

## SANTA FE NEW MEXICAN.com

# Housing market still flat in Santa Fe County

## Sales on par with last year; home inventory down 14 percent

By Bruce Krasnow | The New Mexican

4/13/2011

JoAnne Vigil Coppler has a short refrain for those waiting for the Santa Fe real-estate market to come back before trying to sell a house.

"It's going to be a very, very long time, if ever," said Coppler, Santa Fe Association of Realtors board president, who on Wednesday released sales data for the first quarter of 2011.

The data show the market slogging along with about the same number of home sales closed as last year, and a countywide median price of \$355,000 for a single-family sale — a 2.7 percent decline from a year ago.

But the biggest surprise is the smaller inventory of homes on the market, a 14 percent drop from 2010. Some of this represents fewer foreclosures, which RealtyTrac reported this morning. It also could indicate the reluctance of longtime owners to sell at today's market price.

"Sellers may be choosing to rent rather than put their houses up for sale in the competitive market," Coppler said.

The lower inventory also has to do with a less mobile society, said veteran agent Lois Sury. "People aren't moving for jobs, and those who need to sell a home to buy another can't."

That may be one reason many of the home-mortgage applicants coming into Santa Fe banks are first-time buyers, said Pam Trujillo, a lender with Community Bank in Santa Fe. Though paperwork and underwriting are tougher than ever, new buyers can go forward with a clean offer that is not contingent on a home sale.

"A lot more local people are looking to buy," Trujillo said. "(For) those without a house to sell, there are less complications."

With regard to foreclosures, Santa Fe's lower numbers follow the rest of the U.S., which shows all foreclosure activities from default notices to auctions to bank sales are down from a year ago. The total foreclosure activity in Santa Fe at the end of March was the lowest since the first quarter of 2009 — and down 26 percent from December.

Highlights of the first quarter:

- There were 113 closed single-family home sales in the city, with a median price of \$282,000 — a drop of 11.2 percent from a year ago.

NB G-54

- There were 96 closed sales in the unincorporated area, with a median price of \$430,000 — an increase of 10.9 percent.
- There were 57 condo and townhouse sales in the quarter, with a median price of \$255,000 — an 8.9 percent decline.

Contact Bruce Krasnow at 986-3034 or brucek@sfnewmexican.com.

NB G-55

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# Housing market 'still in recovery mode'

By Bob Quick | The New Mexican  
**Posted:** 1/19/2011, 11:13  
PM Mountain time

Home sales in Santa Fe city and county dropped about 27 percent in the fourth quarter of 2010, leading JoAnne Vigil Coppler, president of the Santa Fe Association of Realtors, to remark that real-estate sales in Santa Fe "are still in a recovery mode. Who knows? We may be here awhile. ... We're not going back to the 2005-2006 sales level any time soon."

Coppler spoke at a recent quarterly meeting of the Santa Fe Association of Realtors, an event attended by real-estate sales people, a banker, a city planning official, local media and others.

Coppler also noted that single-family home sales slowed in the fourth quarter of 2010 more so than in the last quarter of 2009. But, she said, "Condominium and townhome sales showed a modest increase, perhaps the first signs of the return of the second-home market."

NB G-56

The data indicate sales of condos and townhomes came to 76 in the fourth quarter of 2010, compared with 60 in the final quarter of 2009.

Sales of single-family homes in the city in the final quarter of 2010 came in at 114, compared with 143 for the same period in 2009. That's a decline of about 25 percent.

In the county, 113 homes were sold in the last quarter of 2010, compared to 131 for the same period in 2009. That's a decline of about 16 percent.

As it has been in recent quarters, the median sales price for a city home was weak in the last three months of 2010 compared with the same period in 2009. The price was down from \$329,500 to \$297,000 — an 11 percent decrease.

But in Santa Fe County, the median sales price in the fourth quarter of 2010 was \$420,000, compared with \$350,000 for the fourth quarter last year. That's a 20 percent increase.

Would-be buyers are spending more time looking at houses and agents are reporting more listings — both signs of renewed buyer interest in Santa Fe, Coppler said.

Patrick Thomas, an agent with Rancho Viejo Realty, said the sluggish market is also because out-

of-state buyers, who make up 60 percent of the buyers at Rancho Viejo, aren't moving to Santa Fe as frequently as they used to.

"They're waiting to sell their homes," Thomas said.

Looking ahead, Santa Fe real-estate blogger Alan Ball adds, "Almost none of the predictions calls for a banner year in 2011."

"We look realistically at a flat year for sales, possibly ranging upward to increases of 5 percent above this year. A 5 percent increase would be an accelerating recovery... and that against very strong headwinds."

Also speaking at the meeting was Leroy Baca of Century Bank, who pointed out that rates on mortgages were less than 5 percent for a 30-year loan. That compares with an average rate of 8.7 percent over the last 30 years.

Baca said the problem with getting a loan these days, both for the bank and the borrower, is that "we have to document everything."

Reed Liming of the city's Long-Range Planning Division said new home construction in the city was at 184 in 2010, compared with 180 in 2009, which represented a 40-year low.

In the unincorporated area, the

NB G-58

number of new homes built dropped from 130 in 2009 to 70 last year, Liming said.

Contact Bob Quick at  
[bobquick@sfnewmexican.com](mailto:bobquick@sfnewmexican.com).

**QUARTERLY HOME SALES IN  
SANTA FE CITY AND COUNTY**

	<b>2008</b>	<b>2009</b>	<b>2010</b>
<b>1st</b>	241	177	205
<b>2nd</b>	240	214	227
<b>3rd</b>	305	275	232
<b>4th</b>	237	274	227
<b>Total:</b>	<b>1023</b>	<b>940</b>	<b>891</b>

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New Mexican

NB G-59

**Vicki Lucero**

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**From:** Shelly Cobau  
**Sent:** Tuesday, May 10, 2011 3:46 PM  
**To:** Vicki Lucero  
**Subject:** FW: BCC case#MIS 02-4325 La Pradera Master Plat Authorization

Shelley Cobau  
Building and Development Services Manager  
505.986.6223

---

**From:** Liz Stefanics  
**Sent:** Tuesday, May 10, 2011 3:20 PM  
**To:** Shelly Cobau  
**Subject:** FW: BCC case#MIS 02-4325 La Pradera Master Plat Authorization

*Thanks,*

*Liz Stefanics*

Julia Valdez - Constituent Services Liaison

---

**From:** laarmijo@comcast.net [mailto:laarmijo@comcast.net]  
**Sent:** Tuesday, May 10, 2011 10:55 AM  
**To:** Rita B. Maes; Liz Stefanics; Julia Valdez; Tina Salazar; Daniel Mayfield; Juan R. Rios; Virginia Vigil; Kathy S. Holian; Christopher M. Barela; Robert A. Anaya  
**Subject:** BCC case#MIS 02-4325 La Pradera Master Plat Authorization

*Honorable Commissioners,*

As residents of La Pradera sub-division, we are opposing the proposed amendments made by the developers Gardener Associates LLC and La Pradera Associates LLC. Please Consider our opposition of this case.

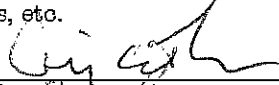
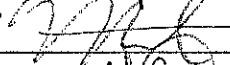



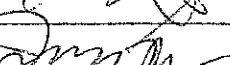
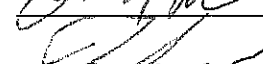
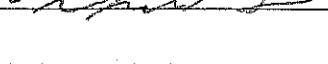
Thank you,

*Lawrence and Andrea Armijo*  
Homeowners/Residents of La Pradera  
93 Bosquecillo and lot 59 & 60  
Santa Fe, New Mexico 87508

505-690-9574

We, the undersigned, owners of homes and/or property in La Pradera, unequivocally request the denial for approval of the re-zoning of our sub-division (BCC CASE # MIS 02-4325 La Pradera), for the following reasons:

- complete disregard by the management company, aka "Home Owner's Association", (La Pradera Associates LLC) of the intentions of the Santa Fe County's County College District Plan and Jane Petchovsky's vision (sustainability, preserving open space, parks and paths)
- existing build out of homes by the management company less than 1500 sq ft in refute of the warranty deed (which requires that all residences be +1500 sq ft, La Pradera home and/or property owners demand that the existing homes less than 1500 sq ft be built in accordance with the warranty deed; complying additions to be constructed)
- complete failure by the management company to provide reclaimed water as per the covenants of the "Home Owner's Association"
- complete failure by the management company to provide gated access as promised to homeowners and furthermore failure to complete any promised action, failure to communicate
- complete failure by the management company to get a positive opinion from the OSE regarding water supply and no plans to either provide water or be sustainable beyond Dec. 31, 2016.
- should such re-zoning pass; correction of all real estate marketing verbiage of lots and/or properties which make statements regarding nature, open space, volleyball court, walkways, bike paths, playground, vistas, views, etc.

DUP →  Craig + Christina Tyler 83 La Pradera  
 ~~MATTHEW NIKKI COOKE~~ 85 LA PRADERA  
 Jeffrey Pester + Kari Pester 79 La Pradera  
 Chieh Ying Lee 54 La Pradera  
 KATHRYN COTAN 58 LA PRADERA  
 Alanus Chiu 55 LA PRADERA  
 Jeremy Mier 24 Camino Sabanero  
 Toby Martinez 19 Camino Sabanero



We, the undersigned, owners of homes and/or property in La Pradera, request the BCC does not approve the request for a Master Plan amendment. (BCC CASE # MIS 02-4325 La Pradera).

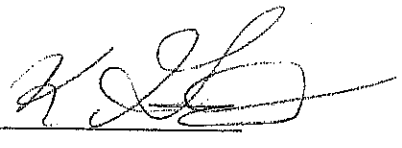
*MC*

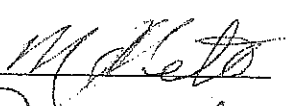
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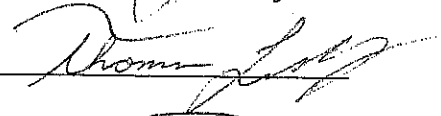
MATTHEW COOKE 85 LA PRADERA

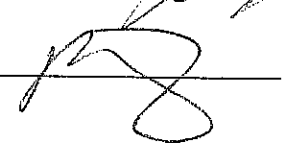
*Kimberly Guzales* Kimberly Guzales 50 LA Pradera

We, the undersigned, homeowners in La Pradera, oppose BCC  
CASE # MIS 02-4325 La Pradera.

KEN GAND 97 BOSQUECILLO 

MANUEL NETO 97 BOSQUECILLO 

Tom Ludzia 52 La Pradera 

Ray Chavez 28 Camino Sabuero 

Matthew Cooke  
85 La Pradera  
Santa Fe, NM 87508

Thursday, April 28, 2011

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

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

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

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

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

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

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

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

Please reference the included documents within this opposition packet:

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

Cordially,



Matthew Cooke

NB G-65

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

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

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

COMMISSIONER SULLIVAN: But that's with each lot.

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

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

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

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

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

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

MS. VAZQUEZ: We would not.

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

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

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

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

SFC CLERK RECORDED 04/19/2004

NB G-66

3/25

that from a marketing standpoint?

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

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

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

COMMISSIONER SULLIVAN: Sure.

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

COMMISSIONER SULLIVAN: To protect the water.

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

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

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

COMMISSIONER DURAN: And how many?

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

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

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

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

COMMISSIONER SULLIVAN: What is a conditional dedication?

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

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

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

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

SFC CLERK RECORDED 04/19/2004

NB G-67

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school bus.

CHAIRMAN ANAYA: Is that Richards?

MS. GUERRERORTIZ: No, this is the existing Dinosaur Trail. The existing trail takes a wicked bend on our property, and then another wicked bend. And so what we're doing is bringing the majority of the traffic will come through here, and in essence, only local traffic that's neighborhood will use this road down through here.

CHAIRMAN ANAYA: Oh, so I-25's on the top there.

MS. GUERRERORTIZ: I'm sorry. I-25 is up here. Yes.

CHAIRMAN ANAYA: Okay. Thank you.

