not in any way bind or obligate the County, or any employee, official, board, agent or other entity thereof, to take any action, including but not limited to: acceptance of any application or other documents for filing; processing of any application or proposal; approval of any kind of land use or development proposal; issuance of any license or permit; or any other action, whether discretionary, ministerial or otherwise, with respect to any proposal or application or other request by the Customer or anyone on the Customer's behalf concerning the Property of the development thereof. The Customer understands and agrees that the County's obligations as described in this Agreement are totally independent of any other action or decision-making process of the County and have no bearing whatsoever upon the exercise of any authority or discretion of any County official, employee, board, agency or other entity. The Customer is solely and fully responsible for obtaining any and all licenses, permits, approvals or other consents required enabling it to utilize the water committed to be delivered by the County hereunder. Nothing herein

constitutes a commitment, promise, assurance or other favorable indication that any such license; permit, approval or other consent will in fact occur or be granted.

VII. CUSTOMER GRANTS OF RIGHT-OF-WAY

A. To the extent that the Customer has the legal right, the Customer agrees to acquire and then grant to the Department, without charge, any and all permanent easements and rights-of-way to run with the land as reasonably required by the Department over and across the Customer's lands for design, engineering, construction, installation, operation, maintenance, repair and replacement of the Department's water system, and the delivery and distribution facilities to be constructed in accordance with this Agreement. Such grants will be made through appropriate plat dedications or instruments recorded in the Office of the County. The parties further agree that the Customer will acquire the right for the Department to locate facilities on the Customer's lands, to the extent possible from the standpoint of cost and engineering feasibility, in a manner that avoids unreasonable interference with the Customer's contemplated uses of its lands, and that complements those contemplated uses, and in accordance with sound construction and engineering standards and practices.

B. It is the understanding of the parties that if other additional rights-of-way and/or easements must be acquired from third parties who are not parties to this Agreement in order to extend service to the Property, acquisition of such rights-of-way and/or easements will be the sole responsibility of the Customer. It is the further understanding and intention of the parties that these other additional rights-of-way will be granted to the Department.

VIII. EFFECTIVE DATE AND TERM

This agreement is contingent upon approval of the County and execution by the Customer, and will become effective upon the later of the two.

IX. TERMINATION

A. Either party may terminate the Agreement for cause based upon any material breach of this Agreement by the other party, provided the non-breaching party will give the breaching party written notice specifying the breach and may afford the breaching party a reasonable opportunity to correct the breach.

B. In the event that the Line Extension Project for the Property has not been initiated within three (3) years of the effective date of this Agreement, the County may terminate this Agreement. However, the County may not exercise this privilege if the Customer is making good faith efforts to perform on the execution of the Line Extension Project, taking into account the conditions existing at the time.

C. In the event the Customer elects not to proceed with the development of the Property for any reason, it will have the right to terminate this Agreement by delivering written notice of termination to the County Manager, with a copy to the County Attorney.

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The County shall retain all fees and charges paid by the Customer through the date of such notice of termination.

D. In the event this Agreement is terminated for cause, or the Customer elects not proceed with the development of the Property for any reason prior to the transfer of water pursuant to Paragraph III, above, and elects to terminate the Agreement under the previous paragraph, the Agreement shall terminate and the County shall have no right to the Water Rights whatsoever. However, in the event this Agreement is terminated for cause or the Customer elects not to proceed with the development of all or a portion of the Property following the transfer of Water Rights pursuant to Paragraph III, above, the Customer may: (1) elect to have the Water Rights described (or the unused portion of the Water Rights in situations where only a portion of the Project will be completed) returned to the Customer, (2) sell the Water Rights (or the unused portion of the Water Rights in situations where only a portion of the Project will be completed) to the County for their-then fair market value; or (3) transfer the Water Rights (or the unused portion of the Water Rights in situations where only a portion of the Project will be completed) to a new water service agreement with the County. All costs associated with returning the Water Rights to the Customer, including any costs involved in transferring the rights from the Buckman Well Field or Buckman Direct Diversion to a point of diversion chosen by the Customer, will be borne by the Customer. The County shall reasonably cooperate with the Customer to facilitate a return of Water Rights by executing any and all documents necessary to effectuate a transfer within a reasonable time.

E. In the event this Agreement is terminated for any reason, nothing herein shall affect the rights of persons living within the Property who have become customers of the Department and owners of lots within the Property but who have not yet become customers of the Department, to continued water service pursuant to the ordinances and resolutions of the County.

F. In the event this Agreement is terminated for any reason, the County will return ownership of any Customer-built equipment or facilities that are, at the time of termination, not being used by the County to support deliveries to customers within the Project, and any rights of way or easements it has acquired pursuant to this Agreement to the Customer in a reasonable and timely fashion. All costs associated with such return of ownership will be the sole responsibility of the Customer.

