

that it's okay? Staff's opinion is that it's okay to have the road, and it's not a building?

MS. VIGIL: Yes, Commissioner Anaya, that's correct.

COMMISSIONER ANAYA: Thank you. Mr. Chairman, I move that we approve the request for preliminary plat and development plan approval for Phases II and VI for La Pradera Subdivision, which will consist of 157 residential lots on 94 acres. Also includes the final plat and development plan approval of Phases II and III, which will consist of 97 lots.

CHAIRMAN MONTOYA: Okay. So we have a motion. I'll second for discussion.

COMMISSIONER VIGIL: Discussion, Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: With regard to the water service agreement, I guess I need some assurances of where we are with that. Who can give me a summary of that? Is that you, Steve?

CHAIRMAN MONTOYA: And Steve, along with that question, how much more water are we talking about?

DR. WUST: Mr. Chairman, Commissioner Vigil, the applicant is here, so they could probably give you more specific numbers. Again, it was a few acre-feet as I recall. Where we are is the applicant actually has come forward looking at getting a water service agreement. But there are several in the pipeline, so it's just one we're trying to schedule so we don't hit the Commission with a whole bunch of water service agreements at once. There's one tonight as a matter of fact, Komis. So when looking at the scheduling, we just place in on the schedule for March so we can kind of space these out. But it's going to be the standard water service agreement, the language we've been putting in that the County Attorney has worked on to get a template and so as we go along on these things, they're becoming pretty standardized. So I'm confident that certainly by the March meeting we should have a final one without any difficulty.

COMMISSIONER VIGIL: And again, Steve, how many acre-feet are we talking about?

DR. WUST: If you don't mind, Mr. Chairman, Commissioner Vigil - 2.67.

CHAIRMAN MONTOYA: 2.67 additional acre-feet?

DR. WUST: Additional. Yes. Over and above what they already have assigned.

CHAIRMAN MONTOYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Any other discussion? Commissioner Sullivan.

COMMISSIONER SULLIVAN: That was - there's no change from that at the last meeting and the issue that I brought up was, well, why didn't they just go final plat on Phase I and the answer was that's not what they wanted. They wanted Phase I and II. So we have an ordinance that says you have your water in place and you receive final plat approval. They haven't complied with that ordinance. So I feel that that's the reason why staff is making the recommendation.

The other issues of the corridor are still there. I think staff needs to get the response

from Legal because I believe when they do they'll find out that the section that they're quoting with regard to buildings being not allowed in the corridor is not a part of the ordinance that applies to the Community College District. So I would like to get a legal response to the staff's response if we could. So I think those two issues still leave us at preliminary. That doesn't slow anything down as far as I know, if we're coming forward for the water service agreement next month, they can't move forward until the March water service agreement anyway.

CHAIRMAN MONTTOYA: Is that a question for Legal?

COMMISSIONER SULLIVAN: No, it was just a statement.

CHAIRMAN MONTTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: I have a question for the applicant, whoever's representing them. Is that you, Ms. Vazquez? Ms. Vazquez, I guess I'm struggling with whether or not the applicant would be harmed if we didn't delay this until the water service agreement came before us and we were able to do the final approval then. Do you have a response to that?

ROSANNA VAZQUEZ: I do, Mr. Chairman, Commissioner. The reason we've requested final for this is a couple of reasons. First of all, we have been in line for a water service agreement for some time. We made a request a while back. This Commission was not hearing water service agreements for a long period of time, and consequently, that's why now you're getting one every month, because now you're actually hearing water service agreements. So we were scheduled to go in March, and we agreed to that March deadline way before any of this issue occurred.

Secondly, this application was submitted for amended master plan back in April of last year, you might recall. Actually, January, February of last year. We stopped the process. We worked with the neighbors. We made a bunch of changes to the amended master plan because of the concerns neighbors had, and you approved it back last year in early summer. We began construction on this development, Commissioners, and unfortunately, we were stopped. So we have had delay after delay on this project, and we're asking for this, not because we want a special favor, because we've already started the process. There's been an intent to dedicate the water rights already. The water rights are in the process now with the Office of the State Engineer. Approximately 50 acre-feet is in a joint application with the County of Santa Fe for the transfer process. So we're actually one step farther along than just getting a water service agreement.

And because of the delays on this project, I believe it's a reasonable request, Commissioner, because we cannot record this plat until this water service agreement is approved, and we cannot go forward with any further building for Phase II until all of that is done, and we should have that done by March. It faces two more months of public hearings. It faces the noticing costs. The development has very, very expensive off-site costs because of the improvements that we've agreed to do. So that's really why. We've been in the works and working very closely with staff and with the neighbors on this project.

COMMISSIONER VIGIL: I recall that, Mr. Chairman and I appreciate it. I actually used this project as a model, coming forth before the Commission, because of all the

open space and the water recirculation and all the innovative pieces to it. Now, could you just answer for me, you mentioned that you were stopped. Why were you stopped?

MS. VAZQUEZ: Mr. Chairman, Commissioners, back in the summer of 2005 we were - there was a concern about safety with regards to the Dinosaur Trail/Richards Avenue intersection. You might recall that that was the intersection that we were required to move down, away from the I-25 interchange because of safety concerns. That was our original master plan that was approved. The plat has been recorded and the financial guarantee has been filed. There was a concern about traffic with regard to that road. And there was a request that a traffic light be put in there immediately. We were called into this meeting and we said, Well, we've got some options. We'll work with the County. We have some options. There's a letter in the file. Public Works can respond to this, or Land Use, where we said, Sure. We will either pay for the light up front. If there's such a concern, we'll pay for the light up front, but if we don't get plat approval and master plan approval for the next two phases, County, you have to reimburse us. That was the first option.

The second option was, sure, we'll give you our money up front. If there's a concern about safety, we will give you the money up front to pay for the light; you guys put it in. The third option was we'll enter into any sort of agreement you want with Oshara and with anybody and we'll put up our money. Those were the options. We were given a letter later at that point that we had to stop construction here. That was done, I believe it was in January of 2005. We had already started construction. We had acquired the easement. We had a contract with our contractor for the building of that.

CHAIRMAN MONTOYA: Excuse me. Who stopped you?

MS. VAZQUEZ: We received a letter from the County.

CHAIRMAN MONTOYA: From what department?

MS. VAZQUEZ: It was Public Works.

CHAIRMAN MONTOYA: Public Works? James, can you respond to what happened there that Public Works stopped this development for 12 months?

MR. LUJAN: Mr. Chairman, members of the Commission, what we did is we stopped the intersection construction because of sight distance and we didn't want the intersection opened until we could install a traffic signal because of the sight distance. And we issued a permit in December to continue construction. They have moved it down. They are ready to proceed with the traffic signal and build that intersection.

CHAIRMAN MONTOYA: Okay. Thank you. Commissioner Vigil, I'm sorry. You still have the floor.

COMMISSIONER VIGIL: Ms. Vazquez, did you complete your testimony on my question?

MS. VAZQUEZ: Sure. Mr. Chairman, Commissioners, just one last point. We sent the letter, we were willing to do whatever we needed to do for that traffic signal. And we did get the go-ahead order in December 2005. When we got it, our bid increased by \$60,000 just for that portion of the road. So there's been delays and there's been requests. We've come before you in good faith, tried to work with the neighbors in the county all across the way. Our

letter saying we'd put that light in is further evidence of that, Commissioner, and we're just asking you to give us the final approval. We will not record the plat until that water service agreement is approved. It saves us two more months of hearings and the County is protected because this will not get recorded until that water service is obtained. Thank you.

COMMISSIONER VIGIL: And Mr. Chairman, Ms. Vazquez, based on the request that our County Manager just stated to us, that the Santo Niño de la Paz community is wanting to be a part of the issue on the roundabout. What is your response to that?

MS. VAZQUEZ: Mr. Chairman, Commissioner Vigil, I will call Father Jerome if I need to. Unfortunately, that condition that was put in was a condition of Phase I, which is already recorded. The intersection was what this Commission approved for Phase I and that's what was stopped early. That's where the traffic signal was going to be. But if we need to sit down and talk to them about it, we've already begun construction on it. We've submitted the plans, the guarantee. Everything is in place to go forward with it. Unfortunately, we're at a later point and I think James can talk to you a little bit more about that.

COMMISSIONER VIGIL: That's sufficient. Thank you, Mr. Chairman.

CHAIRMAN MONTROYA: Okay. Any other discussion? We do have a motion and a second on the floor. Commissioner Sullivan, on that motion.

COMMISSIONER SULLIVAN: Just a clarification, Ms. Vazquez, what you said about the 12 months of delay. On the traffic signal itself, was that not a condition of the second and future phases, the actual signal?

MS. VAZQUEZ: You're absolutely right, but we offered to do it up front.

COMMISSIONER SULLIVAN: I understand that you offered to do it up front, but in terms of the delay - you're just now requesting final plat approval for that phase, so the signal was, as I recall, a part of the conditions for master plan for the next phases, and that condition was that La Pradera would pay for and install the traffic signal. Is that correct?

MS. VAZQUEZ: Mr. Chairman, Commissioner, let me clarify that, because you're right. What we approved for -

COMMISSIONER SULLIVAN: You can't clarify it if I'm right.

MS. VAZQUEZ: What we were approved for in the original master plan was to move down Dinosaur Trail -

COMMISSIONER SULLIVAN: No, no. I'm talking about the second phases, not the original phases.

CHAIRMAN MONTROYA: Commissioner, let her finish her comment. You asked her a question.

MS. VAZQUEZ: I'm trying to answer it.

COMMISSIONER SULLIVAN: I just asked her if what I had said was right and she said, Yes, it was. That the traffic signal was a part of the second phase. I think the traffic signal is an excellent idea. I'm glad to see them moving forward with it, and I'm just clarifying that there can't be 12 months or 11 months of delay because that signal was a condition of Phase II. That's all. I'm not quite sure what the delay has to do with the issue here.

The issue is whether there are still some outstanding questions that staff needs to

investigate. I think the water is still one and I think the road in the corridor is another. You heard Mr. Wilber talk this morning about the fact that, yes, they had met with the neighbors about moving the road, but at no time did they ever advise the neighbors that the road would be moved into the Highway Corridor. So his recommendation was that it be moved somewhere else. Now, whether that's viable or not, I don't know, but there are still some issues that need to be wrapped up on this and that's evident, I think.

CHAIRMAN MONTOYA: Okay. We have a motion and a second. I'm going to call for a vote.

The motion to approve preliminary plat and development plan approval for Phases II-VI of La Pradera Subdivision and final plat and development plan approval for Phases II and III, passed by majority 3-2 voice vote with Commissioners Sullivan and Campos voting against.

XIII. C. Public Works Department

1. Resolution 2006-18. Request Approval of a Resolution Accepting a Portion of Cerro del Alamo For County Maintenance

ROBERT MARTINEZ (Deputy Public Works Director): Mr. Chairman, Commissioners, the residents of the C.R. Mayfield Subdivision are requesting that the BCC accept a portion of Cerro del Alamo for County maintenance. Cerro del Alamo is a dirt road beginning at the intersection of Los Pinos Road, which is County Road 54, and ending at the intersection with Sunset Road. It's a total distance of 0.6 miles.