MS. GUERRERORTIZ: The water conservation measures are top notch. All wastewater is treated at a wastewater treatment plant that was built already in phase 1. We'll be expanding that plant. The treated, reclaimed water is pumped back to each home and to our parks and all the outdoor landscaping and street trees will be watered using reclaimed water. No potable water will be used outdoors and there is one exception to that, and we do have this written in a report. Our neighbors would like us to plant screening trees right up front. We believe that the water budget for the 55 trees we propose to plant will take about .13 acre-feet a year. We'd like to go ahead and use our potable water to water those trees immediately, install those before we do other work on the property. Once we start having people living in the development, we'll turn off the potable water and we'll use reclaimed water. So it will take us a few years before we've got the water generated when we have people living there, but we want the trees to go in first, have a couple years to grow because the houses will take a couple years to develop.

CHAIRMAN ANAYA: The trees will take a couple of years to develop.

MS. GUERRERORTIZ: That's true too, because we want to get them started. It is possible. That's right. By the way, our water restriction that we're proposing, the covenants we're using, our 0.126 acre-feet per home. That's nearly one-half the typical home. Fifteen percent of the homes are affordable, 24 affordable homes total. All roads are paved, including we're going to pave the existing one that really is offsite. It serves the neighborhood. We'll pave this road also. We will be using County water. We'll make a connection on the County water system to complete a 12-inch line that you have, so that will complete a loop between Rancho Viejo and Richards Avenue. Our treatment plant is an advanced reclaimed water plant. It uses ozone and ultraviolet radiation to disinfect, rather than chlorine, and the reason we do that is because we reuse our water on plants and chlorine can hurt plants. This is a very healthy, green community and we hope you'll approve it tonight.

With phase 1 of La Pradera we've committed to some substantial offsite improvements. On the far west side where the frontage road or Dinosaur Trail meets up with State Road 14, the new construction is ongoing right now to bring that into Rancho Viejo Boulevard at Bisbee Court. That work is being done by Rancho Viejo and our owners are contributing to the cost of that work. We also have a new intersection that we're developing at Richards Avenue and Dinosaur Trail. I think I have it here. We're moving the existing road - this is I-25 up here. Existing Dinosaur Trail comes in here. We're moving it much further south and we propose to

NBG-68

5/25

SFC CLERK RECORDED 03/06/2006

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

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

Sincerely,

Mara Smith  
Water Use and Conservation Bureau

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

NBG-69

8/25



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

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

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

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

NB G-70  
10/25

Mr. Joe Catanach  
December 2, 2004  
Page 3 of 3

La Prader, Phases II-VI

#### WATER AVAILABILITY ASSESSMENT

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

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

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

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

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

Sincerely,

Mara Smith  
Senior Water Resource Specialist

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

NB G-71

11/25

January 31, 2005

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

CERTIFIED  
RETURN RECEIPT  
REQUESTED

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

Dear Mr. Catanach:

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

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

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

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

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

NBG-72

12/25

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

La Pradera, Phases II-VI

#### WATER AVAILABILITY ASSESSMENT

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

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

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

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

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

Sincerely,

Mara Smith  
Water Resource Master

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

NB G-73

13/25

May 10, 2005

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

CERTIFIED  
RETURN RECEIPT  
REQUESTED

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

Dear Mr. Catanach:

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

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

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

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

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

NBG-74  
14/25

Mr. Joe Catanach  
May 10, 2005  
Page 2 of 2

La Prader, Phases II-VI

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

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

#### WATER AVAILABILITY ASSESSMENT

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

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

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

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

Sincerely,

Mara Smith  
Water Resource Master

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

NBG-75

15/25

January 9, 2006

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

CERTIFIED MAIL  
RETURN RECEIPT  
REQUESTED

Anticipated by fax

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

Dear Ms. Lucero:

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

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

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

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

NB G-76

16/25

### WATER DEMAND ANALYSIS & CONSERVATION

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

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

### WATER AVAILABILITY

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

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

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

NBG-77  
17/25



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

*La Pradera Subdivision*

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

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

Sincerely,

Julie Valdez  
Senior Water Resource Specialist

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

NB G-78  
18/25

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

D. Title to each lot shall be subject to certain Water Restrictive Covenants recorded with the Santa Fe County Clerk, on Nov. 22, 2004, as Document No. 1355703 in Book 374, Page 17-22, as amended from time to time. Such Covenants were required by Santa Fe County as a condition of approval of the Subdivision.

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

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

SFC CLERK RECORDED 11/22/2004

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

By Phaedra Haywood | The New Mexican

8/4/2009

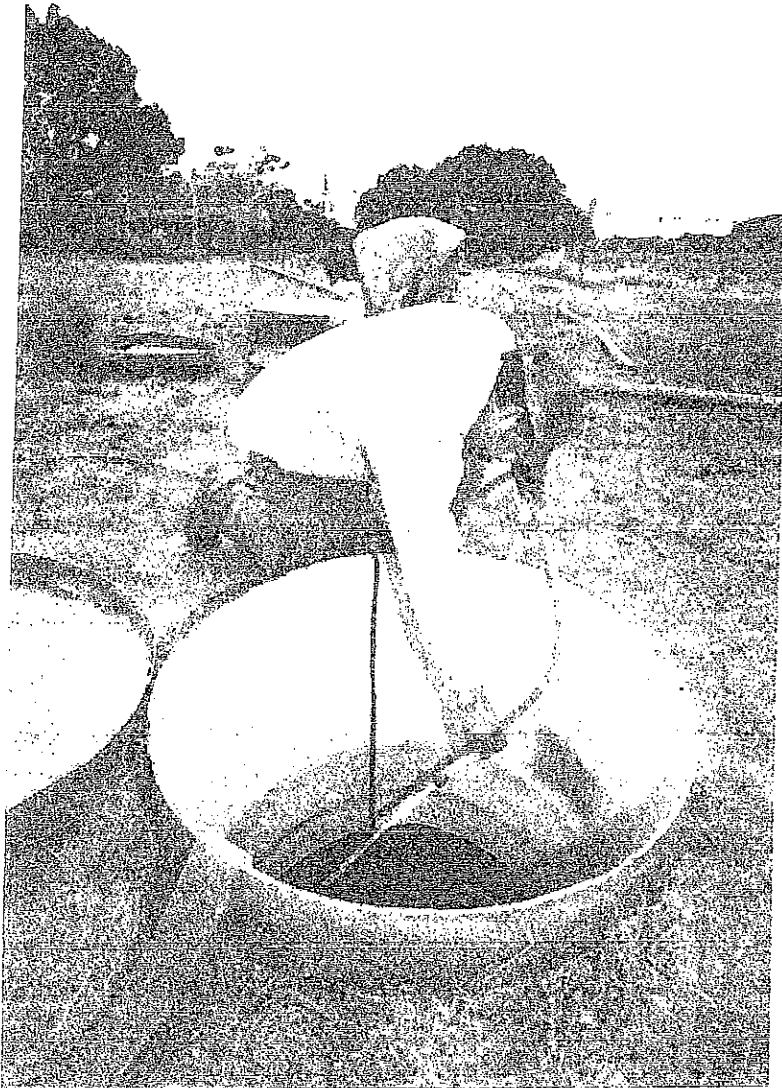


Photo by: Jane Phillips/The New Mexican

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NB G-81  
21125

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

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

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

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

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

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

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

NB G-82

22/25

①

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

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

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

1. On May 8, 1973 my late husband, Gene Petchesky, and I executed a Warranty Deed conveying an interest in certain real estate to L.J. Reynolds, George R. Gardner and J.H. Burtram. That deed is filed in Book 300, page 912 of the records of Santa Fe County, New Mexico, and a copy is attached hereto (the "Deed").

2. The purpose of this Affidavit is to state the intent of the grantors under the Deed with respect to certain restrictive covenants imposed on the lands conveyed (the "Property") by the Deed.

3. Paragraph 3D on page 2 of the Deed states that "[a]ny house placed thereon [on the Property] shall contain at least 1500 square feet of floorspace, exclusive of storage buildings or barns." It was the intention of my husband and I that all of a house "under roof" whether heated or unheated (such as a garage), be included when determining if a house has 1500 square feet of floorspace. It was our further intent that the square footage of buildings of any nature not attached to the main house should not be included in the calculation of 1500 square feet of floorspace.

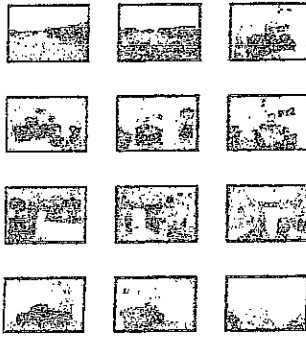
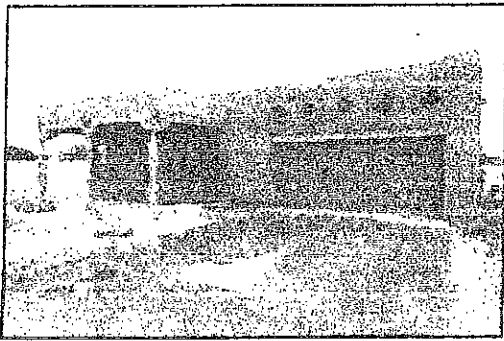
4. Paragraph I on page 2 of the Deed discusses certain setbacks and horse and bike trails and utilities crossing lots which may be created within the Property. It was the intention of my husband and myself that this restriction was to be imposed on lots solely to accommodate trails and utilities running across those lots, and not as a general setback requirement on all lots. We believed that general setback requirements under County ordinances would be followed by individual lot

SFC CLERK RECORDED 08/25/2004

NB.G-83

23/25

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



**\$274,754**  
**1,162 sq ft, 3 beds**  
**2 full**  
**Lot size: 9,583 sq ft**  
**Year Built: n/a**

**Garage Spaces: 2.0**  
**Tract: La Pradera**  
**Community: South Of I-25**  
**County: Santa Fe**  
**Total Parking: 2**

Last Updated: 3/11/2011

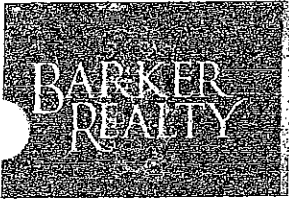
A lovely well maintained home in La Pradera, one of the most sought after new areas in Santa Fe. Close to Santa Fe Community College, with easy access to I25. This property has great mountain views and is surrounded by open spaces with walking trails, volleyball court, disc golf and children play areas.

**Additional Features**

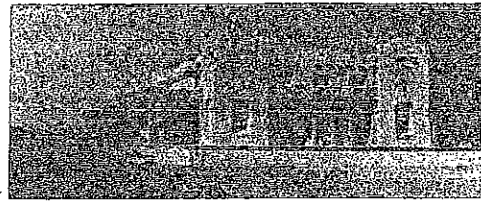
ADA Compliant / No	Age / 0-5 Years
Apx. Heated SqFt / 001 - 1, 1, 250	Association / Multiple Listing Service
Association Fees inc / Community Area	Auction / No
Maint, Rec. Facilities, Road Maintenance	Community Amenities / Other- See Remarks
Construction / Frame, Stucco	Electric / Public
Extras / Cable TV, Cooking, Dishwasher, Disposal, Dryer, Garage Door Opener, Gas, Insulated Windows, Range/Oven, Refrigerator, Satellite TV, Washer	Fireplace / No
Guest House / No	Floor / Carpet, Tile, Vinyl
Heating/Cooling / Gas, Natural	Garage Type / Attached, Direct Entry
Horse Property / No	Gas / Natural
Lead Paint Disc. / No	Heat Distribution / Forced Air, Gas, Stove
Levels / Single	High Speed Available / Cable, DSL, Satellite
Lot Size Source / (Tax Data)	Interior Steps / No
Map Page / 34A	Lease Type / Net
Map Y Coordinate / B	Lot Measurement / Acres
Property Subtype 1 / Single Family	Map Book / Horton - Santa Fe
Right of 1st Refusal / No	Map X Coordinate / 2
Sewage / Community	On Market / TRUE
Status / Active	Property Type / Residential
Substructure / Slab	Roof / Flat
Transaction Type / Sale	Square Footage Source / Appraiser
Water Rights / No	Style / Pueblo, Single Level
	Trade / No
	Water / County

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

NB G-84  
 24/25



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### 80 La Pradera

Santa Fe, NM 87508

#### Property Features

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



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NBC-85  
25/25



Vicki Lucero

---

**From:** Jack Kolkmeier  
**Sent:** Tuesday, July 19, 2011 12:14 PM  
**To:** Shelly Cobau; Vicki Lucero  
**Subject:** FW: Land Use Admin/CDRC case # Z/S 02-4325

---

**From:** mulachulasf@aol.com [mailto:mulachulasf@aol.com]  
**Sent:** Tuesday, July 19, 2011 11:33 AM  
**To:** Jack Kolkmeier  
**Cc:** chris@chrisgraeser.com; matthewmcqueen@aol.com  
**Subject:** Land Use Admin/CDRC case # Z/S 02-4325

County Land Use Administration

Dear Mr. Jack Kolkmeier,

I know that the Community College District Plan was a vision you conceived, and are proud of. On page 29 of the Plan there is a photo of our neighborhood, Vista Ocaso. Under **Existing Neighborhoods** it reads: The relationship of these (existing) neighborhoods to the planned new development is a **concern** of the Plan. I believe that it was a concern originally, but now we have fallen through the cracks. There is no maximum density specified in your plan.