X. ASSIGNMENT

The Customer will not assign or transfer any interest in this Agreement or assign any claims for money due or to become due under this Agreement without the prior written approval of the County, with the exception of the contemplated transfer of the Customer's rights and duties under this Agreement to "Burro Alley Partners" a New Mexico Limited Liability Corporation, which assignment and transfer is expressly approved.

XI. INTEGRATION

This document sets forth the entire agreement by and between the parties hereto concerning the subject matter hereof. No prior agreement or understanding, verbal or written, by and between the parties or their agents will be valid or enforceable to add to or alter any term or provision hereof unless expressly set forth herein, nor will any term or condition of this Agreement be changed or added to in any respect except by a document executed by the parties that expressly amends this Agreement and is approved by the County.

**XII. INDEMNITY**

The Customer agrees to defend, indemnify, and hold harmless the County and its Elected Officials, agents, and employees from and against any and all claims, actions, suits, or proceedings of any kind brought against said parties for or on account of any matter arising from the services performed by the Customer under this Agreement. The indemnity required herein will not be limited because of the specifications of any particular insurance coverage in this Agreement. This Subparagraph does not operate to extinguish the Customer's rights to redress under State statutes and common law for negligence on the part of the County.

**XIII. BINDING EFFECT**

This Agreement will be binding upon and inure to the benefit of the parties, heirs, and assigns.

**XIV. AMENDMENT**

This Agreement will not be altered, changed or amended except by an instrument in writing executed by the parties herein.

**XV. APPROPRIATIONS AND AUTHORIZATIONS**

The terms of this Agreement are contingent upon sufficient appropriations and authorizations being made by the County for performance of this Agreement. If sufficient appropriations and authorizations are not made by the County, this Agreement will terminate upon issuance of written notice by the County to the Customer. The County is expressly not committed to the expenditure of any funds until such time as they are programmed, budgeted, encumbered and approved for expenditure by the County. The County's decision as to whether its funds are sufficient for fulfillment of this Agreement will be final.

**XVI. SEVERABILITY**

If any term or conditions of this Agreement will be held invalid or non-enforceable, the remainder of this Agreement will not be affected and will be valid and enforceable to the fullest extent of the law.

XVII. APPLICABLE LAW

This Agreement will be construed to be in accordance with the laws of the State of New Mexico.

RECORDED IN REGISTRY 13/2006

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF SANTA FE

By: [Signature]  
Harry B. Montoya, Chair

8-31-06  
Date

ATTEST:

[Signature]  
Valerie Espinoza, County Clerk

9-1-06  
Date

APPROVED AS TO FORM:

[Signature]  
Stephen C. Ross  
Santa Fe County Attorney

8-23-06  
Date

APPROVED:

SANTA FE COUNTY WATER RESOURCES DEPARTMENT

By: [Signature]  
Stephen Wüst, Director

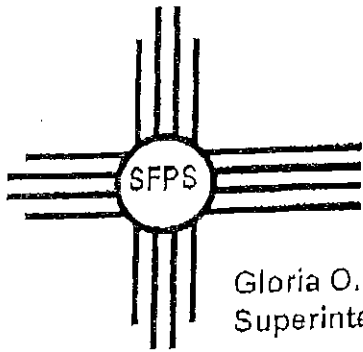
9-7-06  
Date

Burro Alley Partners

By: [Signature]  
Charlotte A. Capling  
General Partner

8-25-06  
Date





# SANTA FE PUBLIC SCHOOLS

Gloria O. Rendón, Ed.D  
Superintendent of Schools

Chief Operations Officer

**Bill Belzner**  
Educational Service Center  
610 Alta Vista  
Santa Fe, NM 87505  
Telephone (505) 954-2028  
Facsimile (505) 995-3358  
bbelzner@mail.sfps.k12.nm.us

September 20, 2001

Mr. Scott Hoeft  
Santa Fe Planning Group  
P.O. Box 2482  
Santa Fe, NM 87504

Re: Sonterra


Dear Mr. Hoeft:

Your memorandum of 08/23/01 and the required School Impact Report have been reviewed by Harris PinnacleOne and myself.

The proposed development along with a projected student count of 256 students will have an acceptable impact on the district's resources. Either Pinon or Turquoise Trail Elementary, Capshaw Middle School and Capital High School are the facilities currently designated for any students from that area and have the capacity available.

Thank you for your cooperation.

Sincerely,



William Belzner

cc: Michael A. Harris

- XII. A. 8. CCD Case MP 02-5051 Sonterra Master Plan. Santa Fe Planning Group, Inc., (Scott Hoeff), Agent for Great Western Investors (Richard Montoya), Applicant is Requesting an Extension of a Previously Approved Master Plan for a Mixed-Use Development (Residential, Commercial, Community) in a Village Zone Consisting of 520 Residential Units and 29,117 square feet of Commercial Space on 245 Acres. The Property is Located off Vista del Monte East of Valle Lindo Subdivision Within the Community College District, Section 30, Township 16 North, Range 9 East (Commission District 5) [*Exhibit 5: Letter from Patricia Burks*]

JOE CATANACH (Technical Director): Madam Chair, I have a letter that came in today regarding this request.