Public Works conducted an evaluation of Cerro del Alamo and have concluded that the road does not meet County standards. There are currently \$130,000 of legislative appropriations for the paving improvements of this road. The residents have provided the subdivision plat and it has been determined that there are sufficient easements to comply with County standards. Public Works is recommending that if this road is accepted for maintenance that the paving improvements must be completed prior to Public Works assuming maintenance. I stand for questions.

CHAIRMAN MONTOYA: Questions for Robert? Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chairman, thank you. So Robert, are you saying that with this money that they got, that the residents got through the legislators, it goes through the County, but you would contract that out, and then after the contractor was finished, then we would maintain it?

MR. MARTINEZ: Mr. Chairman, Commissioner Anaya, that is correct.

COMMISSIONER ANAYA: Okay. Thank you.

CHAIRMAN MONTOYA: Okay, any other questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Do we have a map of where this is?

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, we did not provide

committees for the City so we have some in-house expertise on that.

CHAIR VIGIL: Okay. So we're not focused on that as future developments, I think, when we start looking at our Land Development Code we need to incorporate more information about bike trails and hopefully we won't catch you by surprise as you come before us. Thank you for the motion. We have a second. I just want to comment on the word reasonable. I actually, for the first time since this development came before us received e-mails that commended this process. It has been a long and drawn out process. There were many stages throughout the approval process that I just wasn't sure what was going to happen here.

And part of the problem is we were dealing with a new Affordable Housing Ordinance. I think that when you deal with something new you are going through your own learning curve. I think we've had a good learning curve through this process and I actually think that the proposal we have tonight is reasonable. And I think somebody can make a subjective opinion that says it's not reasonable, but in my mind it is reasonable and I'm not too sure that it's appropriate as I heard somebody's testimony, polka-dotting or interspersing, because I'm not too sure that would work for this particular development. I have reservations about that, and I do know that affordable housing has to be designed in a way that it itself works. I think we'll see. For all we know this could be a benchmark for our future developments and I'm hoping it is because we're strong advocates for affordable housing and I'm hoping that our community benefits from that and from our decision tonight. With that, if there are no other comments.

The motion passed by 3-1 voice vote with Commissioner Sullivan voting against. [Commissioner Campos was not present for this action.]

- XII. A. 11. **EZ Case #S 02-4325 La Pradera Subdivision, Phases 4-6. Design Enginuity (Oralynn Guerrerortiz) Agent for Gardener Associates, LLC (John McCarthy), Applicant, is Requesting Final Plat/Development Plan Approval for 60 Residential Lots on 29 Acres. The Property is Located Along Dinosaur Trail Within Sections 17, 18, Township 16 North, Range 9, East (2-Mile EZ, District 5)**

CHAIR VIGIL: Can we get a sense of how long everyone's testimony is going to take, just so that I can assure my Commissioners and keep a quorum? How long is your presentation going to be, Joe?

MR. CATANACH: Madam Chair, I can get through the staff report in five minutes.

CHAIR VIGIL: Thank you. Please proceed.

MR. CATANACH: Thank you. The summary, just to outline

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some of the previous approvals. March 2004, BCC granted approval for a mixed-use development which was 80 residential units, 16,335 square feet of commercial space on 69 acres. That was phase 1. Then June 2005 EZA granted a master plan amendment for expansion of the subdivision to allow an additional 158 lots on 94 acres as phases 2 through 6. So in January 2006 the BCC granted preliminary plat/development plan approval for phases 2 through 6 and final approval for phases 2 and 3. I included the minutes of that January 2006 meeting and that consisted of 97 lots.

On May 10, 2007 the EZC recommended final approval of phases 4 through 6, which is the current request, final approval for phases 4 through 6. The applicant is requesting final approval for phases 4 through 6 consisting of 60 lots on 28.4 acres, which includes nine lots for affordable housing within a village zone neighborhood. I broke down the phasing. Phase 4 is 27 lots. Phase 5, 22 lots, Phase 6 is 11 lots. Lots range in size from 5,426 square feet to 12,809 square feet, with 15.2 acres of common open space with public trails.

Madam Chair, traffic impact analysis was submitted. This has been reviewed regarding Dinosaur Trail and the intersections. As part of phase 1 development plan offsite road improvements have been completed for Dinosaur Trail regarding asphalt pavement and the connecting intersection at Richards Avenue and Rancho Viejo Boulevard. Traffic lights are in place at the State Road 14-Rancho Viejo Boulevard intersection and the Richards Avenue-Dinosaur Trail intersection. The onsite section of Dinosaur Trail will be realigned and will extend parallel with Interstate 25 within the required setback.

That realignment of Dinosaur Trail is part of the phases 2 and 3 development plan, which has been recorded and they are building that out at this time. Dinosaur Trail is subject to a conditional dedication to the County for future ownership and maintenance at such time the County accepts the dedication. The internal subdivision roads will be paved with curb and gutter and sidewalks and will provide for on-street parking.

Water service will be provided from the Santa Fe County water utility based on a water service agreement previously approved by the BCC. Water rights have been transferred to the County. The water utility will provide .19 acre-foot for each lot which includes 20 percent line loss and .126 acre-foot water restriction will be imposed on each lot. The .19 acre-foot water rights allocation will be required until such time it can be demonstrated that the subdivision will not exceed the .126 acre-foot water restriction. Existing wastewater treatment facility will be expanded and utilized.

The staff report addresses terrain management, open space, landscaping, archeology. There's an existing homeowners association with covenants.

Recommendation: The proposed subdivision is in accordance with the Community College District Ordinance and the Extraterritorial Subdivision Regulations. The BCC granted preliminary approval subject to conditions. The EZC has now recommended final approval. The applicant has addressed the conditions. Staff recommends final approval of phases 4 through 6 and staff would enter the conditions into the record, Madam Chair.

[The conditions are as follows:]

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1. Submit final affordable housing agreement subject to approval by staff.
2. Submit solid waste fees as required by the extraterritorial subdivision regulations.
2. Cost estimate and financial surety for completion of required subdivision Improvements as approved by staff.
3. Compliance with applicable review comments from the following:
 - A) State Engineer
 - B) State Environment Department
 - C) Soil & Water District
 - D) State Department of Transportation
 - E) County Water Resources Department
 - F) County Fire Marshal
 - G) County Public Works
 - H) County Technical Review
 - I) State Historic Div.
 - J) Santa Fe Public School District
 - K) County Open Space, Parks & Trails Division
4. Final development plan submittals shall include the following:
 - A) No more than two project signs for the entire subdivision (including phase 1) with a maximum sign area of 20 square feet and a height of 5 feet.
5. Bus stop shall include a pull-out lane.

CHAIR VIGIL: Thank you. Those conditions will be entered. Are there any questions of staff? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Joe, where is the affordable housing plan?

MR. CATANACH: The affordable housing plan, in this packet - okay, I have the review memo from Duncan Sill regarding the affordable housing agreement and let's see if I can -

COMMISSIONER SULLIVAN: Where's the plan?

MR. CATANACH: It's going to be in the section - the first part of the packet is the applicant's letters and report, and that goes all the way - you can go through the packet and that would be the applicant's development report. That development report has a page 12. The applicant's development report is paged up to page 12, and after page 12 there's a letter that was submitted notifying the public school district of the proposed development. After that is a letter from the Environment Department regarding discharge permit, and right after the letter from the Environment Department regarding discharge permit is the affordable housing material.

COMMISSIONER SULLIVAN: I still haven't found it. Maybe you could show me what it - show me where it is.

MR. CATANACH: I can do that.

COMMISSIONER SULLIVAN: I see a little thing, Section 12 in the

applicant's thing. Is that what you're talking about? Okay, but let me just clarify. Mr. Sill's review says he's reviewed the draft agreement about the affordable housing, which is the boilerplate agreement. I believe that our ordinance requires at final approval that we review the affordable housing plan and that that plan show the dispersion of the homes, just like we reviewed here for the Suerte Development.

MR. CATANACH: Commissioner Sullivan, I can only refer you to the documents in the packet. Any explanation of the affordable housing review I would have to refer you to Duncan.

COMMISSIONER SULLIVAN: Okay. Well, we have Duncan's letter here. It says he's reviewed the draft agreement and finds the contents consistent and acceptable with the plan, but just as we've done with all developments at this stage, just as we finished doing here ten minutes ago, we have a document in front of us that shows the designation of the lots for affordable housing. We've done it on every approval for Rancho Viejo. We've spent at least three hearings doing it for Suerte and that's the document I'm looking for here. All we have - and I see on page 11 of the applicant's report regarding affordable housing - it says that they'll have four income range 1 and two income range 2 and two income range 3 for a total of eight type A's and so forth and so on.

MR. CATANACH: If you look at the last page of the agreement it breaks down the number of lots within phase 4, phase 5, phase 6, and the level 1, level 2, level 3 categories.

COMMISSIONER SULLIVAN: I know, but that's not what I'm looking for; I'm looking for the plan. Where are those lots? That's what's required by the ordinance, a plan.

MR. CATANACH: This applicant - the site plan that's in your packet is reduced and it's hard to read but I believe that site plan identifies where the affordable lots are within those phases.

COMMISSIONER SULLIVAN: Could you point out where that site plan is? Is that Exhibit C?

MR. CATANACH: It is Exhibit C, yes.

COMMISSIONER SULLIVAN: And which are - what is the identification of the affordable lots?

MR. CATANACH: There's a legend there that identifies the affordable lots and again, this applicant should be able to provide you with a full-sized copy of that but there's a legend that identifies the affordable lots with an A.

CHAIR VIGIL: Perhaps your question will be clarified when we get a chance to speak with the applicant.

MR. CATANACH: That reduced copy, you'll never read that copy.

COMMISSIONER SULLIVAN: Let me make a recommendation that we be provided with copies that we can read.

CHAIR VIGIL: I think what staff is saying is that we were provided, it's just they're unreadable.

COMMISSIONER SULLIVAN: We can't read it. Okay. We have an affordable housing plan but we can't read it. Okay. Thank you, Madam Chair. That's all the questions I have.

CHAIR VIGIL: Are there any further questions for staff? Seeing, hearing none, is the applicant here?

ROSANNA VAZQUEZ: We are. Good evening. My name's Rosanna Vazquez and I'm here with some of the owners of La Pradera and Orallynn Guerrerortiz, our engineer. We are in agreement with all the conditions of approval, Madam Chair, and I stand for questions if you have any.

CHAIR VIGIL: Okay. Do you want to explain the affordable housing allocation. Which particular lots will be affordable housing lots?

MS. VAZQUEZ: A couple things I want to put into the record, when we recorded the affordable housing plan for phases 2 and 3 we listed all of the affordable units for the entire development. It is a recorded document now. The affordable units that are in these phases - this is phase 4 here, and this is 5 and 6 up here. They are denoted with an A as affordable. So there are four in a row here. There's one here. There's three in a row here. One here. Two at Lot 72 and 71, Lot 146 is an affordable unit, Lots 90 and 99 are affordable units. 198.

COMMISSIONER SULLIVAN: Okay. So they're designated on a map that somebody in Santa Fe County can read, although not the County Commission. So we have somewhere a document that describes what -

MR. CATANACH: Duncan Sill looked at a map when he put his memo together. Yes, sir.

COMMISSIONER SULLIVAN: I appreciate that but I'd like to look at one too. On this map that Shelley x-ed out for us I see eight affordable housing units. Is that all the affordable housing units in 4, 5 and 6?

MR. CATANACH: Nine.