Many of us were not notified that the Bertrum/Berridge/Gardner properties were re-zoned in 2000 and included in the Community College District Plan with a minimum of 3.5 homes per acre. Again we fell through the cracks.

Vista Ocaso neighborhood had many negotiations with the developers of La Pradera in 2005. We came to an agreement on the density, and it was reduced from 201 homes in phases 2-6, to 158. We agreed on road alignments, and buffers. All of this negotiation of which I was very involved with took 6 months to achieve. I have a letter signed By John McCarthy which proves this fact. Its not fair to us to allow him to go back on his word.

The homes in La Pradera Phase one, are much nicer and more comparable to the value and density of homes in Vista Ocaso and Churchill Estates. The homes being built in phases 2-6 are not even close to being comparable. This will affect all of our home values. The economy has had an impact on all of us enough already.

The developers of La Pradera have not proved to be good stewards of the land. They allowed Advantage Asphalt to dump tons of asphalt waste, which I've had to look at everyday for 5 years. They allowed their waste water treatment plant to pollute the air with foul odors. The leach field along the interstate has a forest of tumbleweeds growing on it. The weeds are out of control in many areas of La Pradera. According to Jack Sullivan, Churchill Estates spent \$2000.00 removing tumbleweeds that came from La Pradera. The Arroyo Hondo is full of dead tumbleweeds behind the waste water plant, that came from La Pradera. This is a huge fire hazard. They do not take care of the land, they don't care about existing neighborhoods.

La Pradera will fill all of phases 2-6 with cheap homes that they can sell quickly. The footprint the developers leave here will be here forever. I feel some foresight and vision is called for. The down turn of the economy will recover, but we will be left with a low quality neighborhood that is not comparable to our existing neighborhoods. This is not fair to us!!

Jack, I cant help but feel that this is **NOT** your original vision for the Plan you conceived.

In all fairness to all of us, I respectfully request that the increase of density in La Pradera Phases 2-6, be denied.

Taking your original vision in CCDP into consideration; the developers should include some larger lots and nicer homes, so that it is indeed a mix, instead of all lower quality and ugly homes. I respectfully request that you complete your vision of The Community College district Plan, by specifying a maximum density, especially adjacent to existing neighborhoods with much lower density, and much higher quality homes.

sincerely,

Lisa Burns

11 Las Caballeras

Vista Ocaso Neighborhood

**Vicki Lucero**

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**From:** Jack Kolkmeier  
**Sent:** Monday, July 18, 2011 10:46 AM  
**To:** Vicki Lucero; Shelly Cobau  
**Subject:** FW: CDRC case # Z/S 02-4325 in the subject line.

**From:** Michael [mailto:stmichel@newmexico.com]  
**Sent:** Saturday, July 16, 2011 10:11 AM  
**To:** Jack Kolkmeier  
**Cc:** mulachulasf@aol.com  
**Subject:** CDRC case # Z/S 02-4325 in the subject line.

16 July 2011

Dear Mr. Kolkmeier

I have been living at 23 Churchill Road for over 12 years. My property is adjacent to La Pradera.

I strongly and fully urge the CDRC to DENY La Pradera's request for Preliminary and Final Plat Development approval for 27 new lots in phases 2-6, and 4 Master Plat lots which could be developed into a total of 21 single family, live/work lots on 2.25 acres in Phase 1.

Jane Petchesky, Lisa Burns, me and many others of us on the Richards Avenue Association worked hard with Mr. McCarthy and the La Pradera principles and others to arrive at a density that would fit within the guidelines of the Community College District as well as work with the existing neighborhoods surrounding the La Pradera development (which are all on minimum of 2.5 acre lots). The original number of units was over 200 and we ALL agreed (County staff on all various levels, La Pradera people and the surrounding neighborhoods) to reduce it to 169 units for the whole property.

Not only does adding the 22 units on 2.25 acres create a density that is unacceptable, it will also mean that these new units will be sold at a reduced rate which brings down the value of the existing La Pradera homes, but also the homes that belong to those of us in the surrounding existing neighborhoods. This gives me great concern.

These developments in our area are not doing well. Oshara went bankrupt, Rancho Viejo's developers went bankrupt. Putting our faith into these developers who make cuts in cost and do not abide by the agreements they make with their neighbors and the county are unacceptable. Issues around affordable housing such as not spreading them throughout the development or not making enough of them are serious issues. La Pradera has placed a grouping (which they were not supposed to do) of affordable housing at one end of its development and it already looks like an eyesore. La Pradera also stated they are having issues with their waste water treatment. Most of our adjoining properties are on wells that can be affected adversely by effluent that is not properly treated. There is no easy recourse for dealing with these issues once the development is done and it appears to me that there are sufficient loopholes in the county regulations which allow these developers to tread on shaky ground which gives me grave concern.

La Pradera is trying to figure out a way to get out of its financial bind by turning back on what it has agreed to do. They have already shown amazing laxness in following through with issues that are important. They are trying to push this through the CDRC and the County Commissioners. While this may not be a long term issue for those of you at the County, we LIVE here and are and will be affected by the poor business and professional practices being carried out by La Pradera. I think it is completely unethical and unacceptable to give a developer free reign to move lot lines and such after something has been approved. I also have a problem with you, Mr. Kolkmeier being given rubber stamp approval processes that should be up for public and county review. These shortcuts make it easier for the developer to get what they want and county constituents get the short end of the deal.

NB G-88

I came to the last month's CDRC meeting along with many of our neighbors who are in opposition and Mr. Mc Carthy was not present and their request was tabled until this month. Unfortunately, I will be unable to make this month's meeting, but I wanted you and the CDRC Committee to understand my position and to know that I am in strong opposition to La Prader's request.

We live here and we vote. We need your help to protect the citizens of the county, not the developers! I hope we can rely on the CDRC to make the right decision and to deny the La Pradera request.

Sincerely,

Michael Bartlett

NBG-89

Vicki Lucero

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From: Jack Kolkmeier  
Sent: Wednesday, July 20, 2011 8:44 AM  
To: Vicki Lucero  
Subject: FW: CDRC case # Z/S 02-4325

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

From: matter@gmail.com [mailto:matter@gmail.com] On Behalf Of Matthew Cooke  
Sent: Tuesday, July 19, 2011 8:08 PM  
To: Jack Kolkmeier  
Cc: Nikki Cooke; Lisa Burns  
Subject: Re: CDRC case # Z/S 02-4325

Hello again Mr. Kolkmeier,

There is another concern that I have and would like to express to you.

Despite our extremely dry year, I have noticed that the leech field for the community sewage has a very vibrant crop of tumbleweeds growing on the surface. There are no other such growths in the subdivision, so I am very curious as to where the tumbleweeds are getting the water from. Is the leech field leaking? That seems the only reasonable explanation to me, but I am not an environmental engineer.

I did not put two and two together last year (when I had just moved in to my home, directly next to the leech field). The tumbleweeds were "mowed" down by a front loader and prior to the excavation (which took a full three days) were anywhere from 6 to 8 feet high. Nowhere else in the subdivision does such growth of wild vegetation take place.

I am concerned and would like this question raised to the developers.

I am also going to raise my concern to the NMED and make them aware of this situation.

Thank you,

Matthew Cooke

On Mon, Jul 18, 2011 at 11:20 PM, Matthew Cooke <matter+mc@gmail.com> wrote:

> Hello Mr. Kolkmeier,

>

> I oppose the density increase of the La Pradera subdivision in phases  
> 2-6. The developers should be held to the density that neighboring  
> communities fought to achieve when the development was approved  
> initially. I am also concerned that plumbing for water supply and  
> sewage transport will not be adequate. I do not know this to be fact,  
> but have heard that the developers do not plan to run new plumbing for  
> each newly created lot, but instead would split the existing water  
> supply and sewage plumbing to accommodate the newly created lots.  
> Please make sure that this is not the case during the CDRC hearing and  
> that the facilities for water supply and sewage provide adequate flow  
> and meet county codes.

>

> I also oppose the modification of the original approval which required  
> reclaimed water to be used for irrigation and toilet flushing. This

NBG-90

> was a considerably hyped selling point (called a revolutionary system  
> and the only hope for the future of Santa Fe water conservation) which  
> was used to gain approval for the construction of the subdivision. I  
> believe that the developers should make the water reclamation system  
> work in a way which is usable by the homeowners as was initially  
> promised to the county.

>  
> I do, however, approve their current plan for phase 1 to replace the  
> condominium and commercial lots with 17 live/work lots.

>  
> Considering the high cost of La Pradera Homeowner's Association dues  
> of \$98 per month, I would like to see the developers construct a  
> community center for La Pradera homeowners with a dining / meeting  
> room, small kitchen, men and women restrooms with private showers,  
> indoor swimming pool and hot tub with skylights. I believe that such  
> a community center would attract homeowners looking to purchase in the  
> subdivision, provide a meeting place for homeowners and offer the  
> advantage of a community swimming pool as Santa Fe and La Pradera will  
> not allow individual homeowners a swimming pool.

>  
> Thank you for your time and consideration,

>  
> Matthew Cooke  
> 85 La Pradera  
> Santa Fe, NM 87508

>

NB G-91

### **SECTION 3 - HOME OCCUPATIONS**

The requirements of this Section 3 of Article III apply to home occupations.

#### **3.1 Location of District**

Home occupations are allowed anywhere in the County, provided all of the requirements of the Code are met.

#### **3.2 Performance Standards**

A development permit involving a home occupation may be approved only if the following standards are met:

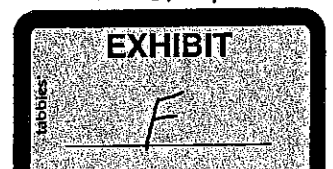
- 3.2.1 Not more than six (6) persons, other than members of a family residing on the premises, shall be regularly engaged in work at the site of the home occupation;
- 3.2.2 The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 50% of the floor area of the dwelling including accessory buildings shall be used in the conduct of the home occupation;
- 3.2.3 There shall be no change in the outside appearance of the building or premises, nor other visible evidence of the conduct of the home occupation, except for one (1) non-illuminated name plate sign not more than nine square feet in area;
- 3.2.4 Parking for employees and for customers or clients of the home occupation as required by Section 9 of this Article III shall be provided off the street;
- 3.2.5 No equipment or process shall be used in the home occupation which significantly interferes with the existing use of property in the adjacent area.

#### **3.3 Submittals**

The application shall be submitted on a form provided by the Code Administrator which shall include a description of;

- 3.3.1 Activities involved;
- 3.3.2 Materials and equipment used;
- 3.3.3 Methods of operation;
- 3.3.4 Number of employees;
- 3.3.5 Type of product to be produced, serviced or repaired;
- 3.3.6 Mechanical and electrical equipment necessary to the conduct of the home occupation use;
- 3.3.7 Amount, location and method of storage of supplies and/or equipment;
- 3.3.8 Location of parking;
- 3.3.9 Type and amount of traffic generated.