CHAIR VIGIL: Are they requesting a tabling or anything of that nature?

MR. CATANACH: They have concerns that [inaudible]

CHAIR VIGIL: Oh, this is a private citizen? Okay.

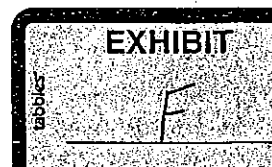
MR. CATANACH: Thank you, Madam Chair. I can proceed, if that's okay.

CHAIR VIGIL: Please.

MR. CATANACH: This is a request by Great Western Investors, Richard Montoya requesting an extension of a previously approved master plan for a mixed-use development, residential, commercial and community uses and a village zone consisting of 520 residential units, 29,117 square feet of commercial space on 245 acres. The property is located off Vista del Monte and East of Valle Lindo, within the Community College District.

On August 26, 2002 the BCC granted master plan approval for the referenced development and I have included the August 2002 BCC minutes as Exhibit C. And on February 28, 2006 the BCC granted approval of a water service agreement for use of the Santa Fe County water system, and I refer you to Exhibit E for that water service agreement. The master plan proposal and relevant conditions shall remain as outlined in the staff report presented to the BCC on August 26, 2002, and I included the staff report to the BCC that outlined the proposal and the conditions of that development.

The County Land Development Code specifies that master plan approval shall be considered valid for a period of five years from the date of approval by the BCC. Master plan approval may be renewed and extended for addition two-year periods by the BCC at the request of the developer. Progress in the planning or development of the project approved in the master



plan shall constitute an automatic renewal of the master plan approval. Progress is defined as the approval of preliminary or final plats or development plans for any phase of the project.

The applicant is requesting a two-year extension of the master plan approval until August 26, 2009. The following criteria shall be used for consideration of master plan. This is standard criteria from the Community College District Ordinance, in conformance with the Community College District plan; the viability of the proposed phase of the project to function as completed development in the event that subsequent phases of the project are not approved or completed; conformance with the Community College District Ordinance and other applicable law and ordinance in effect at the time of consideration, including required improvements, proposed roads and trails, community facilities, design and/or construction standards and open space standards; impact to schools, adjacent properties or the county in general.

Recommendation: Staff considers the master plan to be an integral part of the Community College District

objectives relative to road connections and a district trail connection between the State land, Rancho Viejo and Turquoise Trail, and the master plan also includes a designated elementary school site and a five-acre community park. Staff recommends approval for a two-year extension until August 26, 2009 subject to the following conditions:

1. Compliance with the conditions previously imposed for the master plan.
2. Submit affordable housing plan in conformance with current requirements.
3. Compliance with review comments from the following:
  - a. County Open Space, Parks and Trails Division
  - b. Santa Fe Public School District

Thank you, Madam Chair.

CHAIR VIGIL: Any questions for Mr. Catanach? Seeing none, is the applicant here?

[Duly sworn, Scott Hoeft testified as follows:]

SCOTT HOEFT: Scott Hoeft, Santa Fe Planning Group, 109 St. Francis. We're in agreement with conditions of approval and I stand for questions.

CHAIR VIGIL: Okay. Any questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Hoeft, what progress has been made in the last five years? I understand that you're saying that we couldn't do anything until we got our water service agreement, which you got about 13 months ago. What progress have you made since? During the five years and during the last 13 months?

MR. HOEFT: Well, if you look at the five years in total, Commissioner Sullivan, I would say that if you look at the years 2002 to 2005, we pretty much couldn't do much, because we didn't have water for the project, so out of the five years, three of the years we couldn't do anything. Well, yes, you could say theoretically, we could submit for preliminary development plan, but why would you do that on a project when you don't have a water source. So until we received a water service agreement, just last year, the project at that stage became viable. And then we got that water service agreement signed in September. So now the applicant is ready to begin to charge on this project, put forth a preliminary development plan, but they're looking ahead and seeing a deadline of expiration about four months out. So in that time, the five year total, three years, they

couldn't do anything. They proceeded with getting a water service agreement. The minute that we were able to come to this Board and get a water service agreement, and have proceeded with filing the application with the OSE, noticing it with the OSE, as well as paying \$41,000 worth of standby fees. So they are actively working on this project, Commissioner Sullivan.

COMMISSIONER SULLIVAN: Well, how long has it been since you had the water service agreement?

MR. HOEFT: We received it in February 2006 and we got it signed by the County in September 2006.

