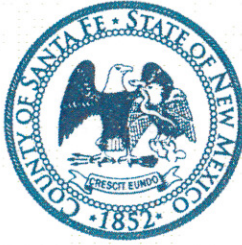


**Daniel "Danny" Mayfield**  
Commissioner, District 1

**Virginia Vigil**  
Commissioner, District 2

**Robert A. Anaya**  
Commissioner, District 3



**Kathy Holian**  
Commissioner, District 4

**Liz Stefanics**  
Commissioner, District 5

**Katherine Miller**  
County Manager

**DATE:** November 13, 2012

**TO:** Board of County Commissioners

**FROM:** Vicente Archuleta, Development Review Team Leader *VA*

**VIA:** Penny Ellis-Green, Interim Land Use Administrator *PEG*  
Vicki Lucero, Building and Development Services Manager *VL*  
Wayne Dalton, Building and Development Services Supervisor *WD*

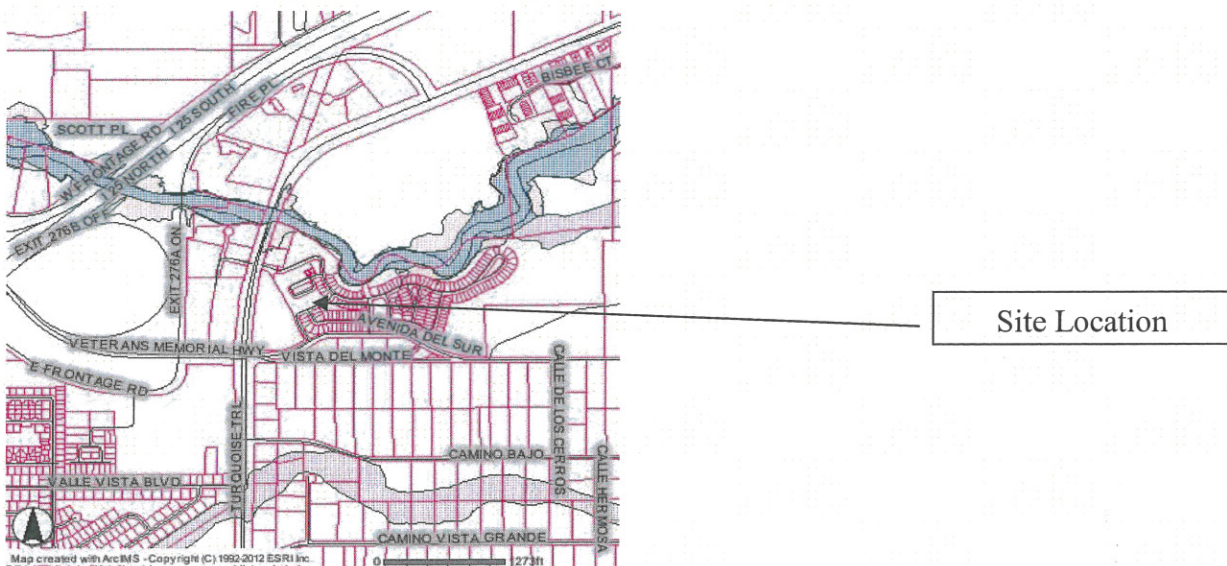
**FILE REF.:** CDRC CASE # S 12-5310 Turquoise Trail Subdivision South Phase

**ISSUE:**

RCS-TT South, LLC., request Preliminary and Final Plat approval to create 58 additional lots on Block 1 and Block 2 of the Turquoise Trail Subdivisions South Phase, to replace the 58 previously approved condominium units.

The property is located off of Carson Valley Way, which is off of Highway 14, within Sections 24 and 25, Township 16 North, Range 8 East (Commission District 3).

**Vicinity Map:**



**SUMMARY:**

On October 18, 2012 the County Development Review Committee (CDRC) met and acted on this case. The decision of the CDRC was to recommend approval of this request (refer to CDRC Meeting Minutes in Exhibit 5).

On September 13, 2005, the Board of County Commissioners approved the Turquoise Trail Subdivision's South Phase (Refer to Exhibit 3). The South Phase consists of 222 residential units. Block 1 was approved for three (3) condominium units and Block 2 of the subdivision was approved for 55 condominium units for a total of 58 condominium units. RCS-TT South, LLC., now requests Preliminary and Final Plat Approval to convert the 58 condominium units into 58 single family residential lots on Block 1 and Block 2. There will be no change in density from what was originally approved.

Currently Block 2 consists of two condominium units which are owned by two separate parties there are currently two triplex units (six units) under construction. The owners' desire is to dissolve the condominium portion of the development and transition into townhomes and triplex units, each of which will be on individual lots.

Block 1 and Block 2 will be divided into 58 lots rather than retaining one large condominium parcel and also adjust the lot line of Tract O. Tract O will be re-platted to provide the required setback for the duplex units and to maintain the same area for Tract O.

The entire Subdivision including the proposed lots are served by the City of Santa Fe Water System and City of Santa Fe Sewer System. All the required infrastructure is completed, and has also been inspected and approved.

**This Application was submitted on September 20, 2012.**

**Growth Management staff has reviewed this Application for compliance with pertinent Code requirements and finds the project is in compliance with County criteria for this type of request.**

**APPROVAL SOUGHT:** Preliminary and Final Plat Approval to create 58 lots on Block 1 and Block 2.

**GROWTH MANAGEMENT AREA:** El Centro, SDA-1.

**HYDROLOGIC ZONE:** The Community College District Ordinance supersedes the Hydrologic Zoning. The proposed development is located in a designated "Village Zone" per the Community College District Ordinance. Allowable density in a village zone is a minimum of 3.5 dwelling units per acre.

**ARCHAEOLOGIC ZONE:** High Potential. No significant sites were located on the South Phase.

**ACCESS AND TRAFFIC:** The site is accessed directly off of NM Highway 14

**FIRE PROTECTION:** La Cienega Volunteer Fire District. Fire hydrants are located within 1,000 feet of all buildable areas.

**WATER SUPPLY:** City of Santa Fe Water System

**LIQUID WASTE:** City of Santa Fe Sewer System

**SOLID WASTE:** Individual lot owners will be responsible for contracting with a licensed solid waste disposal service for pick up on a weekly basis. Individual lot owners may also dispose of solid waste on their own at a local solid waste transfer station. This must be noted within the Subdivision Disclosure Statement.

**FLOODPLAIN & TERRAIN MANAGEMENT:** The proposed site consists mainly of slopes of up to 10%. Buildable areas must be identified on each lot. Several stormwater detention ponds are located throughout the subdivision. The project is outside the limits of the FEMA designated 100-year floodplain.

**SIGNAGE AND LIGHTING:** No additional signage or lighting has been proposed at this time.

**EXISTING DEVELOPMENT:** The subject property currently consists of a triplex unit on Block 1 and two (2) condominium units as well as two (2) triplex units under construction on Block 2.

**ADJACENT PROPERTY:** To the North is the North Phase of the Turquoise Trail Subdivision, to the East is the Brown Castle Ranch RV Park, to the South is the Valle Lindo Subdivision and to the West is a vacant commercial lot.

**OPEN SPACE:** A total of 42.152 acres of open space has been provided for the Turquoise Trail South Phase. The proposed lots will not affect the amount of open space.

**AFFORDABLE HOUSING:** The number of Affordable units for Turquoise Trail South Phase is 33. That has not changed with the new proposal and is consistent with the prior approval.

**STAFF RECOMMENDATION:** **Staff recommends Preliminary and Final Plat Approval to create 58 lots on Block 1 and Block 2 of the Turquoise Trail Subdivision South Phase, which will replace the 58 condominium units that were previously approved.**

**EXHIBITS:**

1. Letter of request
2. Site Plan/Survey Plat
3. September 13, 2005 BCC Meeting Minutes
4. Site Photos
5. October 18, 2012 CDRC Meeting Minutes



# SOMMER, KARNES & ASSOCIATES, LLP

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**Mailing Address**

Post Office Box 2476  
Santa Fe, New Mexico 87504-2476

**Street Address**

200 West Marcy Street, Suite 142  
Santa Fe, New Mexico 87501

Telephone: (505) 989.3800

Facsimile: (505) 982.1745

Karl H. Sommer, Attorney at Law  
khs@sommer-assoc.com

Joseph M. Karnes, Attorney at Law  
jmk@sommer-assoc.com

James R. Hawley, Attorney at Law  
jrh@sommer-assoc.com

Mychal L. Delgado, Paralegal  
mld@sommer-assoc.com

Magdalena Babuljak, Legal Assistant  
mpb@sommer-assoc.com

September 14, 2012

Vicki Lucero  
Santa Fe County Land Use Department  
102 Grant Avenue  
Santa Fe, New Mexico 87501

Re : Turquoise Trail Subdivision South Phase Revised Subdivision Plat Application

Dear Vicki:

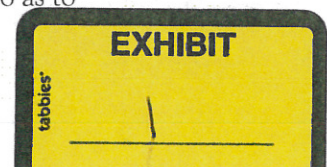
Thank you for taking the time to visit with me about the above referenced application this week. As I indicated in our meeting, we represent RCS (the "Owner"), which company is the successor-in-interest to Longford Homes in the undeveloped lots within the Turquoise Trail South development and all of Turquoise Trail North. This letter, together with the enclosed Development Permit Application, shall constitute the formal application for the Turquoise Trail Subdivision South Phase to revise the subdivision plat and to create 59 additional tracts of land. In this letter, we have given you some background information, summarized the current application and confirmed our understanding of the process we will be following.

On September 13, 2005, the Board of County Commissioners ("BCC") approved Turquoise Trail Subdivision South Phase. This approval included a total of 58 condominium units; Block 1 was approved for three (3) condominium units, and Block 2 of the Subdivision was approved for 55 condominium. Block 1 is developed with three units, as approved, and is currently used for the three model homes in the development. Enclosed is a copy of the relevant portions of the recorded Subdivision Plat.

On Block 2, two condominium units have been built and are owned by two separate parties. One of those units is owned by Stephen Loeber and John McIntyre (the "Loeber/McIntyre Unit"), and the other by Andy Jordan (the "Jordan Unit"), and there are two triplexes (six [6] units) under construction.

The Owner desires to dissolve the condominium portion of the development and transition this product type into townhomes and triplex units, each of which will be separated into individual lots. The Loeber/McIntyre Unit and the Jordan Unit will be fee simple lots. Blocks 1 and 2 will be divided into townhome lots (rather than retaining one large condominium parcel), and also adjusts the lot line of Tract O, as shown on sheet 3 of the proposed plat. Tract O has been re-platted to provide the required setback for the duplex units and to maintain the same area for Tract O.

No additional dwelling units than were originally approved for the Subdivision are requested. This application is simply an application to divide Blocks 1 and 2 into lots. The additional lots, if they had been a part of the original application, would not have changed the Type of the subdivision so as to



Vicki Lucero  
**Sommer, Karnes & Associates, LLP**  
September 14, 2012  
Page 2 of 2

require any additional infrastructure or to raise the subdivision standards. This development is, and the new lots will be, served by City water and sewer, and all roads are paved. All of the required infrastructure is completed, inspected and approved. All concerned entities and property owners have been notified and have provided their approval signatures for the revised plat. All infrastructure improvements are in place and no bond is required to secure the installation of infrastructure.

You have indicated to me that this revised plat can be expedited through the County's plat approval process, with public hearings scheduled on October 18 (CDRC) and November 13 (BCC). I will ensure that the minutes for the CDRC are prepared promptly for inclusion in the BCC packet.