NB G-92



# ELLEN HEATH

PO Box 33016, Santa Fe, New Mexico 87594  
505.992.4987 • ellen123@q.com

Mr. Jack Kolkmeier  
County Land Use Administrator  
PO Box 276  
Santa Fe, NM 87504-0276  
June 11, 2011

Dear Mr. Kolkmeier:

I am writing to express my support, as a resident of Phase I, for the proposed revisions to the La Pradera Master Plan that will be considered on June 16.


There is concern among some individuals that the proposed 17 homes for Phase I (instead of approved commercial space) and an additional 27 homes in Phases 2 through 6 will further undermine depressed property values. The new proposal for Phase I is a collaboration by the developers and a "resource group," of residents, of which I am a member, to come up with the most attractive and acceptable layout possible. However, at the meeting this afternoon at which the collaboration was presented to all of La Pradera, it became clear that some individuals cannot relinquish the expectations formed in the overheated market in which they bought.

"Density" is the inflammatory word, and I have a different understanding of it. I came to the beauty, peace, and space of La Pradera recently after a heavy loss on a condominium unit I remodeled in a wonderful old home in inner Santa Fe. To my regret, I learned that I could hear my neighbor below cough through the walls. That is density.

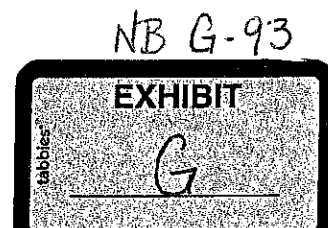
I bought a beautiful home in La Pradera at a depressed price, but I am very clear that it is in the best financial interests of all residents to support continued development by inviting a larger number of individuals than originally projected to enjoy its advantages. The plans for the open space that attracted us all remain unchanged, and the developers have committed to continue to work with residents, as in our resource group, to develop ideas about how to ensure the construction of quality homes that will actually sell in the current market.

The difficulty involved in getting some to adapt to the new economic reality reminds me of that quote by scientist John Lilly: "Our only security is our ability to change." I hope the County Commission will support the principals of La Pradera in their earnest effort to do just that.

Sincerely,



Ellen Heath





June 15, 2011

Dear Commissioners:

My name is Michael A. Hendrick. I live at 103 Bosquecillo in the La Pradera subdivision in Santa Fe County, and I am writing you concerning the developers of La Pradera's request to increase density in La Pradera 1 and also in La Pradera 2-6. The former is an established section of the development, and the latter is a later phase. The developers seek to expand both. I am one of two La Pradera residents elected to represent the La Pradera Homeowners' Association. However, let me make it perfectly clear that I am speaking only for myself as a property owner and not for the HOA or any other La Pradera resident.

I favor the developers' plans to increase density in both phases. I understand the concerns of residents and neighbors that the proposed homes will be smaller and of lesser value than properties already built, including mine. However, the developers have modified their original La Pradera 1 plans several times in the last week to reduce density (four fewer new houses, a reduction of 21 to 17), to increase lot size of six of the remaining 17 houses, and to create a greenspace buffer between the proposed homes and the property of the resident closest to these who is most concerned. La Pradera 1 currently has many unsold, empty lots and a number of homes up for sale, including some taken over by banks. I believe property values will be enhanced if more families move into La Pradera, and the development shows more signs of activity and becomes a real community.

La Pradera 2-6 abuts Vista Ocaso, a nearby community to the south with a minimum lot size of 2.5 acres and homes in the 3,000 to 4,000+ square foot range, some of which are horse properties. A number of the Vista Ocaso residents are vocal in their opposition to any increase in density in La Pradera 1-6. This is understandable. However, most of them bought 10-15 years ago and are shielded from the recent real estate debacle unlike many La Pradera homeowners. Further, little of La Pradera is visible from most Vista Ocaso homes. In fact, they are more visually threatened from new construction at Rancho Viejo directly south of them. Much of their concern is of a "not in my backyard" nature. Having lived over 40 years in the Deep South, I am familiar with these fears, but I do not share them.

Residents of La Pradera and neighbors in Vista Ocaso voice concerns about lowered property values if density is increased. Homes bought three to four years ago have dropped in value anywhere from 30-40%, but this has nothing to do with the developers' recent request. For example, I bought my property for 535,000 three years ago, and the county last appraised it at 365,000. I believe the major bleeding is nearly over and accelerated reappreciation is more likely if La Pradera is perceived as vibrant and alive, unlike, for example, the now bankrupt, semi-deserted Oshara a nearby development. More residents can make that happen despite smaller homes and lot sizes. We are more likely to get these new residents with homes at the price points proposed by the developers in their pending request.

Thank you for the opportunity to share my thoughts in this difficult matter.

Sincerely,

Michael A. Hendrick  
103 Bosquecillo  
Santa Fe, NM 87508  
706-202-6557  
[hendrick@uga.edu](mailto:hendrick@uga.edu)

NB G-94

August 30, 2011

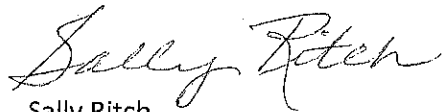
County Commission, Santa Fe County

RE: CDRC Case # Z/S 02-4325

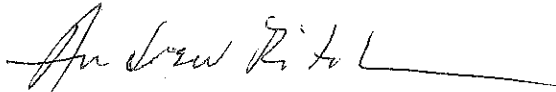
We respectfully request consideration of our position to completely support the wishes of Gardner Associates LLC and La Pradera Associates LLC for a Master Plan Amendment.

As new landowners in La Pradera it is comforting to us that the investment groups involved with our new home at 88 Bosquecillo have the foresight to adapt to national and economic trends by changing the scope of the La Pradera Master Plan to conform to these major trends. We hope that their request be granted or approved so that the energies of the subdivision may resume and people may be put back to work as new construction evolves.

Very sincerely,

A handwritten signature in cursive script that reads "Sally Ritch".

Sally Ritch

A handwritten signature in cursive script that reads "Andrew Ritch".

Andrew Ritch

## Vicki Lucero

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**From:** Ellen Heath [ellen123@q.com]  
**Sent:** Wednesday, August 17, 2011 12:25 PM  
**To:** Vicki Lucero  
**Cc:** Alexis Girard  
**Subject:** La Pradera Master Plan

Dear Ms. Lopez,

I would like to register my support for the revised master plan under consideration for La Pradera. I am a resident of the development and live at 65 Bosquecillo and will unfortunately not be able to attend the meeting tomorrow afternoon.

The developers have worked closely with an advisory committee, of which I am a member, to come up with plans for residences that will actually sell in this challenging market. No one actually wanted the commercial center, which we knew wasn't viable anyway, and the live-work residences seem a good alternative. With regard to the density issue, the ideal would be less, but the new plan doesn't provide for an inordinate increase in residences.

Certain individuals representing Vista Ocaso have been very vocal in opposition to all revisions, but those individuals would probably like to see La Pradera stall, just as it is. Those of us who have invested in the original vision for La Pradera, which remains largely intact, would be financially damaged by the development's failure to fulfill the dream.

A sense of community is building, and existing residents seem to be dedicated to ensuring that quality construction will be the rule and that there will be an ongoing commitment to maintaining the whole in an aesthetically pleasing way. With regard to the disgruntled residents of Vista Ocaso, the clock cannot be turned back to the time when the acreage was open land, and the challenge seems to be to find a way to go forward in a practical and disciplined way. I am very supportive of the new master plan, and I intend to continue to be involved in promoting the wellbeing of the entire community.

Sincerely,  
Ellen Heath

**G. CDRC CASE # Z/S 02-4325 La Pradera Master Plan Amendment, Plat and Development Plan. Gardner Associates LLC and La Pradera Associates LLC (Alexis Girard) Request a Master Plan Amendment to Allow for the Creation of 27 New Residential Lots within the Previously Approved La Pradera Subdivision and to Allow for the Previously Approved 32,667 Square feet of Commercial/Residential Area, Parking Lot and 11 Condominiums to Be Replaced with 17 Single-Family Residential, Live/Work Lots. The Application Includes Modification of the Original Approval That Proposed the Use of Reclaimed Water for Irrigation and Toilet Water Flushing on All Private Lots. The Use of Potable Water is Now Proposed. Reclaimed Water Will Be Used to Irrigate Common Areas Only. The Request Also Includes Preliminary and Final Plat and Development Plan Approval for 27 New Lots and Several Lot Line Adjustments in Phases 2-6 and 4 Master Plat Lots Which Could Be Developed Into a Total of 17 Single-Family, Live/Work Lots (11 Condos and 16,334 Square feet of Residential Space as Previously Approved to Be Converted to Single Family Lots) in Phase I. The Property is Located within the Community College District, West of Richards Avenue Between I-25 and the Arroyo Hondo, within Sections 17 & 18, Township 16 North, Range 9 East (Commission District 5) Vicki Lucero, Case Manager [Exhibit 4: Letter of Support]**

Vicki Lucero read the staff report as follows:

“On January 28, 2003, the EZA granted master plan approval for a mixed-use development (La Pradera) consisting of 80 residential units, 16,334 square feet of commercial space and 16,334 square feet of residential space on 69.2 acres.

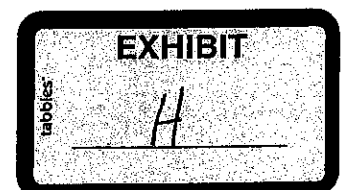
“On March 9, 2004, the BCC granted Final Plat/Development Plan approval for the mixed-use subdivision.

“On June 30, 2005, the EZA granted approval of a master plan amendment to the previously approved La Pradera, Phase I, mixed-use subdivision to allow an expansion of an additional 158 residential lots (Phases 2-6) on 94 acres.

“On January 31, 2006 the BCC granted preliminary plat and development plan approval for Phases 2 thru 6 and final approval for Phases 2 and 3 consisting of 97 lots.

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

On May 10, 2011, the BCC granted authorization to proceed with a master plat for the creation of 21 residential (live/work) lots within the existing La Pradera Subdivision, which does not require that a specific lot layout be defined prior to



plat recordation and would grant administrative authority to create lot boundaries once buyers are identified or home construction is complete.

“The Applicants are now requesting a master plan amendment for the La Pradera Subdivision in order to create an additional 27 residential lots. The twenty-seven proposed lots will be created by adjusting lot lines of existing lots to reduce the size of some of the oversized lots in Phases II-VI. The Applicant states that these smaller lot sizes are dictated by the significant changes to our economy and the market demand for entry-level housing. Six residential lots from the previously approved 16,334 square feet of residential space will be combined with 11 previously approved condo units from Phase I, for a total of 17 lots, in order to create a ‘village concept’ which will have the potential of being live/work units.

“The previous master plan approval was granted with the proposal of utilizing treated effluent for irrigation of common areas as well as for toilet flushing and irrigation of private lots. The proposal was for each home to install a dual plumbing system. The applicants are requesting an amendment to modify their original approval to allow for irrigation of common areas only with reclaimed water. County staff has met with the NMED who stated that they are supportive of this change because it is very difficult to control what individual property owners do with the treated effluent which leads to a concern for health and safety.

“The Applicants are also requesting preliminary and final plat and development plan approval for the 27 new lots and several lot line adjustments in Phases 2-6 and Master Plat approval for 4 lots which could be developed into a total of 17 single-family, live/work lots in Phase I.”

Ms. Lucero said the application was reviewed for zoning allowances, water, wastewater, fire protection, solid waste, roads, access, terrain management, open space, landscaping, archaeology, and affordable housing.

Ms. Lucero gave the staff recommendation as follows: The proposed master plan amendment and master, preliminary and final plat and development plan are all in conformance with the Community College District Plan and Ordinance and the County Land Development Code. Therefore, staff recommends approval of the request subject to the following conditions:

1. Provide a minimum of 8 residential units (30%) for affordable housing. A mix of housing types is required for the entire development. The affordable housing lots must be identified on the Final Development Plan. The affordable housing agreement must be modified to reflect the additional lots and must be approved by the Affordable Housing Administrator prior to this case being heard by the BCC.
2. The plaza area must be designated on the plat and development plan prior to this case going before the BCC.
3. Development of the Master Plat lots, which are located within the Neighborhood Center, shall comply with the minimum Floor Area Ratio (FAR) of .25 and the

maximum of 2.0 as required in the CCDO. This shall be noted on the Final Plat and Development Plan.