COMMISSIONER SULLIVAN: So you knew that you had it in February. So have you transferred any water rights to Santa Fe County during that 13 months?

MR. HOEFT: It's in process, Commissioner, yes. The applications have been filed with the OSE.

COMMISSIONER SULLIVAN: Okay. Nothing's been transferred to the County.

MR. HOEFT: It's in process. Of the 35 acre-feet, Commissioner, eight acre-feet have already been transferred and are considered valid and we're working on the 27 acre-feet of Zafarano water rights.

COMMISSIONER SULLIVAN: So eight acre-feet has been transferred over to the County.

MR. HOEFT: Correct.

COMMISSIONER SULLIVAN: And that's all you've done in that period of time is transfer water rights.

MR. HOEFT: I would also have you consider, Commissioner Sullivan, at this time, 2005/2006, the Montoya family, headed by Richard Montoya, Sr. did pass away and he was pretty much the lead charge of all the development projects for the Montoya family. And I would say it took a good part of 2006 for the family to get organized again to figure out how they wanted to proceed with the project. Unfortunately, now it's not a ship run by one person; it's an organization run by six individuals trying to make decisions. And now they have their arms around their projects and they're proceeding.

COMMISSIONER SULLIVAN: And I assume you understand and are in agreement that this project will be subject to 30 percent affordable housing requirements.

MR. HOEFT: Yes, Commissioner Sullivan.

COMMISSIONER SULLIVAN: Okay. That's not in the conditions but it's an ordinance.

MR. HOEFT: It says that it complies with the latest Affordable Housing Ordinance.

COMMISSIONER SULLIVAN: Just want to be sure that you understand that. I didn't see it mentioned specifically in the condition. Number two? Someone said number two. Be in conformance with current requirements. The only other comment I would make, Madam Chair, before your public hearing is I think two years is too long an extension for this project. I think – for two reasons. One, I don't think it's appropriate just to hold land for speculation, and secondly, as much time as I've spent with projects going on in District 5, which is taking the brunt of development in Santa Fe County, I would like to have an opportunity to review this project, and in two years I won't. So I would like consideration, if there is to be an extension to be no more than a

year, because I would like to participate. This is a big project. You'll see some comments that Ms. Burks made here about problems and issues, impact fees, roadways, a number of other issues that are brought up here and a lot of those are valid issues and I'd like to participate in the review of this project when it comes forward. Thank you.

CHAIR VIGIL: You can always participate as a citizen.

COMMISSIONER SULLIVAN: No, thank you very much.

COMMISSIONER MONTOYA: Public hearings.

COMMISSIONER SULLIVAN: I might not vote for you either.

CHAIR VIGIL: I had something I wanted to propose we have a lot on our plate.

One of the things that I have actually been thinking about is we're going to be asked to consider a public improvement district for the Longford Homes development out there I believe it is.

MR. HOEFT: That is correct.

CHAIR VIGIL: And it seems to me that if we look at public improvement districts, one of the things I want to avoid, particularly in the Community College District, a lot of these developments coming forth and requesting a public improvement district for their development, what I think would be far more effective and I hope all of the developers in the Community College District are able to get together on this, is look at a public improvement district for the Community College District, for a wider, broader range for development out there because we are receiving so many requests for that, it doesn't make sense to me that we piecemeal a public improvement district. So is that something that Longford and you, Oshara, Villa Serena, San Cristobal, Frontera, any of these, have talked about?

MR. HOEFT: I don't know, Commissioner, but I can head back and look at my packet really quick. I'm pretty sure that there's language already in the conditions of approval that may address this, and if I can just have a second. But to answer your question in short, we'd be more than willing to participate and work with these associations. But let me just get the language.

CHAIR VIGIL: That's okay. It isn't a part of what we need to discuss tonight. I wanted to throw that out just because I'm foreseeing and I have this vision that unless we coordinate with this we're going to get stuck with – well, for example now Rancho Viejo has an assessment district that isn't complementary to the remainder of the developments around there, but if we're able to do something for that entire area that works for the Community College District, I'm thinking we're on the right track. That's all I wanted to add. Is there any other comments?  
Commissioner Sullivan.

COMMISSIONER SULLIVAN: Madam Chair, and if developers would like to get together and do that, I think one of the things we learned in reviewing the Longford district – the point I was bringing up is one of the things we've learned in the Longford district and one of the things that I think is worthwhile to be considered, and we did talk about it in our work session is that what we're finding out in improvement districts is that they don't include maintenance costs. Period. They include capital costs for infrastructure. They include reserve costs for when the road fails and potholes need to be patched, but they don't include maintenance costs.