Included with this letter are the following documents: Development Permit Application Form, Relevant Sheets of the Existing Recorded Plat for the South Phase, Relevant Sheets of the Proposed Revised Plat with Notes Indicating Proposed Changes, Relevant Sheets of the Proposed Revised Plat – clean copy, and a check for the application fees totaling \$7,750.00.

Please let us know if you require any additional information for your review and approval of this application.

Sincerely,

*Karl H. Sommer - ml*

Karl H. Sommer  
Enclosures



**SANTA FE COUNTY APPROVAL, NOTES AND CONDITIONS**

APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 COUNTY LAND USE ADMINISTRATOR

\_\_\_\_\_ DATE \_\_\_\_\_  
 COUNTY RURAL ADDRESSING

\_\_\_\_\_ DATE \_\_\_\_\_  
 COUNTY DEVELOPMENT PERMIT NO

**GENERAL NOTES**

- ALL EXISTING DRAINAGE CHANNELS WITHIN THESE LOTS ARE TO REMAIN IN THEIR NATURAL STATE EXCEPT FOR CROSSINGS AND FOR DIVERSIONS APPROVED BY SANTA FE COUNTY LAND USE AS SHOWN ON THE PROJECT ENGINEERING PLANS.
- BUILDING SITES AND DRIVEWAY LOCATIONS ARE SUBJECT TO THE SANTA FE COUNTY TERRAIN MANAGEMENT REGULATIONS AND THE COMMUNITY COLLEGE DISTRICT STANDARDS.
- FURTHER DIVISION OF THESE LOTS IS PROHIBITED, EXCEPT FOR LOT LINE ADJUSTMENTS
- THE DRILLING OF WATER WELLS BY THE LOT OWNERS IS PROHIBITED
- A TEMPORARY 20 FOOT WIDE CONSTRUCTION EASEMENT IS HEREBY PROVIDED ON EITHER SIDE OF, AND WHICH SHALL BE CONCURRENT WITH AND OVERLAY EACH OF THE EASEMENTS DESIGNATED AS "UTILITY EASEMENT", "DRAINAGE AND UTILITY EASEMENT", OR ACCESS AND UTILITY EASEMENT AS SHOWN HEREON. THIS EASEMENT SHALL TERMINATE AT THE CONCLUSION OF CONSTRUCTION.
- SANITARY SEWER HOUSE SERVICE LINES WITHIN THE LOTS SHALL BE THE RESPONSIBILITY OF THE LOT OWNER TO CONSTRUCT AND MAINTAIN. THE TITHA OR OTHER SUCH ENTITY WHICH OWNS THE COMMON IMPROVEMENTS RESERVES THE RIGHT TO ACCESS CLEAN OUT LOCATIONS ADJACENT TO THE ROADWAY FRONTAGES AND CLEAN OUTS DESIGNED TO EXTEND BEYOND THE DESIGNATED DRAINAGE AND UTILITY EASEMENTS.
- NO BUILDING PERMITS WILL BE ISSUED UNTIL DRAINAGE, FIRE PROTECTION, AND ALL WEATHER ROADS HAVE BEEN COMPLETED AS APPROVED BY THE OFFICE OF THE COUNTY FIRE MARSHAL AND THE LAND USE ADMINISTRATOR.
- VISIBILITY TRIANGLES AT INTERSECTIONS R.O.W ARE SHOWN ON THE STANDARD CITY OF SANTA FE DETAILS CONTAINED IN THE ENGINEERING DRAWINGS. NO CONSTRUCTION ABOVE 3' IS ALLOWED IN THESE TRIANGLES.
- THESE LOTS ARE SUBJECT TO S.F. COUNTY ORDINANCE #2003-6, AN ORDINANCE AMENDING ORDINANCE #1996-10 OF THE S.F. COUNTY LAND DEVELOPMENT CODE ARTICLE III SEC. 4.4.1 AND ARTICLE III SEC. 2.4.1, REQUIRING RAIN WATER CATCHMENT SYSTEMS FOR ALL COMMERCIAL AND RESIDENTIAL DEVELOPMENT.
- WATER CONSERVATION MEASURES SHALL INCLUDE WATER STORAGE FOR ROOF DRAINS. IRRIGATION OF NON-NATIVE GRASS SHALL ONLY BE DONE WITH WATER STORAGE FROM DRAINAGE AND GRASS AREA SHALL NOT EXCEED 800 SQUARE FEET FOR RESIDENTIAL DWELLING UNITS.
- THIS PROPERTY IS SUBJECT TO THE DECLARATION OF COVENANTS AND RESTRICTIONS RECORDED IN THE OFFICE OF THE COUNTY CLERK AT BOOK \_\_\_\_\_, PAGE \_\_\_\_\_.
- THE LANDS SHOWN HEREON LIE WITH ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON FIRM MAP 35049C0508 WITH AN EFFECTIVE DATE JUNE 17, 2008.

**COUNTY APPROVAL**

APPROVED BY THE BOARD OF COUNTY COMMISSIONERS, OF SANTA FE COUNTY AT THEIR MEETING OF \_\_\_\_\_, 2011.

CHAIRMAN \_\_\_\_\_ DATE \_\_\_\_\_

**EXTRATERRITORIAL ZONING COMMISSION APPROVAL**

APPROVED BY THE EXTRATERRITORIAL ZONING COMMISSION AT THEIR MEETING OF \_\_\_\_\_ AS EZ CASE# \_\_\_\_\_

CHAIRMAN \_\_\_\_\_ DATE \_\_\_\_\_

ATTESTED BY \_\_\_\_\_ COUNTY CLERK

**CITY REVIEW**

CITY PLANNER \_\_\_\_\_ DATE \_\_\_\_\_

PERMIT AND DEVELOPMENT REVIEW \_\_\_\_\_ DATE \_\_\_\_\_

**APPROVED BY**

SANTA FE COUNTY FIRE MARSHAL \_\_\_\_\_ DATE \_\_\_\_\_

SANTA FE COUNTY PUBLIC WORKS \_\_\_\_\_ DATE \_\_\_\_\_

SANTA FE COUNTY WATER UTILITY \_\_\_\_\_ DATE \_\_\_\_\_

**DESCRIPTION**  
 TURQUOISE TRAIL SUBDIVISION, SOUTH PHASE, BLOCK 1 AND BLOCK 2. ALL OF BLOCK 1 AND BLOCK 2, CREATED BY TURQUOISE TRAIL SUBDIVISION, SOUTH PHASE, RECORDED IN BOOK 620, PAGE 026-036, ALL WITHIN SECTIONS 24 AND 25, T16N, R8E, NMPM, COUNTY OF SANTA FE, NEW MEXICO, BLOCK 1 CONTAINING 0.203 ACRES, MORE OR LESS, BLOCK 2 CONTAINING 3.28 ACRES MORE OR LESS.

**REFERENCE DOCUMENTS**  
 TURQUOISE TRAIL SUBDIVISION, SOUTH PHASE, PREPARED BY DAWSON SURVEYS INC. AND RECORDED IN BOOK 620, PAGES 26-36 OFFICE OF THE SANTA FE COUNTY CLERK.

NEW LOT LINE CONFIGURATION PROVIDED BY LONGFORD HOMES

THE APPROVAL OF THIS PLAT DOES NOT CONSTITUTE THE APPROVAL OF ANY FURTHER DEVELOPMENT, INCLUDING BUILDING PERMITS.

EXISTING NATURAL DRAINAGE WAYS WILL NOT BE MODIFIED OR IMPEDED WITHOUT THE WRITTEN APPROVAL OF THE LAND USE ADMINISTRATOR OR COUNTY HYDROLOGIST. DEVELOPMENT SHALL NOT IMPEDE HISTORIC FLOW RATES OR PATTERNS TO OR FROM THESE LOTS.

THESE LOTS ARE SUBJECT TO SANTA FE COUNTY FIRE AND RESCUE IMPACT FEES AT THE TIME OF APPLICATION FOR BUILDING PERMIT.

THE PARCELS AS PLATTED HEREON ARE SUBJECT TO ARTICLE VI, SECTION 3 OF THE SANTA FE COUNTY TERRAIN MANAGEMENT REGULATIONS AT THE TIME OF ANY DEVELOPMENT.

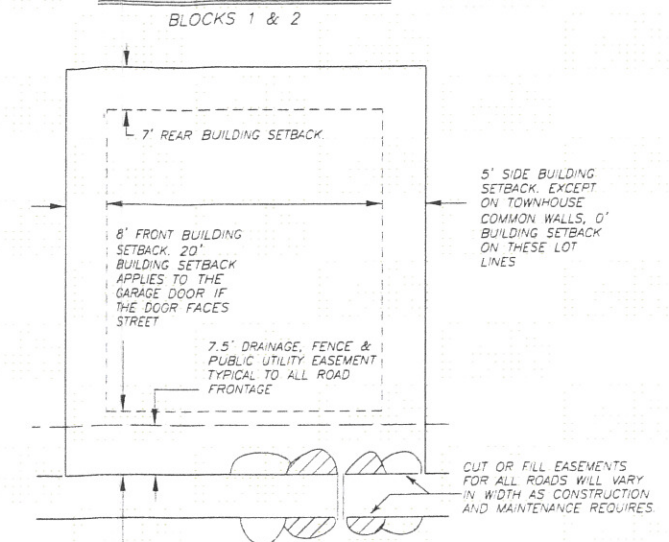
LOTS SHOWN HEREON WILL HAVE VEHICULAR ACCESS OFF CARSON VALLEY WAY, CANYON CLIFF DRIVE AND SCENIC MESA ROAD, DRIVEWAY LOCATIONS WILL BE DETERMINED AT THE TIME OF BUILDING PERMIT APPLICATION.

BUILDABLE AREAS DELINEATED BY ESTABLISHED SETBACK LIMITS.

GRANT OF SANITARY SEWER EASEMENT WITH THIS PLAT WITHIN THE EXISTING 7.5' DPPUE, SUCH THAT PLUMBER CAN INSTALL SANITARY SEWER SERVICE TO EXISTING SERVICE.

GRANT OF WATER EASEMENT WITH THIS PLAT WITHIN THE EXISTING 7.5' DPPUE, SUCH THAT PLUMBER CAN INSTALL WATER SERVICE TO EXISTING SERVICE.

**TYPICAL EASEMENT DETAILS**



**SURVEYORS CERTIFICATE**

I HEREBY CERTIFY THAT THIS PLAT IS A TRUE REPRESENTATION OF A SURVEY COMPLETED UNDER MY PERSONAL SUPERVISION ON THE 26th DAY OF JULY, 2011 TO THE BEST OF MY KNOWLEDGE THE SURVEY AND PLAT ARE CORRECT, TRUE AND MEET THE MINIMUM STANDARDS FOR SURVEYS IN NEW MEXICO.