4. Coordination with the Utilities Department on final modification of the water lines and meter locations.
5. Modification and re-filing of Water Restrictive Covenants to reflect new dwellings and maximum water use per dwelling prior to Final Plat Recordation.
6. The live/work units must be sold as a single unit/lot and can't be condominiumized or sold separately. This shall be noted on the subdivision plat as well as on the individual plats and included in the disclosure statement.
7. The property must be brought into full compliance including removal of stockpiles, trash and detritus prior to final plat recordation (see Exhibit "H").

Chair DeAnda asked for clarification of the affordable housing situation. Ms. Lucero said there are 27 additional lots and they are replacing 11 previously approved condos and 16,000 square feet of residential space with 16 single-family lots. The 37 mentioned in the applicant's report is an error. The affordable housing units were factored in in the previous approval.

Speaking for the applicants, Karl Sommer introduced the project principals and consultants, and recognized that the neighbors to the south have concerns. He said they agree with staff's statement that this amendment complies fully with the Community College District Ordinance with respect to density, open space and other requirements. This was the area the County intended to focus its growth and in place of maximum densities there are minimum floor areas to concentrate growth and make infrastructure more compact and efficient. There is a 50 percent open space requirement.

Mr. Sommer noted the amendment is being requested due to the economic downturn that threatens the viability of the original plan. He cited Oshara as a failed development where infrastructure has not been completed and home values have fallen. Credit is tight which also threatens La Pradera's viability. This amendment helps them stay in the market. La Pradera has been creative in seeking ways to keep people building. The price range is \$250,000 to \$350,000. The principals have a huge investment in the project and densification will aid viability.

Mr. Sommer pointed out that the room is not filled with La Pradera residents, who now want to see the project move forward. He pointed out that the project is demonstrating water efficiency by using only .11 acre-foot per year. Any past problems with the wastewater treatment plant have been remedied and it is now in compliance.

Regarding traffic, the development is in compliance. This amendment reduces to overall long-term traffic impact. Open space tracts will be maintained; the only change is densification of the lots.

Mr. Sommer addressed issues that have been brought up by opponents. He denied that the developer has not lived up to previous agreements. He said they have met with the neighbors and reduced density, modifying the initial proposal. Economic conditions have changed and the agreement did not specify that they would never do anything different, even if it means the development will fail. Complaints about the piles of debris from Advantage Asphalt were valid; that has been cleaned up. He said the reuse of

effluent was already addressed. He said the developers agree with staff conditions and the changes proposed will help maintain a healthy, viable community for all.

Duly sworn, John McCarthy gave a history of the project, which started with the purchase of the property in 1999. They worked quite extensively with the neighbors. As a result of discussions he said they have provided a 400-foot buffer on the east side and a 125 to 250 buffer on the south side in addition to planting 50 evergreen trees. Other accommodations include addition of a new road section and paving all access roads. In 2004 density was reduced by 45 units. However, in the spirit of meeting the market and creating construction jobs some of the "super-sized" lots have been reduced to closer to the average lot size.

Member Gonzales asked how many meetings were held with the neighbors. Mr. McCarthy said there were around five meetings and an advisory committee of La Pradera homeowners. He said 90 lots have been sold, of which around 70 are occupied. In phases 1 through 6 the existing approval is for 237 residential lots plus one commercial lot. The amendment would do away with the commercial element in exchange for more residential. He demonstrated the changes on a map.

Member Gonzales noted that the residents relied on initial declarations about water reuse. Mr. McCarthy referred to Appendix J to the plumbing code which did not allow reuse. The developers worked with the City, County NMED and the State Engineer to get permission to use treated effluent for commode flushing and on-lot irrigation. Dual plumbing was installed. After about a year very few people chose to use the system due to odors and concerns that the effluent was not being used properly. At the homeowners meeting the situation was explained and it was unanimously agreed to abandon commode flushing with effluent in phases 2 through 6.

Member Gonzales asked about possible negative economic impact on existing homeowners. Mr. McCarthy said the existing market is in the \$200,000 to \$325,000 range, and this is not a decision made by the developers.

Member Gonzales asked why evaporative coolers were prohibited. Mr. McCarthy said that restriction came out of a two-year State Engineer study that show they use a great deal of water. The covenants prohibit both external hose bibs and swamp coolers. He pointed out that most people in Santa Fe do not have any air conditioning. The homes being built have a HERS rating of 57 to 59, which is enviable, and as mentioned, very little water usage. Member Gonzales reiterated his contention that swamp coolers are cheaper and efficient.

Chair DeAnda asked about total number of units at build out. Mr. McCarthy said it will be 270, meaning 180 remain to be built. Chair DeAnda asked if the prohibition on graywater flushing changed the claim of sustainability, and where the potable water now used is coming from. Mr. McCarthy said there is a service agreement for City-wheeled water. Xeriscapes are widely used along with other techniques to cut down water use. He characterized the reuse plan as an experiment that did not work out. He said the homeowner has the responsibility to tap into rain barrels.

Chair DeAnda said she was glad to hear the trash heap problem had been addressed and Mr. McCarthy provided a picture of the cleaned-up site. *[Exhibit 5]*

Regarding the odors from the wastewater treatment plant, Chair DeAnda asked if that had been addressed. Mr. McCarthy said it was discovered that a lightning strike caused the problem in the first plant. The second plant has been activated in May and the first has been refurbished. They are in compliance and the capacity is more than adequate. Chair DeAnda pointed out that the letters of complaint were dated after the date of the second plant being activated. Mr. McCarthy said it might have taken a while to stabilize. He said he is out there daily and has not noticed an odor.

Chair DeAnda asked for clarification of the revegetation situation. Mr. McCarthy said the area with most of the raw dirt is the area that has been cleaned up. Additionally, there are two open space areas that have detention basins with trees that will be irrigated with treated effluent. They were waiting for the rains to start before reseeded and are being proactive in the use of graywater.

In response to the chair's questions about the homeowners association Mr. McCarthy said the HOA board of director consists of three developers and two members at large. The developer will maintain control until 87.5 percent of the 270 units are sold.

Chair DeAnda also spoke in favor of swamp coolers; Mr. McCarthy said they pose a number of problems beyond water use, including the need to cut holes in the roofs causing heat loss in the winter, as well as other problems.

Member Anaya asked what the HERS rating was now that the effluent system had been abandoned. Mr. McCarthy stated the rating was not affected by that.

Chair DeAnda asked for clarification of condition #7, and Ms. Lucero said that has to do with the stockpiles and revegetation. She said they had made progress last time she was out there. They did a site visit with NMED who indicated they have no problems with the wastewater treatment plant. Staff has received no further letters about the odors.

Bill Varnum, under oath said he was a resident of Vista Ocaso. He understood the minimum buffer distance in the Community College District was 195 feet. He said there have not been meetings specifically with the Vista Ocaso neighborhood. He stressed his neighborhood has never approved of La Pradera. The nominal neighborhood leader lied under oath to the Commission regarding the acceptance. They had asked for a 300-foot buffer, like that bordering Rancho Viejo; they got 125 feet. He has filed a perjury complaint against the erstwhile leader but with no result. He said the lots as currently configured would sell if presented at market value. The developers are asking the County to guarantee a higher profit margin for them. He said the school district should approve the greater density as well.

Christopher Graeser, appearing as legal counsel for two residents stated no one wants to see the development fail, but they should be held to the original deal. There were negotiations in 2005 after which Mr. McCarthy sent a letter to the Vista Ocaso outlining the agreed upon items, whereupon the neighborhood largely withdrew their opposition. The current proposal splits the large buffer lots that were agreed upon. He pointed out if there were a proposal for a new 27-lot subdivision the committee would insist on



standards and this is not happening here. There have been significant problems with the utilities. His clients are willing to work with the developer and he asked that the neighbors not be required to make all the compromises. He asked that the request be denied but if the amendment is approved he asked for a condition requiring lot line adjustments to come before a public hearing so that even more lots are not “crammed” on the southern side. The Community College District clearly calls for large buffers. Changing economic times do not constitute an excuse for cutting corners. The “super-sized” lots were there to provide a buffer.

Ms. Cobau confirmed that the committee would be making a recommendation to the BCC, not a final decision.

Previously sworn, Adriene Simpson from the Vista Ocaso Subdivision stated there was no guarantee the extra lots were going to “save the day.” She said the La Pradera homeowners were not present because they were threatened with the development becoming another Oshara. She said currently there are large lots with large custom homes and the current plan is more likely to bring about market segregation and less diversity. She pointed out there is plenty of inventory right now to employ construction workers. The infrastructure was installed to accommodate the original plan; splitting lots in half will cause problems by dividing service lines. She had no confidence the wastewater problem was solved, nor the revegetation. The detention ponds are full of weeds. She opposes the proposed changes.

Ron Gallegos, under oath, disputed the contention the Community College District Ordinance called for minimum densities. He agreed the La Pradera residents were no longer opposing the changes because of the threat of failure like Oshara. At the meetings it was made clear there was no room for negotiation. Phase 1 differs significantly from the other phases. Mr. Gallegos said he was closest to the new lots and Vista Ocaso is more impacted by the changes than Phase 1. He doubted the water usage figures could be trusted since many of the houses are unoccupied. The County encourages working with the neighbors but what is to be done if the agreements aren’t upheld? He noted there appears to be standing graywater near the treatment plant. Although it was said the HOA voted to stop the reuse plan. He pointed out the developers are the HOA at this point. He asked that the whole project not be made affordable housing; there have already been break-ins. He said he has a long-term interest in his property whereas once the developers sell the lots they will be gone.

Under oath, Lisa Burns presented the committee with a petition [*Exhibit 6*] and photographs showing the differences between Phase 1, phases 2 through 6, and the surrounding neighborhoods. [*Exhibit 7*]. She also provided the 2005 letter from Mr. McCarthy with the original plan and revised plans. [*Exhibit 8*].

Responding to questions from the chair, Mr. Graeser said he was retained by Matthew Cooke and Lisa Burns and has talked to other neighbors in support of their position. He said they are willing to be reasonable. Chair DeAnda said it did not appear a fruitful meeting had been held to deal with the issues. Mr. Graeser said his clients would

be willing to sit down with the applicants, along with anyone else who wants to participate.

Chair DeAnda broached the possibility of a further meeting and Mr. McCarthy said they have met with the surrounding neighbors and they have never changed their position; they are always against, and they have used delaying tactics. Chair DeAnda said she doesn't have a sense of what the residents of La Pradera want. Mr. McCarthy said many of the objections raised have been addressed.

In rebuttal, Mr. McCarthy said the buffer hasn't changed; it is still 195 feet. The applicants have spoken with the school district and there is a letter in the packet to that effect. The big lots were never contemplated nor represented as a buffer. He said larger lots do not necessarily equate with larger, more expensive homes.

Chair DeAnda asked about a public hearing being triggered by changing the lot lines. Mr. McCarthy he said they would come back if there was a change of density. Ms. Lucero pointed out they were approved to have lot lines approved administratively.

Member Anaya moved to approve the La Pradera master plan amendment. His motion died for lack of a second.

Member Gonzales moved to table to allow further good faith negotiations, and Member Valdez seconded. Member Valdez noted there didn't appear to be a water availability letter.

Chair DeAnda said she was doubtful there would be much movement from a new meeting.

The motion to table tied 2-2 with Members Gonzales and Valdez voting with the motion and Members Anaya and DeAnda voting against.

Ms. Cobau said the case would appear at the next meeting when there are more members present. Mr. Sommer noted Member Katz would be recusing himself. Chair DeAnda said Member Martin will be present.

Saying the delays have a severe impact on the project, Mr. Sommer asked that the case be denied rather than tabled. He said he has heard Mr. Graeser's demands and there doesn't appear to be any possibility of progress.

There was no motion to reconsider.

### **VIII. PETITIONS FROM THE FLOOR**

None were presented.

unanimously approved as modified.