Now, one of the biggest problems we find in these subdivisions is the disparity in homeowners associations' ability to properly maintain the subdivisions. Those with more economic means do it better and those with less do it less better. So as we look at a public improvement

district, and I think you're right. We have a standard phrase that we've stuck in all those Community College District projects that says that you will agree to be a part of a future district. But nothing's ever been done about that, as Commissioner Vigil says. We've put the language in there and nobody's done anything with it.

So I would add that when we think about that when we think about that, think about the problem and the problem is the proper maintenance of these subdivisions that can't be maintained by the County in total – roads, water lines and so forth. So I would throw that out there that the real issue is not developer subsidies. The real issue is how do we maintain these districts and the subdivisions themselves, and then separate from that, how do we maintain major thoroughfares that are beyond the subdivision's responsibility to construct? Road that may be arterials and those things, and likewise with sewer or water lines that may serve other subdivisions.

So that kind of coordination I think is what the chairman is getting at, is that what we're lacking, we're just approving subdivision by subdivision, each is an island in and of itself, and in the end we have all these multi-jurisdictions. So if we can move toward that as we develop the Community College District, I think we'll be going in the right direction.

MR. HOEFT: I concur.

CHAIR VIGIL: Any further discussion? Seeing none, what are the wishes of the Commission?

COMMISSIONER MONTOYA: Public hearing.

CHAIR VIGIL: Thank you. I have a newly appointed sergeant at arms, and he's more awake than my last one. This is a public hearing. Would anyone like to address the Commission with regard to this? Seeing none, I'll close the public hearing. What are the wishes of the Commission?

COMMISSIONER MONTOYA: Madam Chair, move for approval with staff recommendations and conditions.

CHAIR VIGIL: Motion to approve. Is there a second?

COMMISSIONER ANAYA: I second.

CHAIR VIGIL: Motion to approve and seconded. Any further discussion?

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I'm going to request that we do this for one year. They can always come back for another year, but I'd like to see what happens with this project in one year. 540 units is a big impact on the Community College District.

CHAIR VIGIL: Is the maker of the motion willing to amend this to review it in another year?

COMMISSIONER MONTOYA: In another year?

CHAIR VIGIL: Rather than two.

COMMISSIONER MONTOYA: Staff's recommendation is two, right?

CHAIR VIGIL: Right.

COMMISSIONER MONTOYA: I want to stick with their recommendation.

CHAIR VIGIL: What are you saying, Scott?

MR. HOEFT: I was unsure if I'm still allowed to speak, Madam Chair. I was just

pointing at the ordinance and it says that they may be renewed and extended for an additional two-year period by the Board. Does the Board have the discretion? I would prefer the initial two years as requested.

CHAIR VIGIL: I think that's what the motion is.

COMMISSIONER SULLIVAN: Let me ask Mr. Ross. The ordinance language just says that the Board may extend for two years. Does that preclude the Board from extending for one year? I remember us doing it on a project in Edgewood. I was just curious whether we were allowed to do that or not.

MR. ROSS: Madam Chair, Commissioner Sullivan, it does seem to imply that it's a two-year period. It refers to two-year periods. So I guess if the applicant agrees, you might be able to extend for one year, but it says additional two-year periods.

CHAIR VIGIL: Okay. Does that answer your question, Commissioner Sullivan?

COMMISSIONER SULLIVAN: Yes.

CHAIR VIGIL: There's a motion on the floor and it's been seconded that we approve an extension for two years. Any further discussion?

**The motion to grant a two-year extension in CCD Case #MP 02-5051 passed by 3-1 voice vote with Commissioner Sullivan voting against.** [Commissioner Campos was not present for this action.

~~XII. A. **9. EZ Case #S 05-4841 Suerte del Sur Subdivision Phase 1-5. Santa Fe Planning Group, Inc., (Scott Hoeft), Agent for Suerte del Sur, LLC (Gerald Peters), Applicant is Requesting an Amendment of the Previously Approved Master Plan and Preliminary Plat / Development Plan for a Residential Subdivision Consisting of 304 Lots on 660 Acres. The Property is Located Along Los Sueños Trail South of Las Campanas and North of Pinion Hills Subdivision within the Five Mile Extraterritorial District, Section 24, Township 17 North, Range 8 East (Commission District 2) [Exhibit 6: Original Master Plan Layout; Exhibit 7: Affordable Housing Memo; Exhibit 8: Applicant's Revised Layout; Exhibit 9: Kevin Holman Letter; Exhibit 10: Cost Sharing Agreement]**~~

~~CHAIR VIGIL: As there are quite a few people here particularly for this, can I just have a show of hands of those of you who would like to address the Commission so that I can allocate time appropriately. There's six of you. Very well. Mr. Catanach, would you please proceed.~~

~~MR. CATANACH: Madam Chair, initial approvals previously granted are as follows: October 21, 2004, the CDRC recommended master plan for 264 lots. On July 12, 2005, the BCC granted master plan. On February 9, 2006, the EZC recommended preliminary plat/development plan, and on April 11, 2006, the BCC granted preliminary plat/development plan~~





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CHAIRMAN ANAYA: I support having the second driveway.  
COMMISSIONER STEFANICS: Mr. Chair, we're voting on Commissioner Holian's motion to uphold the staff's denial of the second driveway.  
CHAIRMAN ANAYA: Right.