MS. VAZQUEZ: There should be nine.

COMMISSIONER SULLIVAN: You're right. I can't count this late. There is nine. There are nine. And that's at the 15 percent. This is under the old ordinance, correct?

MS. VAZQUEZ: Madam Chair, Commissioners, that's correct.

COMMISSIONER SULLIVAN: Then I guess one other question for the applicant then, Madam Chair, would be are you still building your road in the highway corridor where no building is allowed.

MS. VAZQUEZ: Yes, we're building the road in accordance with the approval that we received.

COMMISSIONER SULLIVAN: Okay, but just to remind the Commission that this is in the highway corridor that no construction is permitted.

CHAIR VIGIL: Okay. Any further questions? This is a public hearing. Is there anyone out there who would like to address the Commission on this item? Please

come forward. Seeing none, I'll close the public hearing and ask the Commission what is their pleasure.

COMMISSIONER MONTOYA: Madam Chair.

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: Move for approval with staff conditions.

CHAIR VIGIL: There's a motion. Is there a second?

COMMISSIONER ANAYA: Motion and second for approval with all staff conditions. The applicant has testified that they agree with them. Does this include a bike trail?

MS. VAZQUEZ: Madam Chair, there is a trail.

CHAIR VIGIL: Okay, will that trail be inclusive for bikes or walkers or what is the intent?

MS. VAZQUEZ: Madam Chair, it would suffice for both. It's a ten-foot village trail.

CHAIR VIGIL: Okay. And will you be providing connectivity and/or access to other developments?

MS. VAZQUEZ: Madam Chair, we're trying to do that on the side by Rancho Viejo. The trail that goes down towards Richards Avenue hits the intersection of Dinosaur Trail and Richards. That will be connected eventually when Oshara and the rest of the development is done.

CHAIR VIGIL: Okay. So Rosanna, is it your understanding that based on the fact that this affordable housing component was under the old ordinance, the 15 percent ordinance, that the appropriate review has been applied to this?

MS. VAZQUEZ: Madam Chair, Commissioners, I do. Duncan and I have met when we submitted for preliminary and the entire plan for phases 2 through 6. He saw where they were going to be located. He has seen the type of housing that is being constructed currently. He reviewed the plan that was submitted in the preliminary development plan approval as well as this one. We've worked on the last contract that was recorded for phases 2 and 3, and we're on the last step now for phases 4, 5 and 6. I feel very comfortable that if there was an issue the County would come to us and let us know what it was and we would be able to work that out. We have met the requirements and further I think that if there's anything that happens that we need to deal with in the future I think we can deal with it because we have a very long-standing working relationship on this project.

CHAIR VIGIL: Okay. Thank you.

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: In the discussion, I just want to be sure that we have it in the record that the Santa Fe County Highway Corridor Ordinance, 2000-01, says there will be no development in the highway corridor, period. That's what it says. It doesn't show pictures of houses. It doesn't show little drawings that some other

ordinances do that don't apply to the Community College District. That's the only Highway Corridor Ordinance that applies to the Community College District. This development does not comply with the Santa Fe County Highway Corridor Ordinance. So I can't support it for that reason, and I want to be sure that it's clear in the record that there is an ordinance and that we are looking at a development that is building its onsite roads within the highway corridor, thus giving it more developable land in the balance of the subdivision, and that's not at all the intention of the Highway Corridor, because the Highway Corridor was based on the noise zones and the intent was to move everything back to a given noise contour. If you put a road in that open space in the highway corridor you're adding more noise so obviously you can't meet the noise contour requirements.

I want to be very clear that if the Commission decides to move forward on this, to approve this application that it's doing so in contravention of the Highway Corridor Ordinance and if you feel that that's appropriate then I think the best way to do it is to change the ordinance, go through that process. Thank you.

CHAIR VIGIL: Could I ask staff to just give us a history of that for the record. We obviously have approved this previously. Based on Commissioner Sullivan's statements, I'm concerned about the posturing of those statements because they're actually challenging us to go against an ordinance and I think we've already been at a place where we've reviewed this development and it's up to us for final development review. I don't want to the record to be finalized with this statement of challenge that we as a Commission will be approving something against the Highway Corridor Ordinance. We have previously approved this, correct?

MR. CATANACH: Yes, Madam Chair. There's been a master plan - that issue was discussed substantially when the master plan was approved, the master plan amendment to allow expansion of the subdivision for additional lots and additional acreage. That issue was discussed as part of that master plan amendment. It may have come up again when final approval was granted for phases 2 and 3 and I could let you know what some of the discussion was that we talked about.

CHAIR VIGIL: But it's all part of the record, Mr. Catanach. Is this the development that worked with many of the neighbors in the Highway 14 area and the recommendation for that road came from those neighborhood hearings. Is that correct? If I'm recalling this project.

MR. CATANACH: This applicant, this developer worked with a neighborhood association. There's an existing subdivision there. I think it's called Vista Oceana. This applicant worked on that issue. I'm not exactly sure how the issue of realigning the road came up. It may have come up through both working with the neighbors and the applicant but this applicant did work with those neighbors and as I understand, that was part of the consensus with those neighbors was realignment of the road.

CHAIR VIGIL: And I think part of the reason, if I'm correct, Mr. Catanach, is they wanted that road there because it provided the buffering for the

neighborhoods around there and I'm not sure I'm recalling this correctly but is that your understanding?

MR. CATANACH: The consensus with the neighborhood came about obviously where the neighborhood felt that they had an opportunity so they wouldn't have so much traffic going in front of their houses to realign that road.

CHAIR VIGIL: Okay, so it was more for traffic purposes than buffering. Okay. Thank you for clarifying that. Any further comments?

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Yes, what the neighbors requested was that they didn't want the main access road to be next to their houses, just as Mr. Catanach has stated. They didn't request that the road be put into the highway corridor. They just didn't want it running next to their houses. The applicant could have put the road outside the highway corridor and achieved the same purpose, but that would have given them less developable lots. So that's what happened. There was no, I think from my recollection and dealing with the neighborhood, insistence that the road be put in the highway corridor they just didn't want it in their backyard and so the developer moved it. And I stand by my research of the ordinance, which I have researched in detail, and that is the ordinance. That is the requirement. Thank you.

CHAIR VIGIL: I do believe we have a motion and a second.

The motion passed by 3-1 voice vote with Commissioner Sullivan voting against. [Commissioner Campos was not present for this action.]

CHAIR VIGIL: Thank you.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: I am moving for the extension for the previously approved master plan, and I'd like to just comment that since it is only an extension, and it is in the Community College District, which is identified for projects of this nature.

COMMISSIONER HOLIAN: Second. And I would like to make the comment that this is one of the projects that I think is a model for the kind of development that we do want to do in the future in Santa Fe County and so even though it's been extended a number of times I think that this is a good kind of development.

COMMISSIONER STEFANICS: With the conditions.

COMMISSIONER HOLIAN: Yes. With conditions. I agree.

CHAIR VIGIL: Okay. There's a motion with conditions and it's been seconded. Any further discussion? Commissioner Anaya and Commissioner Mayfield?

The motion passed by unanimous [5-0] voice vote.

- XV. A. 9. **BCC CASE # MIS 02-4325 La Pradera Master Plat Authorization.**
Gardner Associates LLC and La Pradera Associates LLC (Alexis Girard), Applicants, request authorization to proceed with a Master Plat for the creation of 22 residential (live/work) lots on approximately 2.27 acres within the existing La Pradera Subdivision (Phase I), which is located within the Community College District. The property is located west of Richards Avenue between I-25 and the Arroyo Hondo, within Sections 17 & 18, Township 16 North, Range 9 East (Commission District 5) [Exhibit 2: Opposition Letters]

VICKI LUCERO (Residential Development Case Manager): Thank you, Madam Chair. On January 28, 2003, the EZA granted Master Plan Approval for a mixed-use development, La Pradera, consisting of 80 residential units and 16,335 square feet of commercial space on 69.2 acres. On March 9, 2004, the BCC granted Final Plat and 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 II through VI and final approval for Phases II and III consisting of 97 lots. On July 10, 2007, the BCC granted final plat and development plan approval for phases 4 thru 6 of the La Pradera which consisted of 60 lots on 28.4 acres.

The Applicants have submitted an application for a Master Plan Amendment for the La Pradera Subdivision in order to create an additional 37 residential lots. Twenty-seven of the proposed lots will be created by adjusting lot lines of existing lots to reduce the size of some of the oversized lots in Phases II-VI. The Applicant states that these smaller lot sizes

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are dictated by the significant changes to our economy and the market demand for entry-level housing. The other ten proposed lots will be combined with 12 previously approved units from Phase I to create a village concept which will have the potential of being live/work units, and will be replacing the previously approved 32,667 square foot commercial area.

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

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

Before seeking Master Plat approval, the developer must file a petition with the Board requesting that it be permitted to obtain approval pursuant to this section. If the Board approves the petition, the Application will be reviewed by the CDRC and the Board for Preliminary and Final Plat approval which will then be referred to as the Master Plat.

The Applicants are requesting authorization to proceed with a Master Plat for 10 of the proposed lots and 12 of the previously approved residential lots/units in Phase I for a total of 22 master planned lots. The Applicants state that the reason for the request to proceed under a Master Plat is that by creating a village concept with relatively small building footprints, lot-lines cannot be pre-determined. The ultimate lot lines will be very irregular and cannot be identified and finalized until after home construction is complete.

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

Staff has established findings that this Application is in compliance with Article V, Section 5.6, Administrative Approval of Lot Layout. Staff recommends approval of the Applicant's petition to obtain Master Plat Authorization to create 22 lots on 2.27 acres. And again, Madam Chair, I just wanted to reiterate because it can be somewhat confusing, that tonight the BCC will only be asking as to whether or not the applicants can proceed with their request under the master plat guidelines, so it's basically a procedural request at this point. If the BCC says yes, you can proceed in that fashion then the master plan amendment will go back to the CDRC for recommendation and come back to the BCC for approval at a later date, at which time that's when the BCC will say yes or no to the increase in density.

CHAIR VIGIL: Okay. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. Could you explain a little bit

about the – I'm confused about the administrative approval and the CDRC and the BCC? Because I think there's some concern that we're going to lose touch with the plans that are going to happen in this community. So I'd like to understand and I'd like the audience to understand what does administrative approval mean and what will be coming in front of us finally before anything would get approved.

MS. LUCERO: Madam Chair, Commissioner Stefanics, the applicants are requesting to have administrative approval of these 22 lots around the village area that they're proposing. But before we even get to that the applicants will need to request a master plan amendment and preliminary and final subdivision plat approval in order to be able to increase the density. That application will come before the CDRC and the Board within the next two or three months. If that gets approved then what that means for the purposes of these 22 master planned lots is that as the applicants obtain buyers for the lots then all that will be required is that they go back to the Land Use Administrator to create those 22 lots. So that will be the administrative process.

COMMISSIONER STEFANICS: So after tonight, if this were approved, the next step would be for the developers to do what?

MS. LUCERO: To proceed with their request for master plan amendment.

COMMISSIONER STEFANICS: To?

MS. LUCERO: To the CDRC and then ultimately to the Board of County Commissioners. So there'll be an opportunity for two more public hearings before anything is finalized.

COMMISSIONER STEFANICS: Thank you, Madam Chair.

CHAIR VIGIL: But to underscore that, the 22 lot split division would not come to us. That would be identified by administrative approval?