**PRELIMINARY PLAT**

EDWARD V. TRUJILLO, NMP5#12352

DATE



"TITLE AND INDEXING INFORMATION FOR COUNTY CLERK"

**TURQUOISE TRAIL SUBDIVISION SOUTH PHASE**

A SUBDIVISION OF BLOCK 1 AND BLOCK 2 AND LOT LINE ADJUSTMENT BETWEEN BLOCK 2 AND TRACT O ALL WITHIN THE TURQUOISE TRAIL SUBDIVISION, SOUTH PHASE; RECORDED IN BOOK 620, PAGES 26-36, WITHIN SECTIONS 24 & 25, T16N, R8E, NMPM SANTA FE COUNTY, NM

PURPOSE TO CREATE 58 RESIDENTIAL LOTS FROM 58 CONDOMINIUM UNITS



SHEET 1 OF 5

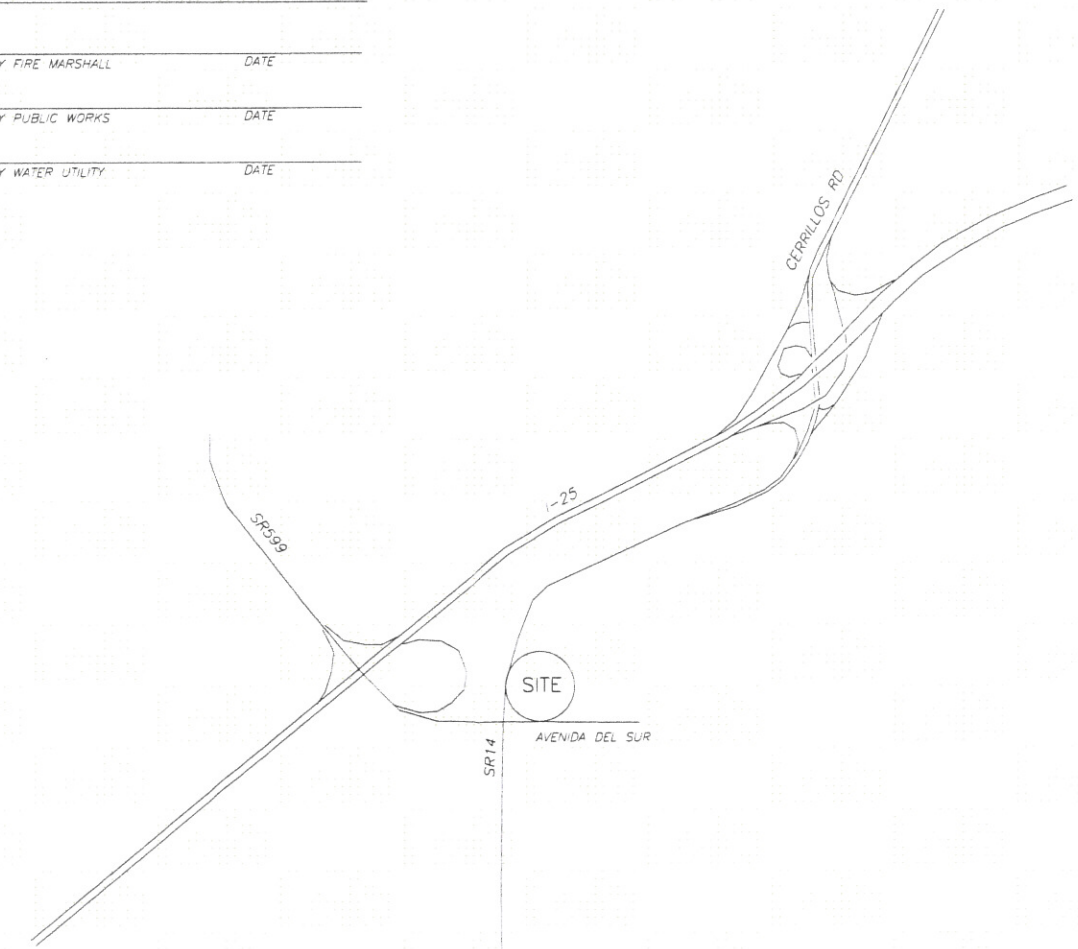
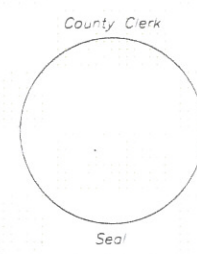
DAWSON SURVEYS INC.  
 PROFESSIONAL LAND SURVEYORS  
 2502 B CAMINO ENTRADA  
 SANTA FE, N.M., 87507  
 FILE# 8883\BX-2 DATE:06/18/12

COUNTY OF SANTA FE } SS  
 STATE OF NEW MEXICO }  
 I hereby certify that this instrument was filed for record on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ A.D. at \_\_\_\_\_ o'clock \_\_\_\_\_, and was duly recorded in book \_\_\_\_\_, page(s) \_\_\_\_\_ of the records of Santa Fe County.

Witness my Hand and Seal of office  
 VALERIE ESPINOZA  
 County Clerk, Santa Fe County, N.M.

**PRELIMINARY PLAT**

Deputy



**VICINITY MAP**  
 NOT TO SCALE



**AFFIDAVIT**

KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED OWNERS OF THOSE LANDS LYING WITHIN SANTA FE COUNTY, NEW MEXICO, CONTAINING AN AREA OF 3.483 ACRES, MORE OR LESS, HAVE CAUSED THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAT AND THAT SAID SUBDIVISION IS NAMED AND SHALL BE KNOWN AS "TURQUOISE TRAIL SUBDIVISION, SOUTH PHASE, BLOCK 1, BLOCK 2 AND TRACT O" ALL THAT APPEARS ON THIS PLAT IS MADE WITH THE FREE CONSENT, AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS.

THE UTILITY COMPANIES ARE GRANTED EASEMENTS AS SHOWN HEREON FOR THE CONSTRUCTION, MAINTENANCE, REPAIR AND OPERATION OF UTILITIES. EASEMENTS ARE HEREBY GRANTED FOR EXISTING UTILITIES.

DRAINAGE EASEMENTS ARE GRANTED AS SHOWN FOR DRAINAGE STRUCTURES AND THE PURPOSE OF MAINTAINING THE FLOW OF STORM WATERS. SUCH EASEMENTS ARE GRANTED TO THE TURQUOISE TRAIL COMMUNITY ASSOCIATION, INC. (TTCA), OR SUCH OTHER ENTITY WHICH OWNS THE COMMON IMPROVEMENTS, AND TO THE ADJOINING LOT OWNERS WHOSE CROSS LOT SURFACE DRAINAGE FLOWS THROUGH SUCH EASEMENTS. MAINTENANCE OF DRAINAGE EASEMENTS SHALL BE THE RESPONSIBILITY OF THE LOT OWNER.

THIS SUBDIVISION LIES WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE CITY AND COUNTY OF SANTA FE, NEW MEXICO.

**OWNER: REMAINING UNITS.**

BY: RSC-TT SOUTH, LLC, A COLORADO LIMITED LIABILITY COMPANY

STATE OF COLORADO  
COUNTY OF BOULDER  
THE FOREGOING INSTRUMENT WAS SWORN, ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY:  
FOR RSC-TT SOUTH, LLC, A COLORADO LIMITED LIABILITY COMPANY  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_\_\_

NOTARY PUBLIC MY COMMISSION EXPIRES

**MASTER ASSOCIATION**

BY: TURQUOISE TRAIL COMMUNITY ASSOCIATION, INC.

STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
THE FOREGOING INSTRUMENT WAS SWORN, ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY:  
FOR THE MASTER ASSOCIATION.  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_\_\_

NOTARY PUBLIC MY COMMISSION EXPIRES

**CONDOMINIUM ASSOCIATION**

BY: THE CONDOMINIUM AT TURQUOISE TRAIL ASSOCIATION, INC.

STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
THE FOREGOING INSTRUMENT WAS SWORN, ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY:  
FOR THE CONDOMINIUM ASSOCIATION.  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_\_\_

NOTARY PUBLIC MY COMMISSION EXPIRES

**OWNERS OF UNIT 179D:**

ANDREW D. JORDAN

STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012 BEFORE ME PERSONALLY APPEARED ANDREW D. JORDAN, WHOSE IDENTITY WAS PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THIS DOCUMENT, AND WHO ACKNOWLEDGED THAT HE SIGNED THIS DOCUMENT.

NOTARY PUBLIC MY COMMISSION EXPIRES

**OWNERS OF UNIT 179E**

STEPHEN D. LOEBER

STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012 BEFORE ME PERSONALLY APPEARED STEPHEN D. LOEBER, WHOSE IDENTITY WAS PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THIS DOCUMENT, AND WHO ACKNOWLEDGED THAT HE SIGNED THIS DOCUMENT.

NOTARY PUBLIC MY COMMISSION EXPIRES

STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012 BEFORE ME PERSONALLY APPEARED JOHN P. MCINTYRE, WHOSE IDENTITY WAS PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THIS DOCUMENT, AND WHO ACKNOWLEDGED THAT HE SIGNED THIS DOCUMENT.

NOTARY PUBLIC MY COMMISSION EXPIRES

**DECLARANT:**

RCS-TT SOUTH LLC, A COLORADO LIMITED LIABILITY COMPANY

BY: SHARON K. ESHIMA, AUTHORIZED REPRESENTATIVE

STATE OF COLORADO  
COUNTY OF BOULDER  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012 BEFORE ME PERSONALLY APPEARED SHARON K. ESHIMA, AS AUTHORIZED REPRESENTATIVE OF RCS-TT SOUTH, LLC, A COLORADO LIMITED LIABILITY COMPANY, WHOSE IDENTITY WAS PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THIS DOCUMENT, AND WHO ACKNOWLEDGED THAT SHE SIGNED THIS DOCUMENT.

NOTARY PUBLIC MY COMMISSION EXPIRES

**ASSOCIATION:**

THE CONDOMINIUM AT TURQUOISE TRAIL ASSOCIATION, INC., A NEW MEXICO NONPROFIT CORPORATION.

BY: KELLY CALHOUN, PRESIDENT

STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012 BEFORE ME PERSONALLY APPEARED KELLY CALHOUN, AS PRESIDENT OF THE CONDOMINIUM AT TURQUOISE TRAIL ASSOCIATION, INC., A NEW MEXICO NONPROFIT CORPORATION, WHOSE IDENTITY WAS PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THIS DOCUMENT, AND WHO ACKNOWLEDGED THAT SHE SIGNED THIS DOCUMENT.

NOTARY PUBLIC MY COMMISSION EXPIRES

LOT #	ADDRESS
165A	83 CARSON VALLEY WAY
165B	85 CARSON VALLEY WAY
165C	87 CARSON VALLEY WAY
166A	7 SCENIC MESA ROAD
166B	5 SCENIC MESA ROAD
166C	3 SCENIC MESA ROAD
167A	13 SCENIC MESA ROAD
167B	11 SCENIC MESA ROAD
167C	9 SCENIC MESA ROAD
168A	19 SCENIC MESA ROAD
168B	17 SCENIC MESA ROAD
168C	15 SCENIC MESA ROAD
169A	23 SCENIC MESA ROAD
169B	21 SCENIC MESA ROAD
170A	53 CANYON CLIFF DRIVE
170B	55 CANYON CLIFF DRIVE
170C	57 CANYON CLIFF DRIVE
171A	47 CANYON CLIFF DRIVE
171B	49 CANYON CLIFF DRIVE
171C	51 CANYON CLIFF DRIVE
172A	41 CANYON CLIFF DRIVE
172B	43 CANYON CLIFF DRIVE
172C	45 CANYON CLIFF DRIVE
173A	35 CANYON CLIFF DRIVE
173B	37 CANYON CLIFF DRIVE
173C	39 CANYON CLIFF DRIVE
174A	29 CANYON CLIFF DRIVE
174B	31 CANYON CLIFF DRIVE
174C	33 CANYON CLIFF DRIVE
175A	23 CANYON CLIFF DRIVE
175B	25 CANYON CLIFF DRIVE
175C	27 CANYON CLIFF DRIVE
176A	21 CANYON CLIFF DRIVE
176B	19 CANYON CLIFF DRIVE
176C	17 CANYON CLIFF DRIVE
177A	15 CANYON CLIFF DRIVE
177B	13 CANYON CLIFF DRIVE
177C	11 CANYON CLIFF DRIVE
178A	9 CANYON CLIFF DRIVE
178B	7 CANYON CLIFF DRIVE
178C	5 CANYON CLIFF DRIVE
179A	3 CANYON CLIFF DRIVE
179B	1 CANYON CLIFF DRIVE
180A	32 CARSON VALLEY WAY
180B	30 CARSON VALLEY WAY
180C	28 CARSON VALLEY WAY
181A	26 CARSON VALLEY WAY
181B	24 CARSON VALLEY WAY
181C	22 CARSON VALLEY WAY
182A	20 CARSON VALLEY WAY
182B	18 CARSON VALLEY WAY
182C	16 CARSON VALLEY WAY
183A	14 CARSON VALLEY WAY
183B	12 CARSON VALLEY WAY
183C	10 CARSON VALLEY WAY
184A	8 CARSON VALLEY WAY
184B	6 CARSON VALLEY WAY
184C	4 CARSON VALLEY WAY