The motion passed by majority [3-1] voice vote with Chairman Anaya casting the nay vote.

[The Commission recessed for five minutes.]

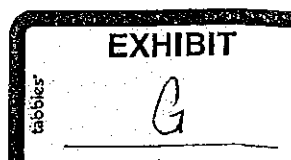
- XIV. B. 4. **CCD CASE # MIS 02-5052 Sonterra Master Plan Extension.**  
**Great Western Investors (Richard Montoya), Applicant, Scott Hocft, Agent Request an Extension of a Previously Approved Master Plan for a Mixed-Use Development (Residential, Commercial, Community) in a Village Zone Consisting of 520 Residential Units and 29,117 Square Feet of Commercial Space On 245 Acres. The Property is Located Off Vista del Monte East of Valle Lindo Subdivision Within the Community College District, Within Section 30, Township 16 North, Range 9 East (Commission District 5) Vicki Lucero, Case Manager.**

VICKI LUCERO (Residential Development Specialist): On August 26, 2002, the BCC granted master plan approval for the referenced development. Refer to August 2002 BCC minutes in Exhibit C. On February 28, 2006 the BCC granted approval of a water service agreement for the use of Santa Fe County water system.

On April 10, 2007 the BCC granted a two-year time extension of the Sonterra Master Plan which expired on August 26, 2009. The applicant's agent submitted a request on August 6, 2009 for a second two-year time extension of the master plan, stating that due to current market conditions and limited demand for residential lots and homes at this time the owners of the property have had little opportunity to commence with the development of the project. If market conditions improve in the short term it is feasible that additional work on the project could commence in 2010 or 2011.

The County Land Development Code specifies that master plan approvals shall be considered valid for a period of five years from the date of approval by the BCC. Master plan approvals may be renewed and extended for additional two-year period by the BCC at the request of the developer. Progress in the planning or development of the project approved in the master plan shall constitute an automatic renewal of the master plan approval. Progress is defined as the approval of preliminary or final plats or development plans for any phase of the project.

Recommendation: Staff considers a master plan to be an integral part of the Community College District objective relevant to road connections and a district trail



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connection between the State Land Office, Rancho Viejo, and Turquoise Trail, and the master plan also includes a designated elementary school site and a five-acre community park. Staff recommends approval for a two-year extension until August 26, 2011, subject to the following conditions. Mr. Chair, may I enter those into the record?

[The conditions are as follows:]

1. Compliance with the conditions of the approved master plan.
2. Submit affordable housing plan in conformance with current requirements.
3. Compliance with review comments from the following:
  - a. County Opens Space, Parks & Trails Division
  - b. Santa Fe Public School District

CHAIRMAN ANAYA: Okay, any questions of Vicki? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I have a couple of questions. One is that how will the new Sustainable Land Development Code impact this plan?

JACK KOLKMEYER (Land Use Administrator): Mr. Chair, Commissioner Holian, the Community College District will still be designated as a primary growth area, so most of the principles that are now contained in the Community College District Plan and the principles in that ordinance will more than likely carry forward into the Sustainable Land Development Code. When you go back and you look at the principles there they're probably the most sustainable principles that we have in the county so far. And I think because we're viewing that as a primary growth area those principles will be adhered to.'

COMMISSIONER HOLIAN: Thank you, Jack. And I also have a question. I noticed in the minutes of some of the previous meetings on this project that an economic fiscal impact report was required and I don't know if one was every actually done, but I would assume that the conditions that existed when that economic fiscal impact report was written don't exist anymore. So the question is – well, maybe this is a question for staff. Are we in essence going to be writing a new economic fiscal impact report for the new Land Development Code that will sort of look at the cost/benefit of this subdivision?

MR. KOLKMEYER: Mr. Chair, Commissioner Holian, yes. In fact a lot of things have changed since again, the Community College District was created. IAIA has developed their campus with the media park still in proximity to there. So there are issues like road connections still that we need to look at, and also with the Community College District. Sonterra sits sort of between where the media park would go and the Community College District, so it becomes a really key piece in our economic proposals as part of the Sustainable Growth Plan. I'm not sure again how that would relate to the Code, necessarily, but the growth plan will take into account a real serious look at the growth areas and the economic development strategies for those areas.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIRMAN ANAYA: Any other questions? Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. And I'm not sure exactly how the

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original language was on this but they are dedicating some land for an elementary school and I'm wondering if it's that narrow, if that language could be broadened to include a public school because in that area now Rancho Viejo and Turquoise Trail are established elementary schools and it could very likely be that a mid-school or a high school might be needed in the area. So unless that doesn't need to be broadened or specified, whichever way you want to look at it and I guess maybe I'll defer to our Legal. The way this reads it's saying that some land will be dedicated to an elementary school. Would we have to be that specific?