2485393

**APPROVAL OF MINUTES: December 17, 2002**

Commissioner Campos noted that there were only two members present from the last meeting. Pending legal advisement, Councilor Lopez postponed approval of the minutes. Councilor Pfeffer seconded and the motion passed without opposition.

**COMMUNICATIONS FROM THE ATTORNEY**

None were presented.

**CONSENT CALENDAR**

**A. Finding of Facts**

1. **EZ Case #S 02-4490 - Mountain Vista Subdivision (approved)**

Councilor Lopez moved to approve the finding of facts as presented. Her motion was seconded by Commissioner Anaya and passed by unanimous voice vote.

**OLD BUSINESS**

**EZ Case #MP 02-4320. Gardner Property Master Plan.** John McCarthy applicant, is requesting master plan approval for a mixed use development which would consist of residential, commercial, and community in a village zone and fringe zone, consisting of 80 residential lots and 37,000 square feet of commercial space on 69 acres. The property is located along Dinosaur Trail west off Richards Ave. and south of Interstate 25 within Section 17, Township 16 North, Range 9 East (Two-mile EZ District)

Mr. Catanach stated the case was tabled by the EZA on July 30, 2002. Since that time, the applicant has submitted a modified master plan and additional information according to the direction given at the July meeting, including letters from CID and NMED relating to the use of treated effluent. There is also a modified road layout. The development is scheduled to occur in three phases.

Additionally, there are letters from the County Hydrologist, the State Engineer and the County Water Utility.

The master plan includes 39 acres of permanent open space and 12 affordable housing units. The first phase would have 16 residential units, 3,267 square feet of commercial and use 2.3 acre-feet of water. The Richards Avenue/Dinosaur Trail intersection will be relocated and improved.

The second phase will consist of 27 residential units, 5,513 square feet of commercial



and use 3.9 acre-feet of water. Phase 3 will have 37 residential units, 7,555 square feet of commercial and use 5.3 acre-feet of water.

Mr. Catanach stated the applicant has identified the zones based on the landscape types. He noted that the minimum residential density in a village zone is 3.5 units per acre and the applicant is proposing 4.3 units per acre. They also address the FAR (floor area ratio). Also addressed were market analysis, economic and fiscal impact as outlined in the staff report.

Water will be from the County Water Utility. Total demand is estimated at 11.58 acre-feet per year based on conservation and the use of treated wastewater for toilet flushing and harvesting. The applicant has submitted a purchase agreement for 5.5 acre-feet to be transferred to the County utility which is sufficient to serve the first phase. There will be a clustered, advanced treatment wastewater system

The suggested road alignment is in conformance with the Community College District road plan. The secondary access will be from the other end of Dinosaur Trail. At the time of the second phase there will probably be a realignment of Dinosaur Trail so that it no longer intersects with State Road 14.

The project was reviewed for terrain management, open space, landscaping and archeology. There is an open space buffer along the right-of-way. There are conceptual homeowner documents.

The EZC 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. Address legal use of off-site road easement connecting to Richards Avenue, and subject to a minimum width of 50 feet, including easement for realignment of Dinosaur Trail/Richards Ave. intersection.
3. District trail shall be developed in phase one with village and local trail connection to neighborhood center for each phase, and specify trails are granted for public use.
4. Conceptual homeowner covenants shall make reference to mixed use principles and objectives of the Community College Dist.
5. Primary roads will be subject to a conditional dedication to the County for future ownership and maintenance, in accordance with road circulation map (CCDO).
6. Compliance with road sections for a neighborhood or village street and alley, and each lot

shall have access to a road meeting minimum standards.

7. Address landscape concepts and recreational facilities for passive park and neighborhood park, and open space/park acreage shall not go below 50 percent for each phase based on total acres for each phase.
8. Compliance with future amendments of the affordable housing ordinance, and 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.
9. Submit updated traffic report and market/economic/fiscal analysis with development plan.
10. Notification of County Assessor and County Sheriff regarding proposed master plan.
11. Participation in an infrastructure extension policy for district wide infrastructure, improvements and operations as applicable.
12. Compliance with final adopted road plan regarding reservation of right-of-way corridors for extension of future road alignment north to interstate.

Additional conditions:

1. A fiscal impact study shall be conducted by the County for the entire Community College District. The BCC shall review and assess the fiscal impact within one year ~~prior to any preliminary development plan submittal~~ to determine whether the project is in the best interest of the County and fiscally viable in the judgement of the BCC. [Modified in discussion.]
2. Water service agreement and water budget to be approved by the County prior to final development plan approval by the BCC, and the terms and conditions of the water service agreement must be complied with prior to recording the plat.
3. 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 or other source approved by the BCC. No on-site or other wells shall be permitted. [Modified in discussion.]
4. 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 BCC as a revision to the Santa Fe County Growth Management Plan.
5. No vested rights are granted with master plan approval.

[City Conditions on file at City Planning Department]

Regarding the third additional condition, Commissioner Duran said requiring transfer to the Buckman well system may not be the most effective way to provide water to the development. He cited the diminishing rights at the Valle Vista wells. He said he preferred to leave the option open.

Rosanna Vazquez, appearing as legal counsel for the applicant, distributed plans relating to the revised master plan [Exhibit 1] and a letter from the New Mexico State Highway and Transportation Department [Exhibit 2] She stated Arunas Repecka was present to answer questions pertaining to the water system. She referred to a letter from Gary Roybal, dated November 12<sup>th</sup> which also notes the possibility of alternatives to the Buckman well fields.

Ms. Vazquez summarized the letter from Miguel Gabaldon from the Highway Department saying he recommends realigning Dinosaur Trail and working with the other property owners in order to avoid two closely spaced intersections on SR 14. Road improvements to Dinosaur Trail are not necessary for the first phase. The applicant agrees with the conditions regarding the Richards Avenue issue. She said area resident Ms. Petchesky is supportive of the project and is waiting for the legal description before dealing with the right-of-way issue. The applicant also agrees to the Oshara alignments.

Regarding density, Ms. Vazquez said that the Community College District ordinance is unique in that it gives a minimum density rather than a maximum. To address the neighbors' concerns, more open space and a greater buffer was created. With the minimum 50 percent open space, 85 units would have been possible, which is five more than are currently requested. She Dinosaur Trail will eventually become a major arterial and be dedicated to the County.

The relocation of Richards Avenue allows for an overpass, left-turn and right-turn lanes.

She reiterated that the water rights have been purchased.

The Al Pitts road study recommends removal of the underpass, and they would request the return of the easement if the alignment does not go through. They are also requesting waiving the fiscal impact study (additional condition #1) since this is a small and innovative project. As such, it could serve as a model for future developments. They also request flexibility on additional condition #3.

Councilor Pfeffer asked what they were doing to secure the additional water rights required. Ms. Vazquez said the partners are looking for rights for the subsequent phases. Councilor Pfeffer asked if water harvesting was included in the 11.5 acre-feet or if it was solely for landscaping. Ms. Vazquez said it was a method for use of water as described in the packet, viz., 3.04 acre-feet will come from roof harvesting. Covenants require cisterns.

Referring to Exhibit G in the packet, Councilor Pfeffer asked if there will be an operator for the water system. Ms. Vazquez said the Arunas system assumes a full-time operator.

Commissioner Duran asked for clarification on the Roybal letter mentioning another point of diversion. Ms. Vazquez said page 2, paragraph 2 refers to the Buckman well fields. The water service agreement leaves point of transfer open.

Commissioner Anaya asked about the distance between subdivisions. Ms. Vazquez said the separation was approximately 400 feet.

In response to Commissioner Campos' questions, Ms. Vazquez said the water rights came from Cerrillos Road with a priority date of 1948.

Duly sworn, Spencer Bryant Farr from the Rain Capture Company stated he was not affiliated with the principals. He said he approves of the creative concepts the project will be using.

It will benefit the community as a pilot project for the future.

Commissioner Duran asked if the EZA has considered water conservation measures similar to those passed by the BCC. Ms. Yuhas said she could bring such measures before the EZA.

Regarding the request to waive the diversion at Buckman and the fiscal impact study, Commissioner Campos said public interest demands that those conditions be maintained.

Commissioner Duran said insisting on the Buckman diversion was short-sighted due to the fact that the Valle Vista rights are diminishing.

Commissioner Campos stated if that was the case the policy should be changed. He said the Community College District has large implications for the entire County.

Ms. Vazquez indicated that it was her understanding that the fiscal impact analysis contract has not yet been awarded. She asked that the language be changed to delete "prior to any preliminary development plan submittal."

Legal Counsel Gonzalez suggested that "modifying the language to indicate that review would occur within one year would not run counter to that policy unless the Commission decides they want to change the policy itself. The way it currently reads it's an open-ended condition running for a one-year period beginning some indefinite time, not yet defined."

Ms. Vazquez said the original condition was imposed in August 2000 and on Sonterra and Thornburg. The time frame was debated at that time with the belief that the contract would be awarded soon. She said if it is demonstrated in the future that the development would have a deleterious effect it would be a basis for denial of the preliminary and final development plan.

Mr. Catanach said the contract for the fiscal impact study has been awarded. Judy McGowan, County Planner, said the contract was approved at the last BCC meeting. They tried to negotiate a contract that would be completed before the year time limit. The consultants are due to appear at the next Board of County Commissioners meeting.

Referring to additional condition #3, Councilor Lopez suggested it read "... using a sustainable imported water source ~~from the Buckman well system...~~ " She said it should be clear they can't drill wells and they must bring water to the table.

Commissioner Campos said for consistency, the condition should read as written, with the reference to the San Juan/Chama allocation.

Commissioner Duran said he believed that in one of the previous developments there was an agreement to get water from Santa Fe County without restriction on where it came from.

Councilor Lopez offered "... from the Buckman well system or a permanent San Juan/Chama allocation, or other source approved by the BCC.

Commissioner Campos agreed to that change.

Mr. Gonzalez recommended that the word "imported" be stricken. Commissioner Campos said that is not consistent with what the Board has been doing.

**Councilor Lopez moved to approve EZ Case #S 02-4320 with the change to additional condition #1 to strike "prior to any preliminary development plan submittal", a change to additional condition #3, to read "San Juan/Chama allocation or other source approved by the BCC, and with all other conditions including City conditions. Commissioner Anaya seconded.**

Councilor Pfeffer thanked the developers for addressing the neighborhood concerns and for the work done on innovative water ideas. He encouraged the County to look at offsetting water use as is done in the city.

Commissioner Anaya agreed that water reuse and husbanding was the right direction.

**The motion passed by unanimous voice vote.**

#### NEW BUSINESS

**EZ Case #MIS 02-4021. Tesuque Hills. Chuck Bryant, applicant request reconsideration of a condition that was imposed on the previously approved master plan consisting of 53 residential units on 53 acres, which states "If the applicant does not obtain water rights, this master plan will become null and void." The property is located immediately west of US Highway 84/285 north of Sangre de Cristo Estates, within Section 1, Township 17 North, Range 9 East (Two-mile EZ District)**

Commissioner Duran said it was his understanding that this was a legal issue on Code interpretation and recommended focusing on that aspect rather than on the development as a whole.

Mr. Gonzalez cited a letter from County Attorney Kopelman [Exhibit 3] and read the relevant passage: *Staff has been able to research the question you raised in your letter dated July 18, 2002 regarding whether water rights are required under either the Santa Fe Extraterritorial Zoning Code or the Santa Fe Extraterritorial Subdivision Regulations for Type II subdivisions within the urban area of the Extraterritorial Zone. In our view, there is no express requirement in ordinance or regulation requiring the acquisition of water rights. Please keep in mind that Mr. Bryant apparently agreed, as a condition of master plan approval to obtain water rights for this project.*

Commissioner Duran stated there should be an amendment to the EZO clarifying the issue of water rights.