MS. LUCERO: Madam Chair, that's correct. The 22 lots that they're requesting would be the maximum number of lots that could be created but those 22 lots, they would come through the administrative process to create those lots.

CHAIR VIGIL: Okay. So when those lots got approval from the administrative process, or not, whatever, the outcome would be it would still go to the CDRC. The CDRC can approve or deny that?

MS. LUCERO: Madam Chair, the CDRC and the Board would have an opportunity to see the master plan amendment, which is the next step. So that would be when you would actually be deciding as to whether or not you're going to allow this project to increase the density, which includes the master plan lots and then additional lots that they're proposing to create. And if the Board approves that then the lot creation of the 22 lots will be administrative, so it won't come back to the BCC or the CDRC.

CHAIR VIGIL: Okay. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Could you give us an example of some other development or project that has 22 lots on 2.27 acres? So that we have a point of comparison.

MS. LUCERO: Madam Chair, Commissioner Stefanics, it would have to be one of the projects within the Community College District because that's the only area that would allow densities of this magnitude.

COMMISSIONER STEFANICS: So Madam Chair, I'm asking does Rancho

Viejo have a section that has 22 lots on 2.27 acres?

MS. LUCERO: Madam Chair, Commissioner Stefanics, I can't answer that with total confidence. I don't know if Jack or Shelley might have some insight to that.

COMMISSIONER STEFANICS: I think, Madam Chair, I'm asking this because we need some perspective on the size of the land and number of lots in comparison to something else we've seen.

SHELLEY COBAU (building & Development Manager): Madam Chair, the Village Center at Rancho Viejo has very, very tight densities. They have townhomes, small lots, cluster housing. Lots may be 8,000 square feet in size, many of them.

COMMISSIONER STEFANICS: So many of those are town homes or homes with connecting walls.

MS. COBAU: That's correct.

COMMISSIONER STEFANICS: Thank you.

CHAIR VIGIL: Is another development Aldea that might fit into that category?

MS. COBAU: Madam Chair, that's correct. Aldea has a mixture of housing -- townhomes, live/work units, single-family homes on very small lots.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. So Vicki, when this master plat comes before the CDRC and the BCC my understanding is they will be considering just the density; they will not actually see the lot lines. Is that correct?

MS. LUCERO: Madam Chair, Commissioner Holian, they won't see the lot lines for the 22 proposed master plat lots. There's a proposal for additional lots as part of the master plan amendment, so you will see some lots that are actually laid out but not these 22. They're just going to be designated as an area where 22 future lots will be created.

COMMISSIONER HOLIAN: So we would see the actual outline of where the 22 lots will be but not the interior lot lines. Is that correct?

COMMISSIONER STEFANICS: Not the interior lot lines. That's correct.

COMMISSIONER HOLIAN: Okay. Thank you, Vicki.

CHAIR VIGIL: Okay. Any other questions for staff? Is the applicant here? Is there anything the applicant would like to add?

[Duly sworn, Alexis Girard testified as follows:]

ALEXIS GIRARD: Alexis Girard. Madam Chair and Commissioners, thank you for hearing us this evening. We're doing this in several parts. I'm going to go through a few of the items and then my partners and some consultants will speak as well. First of all I would just like to say that there is a lot of misinformation going around and so hopefully through this presentation we will let you know that we are good stewards of this development and we have worked very hard to make it a livable, viable community that we hope will thrive. So thank you for your consideration.

Phase I La Pradera approvals provide for already 11 condos or live/work units. It also provides for 32,667 square feet of commercial area, of which up to 16,335 square feet may be residential. So when you're considering this master plat there's already -- there's an outline of where the development can occur and what we're proposing. And it's more of a trade-off of

the commercial to add additional residential. We wish to create a small, residential village at the heart of La Pradera in place of the commercial zoning currently in place. We would have no condos or multi-family dwellings, nor would we have attached housing; these would all be detached. We would speak to the original commercial idea in that these homes would have separate entrances for home office application.

Because of the nature of the village design these units will be small and closely integrated. We have a good idea of the product that we want to market but we want the flexibility to allow buyers to make design changes, for example, to add a room or to move a patio. Though we know the maximum number of homes that will be developed we do not know their final configuration, thus we want to have the flexibility to finalize lot lines after the homes have their finalized design and are sited. This is possible under the master plat provisions of the County Land Development Code, Section 5.6. We do not want the condo regime with in the La Pradera Homeowners Association because there's a double dues that's created in that instance and we're trying to prevent that from happening.

Some of this is repeating, so I'm sorry. We would convert the 11 approved condos to single-family detached units. We will establish discrete signed covenants to the live/work aspect. There will be two-story homes. We will work with surrounding homeowners to site homes with respect to view corridors as much as possible. There is one neighbor here tonight who is concerned about a lot, Lot 35, next to his being used for 2.5 units rather than the original one unit that was designated for that lot when he first purchased it. We've agreed to work with him and have that remain a single-family lot.

The revised La Pradera traffic impact analysis shows that there will be no significant impact on surrounding roadways. We are not seeking any variances through this request. We are zoned for what we are proposing to do. Next, I would like to have Vahid speak to the village concept.

[Duly sworn, Vahid Mojarrab testified as follows:]

VAHID MOJARRAB: Vahid Mojarrab, 926 Shoofly, 87505. Thank you, Madam Chair, Commissioners, again, this proposal has two sections on this master plan. One is the village area that we are proposing that would have ambiguous lot lines the staff was describing to you, and the other portion of it is the 27 additional lots in phases II through VI, which we are actually achieving through the lot line adjustment. So I just want to emphasize the open space calculation that was proposed originally on this master plan is still the same. We are not encroaching or taking away any open space through this master plan amendment.

So on the left-hand side of the board you see the approved existing master plan which includes this commercial area over here and lots 33 and 69. And as we described before, this illustration includes also the Lot 35, which we're taking out of the equation, so it's a little bit deceiving, but it shows the concept of the village area which we are trying to promote more of the home occupation. We have discovered most of our clients are small users, maybe take tutorial math or music and they just need a small space to run their business and they don't need a big commercial space. So we're just providing more of that flavor of residential that they would have a separate entry to their units with a guest parking so they don't have to have a secondary commercial space to support their income.

And this is resembling much of what you see on the East Side, the compound area which is condensed but all the open spaces contribute to the other ones so that's why we

didn't want to put any lot lines or hard lines on these tracts at the moment to preserve some of that flexibility for our buyers and think about a little bit more carefully on how we're going to place some of these units and how they're going to play with each other, both in the sense of the open space and in the view corridors.

So I don't know if you have any questions, but I'm just going to describe this area and pass it along to John McCarthy.

CHAIR VIGIL: Mr. McCarthy, please proceed.

[Duly sworn, John McCarthy testified as follows:]

JOHN MCCARTHY: I'm John McCarthy. I reside at 825 Allendale. I'm a member of the development entity. Although the specific action requested tonight is very narrow in terms of which procedural process we follow I feel it's very necessary to clear the air on certain issues and inferences so that not only the Commission but our homeowners and neighbors can make value judgments and decisions based on the correct facts.

The predominant theme of most of the letters and comments that have been submitted to you and to staff and mentioned to us in our meeting with the homeowners concern density. And this map here in front of you right now shows the La Pradera phase I through VI. This is Phase I. This is where the commercial master plan request is located, and our neighbors to the south here in Vista Ocasá, you can see perhaps the lot line showing their 2.5 to 5-acre lots that they have. In the process of our original Phase II through VI master plan amendment we negotiated with our neighbors here, the Vista Ocasá neighbors for a buffer which in this case along this area is 125 feet as measured from the center of Dinosaur Trail up to the building structure, and in this area which is Phase II we provided a 175-foot setback and a little less in this area here.

So having used up our land in that fashion we made a decision as the development team to go ahead and supersize these lots on the southern tier that interface with the buffer and Vista Ocasá. And what I mean by supersize is that our standard lot is about 7,500 square feet on average. It's a 75-foot frontage which allows us to do a two- and in some cases three-car garage. So with this current situation the predominant area that we're affecting or requesting to affect lot line adjustments is in this area that we refer to as our estate lots. So mostly the lot line adjustments take lots that in some cases are 13,500 square feet, plus or minus, and reduce those overall to approximately 7,000 to 7,500 square feet, which is very close to our average, standard lot throughout Phases II through VI.

So there's been a lot of concern that increased density means really, really small lots and therefore will further devalue the lots and the homes in addition to what's happened because of our economics.

So just to clarify the situation that in Phase II through VI, through these lot line adjustments we'll end up with 27 additional lots which are scattered through Phases CC through VI. Now, Phases II and III have been completed. Phases IV, V and VI have not. So out of the 27 requested increased lots that's not going to happen immediately. It will probably be over the next four years that those lots will actually be built. Currently we have enough inventory to last in Phases II and III for the next 2 ½ years.

So the other concern that's been expressed is that because we've changed these lots to 7,000 or 7,500 square feet we will down-size the size of our homes and correspondingly add a negative impact on existing homeowners. The fact of the matter is in Phase I most of those

lots are very, very large lots and as I said, the average lot in Phase II through VI is 7,600 square feet.

So the 27 lots in Phase II through VI will have a minimal impact in any event because we can build the same house on a 15,000 square foot lot that we can on one of these standard lots. So the market's the one that tells us what size home to build. Now, we have always, even with our affordable homes, built homes with two-car garages so that the streetscape shows very well and there's not much differentiation between an affordable home and a market rate home. As a matter of fact we build market rate homes and allow the buyers to go ahead and force their own financing and supplement from the different agencies in town. But in many cases it's difficult to tell the difference between a market rate house and an affordable house.

So these houses that we are building now range from \$239,000 to \$425,000 and this is well within the current range of the existing market. So there is – I'd like to take the opportunity at this time as well so that we can have everyone share the same information, the same correct information in their respective decision making processes. So of particular concern was some of the letters that we and the staff and you as Commissioners have received and it may be that you have not had time to review those letters, but I'd like to hit a few of the high points because we take this extremely seriously and we don't want our neighbors to get any further upset because they have the incorrect information.

So there's one letter that we received from one of our homeowners, Matthew Cooke, that has been referred to in other letters two or three times. And his letter is dated April 28th, and our concern is that there is a lot of inferred points made and actually non sequiturs or out of context comments made that are, in our opinion, not only in some cases incorrect but at the very least very misleading. And if you had those package of letters in your package I will quickly highlight some corrections for the benefit of the Commission, staff and our homeowners and neighbors. But in his letter dated April 28th there is the first paragraph refers to water treatment issues in terms of reclaimed water and I'd like to just point out that there was a third amendment to our declaration of protective covenants filed in May of 2010, which was not even a lateral move by the developer but was based on a vote by the homeowners of which we participated, and that document was recorded May 6, 2010 in the County records.

He also states that we chose to delay the development of affordable housing against the Commission's desire. That's an incorrect statement. The discussion had to do with Jack Sullivan, a Commissioner the time, asking us to hold off the development of the 11 condos until we proved up our water budget, which we have done. Again, the next paragraph talks about us not meeting four of our requirements. There are only four conditions that "have not been met" and states there is no mention of their lack of compliance. Actually, those four issues were conditions of approval and findings of fact that we had to provide a water service agreement, which we did. We had to correct the redlines, which we did. We had to demonstrate that we had our discharge permit, which we got, and provide a financial guarantee.