MR. ROSS: Mr. Chair, Commissioner Vigil, certainly you could say just a school and broaden it in that manner so it's not quite as specific.

COMMISSIONER VIGIL: Would the applicant have a problem with that?

CHAIRMAN ANAYA: Are you done, Vicki? Okay, any more questions of Vicki? Hold on one second, Scott.

COMMISSIONER STEFANICS: No, my question is more for the applicant.

CHAIRMAN ANAYA: Okay.

[Duly sworn, Scott Hoeft testified as follows:]

SCOTT HOEFT: Scott Hoeft, Santa Fe Planning Group, P.O. Box 2482, Santa Fe, 87504. Addressing Commissioner Vigil's question and dovetailing on the Steve point, I don't have a problem with it but something tells me that the CCD District plan shows those circles on the map, and I think we were just simply following the intent of the plan. Jack, if you can correct me, are those dots that are shown that we simply follow, aren't they color-coded to where one is shown as elementary, middle school and high school? So we would certainly adopt it Commissioner, but I'm uncertain if we would have to make a change to the plan.

MR. KOLKMEYER: Mr. Chair, Commissioner, how's that colored on the CCD map? I don't know that off the top of my head. But it would probably still be solved by just designating it as a school site, which I believe we could probably – it is a school site. We had elementary and high school shown on there, but again, when we did that ten years ago it was difficult to say where any of those would have gone even though we did those, put those circles on the map with the school district planners at that time. But it's still difficult to say what might go where, so I wouldn't have a problem with just designating it as a school site.

CHAIRMAN ANAYA: Okay. Do you have a problem with that Scott?

MR. HOEFT: I certainly don't, Commissioner.

CHAIRMAN ANAYA: Okay. Do you have a presentation or do you want us to just ask questions?

MR. HOEFT: I'll stand for questions, Commissioner.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I'd like to know if we move to reapprove if you are willing as a condition to abide by the new Growth Management Ordinance in case there are any variances.

MR. HOEFT: At a glance, Commissioner, I think I would not have a problem with it. I'd like to ask Shelley a question. I would think that I would be subject to them

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anyway, if I'm not mistaken, because I only have master plan approval on this. Is that correct?

MS. COBAU: Mr. Chair, members of the Commission, I think that that – I don't know if the vestment of projects has been determined yet. Maybe Steve can address that more than I can. I don't know what the vestment decisions will be with the Sustainable Land Development Code.

MR. ROSS: Mr. Chair, members of the Commission, those decisions have not been made and they're a long way from being made. Those are some of the last decisions that would be made when we enact the ordinance, deciding what it applied to, to properties that haven't fully vested. But if it's anything like what we just did with the EZ, with the new – what are we calling it? The SPPaZO ordinance in the extraterritorial zoning area a substantial number of properties were exempted from that enactment. So it's really hard to project.

MR. HOEFT: Commissioner, going back to your question, given I don't know, I've only seen chapters one through four, I would be a little concerned to agree to that condition at this stage, and I would go – I can't imagine that there would be anything there that would be really a problem, but I can't tell at this stage. I mean, again, I've only seen chapters one through four of this ordinance. I would go to Jack's point that he mentioned earlier that the CCD district, however, was an extremely intensive ordinance that we had to meet. I mean, right off the bat, 50 percent open space, high density, urban design, neo-traditional planning concepts. And so four different types of housing styles that we had to put into the plan.

So I would say that just at a glance that there's a sense of comfort that we are governed by the CCD district in this project.

COMMISSIONER STEFANICS: Well, I understand that the Community College District is high growth, but I think that a number of people in our county are now invested in whatever happens in the future conforming to the new ordinance. I haven't seen or heard anything that would be different that you're planning to do from the ordinance. And if we moved ahead today, not knowing that you would respect and abide by that new ordinance, I think there would be a lot of people who would be wanting to know why there was preferential treatment. And just because there was a master plan that approved prior and activity didn't happen, I don't think should change what people in our county are expecting in the future. Now, while I'm saying all of this, I don't think it's really going to affect you adversely. So I'm looking back to Jack and to Steve about this for their comments.

Mr. Chair, Steve and Jack, do we see anything in our growth management plan and our new ordinance that would change what the Community College is, has already put on paper?