~~MR. ENFIELD: Thank you very much.  
CHAIRMAN CAMPOS: Thank you.~~

- XIII. A. 7. EZ CASE # S 02-4321 – La Pradera Subdivision. Gardner Associates LLC. (Alexis Girard), applicant, Design Enginuity, agent, request final plat and development plan approval for a mixed use subdivision consisting of 69 lots with 80 dwelling units and 32,667 sq. ft. of commercial area on 69.2 acres. The property is located west of Richards Avenue between I-25 and the Arroyo Hondo within the Community College District, within Section 17, Township 16 North, Range 9 East (Commission District 5)**

VICKI LUCERO (Review Specialist): Thank you, Mr. Chair. My name is Vicki Lucero and I'm the Development Review Supervisor for the Land Use Department.

On January 28, 2003, the EZA granted master plan approval for a mixed-use development. On December 11, 2003, the EZC met and recommended approval of this request. This request for final plat and development plan consists of the following: a fringe zone, neighborhood zone and neighborhood center, with 63 single family homes, three duplexes, 11 live-work units, 16,335 square feet of commercial space, 39 acres of open space with three neighborhood parks totaling 3.1 acres. The proposed 80 dwelling units will include 12 affordable housing units, which will be integrated within all residential types.

Recommendation: The proposed water budget of .34 acre-feet per year for the commercial development is only sufficient for low water use businesses such as offices. There is nothing in the disclosure statement, covenants or on the plat that will limit these types of commercial uses. The decision of the EZC was to recommend approval of this request subject to the conditions as listed below. The County Hydrologist has reviewed the water budget and recommends that no less than .16 acre-feet per dwelling feet be allocated. The applicant is in agreement with this recommendation. Therefore staff changed condition number 19 to reflect the water allocation of .16 acre-feet per unit instead of .156 as recommended by the EZC. Mr. Chair, may I enter the conditions of approval into the record?

CHAIRMAN CAMPOS: Conditions 1 through 29?

MS. LUCERO: 1 through 29, Mr. Chair, and Vicente just handed out two additional conditions that staff is recommending.

1. Water service shall be provided by Santa Fe County Water Utility in accordance with all applicable ordinance, rules and procedures.
2. The retention ponds shall be relocated or separated from the neighborhood parks.
3. All redline comments must be addressed.



4. Final development plan and plat with appropriate signatures must be recorded with the County Clerk.
5. The grading and drainage plan must be signed and sealed by a Professional Engineer.
6. Road names and addresses must be approved by Rural Addressing.
7. Water restrictions, final homeowner's documents, and disclosure statement are subject to approval by staff.
8. All utilities must be underground.
9. A detailed signage plan must be submitted for review and approval prior to final plat recordation.
10. The applicant must submit solid waste fees as required by the subdivision regulations.
11. All lots are subject to the Santa Fe County Fire and Rescue Impact Fees. This must be clearly noted on the final plat.
12. The applicant must submit an engineer's cost estimate and financial guarantee for all required improvements (i.e. road construction, street and traffic signs, fire protection, etc.). A schedule of compliance projecting time period for completion of improvements must be included. Upon completion, the applicant must submit a certification by a registered professional engineer that improvements have been completed according to the approved development plan.
13. Compliance with applicable review comments from the following:
  - a) State Engineer's Office
  - b) State Environment Department
  - c) Soil & Water District
  - d) State Highway Department
  - e) County Hydrologist
  - f) Development Review Director
  - g) County Fire Marshal
  - h) County Public Works
  - i) County Technical Review Division
  - j) State Historic Preservation Office
14. The following note must be put on the plat:  
*Permits for building construction will not be issued until required improvements for roads, drainage, and fire protection have been completed as required by staff.*
15. The developer shall pay a fire review fee in accordance with Santa Fe County Resolution No. 2003-47, prior to the recordation of the Plat/Development Plan.
16. The applicant shall participate in a CCD wide infrastructure Extension Policy for infrastructure improvements, operations and maintenance.
17. Gardner Assoc. LLC and Emerald Alliance, Inc. shall submit an agreement regarding proportionate reimbursement for road improvements to Dinosaur Trail that were done by Emerald Alliance, Inc. at such time as provided by the County.

18. Approved discharge permit from the Environment Department shall be submitted with final development plan and plat application.
19. Commercial uses shall be limited to low water use businesses as approved by the County Hydrologist. This shall be noted on the plat and in the disclosure statement. Water budget shall provide a minimum of 0.16 acre-feet per residential unit.
20. The applicant must submit an affordable housing agreement in conformance with Community College District Ordinance with final plat application.
21. Consent from property owners must be submitted for easement regarding realignment of Dinosaur Trail for extension to Richards Ave and realignment of Dinosaur Trail for extension to Rancho Viejo Blvd.
22. Dinosaur Trail shall be improved from the proposed subdivision to the existing asphalt pavement on the west in conformance with minimum standards for a basecourse road surface, or to the point where the road has not been improved with a basecourse road surface meeting minimum standards.
23. Centralized neighborhood park shall have at least .25 acres of property that is not within the drainage pond, and shall have adequate toddler play facilities.
24. Minimum standards must be maintained for village trail extending off district trail on east side of property. Basecourse surface may be from edge of flood fringe.
25. Road section for village street shall include on-street parking on both sides of the street, and shall be extended to three sides of the plaza site.
26. Standards for village trail along off-site portion of Dinosaur Trail shall be maintained (10 foot wide with 2 inches of asphalt over 4 inches of compacted basecourse) or suitable material for bike riding.
27. The plaza within the neighborhood center shall be a minimum of .33 acre.
28. The applicant shall provide base flood elevations for limits of the 100-year flood zone, and note that finished floor elevation shall be at least one foot above base flood elevation.
29. Building envelopes for the fringe zone lots shall be defined for the purpose of minimizing disturbance of natural slope and vegetation.
30. The applicant shall submit a development agreement addressing the proposed back-up water supply plan with restriction of sale and development of the 11 condo units.
31. A letter to serve and assignment of allocation of water for the La Pradera property shall be submitted prior to plat recordation as required by the County Utilities Department.

CHAIRMAN CAMPOS: Conditions 1 through 31 are entered of record.

MS. LUCERO: And, Mr. Chair, if I could just draw your attention to condition number 17 regarding an agreement between Gardner Properties and Emerald Alliance. I did receive a letter from the attorneys representing Emerald Alliance and it appears that they've worked out an agreement. [Exhibit 3] So the applicants have addressed condition number 17.

CHAIRMAN CAMPOS: Does it have to do with road width or easement rights

or -

SFC CLERK RECORDED 04/19/2004

MS. LUCERO: Mr. Chair, it has to do - Emerald Alliance came in for a land division about a year ago and they were required to do some improvements and basically, this is just a reimbursement for the improvements that they've done to the road.

CHAIRMAN CAMPOS: Okay. Thank you. Any questions of Ms. Lucero. Is the representative of Gardner Associates present?

ROSANNA VAZQUEZ: Good evening, Commissioners. My name is Rosanna Vazquez and I am one of the consultants working on this project. We have here before you to answer some questions and to do the presentation Oralynn Guerrerortiz, who is the engineer on this project. She will be going through the specific details of the plan, as well as the water budget, how we arrived at our water budget, and presenting all the meter data from the County records that support our water budget. I will be briefly discussing the project, the goals and how this project meets the principles of the College District.

Behind me, I would like to introduce the principals to you. We have Mr. Bobby Lee Trujillo, Mr. John McCarthy, and Ms. Alexis Girard, who are the principals and owners of La Pradera Subdivision. I believe it's in the County plan and in the Community College District Plan that the goal of the College District was to promote growth in a graceful manner, promote growth that would be in harmony with the existing neighborhoods there and to grow in a way that you could connect infrastructure to transit, connect communities and people together in a way that people could live and work in an area that was close by, so that they didn't need to get into their vehicle and travel long distances.

With that, the result of that was the College District Plan and the area which is known as La Pradera Subdivision. We have before you, Commissioners, a development that is like no other in the College District and like no other in the county itself. It is an 80-lot subdivision. It has neighborhood parks. It's got some community centers. It's got an orchard. It's got play fields. It has trails that connect to the open space. It is one of the few developments in the College District, as will be demonstrated by Oralynn that promote all of the concepts of the Community College District and those concepts are real simple and I think Jack Kolkmeier referred to them as the four C's and the S, which was compact development, central mixed-use places, connections through trails, open space and roads, community building areas, and the key one was sustainability.

This project will use very, very little water, as is demonstrated through the water budget. It will promote the use of graywater and water reuse through a very, very specifically designed system for it. The water budget includes the use of graywater for landscaping. It includes it for toilet flushing. What isn't included in the water budget and what you should keep in mind when you're analyzing the numbers, is the water harvesting ordinance that was passed by all of you last year that requires cisterns and catchment of rainwater. That's not included in the water budget.

With that I will introduce Ms. Oralynn Guerrerortiz who will discuss our project and our water budget and our allocation request as is set out. I've got several documents to put into the record which I will do after the presentation. Thank you.

CHAIRMAN CAMPOS: Question for Mr. Ross. Does anyone have to be

sworn in in this presentation? Okay, that's fine. Thank you.

ORALYNN GUERRORTIZ: Good evening, Commissioners. I'm.

[Duly sworn, Oralynn Guerrerortiz testified as follows:]

MS. GUERRERORTIZ: I'm with Design Enginuity at P.O. Box 2758 here in Santa Fe, New Mexico. Commissioners, as an engineer, this is the most innovative project I've ever worked on. It's extremely exciting and I'm very proud to present it to you today. The project is located south of I-25, about a half a mile west of Richards Avenue in the Community College District. It's a total of 69 acres. We have a total of 69 lots, and there are a total of 80 dwelling units. It's a mixture. It has three duplex lots, two duplexes on each of them, 11 condominiums and 63 single family homes. There are three neighborhood parks, one with a sand volleyball court, one with a frisbee golf course, another one with a tot's sandbox and also an orchard.

There are trails crisscrossing the project, extending all the way to Richard's Avenue. There's a total of 56 percent open space, a total of 39 acres. Fifteen percent of the housing is affordable and it's mixed through the duplexes, single family, and the condominiums. There's a plaza in the center. The plaza will be a mixture of the condominiums, which will be live work units and commercial development. There's one archeological site that we'll protect and make sure that no one touches it.

More interesting things, though, associated with this project is the wastewater treatment system. It's an innovative system. It's used as tertiary treatment. It will treat the water to a quality that we can re-use it for landscape irrigation and also for toilet flushing on this project. There will be no outdoor spigots on this project using potable water. All outdoor water use will be reclaimed water or will come from cisterns. The treatment plant is an advanced system. It will be connected to a telephone system, so that the operator can constantly monitor the treatment plant, 24/7. If there is a problem with the treatment plant, an alarm goes off, the operator is notified. So it will constantly be monitored. We have very large buffers around the project. This falls within the Highway Corridor Zone. We have a 265-foot no-development buffer along here, 100-foot along here. In this area there's about 300 feet.

There's a flood zone, the Arroyo Hondo flood zone down in this area. There's a 50-foot setback from the 100-year flood plain. Portions of this area are within the 500-year flood plain. These houses and the roads have all been raised two to four feet above the predicted flood elevations as determined by FEMA.

The project, the goal was not just to meet the Code, and I think you'll see that throughout this project and how it's been designed. We're going beyond the Code in that we're trying to retain as much stormwater as possible on this project and infiltrate it, recharge it locally. There will be a very large ponding area in this area. No water will escape that pond unless we have stormwater flows greater than a 25-year storm. We have areas where we're in essence damming water and sending down into infiltration areas. The water will be moving very slowly, one percent grade, with the goal of infiltrating as much water as possible. We have 240 percent more water detention than is required by Code.

In addition the developers are investigating and intend to use something called the Key-

SEC. CLERK RECORDED 04/19/2004

line system. Key-lining is an innovative technology. It doesn't seem that unusual but what it is is you in essence make little channels parallel to the contours, so as the water is coming down a hill, it stops and goes into the channel and moves off and infiltrates and stays there, rather than continuing down a hill. The process has been found to capture water, result in improving the local vegetation, the native habitat for the animals and throughout the open space we'll be instituting key-lining ideas.

In addition, there will be street trees along all of this area. I think there's a total of 107 street trees planned, and there'll be portions where - in this area there's noise coming off the highway. It's kind of a bowl. There will be sound barriers, vegetative sound barriers grown in that area. All street trees, the sound barriers will be fed with the reclaimed water. We will not be using any potable water.