TITLE AND INDEXING INFORMATION FOR COUNTY CLERK

**TURQUOISE TRAIL SUBDIVISION  
SOUTH PHASE**

A SUBDIVISION OF BLOCK 1 AND BLOCK 2 AND LOT LINE ADJUSTMENT BETWEEN BLOCK 2 AND TRACT O ALL WITHIN THE TURQUOISE TRAIL SUBDIVISION, SOUTH PHASE; RECORDED IN BOOK 620, PAGES 26-36, WITHIN SECTIONS 24 & 25, T16N,R8E, NMPM SANTA FE COUNTY, NM

PURPOSE TO CREATE 58 RESIDENTIAL LOTS FROM 58 CONDOMINIUM UNITS

SHEET 2 OF 5

DAWSON SURVEYS INC.  
PROFESSIONAL LAND SURVEYORS  
2502 B CAMINO ENTRADA  
SANTA FE, N.M., 87507  
FILE# 88831BK-2 DATE:06/18/12



"TITLE AND INDEXING INFORMATION FOR COUNTY CLERK"

**TURQUOISE TRAIL SUBDIVISION  
SOUTH PHASE**

A SUBDIVISION OF BLOCK 1 AND BLOCK 2 AND  
LOT LINE ADJUSTMENT BETWEEN BLOCK 2 AND TRACT O  
ALL WITHIN THE  
TURQUOISE TRAIL SUBDIVISION, SOUTH PHASE;  
RECORDED IN BOOK 620, PAGES 26-36,  
WITHIN SECTIONS 24 & 25, T16N, R1E, NMPM  
SANTA FE COUNTY, NM

PURPOSE: TO CREATE 58 RESIDENTIAL LOTS FROM 58 CONDOMINIUM UNITS



**LEGEND:**  
BEARINGS ARE NAD 83 CENTRAL ZONE, DERIVED FROM GPS  
OBSERVATIONS; DISTANCES ARE GROUND, GROUND TO GROUND  
SCALE FACTOR = 0.999584

- DENOTES REBAR, OR AS SHOWN, FOUND
- DENOTES REBAR PLS 7014 OR AS SHOWN SET
- DENOTES CALCULATED POINT NOT SET
- DE DENOTES DRAINAGE EASEMENT
- DP/E DENOTES DRAINAGE FENCE & PUBLIC UTILITY EASEMENT

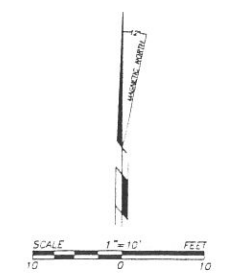
THIS PLAN IS SUBJECT TO RESTRICTIONS, COVENANTS AND  
EASEMENTS OF RECORD

CURVE	DELTA	RADIUS	ARC	CHORD	CHD BRG
C1	99°01'23"	17.00'	29.38'	25.86'	S58°30'44"W
C2	43°51'51"	118.50'	90.72'	88.52'	N86°05'30"E
C3	4°27'16"	630.96'	49.05'	49.04'	S70°25'29"W
C4	90°00'00"	50.00'	78.54'	70.71'	S18°58'53"W
C5	90°08'35"	50.00'	78.66'	70.80'	S71°05'24"E
C6	89°51'25"	63.50'	99.59'	89.69'	N18°54'36"E
C7	23°07'05"	435.77'	175.83'	174.63'	S37°34'39"E
C8	8°26'16"	100.00'	14.73'	14.71'	N60°07'44"E
C9	83°57'12"	67.50'	98.91'	90.29'	S22°22'16"W
C10	8°31'43"	434.00'	64.60'	64.54'	N23°52'11"W
C11	7°00'15"	634.13'	77.52'	77.47'	N75°35'28"E
C12	87°03'07"	17.00'	25.83'	23.42'	S57°22'52"E
C13	4°13'51"	990.07'	73.11'	73.09'	N15°58'14"W
C14	0°22'32"	679.39'	4.45'	4.45'	S17°53'54"E
C15	113°05'28"	44.00'	86.86'	73.43'	N59°17'11"W
C16	84°59'50"	17.00'	25.22'	22.97'	N39°45'58"E
C17	5°23'47"	218.50'	20.58'	20.57'	S79°33'59"W

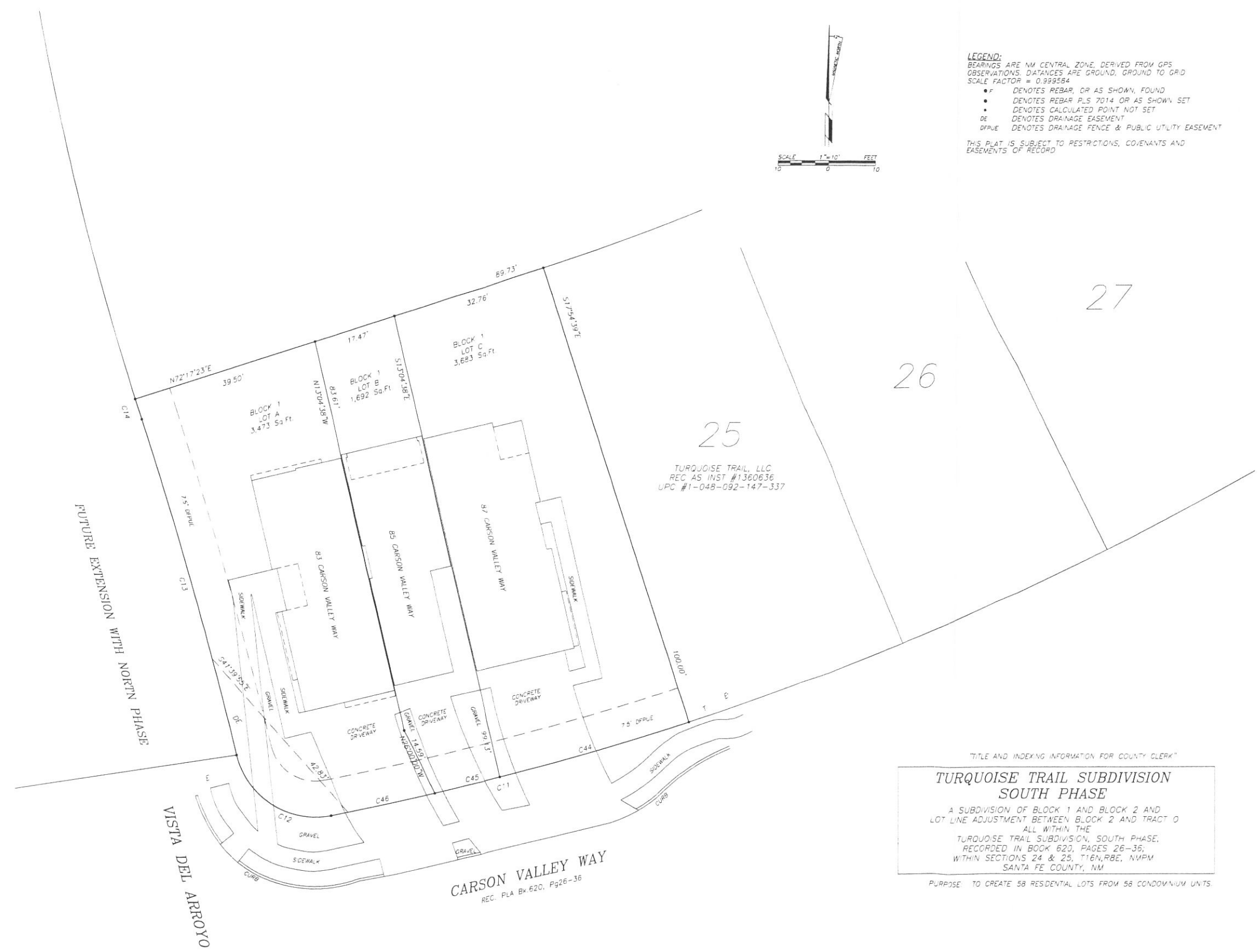
SHEET 3 OF 5

DAWSON SURVEYS INC  
PROFESSIONAL LAND SURVEYORS  
2502 B CAMINO ENTRADA  
SANTA FE, N.M., 87507  
FILE#8883\BLK-2 DATE 06/18/12

**LEGEND:**  
 BEARINGS ARE NM CENTRAL ZONE, DERIVED FROM GPS OBSERVATIONS. DISTANCES ARE GROUND, GROUND TO GRID SCALE FACTOR = 0.999584  
 • F DENOTES REBAR, OR AS SHOWN, FOUND  
 • DENOTES REBAR PLS 7014 OR AS SHOWN SET  
 • DENOTES CALCULATED POINT NOT SET  
 DE DENOTES DRAINAGE EASEMENT  
 DRPUE DENOTES DRAINAGE FENCE & PUBLIC UTILITY EASEMENT  
 THIS PLAT IS SUBJECT TO RESTRICTIONS, COVENANTS AND EASEMENTS OF RECORD



CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CHORD	CHD BRG
C11	7°00'15"	634.13'	77.52'	77.47'	N75°35'28"E
C12	87°03'07"	17.00'	25.83'	23.42'	S57°22'52"E
C13	4°13'51"	990.07'	73.11'	73.09'	N15°56'14"W
C14	0°22'32"	679.39'	4.45'	4.45'	S17°53'54"E
C44	3°43'04"	634.13'	41.15'	41.14'	N73°56'53"E
C45	1°16'43"	634.13'	14.15'	14.15'	N76°26'46"E
C46	2°00'28"	634.13'	22.22'	22.22'	N78°05'21"E



27  
 26  
 25

TURQUOISE TRAIL, LLC  
 REC AS INST #1360636  
 UPC #1-048-092-147-337

"TITLE AND INDEXING INFORMATION FOR COUNTY CLERK"  
**TURQUOISE TRAIL SUBDIVISION  
 SOUTH PHASE**  
 A SUBDIVISION OF BLOCK 1 AND BLOCK 2 AND  
 LOT LINE ADJUSTMENT BETWEEN BLOCK 2 AND TRACT D  
 ALL WITHIN THE  
 TURQUOISE TRAIL SUBDIVISION, SOUTH PHASE,  
 RECORDED IN BOOK 620, PAGES 26-36;  
 WITHIN SECTIONS 24 & 25, T16N,R8E, NMPM  
 SANTA FE COUNTY, NM  
 PURPOSE: TO CREATE 58 RESIDENTIAL LOTS FROM 58 CONDOMINIUM UNITS

**CARSON VALLEY WAY**  
 REC. PLA Bk 620, Pg 26-36

SHEET 4 OF 5  
 DAWSON SURVEYS INC  
 PROFESSIONAL LAND SURVEYORS  
 2502 B CAMINO ENTRADA  
 SANTA FE, N.M., 87507  
 FILE#8883\BLK-2 DATE:06\18\12





SANTA FE COUNTY 11/09/2005  
SANTA FE COUNTY 11/09/2005

- XIII. A. 9. EZ Case # S 05-4390 – Turquoise Trail Subdivision. Turquoise Trail L.L.C. (Tracy Murphy), Applicant, Requests Preliminary and Final Development Plan and Plat Approval for the South Phase (Phase 1) of the Turquoise Trail Subdivision which will consist of 164 Single Family Residential Lots and 58 Multi-Family Residential Homes for a Total of 222 Units on 80.21 Acres in Accordance with the Approved Master Plan. The Property is Located within the Community College District, East of State Road 14 and North of Vista del Monte, within Sections 24 and 25, Township 16 North, Range 8 East (Commission District 5)**

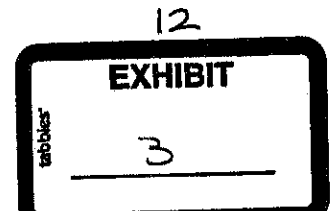
VICENTE ARCHULETA (Review Specialist): Thank you, Mr. Chairman. On August 11, 2005 the EZC recommended approval of a revised preliminary plat and development plan for phase 1 of the Turquoise Trail Subdivision with County and City staff conditions. On July 14, 2005, the EZC granted preliminary plat and development plan approval for phase 1 with staff conditions and additional conditions imposed by the EZC in regards to community input, transitional densities and energy conservation measures.