These were all conditions contained in the findings of fact without which we couldn't have recorded the subdivision. But the innuendo here is that we don't do what we say we're going to do and that we've misled people and that's not the case.

The next paragraph, the applicants were unable to implement the reclaimed water plant, etc. That's addressed again in the third amendment and the first page here it also says that there's a concern that the applicants may continue to violate the covenants in terms of minimum square footage of floor space. We have an affidavit signed by the late Jane Petchesky that quantifies that the 1500 square feet includes heated and unheated square footage and that this is a private covenant that is being conformed to and again, this is an inference that we don't carry out our plans.

There's also a lot of out of context documents in this 25-page letter that has to do with water availability assessment and statements from the State Engineer, the Office of the State Engineer, issuing a negative opinion. Well, the State Engineer issues a negative opinion on every subdivision in the city or the county because his position is the City and the County do not have a demonstrable 100-year water plan. So this is taken out of context and out of meaning to say or imply that La Pradera has not followed the correct County procedures in terms of this water budget. As a matter of fact La Pradera has more than adequate water service agreements. The original water service agreement came out of the Duran Consent Decree to do this subdivision twice over. But again, the inference is that we do not.

There's another page here, it's an extract out of a recorded document, 2004, that has to do with water user restrictions and Mr. Cooke states that in effect we're not in compliance when in fact we're doing much better. We have a .13 recorded and we're actually doing somewhere around .11 acre-feet per year based on existing three-year historical data. So we also had a letter from Marcella Wiard, one of our homeowners. She was concerned about changes to lot sizes or changes from commercial to residential. So what wasn't stressed in our Phase I approval discussion is that we were obligated to build 32,667 square feet of commercial of which – and this is our recorded Phase I plat – of which half, 50 percent, could be residential. We were also approved at the same time for 11 condo units and there's an inference or a mistaken take that live/work equals affordable housing, and one of our homeowners is concerned about that. I believe that is Marcella.

That's not the case. The condos were not live/work. We already met our affordable requirement in Phase I or have identified other lots that have to be built still, but not the condos. So all through this also many of our homeowners are fearful that we're doing this – making this master plan amendment request irresponsibly and because we are blatantly greedy developers. Now, I jokingly refer to myself as a greedy developer because those words are hyphenated anyway; you can't be a developer without being greedy. But I'm certainly not blatant and the fact that we're providing lots that are essentially the same size as our standard lots should be applauded. We are actually building homes right now. We're going vertical. We're adding jobs, and we're taking care, as Alexis stated, being the stewards of this project.

Now, one of our other homeowners, Crow Rising, is concerned about 50 percent open space. We not only have maintained the 50 percent we're actually a little bit in excess of that. She was concerned that her yard would be equipped with landscaping. We only contributed or sold the lot. We weren't the builder and we made no promises. So I want Crow Rising, if she's here to know that if representations were made she needs to go back to the builder to meet those. And here Crow Rising states that the common thread is that the developers of La Pradera say one thing and do another. That's not the case and this is why I wanted to make these corrections because it really isn't fair to the homeowners nor to us to base a lot of these

secondary letters on a flawed first letter from Mr. Cooke.

When we developed the first phases we did have Advantage Asphalt contracting with us. They got permission to have a yard for the equipment. We have recently had them clean it up and what's left behind is clean dirt. We're going to be using some of it. Some of it is standing by to be recycled, broken pieces of asphalt and concrete. It certainly is a mountain but it's not trash hidden in the corner. So I respect these comments but again, you can appreciate why I want our homeowners and you, Commissioners, to hear our position as well.

CHAIR VIGIL: I have a question for you, Mr. McCarthy. Commissioner Anaya.

COMMISSIONER ANAYA: Yes, Madam Chair. It could be Mr. McCarthy or maybe even staff. I'm looking at the summary right now and it says Gardner Associates, La Pradera, Applicants, request master plat for 22 residential units live/work lots on 2.27 acres. I've heard the applicant and I've heard staff refer to 8,000 square feet. I've heard you refer to 7,000 square feet but I guess – help me understand. It doesn't equate as far as lot size. I'm not at this point even making any determination. It's more about 4,500 square feet per lot to equate to 22 lots for 2.27 acres. So clarify that for me.

MR. MCCARTHY: Madam Chair, Commissioner Anaya, there's two separate sets of information and you're going to the heart of the matter. What we're asking the Commission to approve tonight is to modify the existing zoning in this area here, Phase I which is already approve for 32,667 square feet of commercial with half of it being residential and 11 condos on three lots. All we're asking for is permission to use the master plat process to complete that development. This is already approved. Those lots would be roughly 4,000 square feet on average, plus or minus. The balance of the request, which will be heard later, is for the modification of lot lines in Phases II through VI, which are here, by reducing these estate lots which I mentioned are on the southern tier and creating 27 other lots here that have an average close to the 7,600 square foot average that we already have when you take all of the lots we have and remove the estate lots. So you find out what the standard size is. And the reason for the explanation of that is to allay the fears of our homeowners that we're coming in with some very, very tiny lots or substantially different than what we already have and are building upon.

COMMISSIONER ANAYA: Madam Chair, just to staff. To put 22 lots on 2.27, acres, it's going to be about 4500 square foot lots. Is that specifically what's requested? Because we heard 7,000, we heard 8,000, and I'm not even saying I'm against or for that, I'm just saying I want to be clear. Commissioner Stefanics asked at the beginning, equate an example of what it looks like, but to put 22 lots on 2.27 acres is 4,500 square foot lots. Am I missing something associated with that?

MS. COBAU: Madam Chair, Commissioner Anaya, it's almost 4,600 square feet. It's 4,594.6 square foot average lot size when you do that math. So you're correct. And the example I was giving was just in Rancho Viejo. I wasn't referring to a specific development.

COMMISSIONER ANAYA: I just want to make sure we're all on the same page. Then I guess my next question is, so we're talking about 4,500 and change square foot lots on this request and we're talking about what's the price point on these lots, suggested?

MR. MCCARTHY: Our price point on these lots really, it's just difficult to

answer because what we're doing –

COMMISSIONER ANAYA: A range.

MR. MCCARTHY: Well, may I, Madam Chair, Commissioner Anaya, what we're looking at is a completed package, but a range of these lots would probably be somewhere in the \$85,000 range. So all of these lots, as Vahid has laid them out as they could be detached. They'll be two story. But because they'll be oddly shaped you can't impose a grid upon them at this time.

COMMISSIONER ANAYA: But you, Madam Chair, Mr. McCarthy, you're going to sell lots and houses together, correct?

MR. MCCARTHY: Yes.

COMMISSIONER ANAYA: What's the range on a built-out lot? Low side, high side?

MR. MCCARTHY: Well, Madam Chair, Commissioner Anaya, right now our experience is from \$239,900 to \$425,000. We're hoping that these lots will be in the mid-range of the \$239,000 to \$425,000. They'll be good quality homes.

COMMISSIONER ANAYA: Madam Chair, Mr. McCarthy, thank you.

CHAIR VIGIL: Okay. Mr. McCarthy, who will be giving the next part of your presentation?

MR. MCCARTHY: I would like to pass the mike to Oralynn to touch a few issues on wastewater and water in general.

CHAIR VIGIL: Okay. Are you done?

[Duly sworn, Oralynn Guerrerortiz testified as follows:]

ORALYNN GUERRERORTIZ: I'm Oralynn Guerrerortiz with Design Enginuity, and my address is P.O. Box 2758 here in Santa Fe, New Mexico. I'm just going to talk a little bit about the wastewater system. La Pradera's all six phases are going to be served or are served by the La Pradera reclamation facility, which is an advanced tertiary treatment plant. It treats nitrogen, reduces that and recirculates that and it is in 100 percent compliance and always has been with the State. We're actually going through our five-year renewal period at this point. There was a suggestion that the ED is unaware of who our operator is. Our operator is Leonard Quintana. He's a level 4 wastewater operator. He's excellent. Actually, he used to be an employee here at the County years ago; we were lucky enough to have him.

The project is not just a simple septic tank. There was – there is a filtration and disinfection system as part of the plant but the filtration and disinfection system served water that flowed to commodes, for toilet flushing, and it was decided to turn off the commode and toilet flushing facilities. They were never really in demand. Every house had to be plumbed so it had the possibility of having potable water or reclaimed water in a toilet and very few people actually wanted to use the reclaimed water in the toilet, so that system was actually shut down completely. The filtration and disinfection is not used. Reclaimed water is used at La Pradera for the irrigation of common areas, like it's down at Rancho Viejo. As a result La Pradera actually I think has the lowest water use of any project in the county and I'd love the County to verify this. The most recent year there were 51 lots that were served by the County and we're at .117 acre-feet per year. So I think this has always been a model of a low water using project. I'm very proud of that aspect of it.

There was issues raised about odors associated with the treatment plant. Fortunately, the treatment plant through different maintenance operations odors are escaping, when you're washing down things, when you're cleaning things, you do get odor issues. And other times I'm not even sure where the odor is coming from. Often when I'm there I can't smell it. I guess I'm hitting it at the wrong time. But nevertheless, I'm sure there are odors at times. We're also working regularly to find out what problems existing and trying to rectify them. We have actually two parallel plants out at La Pradera. That's because the second phase will build another plant that has a lot of capacity and we're going to bring that second plant on line just so we can take the first plant down which has been in service for a number of years now, about five years, and do a thorough checkup on it and look at it a little more carefully on the inside to see where some of our sources of odors are.

Other than that, if you have any other questions, if anybody raises any other questions with regard to wastewater, I'd love to be able to answer them. Thank you.

CHAIR VIGIL: Thank you. Next person. Who will be presenting, if there are? Are there any other further presenters?

MR. MCCARTHY: Madam Chair, there's quite a few other issues. I'd just like to mention a couple. This is in direct response to our Vista Ocaso neighbor Lisa Burns, who has written two letters. But I wanted to address her concern about her groundwater and cisterns. We are on the County water line which is wheeling water from the City, so we do not have a direct impact on her groundwater. In addition she was concerned about our drain field. Our drain field, if I may, Lisa's home is located right here. The wastewater treatment plant is located right here, and the drain field is located up here. So we are – this is a 200-foot scale, so we are substantially quite a ways away from her property and our drain field should not have any impact at all on her property.

In addition, in her second letter there's some misstatements, actually incorrect, and if I may again I believe that many of the obvious reasons to oppose the master plan amendment have already been presented by Matthew Cooke in his opposition filed April 2011. So here we go again working off of bad informational base. And there were three items – violation of the water restrictive covenants of .16. Oralynn has testified to .117; violation of the 1500 square foot minimum per household. Please remember that was Jane Petchesky affidavit that cleared that up; and violation of the availability of reclaimed water for irrigation purposes. That was addressed in the third amendment to the restrictive covenants.

In addition, in this letter from Ms. Burns states that we're not providing solar homes. We never said we would. The inference is we didn't do what we said we were going to do and a further paragraph says evidence when compiled will show that this has not been in compliance since Mr. Summers, the previous building of the system and operator was replaced in 2008. A quick check of the NMED metrics will show that we have always been in compliance and still are.

COMMISSIONER STEFANICS: At this point, we have all these letters and I think what we were offering to do, and as the vice chair I'm taking over right now, but what we were offering you to do is to offer any information you wanted to before we moved to any other comments, since we are in a public hearing. And is there anything else you want to summarize, not rebuttal to the statements, but anything you want to summarize about the project or the development before we go to other comments?