The project will have all paved roads. It meets every County ordinance; there's absolutely no variance request associated with this project. Offsite, we have existing problems in this area and the developers are going to solve those problems. One of them is to the west. The existing intersection of Dinosaur Trail and State Road 14 is too close to another intersection between Rancho Viejo and State Road 14. We were lucky enough to negotiate easements with Rancho Viejo, and also [inaudible] and we are going to realign Dinosaur Trail so it no longer will intersect with State Road 14. We'll be building a new paved road. The new road will intersect at Rancho Viejo Boulevard at Bisbee Court, which is an existing intersection. This is what the State Highway Department has requested. Also, Richards Avenue, the Oshara project intends to put a new intersection in about 900 feet south of where the existing intersection is with Dinosaur Trail. Therefore we spoke with Ms. Jane Petchesky who is gracefully here tonight, and also Mr. Gillentine and were able to get easements from both so that we can - actually, it's mostly on Jane Petchesky's property. It is on Jane Petchesky's property, excuse me.

We're going to move the existing intersection 900 feet south to a safer location. And that will serve also for future development in that area. We've been asked and have agreed to put in decel lanes on Richards Avenue for a decel onto Dinosaur Trail, and a left turn bay on the northbound turning into Dinosaur Trail.

We are putting in cisterns in every single building that will supplement the reclaimed water that will be used for outdoor landscaping. The critical issue in most discussions on this project has centered around water. I'll discuss that a little bit. The intention is that no potable water will be used outdoors and no evaporative cooling will be allowed. And toilets will be flushed with reclaimed water. The water budget has been examined in four different manners by the consultants working on this project. The first one was done at the master plan stage and it used an additive approach. It used the State Engineer's guidelines on assumptions on how many flushes occur a day, how many minutes people take showers, how many dishwashing cycles occur in a home. As a result of doing an additive approach, assuming no landscaping and no toilet flushing, it came out to a .2 acre-feet per dwelling unit, half of what is standard in our County, .25. [sic]

This water budget was approved by the State Engineer's Office. When I got involved I

SFC CLERK RECORDED 04/19/2004

looked at the water budget that was done previously and I wanted to examine it a different way. I had heard through the grapevine that Rancho Viejo, during the water restriction period had water use of .15, so I decided that it should also be examined by, starting with .15 and subtracting out toilet flushing because we wouldn't have toilets using potable water. As a result, the water budget that we submitted was a .13 acre-feet per dwelling unit. When this was examined by Stephen Wust, your County Hydrologist he had some concerns. [Exhibit 3] In his household, they don't flush the toilet as often as in my household but I have kids.

I should state also that this water budget of .13 was approved by the State Engineer's Office. So then we evaluated it again and this time we started with a more common number that we've all heard from Rancho Viejo, .18 acre-feet per year. That's a more typical year pre-water restriction. We also only assumed three flushes a year [sic] and we took some water off for evaporative coolers. It turns out I only assumed about 600 gallons a year use for an evaporative cooler but I've since learned that the State Engineer's analysis that a 1700 square foot home in our community in Santa Fe, for three people and eight-foot ceilings, uses closer to 6,000 gallons a year to serve the evaporative coolers. Rancho Viejo, 80 percent of the homes have evaporative coolers.

So this is probably too high because I didn't assume enough for the evaporative coolers. We were lucky enough in December of this year though to actually get hard data. Steve Wust had said repeatedly he'd like to see some hard data. Well, that became available. The County water data became available and what we found with the Rancho Viejo data was that there is a definite trend. In the winter months, the water use is low, and in the summer months, it peaks, directly related to irrigation of outdoor landscaping and related to evaporative coolers. So we examined the three months of the year in winter, which probably most represents the La Pradera case, because we don't have evaporative coolers and we don't have outdoor landscaping using any potable water.

So we took those three months and we averaged them, and lo and behold we came out with .127 acre-feet. Repeatedly, the numbers kept coming out at about .13, whether we did an additive approach, a subtractive approach, or whether we used County meter data. So I've feeling very comfortable, frankly, that it's realistic in our community. If you don't have outdoor landscaping, if you don't use toilets that are being flushed with potable water, and if you don't have evaporative coolers, you can expect a family to live on .127 acre-feet per year. Easily.

Now you've got to recognize, this County meter data still assumes some outdoor watering in winter. I don't know about your household but in my household we don't stop watering in winter. We still water in winter because we're not going to have our piñons die. We also flush our toilets and so do they in Rancho Viejo. So this number still has some outdoor water use and it still has toilet flushing, which we will not have in La Pradera. I still believe that .3 is a high value for the La Pradera case. Your County Hydrologist has recommended a higher number. He has suggested that .16 acre-feet per dwelling unit is more appropriate and maybe when we prove many years from now that we can actually meet .13 or lower he's willing to consider going down.

SEC CLERK RECORDED 04/19/2004

But he's recommending something that has a little more of a safety cushion in it. He's recommending .16 for a total water allocation of 13.1 acre-feet. We agree to this number. We're hoping that today you'll consider giving us a water allocation of 13.14. We are asking though that you set the water restrictions for the homes at .13 because we think our community can do it. We think we've designed something that our community can meet. We'd like to be able to push the limit on this and actually create a new development that sets a new standard.

CHAIRMAN CAMPOS: Hold on. Any questions?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Orallynn, could you tell me a little bit more about the outdoor hydrants? You said you weren't going to have any outdoor hydrants.

MS. GUERRERORTIZ: Outdoor spigots. We will have outdoor spigots associated with cisterns. We will have subsurface irrigation done with reclaimed water. You can use you drips, which will be connected to reclaimed water lines. There will be reclaimed water pumped throughout the development. Every home will have a connection to it going to their homes, to the toilets and also to places where they can connect their drip system. Then they'll be required to have cisterns which could have outdoor spigots associated but it will be prohibited, any potable water outdoor spigots.

COMMISSIONER ANAYA: So the reclaimed water will be for flushing of the toilets and irrigation. Period.

MS. GUERRERORTIZ: Correct, sir.

COMMISSIONER ANAYA: And tell me about what kind of street trees?

MS. GUERRERORTIZ: Well, actually I don't have that memorized. I've got to look in my notes. A gentleman named Sam Sutton was kind enough to help us with that, and he laid out a laundry list of trees. They're a mixture of shade and evergreens. And I need a magnifying glass to read them, unfortunately. They're right there.

MS. VAZQUEZ: Box elder, Arizona alder, Arizona sycamore, New Mexico locust and native [inaudible] Do you want to know what the orchard will be?

COMMISSIONER ANAYA: Yes.

MS. VAZQUEZ: The orchard is going to be apples, Manchurian apricots, native palms, [inaudible], black cherry and choke cherry.

COMMISSIONER ANAYA: And all those will be on reclaimed water too?

MS. GUERRERORTIZ: Yes. Every single one of them.

COMMISSIONER ANAYA: Okay. Tell me about the intersection on State Road 14. What do you plan on doing? Where are you talking about? Do you have a map on that where you can point to?

MS. GUERRERORTIZ: I do, in the plans, and I can show it to you here. Sir, currently, Dinosaur Trail and Rancho Viejo Boulevard are separated probably by 800 or 900 feet. That's too close. It's not safe. So the existing Dinosaur Trail is actually going to be removed. This goes on to State Road 14. This is east and this is west. And we're going to build this new road. It's about 1100 feet long total. This is Rancho Viejo Boulevard. This is Bisbee

SFC CLERK RECORDED 04/19/2004



Court, which is that new business park right here. That's the entrance to their business park, so we're going to line up with that.

COMMISSIONER ANAYA: So 14 is right here.

MS. GUERRERORTIZ: State Road 14 is up here.

COMMISSIONER ANAYA: Okay.

MS. GUERRERORTIZ: And Rancho Viejo is intending to put a traffic signal right there. It's frankly what the State Transportation would like to have us put in.

COMMISSIONER ANAYA: Okay, and who is going to enforce the evaporative coolers?

MS. GUERRERORTIZ: I'll turn that over to Rosanna.

COMMISSIONER ANAYA: And how are you going to cool those units? Or you're not? A/C. Okay. And who's going to enforce the evaporative coolers?

MS. VAZQUEZ: The covenants that were submitted, Commissioner, state that there cannot be any evaporative coolers. There will be probably a condition in the water restrictive covenants limiting, prohibiting the use of evaporative coolers as well. So it can be enforced in two different ways. It can be enforced through the covenants, which can be enforced by anybody within the subdivision, and it can be enforced through the water restrictive covenants that will be filed with the subdivision plat.

COMMISSIONER ANAYA: And then the association would enforce them?

MS. VAZQUEZ: It can be the association or any neighbor within that development.

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

CHAIRMAN CAMPOS: Quick question. How are you going to cool the houses again?

MS. VAZQUEZ: A/C.

CHAIRMAN CAMPOS: Refrigerated air?

MS. VAZQUEZ: Refrigerated air, yes.

CHAIRMAN CAMPOS: Isn't there some study that shows that uses more water to generate all that electricity at some point in some place?

MS. VAZQUEZ: I'll let Orallynn answer that one.

CHAIRMAN CAMPOS: Okay. Commissioner Montoya had a question.

COMMISSIONER MONTOYA: Mr. Chair, regarding the recreation areas that were pointed out, are those going to be dirt? Grass?

MS. GUERRERORTIZ: Thank you, Commissioner Montoya. This area is going to be a combination of orchard, probably with dirt underneath it. This will be all grass fields here. This would all be grass except in the volleyball court. Hopefully, there won't be any grass growing there. This park is going to be left in a much more natural condition. It's heavily, or it's fairly densely covered with trees and shrubs now and the intention was a frisbee golf course there, although we might supplement the native grasses there.

COMMISSIONER MONTOYA: Okay. So those will all be irrigated with reclaimed water?

SFC CLERK RECORDED 04/19/2004

MS. GUERRERORTIZ: Exactly. With all reclaimed water.

COMMISSIONER MONTOYA: And then how many units are going to be affordable housing?

MS. VAZQUEZ: The Community College District Ordinance requires 15 percent to be affordable housing, so we have 11 units within the development that will be considered – 12 units. It was like 11.5 so I guess we had to round up. Twelve units. Yes, we rounded up.

COMMISSIONER MONTOYA: Okay. Thank you.

MS. VAZQUEZ: And we have submitted to the Housing Director a draft contract for review for the affordable housing component. Oralynn mentioned as she was speaking a man by the name of Sam Sutton and I want to talk a little bit about some of the neighborhood meetings that took place, some of the meetings with staff and covenants that we drafted.

CHAIRMAN CAMPOS: Hold on one second. Mr. Abeyta, as far as affordable housing, do we still have an ordinance that might increase the 15 percent amount? Is that still in your office?

MR. ABEYTA: Mr. Chair, we're currently looking at the Community College District Ordinance and how we can extend that 15 percent or increase it to include other types of housing, because right now it's just homes on fee-simple lots. But there is a movement to try to increase that number.

CHAIRMAN CAMPOS: We've talked about that for a long time. When is it coming up?

MR. ABEYTA: Mr. Chair, hopefully we can bring something before the Board by the end of this year, but we have been working with Robert Anaya to come up with standards.

CHAIRMAN CAMPOS: Okay, Ms. Vazquez, what's the extent of your presentation?

MS. VAZQUEZ: I just have a few more points.

CHAIRMAN CAMPOS: How many speakers do you have, or a few more points or—

MS. VAZQUEZ: Oralynn and I were the only two speakers on behalf of the applicants.

COMMISSIONER DURAN: I just wanted to ask about the affordable housing. Is the City the same thing? Isn't the City at 15 percent?

MR. ABEYTA: Mr. Chair, Commissioner Duran, the City varies. They have their own HOP program, and I don't think there's a set number of 15 percent. It probably averages 15 percent but I'm not familiar enough –

COMMISSIONER DURAN: And we've talked about increasing that 15 percent? Is that what we've talked about, that Commissioner Campos just mentioned?

MR. ABEYTA: Mr. Chair, yes. We've talked about that in the Community College District and then extending it to other types of units, like condominium units, rental