The proposed density was reduced from 245 residential units to 22 residential units. The developer held a community meeting to discuss the project on July 28 in which three community members attended. A second meeting was held on August 9, 2005 to meet with two of the community members who could not attend the July 28<sup>th</sup> meeting. In regard to the transitional densities, the applicant has redesigned the plans to address this issue and the applicant addressed the conservation at the August 11<sup>th</sup> EZC meeting.

On September 10, 2002 the Board of County Commissioners granted master plan approval for a mixed-use development consisting of 294 residential units and 1,480,050 square feet of commercial on 224 acres. On October 12, 2004, the Board of County Commissioners met and approved a master plan amendment to the previously approved Thornburg Master Plan to allow the number of residential units to increase and to decrease the amount of commercial square footage.

Turquoise Trail L.L.C. (Tracy Murphy) requests Preliminary and final development plan and plat approval for the South Phase, phase 1, of the Turquoise Trail Subdivision in accordance with the approved Thornburg master plan which will consist of 164 single family residential lots and 58 multi-family residential homes for a total of 222 units on 80.21 acres. The lots range in size from .24 acres to 1.0 acre, and the multi-family units are condominiums that will be sold. The proposed density is 7.1 units per acre and is in accordance with the Community College District Ordinance for a village zone.

The Community was planned and designed after numerous meetings with County and City Staff and at least four neighborhood meetings. As a result of these meetings, the Community Plan creates a buffer to its neighbors to the south and southeast of at least 200 feet, realigns Vista del Monte to move traffic away from existing residences, retains access to



existing roadway infrastructure, and enhances fire protection for existing residents by extending fire protection to the adjoining properties to the south.

Turquoise Trail will be a mixed-use community on approximately 181 acres and developed in two phases. This development will have at least four different housing types and commercial space. Within the residential subdivision, the project will include 15 percent affordable housing, 34 of which will be built in the initial phase of the community. Turquoise Trail's proposal ensures that all of the homes will be sold well below the \$500,000.00 price point found within the City of Santa Fe's Housing Opportunity Program standards.

The development plan for the first phase includes 60 percent open space, extension and improvement of the Arroyo Hondo District Trail, approximately 25 acres of natural open space, a community park of 3.11 acres, and three neighborhood parks with recreational equipment and parcels of improved open space scattered throughout the Community.

The proposed project will be divided into at least two phases - South and North Phase. The first phase will be the South Phase, which is south of the Arroyo Hondo.

This application was reviewed for the following: existing conditions, adjacent properties, access, water, fire protection, liquid and solid waste, terrain management, archeology, open space, traffic, signage and lighting and homeowners association. The proposed plat/development plan is in accordance with the procedures and submittals for preliminary development plans set forth in Sections 3.5 and 3.6 of the EZO. Staff recommends preliminary plat/development plan approval subject to the following conditions. May I enter those into the record?

[The conditions are as follows:]

1. Compliance with applicable review comments from the following:
  - a) State Engineer
  - b) State Environment Department
  - c) State Department of Transportation
  - d) County Hydrologist
  - e) Development Review Director
  - f) County Fire Marshal
  - g) County Public Works
  - h) County Technical Review
  - i) Soil and Water District
  - j) State Historic Preservation Division
  - k) Sangre de Cristo Water Division
  - l) City of Santa Fe Waste Water Division
2. Final homeowner documents (covenants, by-laws, articles of incorporation, disclosure statement) subject to approval by staff and shall include but not limited to the following:
  - a) Water conservation measures.
  - b) Maintenance of roads, drainage facilities and common areas
  - c) Home owners Association shall contract for disposal of solid waste

- d) Exterior lights
- e) Water supply as approved by the City
3. Submit solid waste fee in accordance with subdivision regulations.
4. All redline comments shall be addressed.
5. Submit a cost estimate and financial surety for completion of required improvements as approved by staff.
6. Development plan submittals shall include but not limited to the following:
  - a) Provide additional village trail connections from district trail meeting minimum standards for width and surface.
  - b) Address project sign.
  - c) Road section for Avenida del Sur shall specify a 10-foot wide trail on one side of the road for bicycle/pedestrian use in conformance with minimum surface standards.
  - d) Specify drip/sprinkler irrigation system for common area landscaping, and low water landscaping.
  - e) Address streetlights.
  - f) Sidewalks shall be a minimum of 5 feet.
7. Final plat shall include but not limited to the following:
  - a) Compliance with plat checklist.
  - b) Approval of rural addressing.
  - c) Conditional dedication of Avenida del Sur to the County.
  - d) Signature lines for City water and sewer utilities.
  - e) Permits for building construction will not be issued until subdivision improvements for road, drainage and fire protection are completed as required by staff.
  - f) These lots are subject to a fire impact fee.
  - g) Cross reference for recording disclosure statement and affordable housing agreement.
8. Submit access permits as approved by NMDOT.
9. Submit proposed design for retention ponds as it relates to criteria for stormwater management in the Community College District, prior to final development plan approval.
10. Address the regulations for a rainwater catchment system as it relates to the multi-family triplex buildings exceeding 2,500 square feet.
11. The applicant must address all minor redline comments by the County Subdivision Engineer as shown on the plat of survey and terrain management plan. These plans may be picked up from Vicente Archuleta, Development Review Specialist within the Land Use Dept. These plans must be resubmitted with the Mylar prior to recordation.
12. The four proposed lots in the setback area shall be treated as a separate plat approval.
13. The applicant shall provide an adequate radius and turn-around access for delivery trucks to the adjoining properties.



SANTA FE COUNTY 11/09/2005  
SANTA FE COUNTY 11/09/2005

14. Provide adequate buffering and re-alignment of driveway for properties adjacent to State Road 14/Vista del Monte intersection.

CHAIRMAN ANAYA: Any questions of Vicente?

COMMISSIONER VIGIL: Mr. Chairman, I have one.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Vicente, I had read at one place and perhaps this is just relevant to the first phase, that there's 60 percent open space and somewhere else I read there's 50 percent. Can you clarify that?

MR. ARCHULETA: Mr. Chairman, Commissioner Vigil, the first phase is going to consist of 60 percent. The entire project will consist of 50 percent open space.

COMMISSIONER VIGIL: Okay, that's the distinction. Thank you.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Regarding the water agreements from Sangre de Cristo, is that like in perpetuity, or should I ask the applicant?

MR. ARCHULETA: Commissioner Montoya, I believe that once Thornburg got the master plan that was the case that this would go forward with this development.

COMMISSIONER MONTOYA: Okay. But you're not sure.

MR. ARCHULETA: Not necessarily in perpetuity. I believe it's just -

COMMISSIONER MONTOYA: I'll ask the applicant, Mr. Chairman. And the other piece is the liquid and solid waste. It says will connect to the low pressure system. How big is that system? Or should I ask the applicant also?

MR. ARCHULETA: Mr. Chairman, Commissioner Montoya, I believe the applicant can answer that question.

COMMISSIONER MONTOYA: Okay. Thank you.

CHAIRMAN ANAYA: Thank you, Vicente. The applicant. I'll give you a minute to state your case.

[Duly sworn, Karl Sommer testified as follows:]

MR. SOMMER: I'd gladly take a minute and then answer your questions. Mr. Chairman, my name is Karl Sommer. My mailing address is Post Office Box 2476, Santa Fe, New Mexico, 87504. Members of the Commission, we'll be brief. It's late, I know and we don't believe this is a highly controversial case. We do think it's important and what I'd like to do tonight is introduce who we've been working with, who we represent here tonight. Talk to you a little bit about the importance of this development and then answer your questions.

I represent Longford Homes who owns Turquoise Trail, LLC, which is developing this. Longford Homes is a developer that does the actual development and builds the houses out completely. So it's a fully integrated companies. They bought the land. This is not bought on spec. They paid for it. They're into this dirt and they're going to move

SANTA FE COUNTY 11/09/2005  
SANTA FE COUNTY 11/09/2005

forward and do this project. They have a long history in Albuquerque of success and quality homes. They're based out of Las Vegas, Nevada. Tracy Murphy represents the company along with John Murtagh. And they're here as representatives of the company and they have been managing this project from the beginning.

Also with me tonight is Clif Walbridge, he's done the engineering and from Dekker Perich Sabatini I have Mimi Burns and Cescer Damata. And they have done all the planning and they're here to answer any questions you might have. We're not going to have them run through every single detail of this project. Your packet lays it out pretty well. I personally have got to say I'm proud of being part of this project and I'll tell you why. Several years ago, this Commission decided and made a commitment to the Community College District. And it said that's where we're going to put our resources. We want development to occur there. We want the efficient use of utilities and transportation networks, we want to put our water there, and we want to preserve the country from just sprawl and this is where we want to grow.

And the purpose was to provide housing that affordable at many income levels, both affordable housing, affordability for our workforce, as well as some upper end housing. A mix of housing. But also to do it in a way and provide it 50 percent open space. The Community College went about doing this my saying you will not do groundwater; you'll do it on a community system either owed by the County or by the City. You will treat your wastewater and you will protect our groundwater resource in this area. That was the basis of the plan. And it also said you will provide 50 percent open space, so that the people living in the Community College District, even though it will be a more dense area of development will provide amenities.

And lo and behold, the Community College District is becoming a success. You have institutional uses, schools, churches, businesses that are growing. You have neighborhoods, you have amenities, open space, trails. The district is a success and this project will be another part of that success.

The Thornburg master plan was approved by this Commission. This is the residential component of that master plan. It's 512 units. Every one of the units that we develop will be below \$300,000. Fifteen percent of the entire 512 will be within the affordable housing category required by the ordinance. But it's important for you all to note that the ordinance was designed to provide housing at the moderate to low level, as well as some high. We are staying below \$300,000.

There's an anecdote I'd like to tell you. At one of our community meetings there was a security guard that was working at the Community College and we had these boards up and he came and he said, wow. I live in that house. And he was looking at a particular floor plan on the wall. And we said, oh really? Where do you live? In Rio Rancho. This very same house, built in Rio Rancho, he could not afford here in Santa Fe. This will give the opportunity for people like that gentleman to live in Santa Fe instead of driving down the highway to Rio Rancho.