MR. MCCARTHY: Madam Vice Chair, Commissioners, yes. In closing, we're not asking for any variances. We're zoned for this use. We're not adding any roads. There's no significant impact from traffic, according to our engineer's report, and we're already zoned for the Phase I use. We're just asking for a procedural approval and direction.

COMMISSIONER STEFANICS: Thank you very much. We're going to move to other comments from the audience, then we'll go to questions and comments from the Board of County Commissioners. If you have any comments to make would you please move over and just line up and we'll take one right after the other, and if we don't move pretty quickly we'll be here till midnight. So if you have anything to say, pro or con, we'd love to hear from you, but please move over to my right, your left and up to the podium. We need you, anybody who is going to speak stand forward and you will all be sworn in at once. So anybody who is going to speak at all please come over so that you can be administered the oath one time. And thank you. We're happy to hear from all of you but please, as she indicated state your name and your address for the record and we'd love to hear from you.

[Duly sworn, Ernie Zapata testified as follows:]

ERNIE ZAPATA: Yes. My name is Ernie Zapata. I reside at 721 Don Felix.

COMMISSIONER STEFANICS: And I should explain. It's been a long evening so people are coming and going to the restroom and making phone calls to their families, but everybody is listening; everybody is paying attention. So please bear with us. So go right ahead.

MR. ZAPATA: Just comments. I'm in the real estate business and I know the developers personally. I've seen what they can do and have done for the public interest as far as providing residences to people that are looking at buying. There's been a few inferences as far as – a few comments as far as stewards of the state. You yourselves as far as the Commission is concerned should be stewards of the state but the land, on behalf of the public of course.

There's been some presentations tonight as far as variances are concerned, some of them being extensions on developments and obviously for the simple points of the economy doesn't allow for any kind of throw the money at it, start quoting it so we can provide housing for people. This county basically lives on tax revenue that is built off of homes that are built. What these types of development do, these people are basically making changes to the development that are going to create a higher density and an affordable price point that can basically for people that are interested for that type of price point. The fact of the matter is it's not only going to be doing that it's also going to be providing jobs. As you all know, people are looking for jobs – construction workers, landscapers, electricians.

So the fact of the matter is that this is in the interest of the whole community as a whole for tax revenue, for jobs as far as the community is concerned. They're not asking for any changes to the development itself. They're basically making a change as far as the complexion of the development itself that is going to make more affordable homes for the community. So other than that I hope you vote in favor of the changes and I appreciate your listening to me.

COMMISSIONER STEFANICS: Next speaker please. There were several people that were sworn in so let's keep going.

[Previously sworn, Rosalie Calhoun testified as follows:]

ROSALIE CALHOUN: Hi. My name is Rosalie Calhoun and I live at 5 Camino Sabanero. I am also in favor of the changes. I think it's much better for us to not have condos. I've been in communities where you have two accountants, two everything and it does bring up the cost of your monthly assessment. Also I like the change of it being all residential with some work space, as opposed to being commercial and the economy now, with the larger lots in place II through VI, those homes or those lots could have sat for a long time. Right across the street, Oshara has declared bankruptcy as of today or yesterday. I have been in situations where bankruptcy has been declared in other states and I've seen the residences plummet to a low from either the bank taking over or other owners taking over of going down to one third of the value from the original sales. So I think that these changes are needed for this community to continue being successful and I want the developer to stay there and not be put out of business and I don't want this to become another bankrupt community. I think that it is one of the most beautiful developments in the county. Thank you.

COMMISSIONER STEFANICS: Thank you very much. Next person please.

[Previously sworn, Lisa Burns testified as follows:]

LISA BURNS: I'm Lisa Burns. I live at #11 Las Caballeras in Santa Fe, New Mexico. I'm sort of taken aback because John McCarthy has already torn apart my letter and you guys have already read it as well. But I do want to say that I did speak with Robert George at the Environmental Department yesterday on the telephone. He was not able to tell me who the operator is of the system. He said that he would look into it; he wasn't sure. I ride my horse past that system, a lot. It smells, a lot. It's not just the, whatever, the effluent is that they're watering their - as Oralynn said and she also acknowledged that there are issues with the system, and I smell it all the time. There's the land that Jane Petchesky has donated to the conservation easement is where I ride my horse which is right along the arroyo. It is on a 100-year flood plain on the Arroyo Hondo. There's an aquifer. You can't tell me that that's not an issue with a wastewater treatment plant the size they want to do here. It's a scary situation.

And yes, I am concerned about my water and my groundwater. I think everybody should be concerned because of the smell. Now, Robert George told me, I asked him specifically if the smell is an indication that there could be something wrong with the system. He said, well, an intermittent smell may not but if it's consistent then it is. And it is consistent. I've been snooping in your little wastewater treatment plant, a lot. There are some serious issues. There's a bid stink going on over there and I don't know why they want to cover it up and I don't know why they want to bring on more homes on line when there's some very serious problems with the system and a lot of the other residents here who live in La Pradera can attest to that. And if I'm right will you raise your hand? [A number of people in the audience raised their hands.] That's all I have to say.

COMMISSIONER STEFANICS: Thank you very much. Next person please.

[Previously sworn, Kimberly Gonzales testified as follows:]

KIMBERLY GONZALES: Madam Chair, Commissioners, I'm Kimberly Gonzales and I reside at 50 La Pradera, and if I may I'd like to present you guys with pictures of some of the problems that we've experienced in our residence. [Exhibit 3] What I'm showing you here is what Advantage Asphalt had created in our open space which is now full of debris, not dirt or clean dirt as Mr. McCarthy referenced, and for months there would be chain link fence around that as well as porta-potties and there were actually dump trucks in

and out of our subdivision between the hours of 9:30 and 10:00 pm at night, of which I did call the County Sheriff Department because I thought that something was fishy about dump trucks going to that area in the middle of the night.

We have several problems, actually, in La Pradera. One of our biggest problems was break-ins, , which occurred frequently and affected many of my neighbors and at the last HOA meeting I recall there was [inaudible] event letting the homeowners know that we were going to have a gated community. And there was a problem because our Vista Ocaso neighbors if we closed down Dinosaur Trail, or Old Dinosaur Trail, rather, to put these gates up to try and reduce the crime rate inside of our subdivision. So we were presented with a different map showing us different entry levels within the subdivision that wouldn't affect our neighbors from Vista Ocaso from crossing through the subdivision. That didn't happen. We never got our gates. We pay homeowner association dues every month for a gated community that was promised at the last HOA meeting that never happened.

My home was also built with a recycled water plumbing in my home and I cannot use that because the effluent water treatment does not work. That was one of the main reasons that I bought in La Pradera was for the open space, the balance with nature and the effluent water treatment system. Sunday night my sons and I were driving home about 9:00 in the evening and they asked what that smell was. The smell was the effluent water treatment system and the wastewater treatment system from the Dinosaur Trail and the Rudy Rodriguez area, which is Phase II, actually Phase VI through IV which they're wanting to add more units to.

If you go by Phases I and II, I actually feel very sorry for our neighbor how lives there because that area where Lisa rides her horse does smell. And he put a play set together for his children and they are never out there because they cannot tolerate the smell.

I'm here asking you guys as our Commissioners to please do something about this because I do not want other people coming and investing into a subdivision that is not working for the current residents. Thank you.

CHAIR VIGIL: Thank you, Kimberly. Next speaker.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Commissioner Mayfield. Do you have a question for –

COMMISSIONER MAYFIELD: Ms. Gonzales. Ms. Gonzales, when were these pictures taken?

MS. GONZALES: Two days ago.

COMMISSIONER MAYFIELD: Thank you.

[Previously sworn, Adriene Simpson testified as follows:]

ADRIENE SIMPSON: Madam Chair, my name is Adriene Simpson. I've already –

CHAIR VIGIL: You've been sworn. Thank you, Adriene.

MS. SIMPSON: Wow. This started out really concise and now it's grown. I'll try and summarize it best I can. Density is one of our issues and I don't think there's ever been a County code that allowed unlimited density like the Community College District Plan does. And there are some good aspects and attributes of the plan and I don't believe the current development is going by that plan. It wasn't their problem of solar homes, it was the Community College District Plan that promised sustainable development with solar homes,

water reclamation facilities. It's all in every page of the plan, practically.

So just because you have an oversupply of water it doesn't mean that you're supposed to use it, according to this plan. And I would really like to see the math that comes up with the .11 acre-feet a year. That's almost less than 40,000 gallons and I monitor my own water use and I go over it and I'm as frugal as can be. My trees have been there for over 20 years and they're still only ten feet tall. So I really would like to see the math and the data supporting those figures.

As far as the marketability, I don't see the reason to increase the inventory of these small lots. There's already a glut of inventory in La Pradera. By his own admission he says there's two years' worth there. Not to mention Rancho Viejo has also got extensive inventory. These lots are sitting vacant and it's just a huge, gigantic dirt patch out there. We're surrounded by that on the south side and La Pradera's dirt patch is on the north side. So we're just subjected to constant dust storms and tumbleweeds rolling by, not to mention I think there's some concern about the neighboring area. The neighboring areas are not part of this higher density. We're aptly named Dinosaur Trail because we're rural residential, I guess, which is becoming a dinosaur. So again, the density is a question.

As far as the marketability, Mr. McCarthy stated at the Genoveva Chavez meeting that we had that the price points aren't going to drop on these lots. So I don't see how the smaller lot size is going to help with the marketability. And we delivered fliers yesterday in the wind and I hadn't personally seen a lot of the houses in Phase I close up until that time and I have to say there is a marked difference between the market rate homes that are existing out there in Phase I and the affordable homes that are being built now which have no -- they're nowhere near the ones that have already been built. There's no comparison at all.

Anyway, as far as the wastewater plant goes I spoke with Mr. Summers and he was dismayed that he was still listed as the operator on the State documents and was going to correct that immediately, since it's been two years since he's been involved with it, since he was locked out of the system when he raised concerns when they wanted to put Phases II through VI on the existing plant. I don't know what those concerns were based on but I'm sure they can be investigated as there's already an acknowledged problem with the plant, and he stated that it was questionable about the second plant that's coming on line, whether it's being operated properly. Anyway, there's a lot of environmental questions here that need to be addressed before any sort of density increase is agreed to.

I must mention we spent countless hours and time and effort to come to agreement in 2006 in this master plan and the number of lots that were already on it. And that's apparently going out the window. It leaves me concerned -- what are the decisions of this Board worth if they can be just thrown out the window in another few years? How can we make the decisions binding? Finally, I understand that there has to be some room for change because in the residential -- changing the commercial to residential, I don't think that's a bad change. The density, of course, is outlandish and the price of the lots. I don't think it's realistic given the failure of Oshara and the questionable success of the one out in Rancho Viejo.

So I just don't think that the applicant applying for a rubber stamp from Mr. Kolkmeier on any of these issues is prudent. So I'd like to oppose that and any changes should come before the Board. And the lot lines that are already zoned in the commercial development area, those that already have lot lines zoned in there. They may in total be zoned

commercial but it's not zoned for 22 units. That hasn't been approved by anybody, but they're suggesting that Mr. Kolkmeier can rubberstamp it and approve it without you seeing. So those are my concerns.