MR. KOLKMEYER: Mr. Chair, Commissioner, no. And again I'll try to say it again. The new Sustainable Development Plan right now is recognizing that the Community College District is still our principal growth area. So in part that plan is taking that attitude because the principles for the development of the Community College District were very solid, and the projects that we have gotten are also some of the better projects that we've

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gotten in the county. So while we haven't translated yet from the Sustainable Development Plan to the Code for all the particulars, we think that the precedents and the foundation for good planning will be in the Sustainable Development Plan and it will parallel the good principals of planning that are in the Community College District. So again, I'm not trying to beat around the bush, but –

COMMISSIONER STEFANICS: Let me be a little more specific. Mr. Chair and Jack, do you see any changes to infrastructure expectations or water use or water expectations?

MR. KOLKMEYER: Mr. Chair, Commissioner, again, the answer is no because that was again one of the primary principles of the Community College District. That's where we would send our infrastructure and that's what we have done since that ordinance was created for ten years. So I would say the answer would be that still is the primary principle of the Community College District Plan and Ordinance.

COMMISSIONER STEFANICS: Thank you, Mr. Chair.

CHAIRMAN ANAYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: I'm just seeing an overriding issue and that is putting a condition of approval on an applicant when we actually don't know what is and what is not vested. And if we required you to comply and you were or were not vested what are the legal consequences of that. So I think my concern would be until we know what is actually vested, and I'm hearing our Legal Department that we don't yet; that has not been determined, that I'm not sure we can – if you aren't vested, no problema. If you are vested, there's a problem I think.

MR. HOEFT: Correct. I'm looking at vestature as we've always talked about it in the past. As Steve says, you have to have a recorded plat with dirt moving on the site and a recorded bond. We're obviously not from there but Steve mentioned earlier that some of these subdivisions may be grandfathered in to the ordinance. So at this stage you're correct, Commissioner. We just don't know at this stage. I may be subject to it anyways, depending on how that section is written. So this may be moot.

COMMISSIONER VIGIL: So I don't know. I'm open.

CHAIRMAN ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Well, my thought is though, when he were to come in for preliminary plat approval or final development plat approval that he would have to comply with the new Sustainable Land Development Code, but maybe you're right. Maybe they will write something into the Code that says that master plans are grandfathered in.

COMMISSIONER VIGIL: I hope not. I wouldn't advocate for it because I think master plan is still conceptual and unless we create a master plan that is close to a preliminary and a final it's still only conceptual so I don't think it would. So I actually think going to your point, these conditions of approval would probably be more likely to occur at preliminary or final. And being that that's where we're at I think that is the point in time where we could include that. So I agree with you, Commissioner Holian.

MR. HOEFT: It sounds as if you just helped Steve write that section.

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COMMISSIONER HOLIAN: I'd like to hear from our attorney now.

MR. ROSS: Mr. Chair, Commissioner Holian, those rules are up to you to set. The SPaZO example is the most recent example we have and we did not grandfather master plans in but we provided a process going forward where they could gain approval in either the city or the county, depending on where they're located, of what they had at the time. In other words, they didn't have to repeat master plan; they could go on to preliminary plat. But certainly you have the discretion, you being the Board of County Commissioners, to say all bets are off. No master plans will be respected and everything needs to start over. So there's a whole range of possibilities that could be selected and you'll be making that selection when we get in the final stages of this whole project. But that being said, Mr. Kolkmeier's right. We don't expect really any changes in this area, in the Community College District, substantial changes. It's the other areas that we're looking at that may see some more substantial changes.

COMMISSIONER HOLIAN: Thank you. Well, I guess I would just say to the other members of the Commission here that I would feel more comfortable with a fourth condition that require conformance of preliminary and final development plan with the new Sustainable Land Development Code. I don't know how you feel.

CHAIRMAN ANAYA: Do you have any comments, Scott?

MR. HOEFT: I'm a bit reluctant to agree to that condition. However, as I've stated, the ordinance isn't written yet. And so it would just be nice to be able to take a look at that ordinance just to see. At the same token, Mr. Kolkmeier's point is that this area isn't the target of that ordinance and so in all likelihood there is probably not going to be there – there's not going to be much in that ordinance that's going to target this site. It's a tough call, Commissioner, but I would concur with that condition.

CHAIRMAN ANAYA: Okay. Any other comments?

MR. HOEFT: That's all I have.

CHAIRMAN ANAYA: Any other questions? This is a public hearing. Is there anybody in the audience that would like to speak for or against this case? None? Okay. What's the pleasure of the Commission?

COMMISSIONER HOLIAN: Mr. Chair, I move for approval of the extension with County – with staff conditions plus the fourth condition that I proposed which is conformance of preliminary and final development plan approval with the new Sustainable Land Development Code and the new Sustainable Growth Management Plan.

COMMISSIONER STEFANICS: I'll second.

CHAIRMAN ANAYA: There's a motion by Commissioner Holian, second by Commissioner Stefanics. Any further discussion?

**The motion passed by unanimous [4-0] voice vote.**