Longford Homes is building in Rio Rancho, and now they're moving up to Santa

SANTA FE COUNTY 11/09/2005  
SANTA FE COUNTY 11/09/2005

Fe and they're going to provide quality housing at an affordable rate and at an affordable level. That was the purpose behind the Community College District, to concentrate the County's efforts. And I've got to say that this project is a success, is representative of the success of the Community College District.

The other thing that the Community College District pointed to was to have a transportation network that was developed simultaneously with the housing. Well, in this case, what's going on is the Highway Department has issued the permits for the improvements to the transportation network needed for this development. So as these houses come on line, they will have the transportation facilities in place. We're not creating a traffic situation that is untenable for existing neighborhoods. We're improving a situation that currently, along the Vista del Monte Road is inadequate. And we're building part of the transportation network that the Community College District envisioned, and that is [inaudible] That is part of the major arterial that is getting built with this plan simultaneously.

As I said, I could go on a long time about this project, but I can say this and I'll conclude by telling you that we've worked hard with staff and I'd like to thank the Land Use staff. They have made themselves available time after time after time after time to review this project, to comment on this project, to help improve this project, and I think their recommendation reflects hours and hours of effort on Ms. Vigil's staff time in working with us and I'd like to thank them because they have really put their heart and soul into getting this thing processed and processed in an efficient fashion. I'd like to thank Vicente specifically because he's carried the load for the most part.

Commissioner Montoya asked a question about water and sewer. The executive summary that was passed out to you I think earlier in the week attached the order from the Public Utility Commission. When the City took over the water system they were ordered to serve this area with no time limitation on it. Just as recently as last week we got a written confirmation from the City Attorney's office indicating indeed that they will provide us service for water and sewer.

I will say this to you: You know the City has a retro-fit program in place. You have to do retro-fits so that the water on the system becomes available by making that system more efficient. Longford Homes is going to comply with that and in fact has already purchased all the retrofits. So in addition to not using groundwater in this development, they are actually making the City system more efficient so that the water is available for this development. And that right to the water exists in perpetuity and it has no time limit on it.

With respect to the sewer system, the sewer system is designed to serve the residential portion. It gathers effluent from the other portions of the master plan and they all come down to - and Cliff Walbridge has been part of the design. They all come down to a lift station down here and that lift station pumps it up to the City's wastewater gathering system then it goes to the City's wastewater. So the system is designed to not only serve this development but the entire Thornburg master plan. Again, I can't



SANTA FE COUNTY 11/09/2005  
SANTA FE COUNTY 11/09/2005

emphasize enough, that was part of the Community College District groundwater protection idea that you will treat the water so that you don't have septic tanks.

I hate to sound like a cheerleader for the Community College District, but it is where the County has put a line in the sand and said that that's where it will commit its resources. And it is working and this project will be part of its success, and I think that it will provide the residents of Santa Fe with greater housing opportunity at a much more affordable rate than we're used to. I'd like to turn the microphone over to Tracy Murphy now so she can discuss with you what we went through in terms of the process of working with the entire neighborhood out there. And then if you have any questions about the specifics of the development we can answer or I can answer questions you have now.

COMMISSIONER MONTOYA: Just one last one. Are you in agreement with all of the staff conditions?

MR. SOMMER: We are.

COMMISSIONER MONTOYA: Okay. Thank you, Mr. Chairman.

MR. SOMMER: Let me clarify one thing. Commissioner Vigil had asked about open space. That raises two issues that I'd like to just finish with. The open space in phase 1, the overall open space is required to be 50 percent. The open space in this first phase is 54 percent and let me tell you why that occurs. Vicente said it was 60. The original calculation was 60. As part of the process we went through with the neighbors to the south on Vista del Monte over here, there is shown on this plan a buffer zone that was open space. The process that we went through with the neighbors, Neil did an agreement that instead of doing that as open space, they wanted to see four larger homes built there. That takes that property out of open space. We still meet the Community College District requirements, but they would like to see homes there instead of open space.

We're in agreement doing that if one, this Commission approves it, because we can't do it as part of this plan because our plan currently shows that as open space. We need to amend this master plan, take that property out of this development and do four houses there separately. I will make the commitment on behalf of Longford Homes and Turquoise Trail that if this Commission approves the amendment to the master plan to remove this area from this development and redivide it under four lots, we will build those houses.

The last thing I'd like to say is part of the process that we went through, these two portions of the development were originally planned to be connected with a pedestrian bridge. Excuse me, I mean a vehicular bridge so that vehicular traffic could travel from south to north and north to south. One of the biggest amenities in the Community College District is the Community College District trail that goes up the Arroyo Hondo there. We've actually developed our plan around making that - this blue represents the arroyo. We're building a trail to connect to the Community College District trail over here and that will become an important link in the Community College District. Running a vehicular bridge right smack through the middle of that is problematic for us. It interrupts and interferes with what we're trying to produce in an amenity in this area.

SANTA FE COUNTY 11/09/2005  
SANTA FE COUNTY 11/09/2005

The second thing is, there is a fear on our part that this bridge will produce a cut-through kind of traffic. People cutting through to avoid this intersection, either going north or going south and that could prove to be a problem for the people who eventually live there. People just cutting through to make - instead of coming out and going down to this intersection, cutting through to get out to miss this intersection. For those reasons, the EZC recommended as a condition that we apply for a pedestrian bridge there, so that the linkage between the two would be pedestrian friendly, would provide a linkage, but would not be interfered with with vehicular traffic.

We're in agreement with that and in fact we've made the application. So with that, I'm going to turn it over to Tracy and she can go over -

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN ANAYA: Let me get Commissioner Vigil first and then you'll be second.

COMMISSIONER VIGIL: Two questions, real quick. What was the rationale for recommending that where a setback is, houses be placed rather than open space?

MR. SOMMER: I think that the idea was that, and the neighbors who are in favor of that, who wanted that from us are here to explain, but let me give you my explanation. This area originally, you see these types of units here which are the triplex units. We originally had these in this location as well. The neighbors over here were concerned that moving from their 2.5 to one-acre densities over here, there was not enough of a transition. So they asked that we put the larger lots over here. And they wanted even a greater transition from these lots rather than open space, they said well, they'd like some houses in between to create a density transition. That's fine with us but it wasn't our idea. That's what they requested. That's my understanding of it.

COMMISSIONER VIGIL: Okay. Thank you. The next question I have is this Commission has considered and hopefully will come to some place in time where we discuss the issue of water recirculation pumps. Part of the testimony we've had, when we've discussed this is that many of the developments, particularly in the Community College District are already doing this. Is that part of your development design?

MR. SOMMER: It is.

COMMISSIONER VIGIL: The hot water recirculation?

MR. SOMMER: It is part of our development design to make those recirculation a part of and available to everybody in this particular development. And as we build the houses that will be one of the things that they have to choose. So the answer is yes. And there are a number of other energy saving items that we're going to comply with as a result of Commissioner Ben Ray Lujan's request that we be an energy efficient or energy conscious development. So recirc pumps are one of the things that he requested as well and we've included that as part of the option of packages that were included on each one of the homes.

COMMISSIONER VIGIL: Can you summarize what other energy conservation measures?

SANTA FE COUNTY 11/09/2005  
SANTA FE COUNTY 11/09/2005

MR. SOMMER: I don't have it right in front of me but we put together a submittal to the EZC that deals with providing - meeting the requirements that make FHA mortgages more affordable. So you have to make the houses more efficient. And I don't have the specifics in front of me. I wish I had. But there are three or four items specifically that affect FHA financing and government financing. If you make the project more efficient, they make it more affordable for financing. And that's the kind of thing we're going after.

COMMISSIONER VIGIL: Thank you. Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: A follow-up to Commissioner Vigil. I believe the testimony we had from Rancho Viejo is that their recirculation pumps are standard on all of their units. So you're going to require that the homeowners pay extra for them. Is that correct?

MR. SOMMER: I don't know if they cost extra but they certainly are going to have to choose them. Is that right, Tracy?

COMMISSIONER SULLIVAN: They're not going to be free, are they? Then they wouldn't be an option. Then everyone would choose them, I would assume.

[Duly sworn, Tracy Murphy testified as follows:]

TRACY MURPHY: Tracy Murphy, Turquoise Trail, 21 Braelin Drive, Henderson, Nevada, 89052. We've had the discussion on making those hot water recirculation systems available to our buyers. It will be available to all the buyers in the community if they would like that in their home.

COMMISSIONER SULLIVAN: The question was it's an option. It's not going to be a part of the basic home construction and will the homeowners have to pay extra for that?

MS. MURPHY: Currently, yes.

COMMISSIONER SULLIVAN: Yes. Thank you. Let me suggest that you consider it as a base part of the units because I think fairly soon we'll have an ordinance to that effect and then you'll be ahead of the game that way. Let me ask a question about -

MS. MURPHY: Mr. Chairman, Commissioner Sullivan, that would be acceptable. We would go ahead and do that.

COMMISSIONER SULLIVAN: Good. Either one of you, Mr. Sommer or - either one. The Community College District Ordinance requires an affordable housing plan to be submitted at final development plan phase. The purpose of that is to see where the affordable housing will be, so that it's not clustered in any one area, and to be sure that you can count 15 percent of whatever it is you're doing. Now, I don't see that in the packet.

MR. SOMMER: It's been submitted, so if it isn't in your packet I don't know why. The executive summary that was delivered to you earlier this week has exactly what you're talking about, Commissioner, and I can -

COMMISSIONER SULLIVAN: The executive summary says there'll be 15 percent.

MR. SOMMER: And then there's an attachment that shows in color coordination exactly where, and I can bring that up to you. I don't know if you have that with you.

COMMISSIONER SULLIVAN: If you could point that out to me in my packet, I want time to take a look at it and I don't have time to take a look at it now.

MR. SOMMER: I just want you to know that we, in answer to your question we did submit an affordable housing plan as part of our submittal. It does identify the specific lots and we've put together an executive summary that was given to all the Commissioners, I believe last week. Was it last week, Vicente? The executive summary that we gave to you. Right.

COMMISSIONER SULLIVAN: I don't see this in the packet. So I can't check it, but is there some staff input on this? There has to be an affordable housing plan in the final development plan.

MR. SOMMER: We have one and it has been submitted and it does 15 percent.

COMMISSIONER SULLIVAN: I need to see where it is and what the income criteria is on each unit.

MR. SOMMER: Well, the income criteria is set by ordinance.

COMMISSIONER SULLIVAN: But which unit is assigned to which income criteria?

MR. SOMMER: If you hold on one second -

WAYNE DALTON (Review Director): Commissioner Sullivan, if you look on page NB-362 in your packet it will refer to all units that are affordable with an A.

COMMISSIONER SULLIVAN: 362, it says Turquoise Trail South phase. That's all it says. What else do we have here?

MR. DALTON: If you look on the plan, each lot that's affordable will have an A on it.

COMMISSIONER SULLIVAN: Where's the criteria by income category? That's also required.

MR. DALTON: It also says 15 percent or 37 units.

COMMISSIONER SULLIVAN: Yes, I understand. But there has to be a showing of each category from below 60, 60 to 80, and 80 to above. You can't just designate them all A, and again, the reason for that is that we don't want all the 60 and below percent of median income units to be located in one cul-de-sac or in one area.

MS. MURPHY: May I help? I know where that is. It's on the plans that are submitted that are by Dekker Perich. They're on the floor plans. It shows the triplex units and then out to the right-hand side, it shows which of the triplex units is affordable. Then on the 800-series plans which we call the 800s, on the right-hand side, where it shows the square footage and the number of bedrooms and the number of baths, it's on the right-hand side of each of those plans.