CHAIR VIGIL: Thank you very much, Adrian. Let me just do some time management here. Is there any – who else would like to address the Commission? Let me see a show of hands. Sir, would you please come up as you are coming up, and could I see the remainder of the show of hands? Six of you. Okay. Please state your name.

[Previously sworn, Ken Gand testified as follows:]

KEN GAND: My name is Ken Gand. We live at 97 Bosquecillo.

CHAIR VIGIL: Please proceed.

MR. GAND: Our lot size is 10,400 square feet. On that, according to the 4,000, you would be putting 2.5 houses on that lot. They said 1500 square feet, heated and unheated. The average size garage is about 500 square feet, which means the house, the heated area, is going to be about 1,000, possibly less or maybe a little more. That density is going to bring more traffic, smaller lots and squeeze us all in. That is not why we moved to La Pradera. As the signs all said, 50 percent open space. This is a small community. They're not making it a small community anymore. Thank you. I'm very much against the density.

CHAIR VIGIL: Thank you, Mr. Gand. Appreciate your testimony. Whoever would like to come up. There are six people interested in speaking. The only thing I would ask without giving you a time limitation is just not to repeat the testimony that we've already heard.

[Previously sworn, Marcella Wiard testified as follows:]

MARCELLA WIARD: I'm Marcella Wiard and I live at 703 Bosquecillos in Santa Fe, La Pradera. And I'd just like to clarify that when we purchased our home, we were in the first phase and there is a market rate house and there's a very big difference in what our house looks like and the second and third phases look like. They are entirely smaller. And I'm concerned also about the density but what I would like to address is when we purchased our lot we were told that there were 11 condos that were going to be built and seven commercial buildings only. Period. No live/work. I never heard that term before. I work for BT Homes. We presented La Pradera to a lot of the buyers who were out here and homeowners who are here today. We never were using that terminology. And I'm very concerned about the live/work proposal.

CHAIR VIGIL: Thank you, Marcella. Appreciate your testimony. Next.

[Previously sworn, Ron Gallegos testified as follows:]

RON GALLEGOS: Ron Gallegos, Old Dinosaur Trail. I know you don't want to hear the same thing but I just want to quickly reiterate because I think it is important there is a clear delineation between the homes they are building now and what another home is. He stated that Advantage Asphalt had taken down their yard. There is in fact still a portion of their yard in place, so that is not entirely true. I'm sure he's trying to move away from commercial out of the goodness of his heart but just because he feels he can't sell the commercial and that's within his right.

I am concerned that my property, actually bordering La Pradera, I actually never received notice of this until I saw a notice on the mailboxes and that's of big concern to me. Another thing is with his surrounding neighbors and keeping in mind the neighbors that are

around him they're all 2.5 up to 10-acre lots. My home is on 2.5 acres; there's one residence, it's 2.5 acres. Just a few feet away he wants to put 22 on a smaller lot than I have. He's saying the traffic engineer said there was no impact but that is a considerable amount of more people and a considerable amount of more traffic.

The Commission's approval, when this originally was done, it was under a harsh light from Vista Ocaso and the surrounding neighborhoods that these were conditions of approval. And to go away from that is to go away from original acceptance of this, that being the water as well. I just wanted – it was a hard-fought agreement and I just would like them to stick to the agreement. That's all I have to say.

CHAIR VIGIL: Thank you, Mr. Gallegos. Next.

[Previously sworn, Michael Bartlett testified as follows:]

MICHAEL BARTLETT: My name is Michael Bartlett. I'm at 23 Churchill Road. I live next door to La Pradera Subdivision. From my back window I see homes that remain unfinished and lots that remain empty, the casualties of the downturn in the housing market. Rather than waiting out the downturn La Pradera is asking to make changes to what has already been approved. I'd like to present the following facts. La Pradera has already received approval to build twice the density. When I look at La Pradera and I look at Oshara I see a lot of emptiness. This whole idea of a work/study, work/live situation doesn't seem to have any bearing on the market. As Oshara now just went bankrupt that's another indication of it.

I have 2.5 acres. I'm an adjoining property. A few years ago I asked for a variance for having my existing guesthouse approved. It was denied. I was told it was too much – too many people, too high density for my property. And yet here we're going to try and fit 22 properties on 2.2 acres, less acreage than I have. And in addition to the people who live there, since it is live/work there are going to be people that are coming in and out as business, so there is going to be a lot of traffic that's going to be influencing it.

These are our neighbors. Most of us have lived there five, ten or even more years who love the rural feel of the area. These developers come in every time making this promise and that promise and when they don't get what they seek they come to you asking for changes which harm our neighborhoods. We lose. Our roads are crowded and no one pays to improve them. The beautiful vistas are now being crowded with homes, many of which are empty. When is the insanity going to stop? We'd like you to help protect us all. La Pradera made the plan they did and they have to deal with the consequences, just like I have to deal with my variance getting denied. The reality is that La Pradera is an approved master plan and it is a plan that should remain in effect. Making smaller, lower quality units make some quick sales but the La Pradera developers have shown that their interest is not in making the property better for its owners and neighbors but simply make sales. The electronic gates are still not in place among many other improvements. I ask the Commissioners to keep the master plan intact and to vote no on this ordinance.

CHAIR VIGIL: I'm going to take just a few minutes.

[The Commission recessed from 9:40 to 9:50.]

CHAIR VIGIL: We can proceed at this point in time. Please state your name and continue with your testimony.

[Previously sworn, Tom Gillentine testified as follows:]

TOM GILLENLINE: My name is Tom Gillentine. I live at 2256 Calle Cacique and my family and I own five residential lots immediately to the east of La Pradera. I am very definitely opposed to this density. We've talked a lot about square feet tonight but ten units per acre is apartment house density, out here in our nice rural subdivision which Jane Petchesky would in no way approve of. [Applause]

CHAIR VIGIL: Please hold your order. Everyone's testimony needs to be heard. Are you done, Mr. Gillentine?

MR. GILLENLINE: Yes.

CHAIR VIGIL: Thank you very much. Next.

[Previously sworn, Craig Tyler testified as follows:]

CRAIG TYLER: My name is Craig Tyler. I live at 83 La Pradera. The comment I want to make here is that in a market downturn it's harder to sell properties. We all understand that. We're all impacted by it. I suggest as painful when it happens the price will rebound. If we allow them to do what they're proposing it will never come back. What I mean by that is their changes are permanent. So if I may show, using their graphs, this is the original plan, this is what they're changing it to. I think devaluing the neighborhood is pretty obvious. I guess I'll just conclude by saying I'm encourage by the words "protection of property" on the wall behind you and ask for your protection.

CHAIR VIGIL: Thank you, Mr. Tyler. Next.

[Previously sworn, Matthew Cooke testified as follows:]

MATTHEW COOKE: Thank you, Madam Chair. Matthew Cooke, 85 La Pradera. I just have three brief points of consideration. I do have 15 signatures opposing this request as was well as some of the other homeowners. [Exhibit 4] I will submit those for the record please. Also, I'd like to point out that the lot 35 that the applicant has offered to not absorb for the development of the 22 units has not been factored into this 4,500 square foot number. And lastly, based on the recommendation this evening for the developers to work with the village authority in Case #MIS 05-5502, I would like to point out that the La Pradera homeowners are presently unable to vote on issues which affect our communities via the La Pradera Homeowners Association. The La Pradera Homeowners Association is run by the board of directors, Alexis, Girard, John McCarthy and Bob Trujillo and they are the only members with voting rights.

Our only recourse to oppose the propositions of our developers is via these hearings in front of the BCC. Approval of this authoritative request will strip that recourse from La Pradera homeowners. Please consider these facts in your decision. Thank you.

CHAIR VIGIL: Thank you very much, Mr. Cooke. Is that it? Is there anyone else that would like to address the Commission? Okay, Mr. McCarthy or Ms. Guerrerortiz?

MS. GUERRERORTIZ: Thank you, Madam Chair. I just want to make some statements on some things that were brought up. Robert George is the director of the Groundwater Bureau. I don't know how many groundwater discharge permits there are but the fact that he doesn't know who our operator is is not surprising to me. I think that our permit writer is actually on maternity leave currently. It's Melanie Sanchez so she would be best to ask.

The wastewater treatment plant is not in the 100-year floodplain. That's not allowed under any rules in the County or in the State and ours is not in the 100-year floodplain. There

was a 50-foot setback originally but actually the floodplain has shrunk in that area with some more detailed study recently so it's probably a much larger setback but I haven't measured it.

And with regards to water use in La Pradera, they are really low. Karen Torres has got that information available. She sent it to me in Excel and anybody can get it; it's part of the public record. Thank you.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Guerrerortiz, has anybody or has the Environment Department looked at your wastewater treatment plant and heard some comments from the public that there are some concerns with smell, maybe leaching? Do you have those results you could present to us?

MS. GUERRERORTIZ: The treatment plant has had site visits a few times by the Environment Department since it was constructed and put into use. I have no knowledge of any problems the department's ever raised with me or raised to the owners of the plant. I agree that there are some concerns out there, things that we need to address, some improvements we need to make and we're moving forward with those. But the Environment Department considers the plant in 100 percent compliance.

COMMISSIONER MAYFIELD: Madam Chair, on your comments there, if you are proposing to increase density and you're already indicating there are some improvements or some adjustments you need to make, are you going to have those adjustments brought to us before you increase this density? Are you going to address those concerns you all currently have right now?

MS. GUERRERORTIZ: The changes that we propose to make at the plant are actually in front of the Environment Department currently. And then I'm still trying to figure out causes of things. So why we're moving, we've got two parallel plants there. We're taking the first plant that was a smaller plant out of service and going to bring the larger second plant into service and then look at the first plant a little more carefully to see if we can make some design changes to make some improvements with it. So we have any idea we'll make design changes on that first plant.

The other changes that we're doing are related more to the pumping facilities associated with getting the effluent to the different open space areas for irrigation.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. On that note, so what are the permits or what are you asking the Environment Department to do? To change from one plant to a second plant?

MS. GUERRERORTIZ: No, the second plant has already been approved. What's in front of the department is a renewal, it's the five-year renewal that's the standard practice with the Groundwater Bureau. But as part of that we have been looking at some modifications with regards to the pumping facilities. And also just to integrate the plants better, because we've always tried to set up the plants so that if one had to get shut down the other one could come into play so we have backup systems, and we're basically increasing those backup systems now. That's our intention.

COMMISSIONER MAYFIELD: And if these density changes go through your current existing plants will be able to accommodate?

MS. GUERRERORTIZ: Yes. Our current plant has the capacity of 40,000 gallons per day. We actually could serve a lot more homes than what we have in La Pradera.

And including if we could add another 50 and we'd still have more than enough capacity in that plant. It was over-designed.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Mr. McCarthy, did you want to address the Commission?

MR. MCCARTHY: Yes, I had several closing comments. One is addressed to Ron Gallegos. Ron, the fence that's still up; you're correct. That's Joe Boyden's yard. He's doing construction now, but Advantage has taken all of their fences out. So we'll probably remove that fence as well, but you're correct, but it wasn't Advantage's fence. I don't know why you weren't noticed. We'll follow up on that with our addressing. We apologize for that.