COMMISSIONER SULLIVAN: But where is it on the site plan? To show the clustering?

MR. SOMMER: If you read the plan, it shows numbers on the lots, and we've identified numbers with an A next to them if they're affordable. Our plan complies with the ordinance with respect to the income categories. It's impossible to show on the plan which



affordable housing unit will meet which affordable housing category because the ordinance says you can sell any affordable house to any affordable buyer.

COMMISSIONER SULLIVAN: The ordinance also says that you have to submit an affordable housing plan and show where each one will be.

MR. SOMMER: Well, we've show -

COMMISSIONER SULLIVAN: This shows affordable housing. What I'm trying to get is the key that shows 1, 2, 3, which category this is in - 60 and below, 60 to 80 and 80 to 100 and I refer you to Rancho Viejo's submittals if you need some kind of pilot to follow.

MR. SOMMER: I'm trying to answer your question. The ordinance does not require that you designate a particular -

COMMISSIONER SULLIVAN: Yes, it does. Yes, it does.

MR. SOMMER: Well, then we have a disagreement.

COMMISSIONER SULLIVAN: We definitely have a disagreement. It does, because we don't want what you're doing here.

MR. SOMMER: Do you know what we're doing here?

COMMISSIONER SULLIVAN: I know what you're doing here. You have all these A's and it doesn't tell me what level affordable housing is going where. And so everything down in this lower cul-de-sac here can all be zero to sixties. And there's no guarantee that it won't be. Now, if you have a key that goes this. I understand that it's a small, little map and you can't do that. If there's a key that goes to this then we will be able to designate or show where the affordable housing is.

CHAIRMAN ANAYA: So, Commissioner, you're saying that in this plan right here -

COMMISSIONER SULLIVAN: Right. Page 62.

CHAIRMAN ANAYA: That shows all the - there are 37 A's I believe, right?

COMMISSIONER SULLIVAN: Well, whatever 15 percent of their number is. Yes, 37.

MS. MURPHY: Thirty-four.

CHAIRMAN ANAYA: Thirty-four A's. And you're saying that you need to mark the A's that are going to be 60 or below.

COMMISSIONER SULLIVAN: Correct.

CHAIRMAN ANAYA: Between 60 and 80 and 80 and above.

COMMISSIONER SULLIVAN: That's right.

CHAIRMAN ANAYA: And that is required by the ordinance.

COMMISSIONER SULLIVAN: By the ordinance.

CHAIRMAN ANAYA: Okay, staff, are you in agreement with what Commissioner Sullivan is saying and why don't we have that?

COMMISSIONER SULLIVAN: It's required by the ordinance and the regulations.

MS. VIGIL: Mr. Chairman, Commissioner Sullivan, we're looking at the



SANTA FE COUNTY  
SANTA FE COUNTY  
SANTA FE COUNTY  
11/09/2005  
11/09/2005

Where's the mixed use? Where's the community center? Where's the thing that make this a pedestrian friendly, you can walk to your commercial facilities and your office? I'm just seeing a Rio Rancho subdivision here. And some of these lots are as small as 40 X 70? Where's the concept of the Community College District in this plan? I'm not seeing it.

MR. SOMMER: The master plan for the Thornburgs, Commissioner, includes a large percentage of commercial, not all of which is being developed right now, but some of which is being developed right now. So the Community College District says that when you do a master plan, as you develop that master plan you must develop commercial as well as residential simultaneously. So across the way, as part of the Thornburg master plan, you have the Forest Service building going up as part of the commercial development. Just down the way you have commercial development going in on the corner by the PNM substation, simultaneously with this development. So that criterion of the Community College District is being met.

COMMISSIONER SULLIVAN: It's across the street though. Let me ask the staff. Let me ask Joe. Joe, is that right? Does the commercial across the street, across Route 14, qualify as the commercial for - I'm just seeing a bunch of housing lots here. I'm not seeing anything that looks like a creative community plan. I'm seeing some severe density, but I'm not seeing anything that looks like what at least I envisioned the Community College District. Does this residential subdivision, does that meet the Community College District Ordinance?

JOE CATANACH (Senior Review Specialist): Mr. Chairman, Commissioner Sullivan, we've had this discussion with the applicants regarding mixed use, a mixed-use phase. We've had this discussion probably on the Rancho Viejo project as well, and the discussion came around as to whether, in the case of Rancho Viejo doing a commercial business park and whether other parts of their development, which was residential, if that qualified as being part of the mix. Certainly my response at that time was I thought it was open for interpretation. I didn't think it was specific. I think it's open for interpretation as far as staff looking at the big picture and actually looking, in the case of Rancho Viejo, residential development occurring on one part of the property, commercial occurring in another part. In the case of Rancho Viejo it was decided to go ahead and require live-work units on that particular business park.

The discussion that we had with the applicant on that issue, on this issue right now was that it would be recognized that in fact if you're looking at the big picture, the master plan, that that master plan included areas of residential and commercial, and when that master plan was approved I don't think it was specific that in fact when the residential part comes in that there was going to be a commercial component with that residential part. In looking at the big picture of the Thornburg master plan, commercial has been approved for Harley Davidson. The Forest Service building has approved, being a non-residential development, and the lot has been platted for the community center that would be the commercial component of this residential development. So the point I'm making is that when staff had this discussion with this developer, we were looking at the big picture, the master plan, and that in fact it was not specific that when the residential subdivision came in, that there was going to be a commercial component at the same time.

SANTA FE COUNTY 11/09/2005  
SANTA FE COUNTY 11/09/2005

COMMISSIONER SULLIVAN: Okay, again, quickly if I'm wrong, just my memory serves me that when this came in, that the first phase was going to be north of the arroyo, and that there was also going to be commercial in that first phase, albeit strung out along Route 14, but nonetheless within walking or easy riding distance to that. Now, this is south of the arroyo. Is this a change in where the first phase was going to be from the master plan?

MR. CATANACH: I don't recall that specifically, but in developing this as the first phase, the major commercial component would be integrated into this phase which is the first phase, which is the south portion of the property. The community center, the commercial that you're thinking about on the north side of the Arroyo Hondo would have been more of a neighborhood center. So this is actually the phase that's going to be integrated with the larger community center commercial.

COMMISSIONER SULLIVAN: Where is that on the plat?

MR. CATANACH: That would be right at the intersection. It's probably not shown. I don't know if it's shown actually but it's going to be the community center which is the commercial component would be right at the intersection of State Road 14 and Vista Grande, whatever the name of that road is.

COMMISSIONER SULLIVAN: But that's not a part of this phase.

MR. CATANACH: It is not. It's the red on that map right there.

COMMISSIONER SULLIVAN: So maybe the applicant can refresh my memory. Was the original master plan at the first phase was north of the arroyo?

MR. SOMMER: I can't refresh your recollection; I don't know.

COMMISSIONER SULLIVAN: I don't know why that sticks with me. I have a few more questions but that's all for now. Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Okay. I want to get clear. If Steve Ross could clarify on the ordinance what Commissioner Sullivan's concern was in terms of the A's and in terms of affordability, 60 and below, 60 to 80, 80 and above. Are we supposed to - is the applicant supposed to note on the plat where those homes are?

MR. ROSS: Mr. Chairman, no. Mr. Sommer read you the relevant portion of the ordinance and there's no requirement to specifically designate for purposes of the affordable housing plan where a particular income range goes. That comes up later.

CHAIRMAN ANAYA: Okay. Do you want to continue?

MS. MURPHY: I would like to comment on that. Perhaps what you've been provided is not the most self-explanatory of where our affordable housing lots are. However, what was provided in the packet in terms of which unit goes where, when it's transferred over to the entire site plan you can see there are three specific types of product housing units in the South phase. There are four, including the live-work units which will be built in the north phase. So the triplex units have their own share of affordable housing. The 800s, which we call 800s, which simply signifies a certain type of detached single family homes, those are delineated in yellow, but they're also shown on the color-coded plan. And then the largest homes, which are two-car garage detached homes are shown in the packet in terms of where the



lots are, as well as where they would be, and those are the white-colored lots.

So although perhaps it could have been shown a little more self-explanatory, each of the three types of units are shown on a certain lot, interdispersed throughout the South phase so that they're not all clumped together, they're not all one product type and you would be able to delineate where any affordable housing units are, which is the purpose of having the affordable housing interspersed through the community.

CHAIRMAN ANAYA: Okay. Any further comments? Any further -

MS. MURPHY: On the submittal on the commercial property, what Joe mentioned is correct in that the commercial property in the amended master plan, although we build homes, Thornburg builds commercial property. So there's a coordinated effort so that as we build the homes, Thornburg is building the commercial property, which they currently have submitted permits for and are doing for the two tracts on the west side of Highway 14 and 599, which are here. You can't tell on the amended master plan because this is the site plan, but from the amended master plan, those are the commercial tracts that were included as part of this site plan. So those commercial properties are being built. Actually permits pulled prior to us even going in for the homes.

I'd like to briefly go over how we've worked with the neighbors on this project, which is a huge key on how this is designed and what you see here tonight. We've had five meetings which were noticed with letters to the homeowners beginning in February. We presented to them the amended master plan to start from scratch, to get their ideas, what they wanted to see on this project. Throughout the process we've worked with them not only in those five noticed meetings, but in other meetings. As a result of those meetings, we have made a number of changes including the transitional density change where we placed the largest lots possible on the perimeter, the closest to the neighbors along Vista del Monte, as well as there were traffic concerns on traffic getting out of Allsups and how the traffic would be diverted in front of people's homes, specifically Tommy Segura's home, which we went back and we revised that. We added a cul-de-sac. The neighbors requested that. We felt that that was a good suggestion. We went ahead and added that cul-de-sac. Subsequently we moved the model complex to the other side of the south phase so that it would minimize traffic, light, which could affect the neighbors.

In addition, we have added another cul-de-sac on the other end of Vista del Monte. We've relocated the road for Mr. Boylan, who is a neighbor right here because he has semis and he wanted to move his semis into the driveway without having to turn them around significantly. So we have changed that for Mr. Boylan. In addition, at a neighborhood meeting, the neighbors suggested that we add homes into the open space which we've already discussed. We agreed that that was acceptable and they also requested a trail system to connect their homes through the four large homes in order to get to the trail system that we're providing that would ultimately connect with Rancho Viejo. We agreed to that. We thought that was important as to be part of the neighborhood to provide that to them and we've agreed to do that as well.

The other item was the vehicular bridge, which was on the amended master plan. We were prepared to build the vehicular bridge. The neighbors requested that we look at possibly

getting a pedestrian bridge to minimize the traffic that could be in front of their homes from the North phase. That's acceptable to us too. We said we would pursue that on their behalf because that's what would make their community more accessible to this community. I believe that that outlines the process.

CHAIRMAN ANAYA: Thank you, Tracy. Any other questions of Tracy? Okay. Is there further discussion from the applicant?

MR. SOMMER: No, Mr. Chairman. We'd answer any questions from the design team if you have any.

CHAIRMAN ANAYA: Okay. I'm going to open it up to public hearing. Is there anybody in the audience that would like to speak for or against this case, and I'll take the against the case first. For this case. Come up.

[Duly sworn, Keith Burks testified as follows:]

KEITH BURKS: I'm not sure if you took me as for or against. I'm a neighbor. My name is Keith Burks.

CHAIRMAN ANAYA: I took you for.

MR. BURKS: Well, this process started for us many, many years ago with Mr. Thornburg and when the land got sold and the water rights went with it and everything, which we were baffled, all of a sudden we faced with dealing with a new group of people. And we were quite in shock when we found out they weren't going to build two phases, 512 houses, right across from us. When you look at the whole plan, there's only about five percent of the whole property that actually has bordering neighbors and that is the five homes that we live in, one of the middle homes. We had some of the other neighbors here who left earlier. We've all been active in dealing with this situation.

When it went through the EZC we were told it was tabled because there was not a consensus with us and the builder at that time. Obviously, going from 2.5-acre lots to 40 X 70 lots was a shock. Definitely not what the County had spoke about transition from all the years I've heard. It's totally against everything I've heard. So back in 2002, as one of the conditions that Mr. Thornburg signed was a condition by Commissioner Sullivan that made the buffer 500 feet. We have the minutes from that meeting. The next meeting when the approval was done we were not present and it came out at 250 and there was no discussion about the changing of that condition.

So when Longford Homes came in and said 250 feet we were baffled. How did it go from 500, that we have on the minutes from the Commissioner's request, as a condition, and they said, well I guess it slipped through so it went to 250. So we had to work with Longford Homes, and I will be honest with you that they've been pretty good working with us. And our biggest problem, you know the water thing - I'm not a water person. You guys on the Commission, you have to know if the City has the water for these 512 homes. But our thing is it's not fair to have 40 X 70 lots across the street from 2.5-acre lots. We've lived there 30 years. We've owned the land 50 years in the family, and it definitely would have affected the property values.

So what we came up with working with them is we said, I'm a reasonable person. We

SANTA FE COUNTY 11/05/2005  
SANTA FE COUNTY 11/09/2005

all were, and we said we understand that with them giving up all the free land that the 500 feet might have been a lot for them to do, but we needed a buffer. And that's where we came up with the design of having a buffer of some homes, a little bit between our 2.5 acres and the 40 X 70 lots, closer to the value of our homes to cushion our value. And I know you asked earlier, Commissioner Vigil, about that. That was our idea as residents to try to keep the value up on our property because we realized we were probably in a losing battle as far as the original stipulation for the 500 feet.

And I'm concerned right now that what I understood from when the EZC gave approval, after they tabled it, they told us to go back and work with these guys. We did and mutually we came up with a design. And then we show up tonight and they said, well, that's not part of the design. We're going to get the approval to build everything else, and then if the County gives us approval, we'll give you the buffer. Huh? Why did the EZC tell us to go deal with them and make something that was a mutual condition if it's not part of it? If there's nothing binding, why did we waste our time? It baffles me. So I'm hoping tonight that you can find a way to amend the master plan to create that buffer or to grant us time to go back to the table to get it done. As much as I'd love to trust these guys, and like I said, they worked great with us. But if they walk away from this table with no binding condition on a buffer from 2.5 acres to 40 X 70 lots, and they start building, that's it for us. We're toast.

CHAIRMAN ANAYA: What was your name again, sir?

MR. BURKS: My name is Keith Burks.

CHAIRMAN ANAYA: Keith. Okay. So that I'm clear on what you're saying is that to amend, you would like us, if this is to be approved, you'd like us to amend this plan to include the four lots at the buffer? And point to it. Point to where you're talking about. Okay.

MR. BURKS: I have the plans of the lots that Longford Homes sent us and I have the picture of the home they told us they were going to build. This is all under the condition that the EZC sent us here. They gave them preliminary approval was because when they first tabled it, we came up with this. So that's when I got here I'm totally amazed this isn't part of what's being applied for because why did the EZC send us back to the table to create a buffer between our 2.5-acre lots to - You understand my point. I'm afraid if approval goes through without those lots, what do we have to create the buffer that the County said we should have.

CHAIRMAN ANAYA: Okay. To get this straight is you want the four houses put there.

MR. BURKS: Yes, sir. They made it those 1.75-acre lots, which is about halfway between our lots at 2.5 acres and the lots that are going to be there. The design, instead of just [inaudible]

CHAIRMAN ANAYA: I think the Commission gets the picture.

MR. BURKS: So the point is, we were told to work with the builder. We worked with the builder. We came up with a solution. It's not here.

CHAIRMAN ANAYA: Okay.

MR. BURKS: And my worry is, and all of my neighbors' worries are that once

SANTA FE COUNTY  
SANTA FE COUNTY  
SANTA FE COUNTY  
11/09/2005  
11/09/2005

the okay is done without this condition then it doesn't have to be done legally. And then we'll be out. And like I said, the Longford people have been really very cooperative and sworn up and down they're going to get that done.

CHAIRMAN ANAYA: And it's not there. But they mentioned it.

MR. BURKS: Well, actually, they were too far along in this process to amend the master plan at the time. But you understand where we are because what if a master plan doesn't get done then the whole reason why it was tabled at the EZC for us to get together and work together is a waste.

CHAIRMAN ANAYA: Thrown out the door.

MR. BURKS: It doesn't make any sense.

CHAIRMAN ANAYA: Do the rest of the neighbors across from that buffer agree with you?

MR. BURKS: Yes, sir. There's only five homeowners along this stretch. We're the only ones bordering and we are speaking as one voice. Mr. Boylan left earlier and Tommy Segura is in -- they've all been very active at the EZC meetings.

CHAIRMAN ANAYA: Thank you. Thank you, Keith. I think we've got it.

MR. ARCHULETA: Mr. Chairman, that issue that Mr. Burks is talking about is condition number 12. Those four lots will be treated as a separate plat approval. They will come back for plan approval on those four lots.

CHAIRMAN ANAYA: Okay. So it's in the conditions.

MR. SOMMER: It's in the conditions and we've already applied for it. We've submitted a formal application so not only are we standing here tonight saying we're going to do it, it's been engineered so that those four units on that area is shown and we've submitted a formal application to remove this portion from this development and divide it separately So the things that we're promising to do, we're doing.

CHAIRMAN ANAYA: Into four and no more and no less.

MR. SOMMER: That's right. Four and no more.

MS. MURPHY: May I make one more comment. At the last EZC hearing the discussion came up and it was deferred to staff, to Joe Catanach in term of the pedestrian versus the vehicular bridge. At the time we were willing, in addition to the four houses, to go with the pedestrian bridge for the neighbors. However, we were advised and the EZC was advised that because the amended master plan shows it as a vehicular bridge, they could not approve that that night and an amended master plan would need to be done to accommodate that. So both of those are shown on this plan that has been submitted, the four houses as well as the pedestrian bridge.

CHAIRMAN ANAYA: Okay. Thank you, Tracy. Let me go back to public comment. Ma'am, come forward.

[Duly sworn, Patti Burks testified as follows:]

PATTI BURKS : My name is Patti Burks and I reside at Vista del Monte and I'm with Keith. Thank you for paying attention is long. I want to add the positive points of having the vehicular bridge over the arroyo there because I feel that it's going to give us an

alternate route when we're dealing with 1000 more vehicles in the morning and 2000 more vehicles in the afternoon, at projected peaks. This is something that we're going to be dealing with on that Avenida del Sur and so there would only be one way out if we didn't have the bridge over the arroyo. So maybe - does that make sense to you? Because the bridge connects with the northern part of the project, and it goes out onto Highway 14 at a northerly point. So it just would provide us with an alternate route when we're dealing with so much more traffic at Highway 14 at Allsup's. At 599.

That's one of the things. I'd like to see their traffic engineer has come up with as far as, and I want him to be able to show you, because I'm concerned about the holding lanes there on that intersection and how that's going to look. What that's going to look like, and how much traffic we're going to be dealing with and whether the Highway Department has had a chance to review this and give some kind of comment on that.

With regards to water, I just want to remind you that even though they do have a promise, and agreement with the City of Santa Fe to provide water, the State Engineer has issued a negative opinion and he knows, he's the steward of the water here in the state and he knows what the City is undergoing and he knows about the agreement that this company has with service from the City, but he's issuing a negative opinion. So I want you guys to just remember that. And the reason why I bring that up is that that promise was made probably about 15 years ago, maybe 12 years ago, and we weren't in a drought like we are right now. So now they're going to try to use all of that water and is it right? Is it wise?

The other point I want to make is that there was a cultural significant site on the premises and they opted to do a recovery of that site instead of allowing for it to be intact. It actually was culturally significant to the extent that it would be on the National Register of Historic Places. So I just wanted you to know that too. Because the route of Highway 14 has been designated as a scenic byway. I think we also need to be sensitive to those issues. Thank you.

CHAIRMAN ANAYA: Thank you, Patti. Could you tell me, I know you had the bridge proposed. Then you took the bridge out, and now she's asking for the bridge and it's kind of -

MR. SOMMER: She's one person out of many that we dealt with but the consensus that we were able to garner from our meetings was that the vehicular bridge would do exactly what she did, which is cut through traffic. From our standpoint the bridge is neutral; we'll do it either way. We thought the pedestrian bridge might be more favorable because the trail runs right through there, and it's access to the trail. And rather than build a two or four-lane bridge across the Arroyo Hondo right through the middle of the biggest amenity we thought that the pedestrian bridge might work better. But as I understand from our standpoint it's neutral. We made the request to amend the master plan because it was a condition of approval at the EZC and we'll pursue it because we said we would.

CHAIRMAN ANAYA: Could you tell me a little bit about the water issue that she mentioned with the City?

MR. SOMMER: Yes. As I understand it, the State Engineer issues a standard



letter with respect to all developments on the City and County system. They don't support – they issue a negative report on all developments on both those systems and that's because the water rights arrangement that the City has with the County. The interesting thing about this project is that this is on the City system. It runs through County lines. So they did not issue a negative report saying that water wasn't available. They don't like the arrangement with the water rights and the transmission system that they City and County have. That's with respect to Rancho Viejo. That's with respect to everything in the Community College District. So they don't issue a negative report on this development saying there isn't water available to it.

CHAIRMAN ANAYA: Okay. And did you do an archeological?

MR. SOMMER: We did. We did a complete archeological assessment of the site. The entire property. We have arranged – I think it's been mitigated.

MS. MURPHY: There were two sites that were indicated. We had a study done on both sites. One of the sites, based on the report, did not need to be mitigated, the other side has been approved for mitigation. All the approvals and permits have been received. The mitigation should be complete by next month, at which time SHPO has said that they will remove that according to their guidelines and that it will no longer be an issue.

CHAIRMAN ANAYA: Okay. Is there anybody out there that would like to speak against or for this case? Real short, Keith, come up.

MR. BURKS: I just wanted some clarification when he said that it was one of the conditions, what I had brought up about the four homes. Is that understood that it's a condition where if things are approved and that does not get approved, then there's no approval and we go back to the table? Is that what I'm understanding?

CHAIRMAN ANAYA: There's a condition in the packet that says they have to, that they are going to do that.

MR. BURKS: And if the County does not approve \$400,000 homes, four of them in that site, so that condition is not completed so the approval is not – so we go back to the drawing board?

CHAIRMAN ANAYA: If we approve this today, if we approve it, there's a condition in there that says that they have to build those four homes there.

MR. BURKS: Okay.

CHAIRMAN ANAYA: So they have to do it.

MR. BURKS: I'm not worried about them. I believe they will do it. I'm worried that the County will trip something and say for some reason you can't build those four homes. I trust Longford Homes and I think they will –

CHAIRMAN ANAYA: But you don't trust us.

MR. BURKS: No. Just kidding, guys. No, it's the bureaucracy. What I'm worried about – it's not I don't trust you at all, what I'm saying is I've heard about the amounts that homes have to cost. Well, the homes they should us they're going to build are going to be like equivalent to our homes, right in the \$400,000 range and I want to make sure the property value is –

CHAIRMAN ANAYA: Staff, he doesn't believe me but could you tell him that