And then in terms of the traffic impact, I'd like to invite the audience and Commissioners' attention to the fact that in Phase I, our existing approvals were for 11 condos, so by definition, if you multiply 11 times 1500 square feet you'd get, if my math is correct, 16,500 square feet, and we also were approved for 32,667 square feet of commercial, of which half could be residential. So that's about 49,000 square feet that's currently approved. And if you take 21 lots – and Matthew brought the correct point up that by eliminating Lot 35 we'd have 21 units in the layout, times 1500, we're looking at 31,500 square feet.

So when you look at the change from the existing approval to what we're proposing, it's just going from 49,000 down to 31,500, it's easier to understand the statement that we don't have negative traffic impact. So I stand for questions from the Commission, and thank you to the audience and the Commission.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Mr. McCarthy, were you able to look at these photos? Was a copy provided to you?

MR. MCCARTHY: No, sir, but I'm out there every day and I know that there is a pile of debris, that it's construction debris. There's some asphalt and there's some broken concrete as well as two piles, pretty high piles of dirt.

COMMISSIONER MAYFIELD: Mr. McCarthy, is this on development property? Is this on a construction company's property?

MR. MCCARTHY: No, sir. Where that's located is – this phase here was never built. It's approved but it wasn't built. The yard in question is right down here in the southwest corner and one of our neighbors asked us to remove it which we then did, but this is an unrecorded phase, so it's not in open space or anything, it's just undeveloped land at this point.

COMMISSIONER MAYFIELD: Mr. McCarthy, and I asked our recorder, but wasn't it your testimony a little earlier that this is just fill dirt and it's all clean?

MR. MCCARTHY: What I had testified – when we had originally started this development there was a mound of dirt here that was about 35 feet high. We moved that over here and so there's now – and that's been reduced somewhat. So there's a large mound of dirt at this location. There's another mound of dirt here that's clean fill, and then in front of that there's the two stacks of concrete, broken concrete and asphalt right here in this location. And Advantage is in the process of removing that as well. So it takes a while to ship that out but they're moving it.

Excuse me, Madam Chair, Commissioner, if I may say so, this was an allowed use

that while these phases were being built it was used as a marshalling yard and since we're not doing any construction right now it does need to be moved.

COMMISSIONER MAYFIELD: And Madam Chair, Mr. McCarthy, how long has this debris been sitting there if you have not been doing any construction out there?

MR. MCCARTHY: Well, the large pile has been sitting there since we moved the large pile from here over to here. It's been sitting there for a number of years, probably since 06, 07.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Any further questions? And I do believe there's no one else in the public that wants to address us so unless someone would – please step forward.

[Duly sworn, Trish Trujillo testified as follows:]

TRISH TRUJILLO: The only thing I wanted to address is that I don't have a personal interest in this development other than a business relationship. From the very beginning I've been the escrow officer closing a lot of these transactions. And a lot of the changes that are taking place that I wanted to bring up have to do with our economy. A lot of the changes in the structure of homes that are being built are being changed to accommodate what can be sold in this economy. And I'm actually getting ready to close 14 home transactions, maybe not \$400,000, \$600,000 or \$800,000 homes but a \$250,000 home that could house your child, my child and your employees.

And that's something that I want you to consider is that changes are taking place and my number one – we're living in an economy where my number one client right now are banks. I'm closing short sales, bank-owned property. But they're working to try to accommodate homes for the average working person like you and me and our children. I've got four children here and one of my biggest things is keeping them here, and this development is working to accommodate that with what we're living with today. That's all I wanted to say.

CHAIR VIGIL: Thank you, Ms. Trujillo.

COMMISSIONER STEFANICS: Madam Chair, is the public hearing over?

CHAIR VIGIL: That's what I'm trying to determine. Please step forward and state your name.

[Duly sworn, Kay Gillentine Britt testified as follows:]

KAY GILLENLINE BRITT: My name is Kay Gillentine Britt and I will be very brief. Ms. Trujillo wants to speak to the emotional side of this with the economy and everything and I would just like to say that I do not live in La Pradera. I grew up on the land east of La Pradera. I rode my horse through that country before Rancho Viejo was there, when it was still the Jarrett Ranch. And I've seen a lot of changes to that countryside over the years and I grew up knowing Gene and Jane Petchesky my whole life. And yes, it's changing and I know that we need some new homes for people. My children do not live here anymore. They've gone back – they live in the Midwest right now.

However, there's got to be some space left for those of us who appreciate the beauty of this land and the open space is diminishing day by day here. I know that the Petchesky's left their ranch as open space. I know that my father has tried to, for whatever reason, we don't own our ranch any more but it's been developed. There's 2.5-acre lots there. I don't want it to be any smaller than that. I like to be able to see the mountains. I like to be able to

go and see the countryside and for the people who are able to ride their horses through there, that was what that land, that we wanted it to be and that's what I would like for it to stay as much as possible, and that's all I would like to say. Thank you very much.

CHAIR VIGIL: Thank you, Ms. Britt. Anyone else? Seeing no others, this public hearing is closed and I'll turn it over to the Commissioners. Commissioner Mayfield and then Commissioner Stefanics and then Commissioner Anaya.

COMMISSIONER MAYFIELD: Madam Chair. Just for the record, Steve, I don't know how many emails I received regarding this. I believe that some of them have been forwarded to us but I just printed up two or three as I went through my email now. So we can have all those placed in the record please. Thank you.

MR. ROSS: Madam Chair, Commissioner Mayfield, we'll do that..

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, just as a quip, for all the emails we received we might all have to recuse ourselves from making a decision about this. I want to make a series of comments. First, Jack, could you talk about the Community College District. This, La Pradera is in the Community College District. Correct?

JACK KOLKMEYER (Land Use Administrator): Madam Chair, Commissioner Stefanics, yes. You want me to expand on that a little bit?

COMMISSIONER STEFANICS: Yes. Madam Chair, Jack, could you please describe some of the purposes of purchases of land or development within the Community College District.

MR. KOLKMEYER: Sure, I'd be happy to, because it seems like this is sort of a crux of the issue here and what I will say probably won't make some of you happy but it might make others of you happy. But the idea of the Community College District was a mixture of everything -- small houses, large houses, people with a lot of money, people with no money. The idea was that you could have apartments next to large lots, and it was configured in such a way that these developments would be built around community centers. La Pradera was designated as one on the Community College District maps. And that meant that those areas would be mixed use, mixing commercial, residential. Fifty percent open space was mandatory for everybody. That's a lot of open space compared to what's happening in other parts of Santa Fe County.

So the all the things on the plus side, plus trails. You have the best trail system in the Community College District in the county. It connects to the rail line. Excuse me, sir. Please excuse me for a moment.

CHAIR VIGIL: Sir, you will have to step back we have a deputy waiting in the back. You will need to step back and allow for staff to make their statements. You've been given your opportunity. Please allow us.

MR. KOLKMEYER: So with the 13 village centers spread all throughout the 18,000 acres of the Community College District it was expected that the developments would occur around those village centers. Two years after we did the Community College District, however, we did a fiscal impact study. I don't believe any of you -- Commissioner Vigil, I believe you may have known about some of that. And the consultant at that point told us we had too many village centers, that we should reduce it from 13 to 7. And one of the ones that was not appropriate was in the La Pradera area, because there was concern that because of the

existing neighborhoods there, Vista Ocaso, the other one that's over there, and the other areas around Dinosaur Trail, that the mix wasn't going to work that way.

Now, what we've seen in a period of about two or three-year segments after that period of time, every one of the developers came in and asked for large amounts of commercial. I think Oshara asked for something like three million square feet of commercial. And then slowly but surely all the developers said, no, we can't do the commercial. We want residential. So ironically, we were turning back to the very things that our consultants told us in 2001, that you're going to have to go through some kind of a period of readjustment in the Community College District, because you weren't going to be able to get the commercial to satisfy the residential because the residential wasn't there. So it's one of these conundrums that we constantly find ourselves in.

So it seems to me now, ten years later, we probably didn't go back and do the adjustments the way that we should have, readjusted the village centers on the map from 13 to 7, which maybe would have solved some of this problem that we're facing here today. But it seems to me right now, as the Land Use Administrator, because what's being asked for is a technique that gets my approval and even if you do that, you have to grant me the ability to be able to do that. Even if you do it's still got to go back to the CDRC and the Board again.

So the issue is, if there's to be a readjustment it makes sense right now. What is it? And it seems like one of the adjustments is there has to be some kind of rearrangement of the types of residential that should be included in La Pradera. So whether this is right or if it's wrong, I'm not sure. We're all able to grasp what the all components of that decision are right now, but one thing bothers me as the Land Use Administrator and that is the problem with the wastewater.

COMMISSIONER STEFANICS: Okay. Well, this has gone past my question and I really appreciate your putting out the concept for people to get to. The reason I'm asking the general question, Madam Chair, and I was using this analogy earlier with my colleagues, when people move to the country lots of times they don't know what they're getting into. When people move and buy some place, lots of times they don't know what they have bought into in terms of what has been approved for the plans of the community. And I think that some people who move into a high density area that's already established know. Other people who move into things that are considered urban sprawl don't know that some day it might be very dense around them. And I think that some people aren't intimately involved in every detail of the Community College District. So I think that's the problem for some of the people involved in this.

I think that there's an issue with when a developer or purchaser of land makes that investment under our code, under the plans they have the right to do things. But I'm also hearing a variety of concerns that have not been addressed by people who live in the existing community. So when the County Commission approves things they are approving things to be done according to certain standards, and I am hearing tonight that maybe not all of those standards are addressed or are in place. Whether or not there was development and then problems occurred. It might have happened. Or whether there were problems from the beginning; I don't know. But I think we have some disconnect about moving ahead with future plans when people in the community are very concerned about what they have now.

So I wanted to just put out there's a variety of issues that have come up tonight and I

just wanted to verbalize some of mine while I listen to the rest of my colleagues. Thank you, Madam Chair.

CHAIR VIGIL: Thank you. I believe Commissioner Anaya you were next.

COMMISSIONER ANAYA: Madam Chair, Commissioners, staff, I'm going to go back to some basic questions just so I can make sure I'm in the right place. Madam Chair, staff, tell me exactly how many total lots prior to this request to modify the plan, how many total lots have already been approved?

CHAIR VIGIL: Ms. Lucero can give us that answer.

MS. LUCERO: Madam Chair, Commissioner Anaya, I'm just trying to do the math here and add these up. I believe it was 238 lots.

COMMISSIONER ANAYA: So Madam Chair, Ms. Lucero, this request, the existing approval is 238 lots, plus a commercial lot?

MS. LUCERO: Madam Chair, Commissioner Anaya, the commercial lot was included in that total number of lots.

COMMISSIONER ANAYA: Okay. Of that 238 how many are commercial lots?

MS. LUCERO: I believe there was – well, they were approved for I believe there were four commercial lots with a total of 32,000 square feet of commercial space.

COMMISSIONER ANAYA: Does this request that logistically would have to go through CDRC and back here before it would go forward, does this request take away all four of those commercial lots?

MS. LUCERO: Madam Chair, Commissioner Anaya, what it basically does is it converts those four lots into a village concept where there's going to be live/work units. So that would be the form of commercial that would exist within those lots.

COMMISSIONER ANAYA: Okay. So aside from the live/work terminology, total lots, 238, of which four of those are commercial. In this new proposal, the total lots would go up 11? 238 to 249 total?

MS. LUCERO: Madam Chair, Commissioner Anaya, as part of the math of this request tonight, which is for the – to allow, well 21 now, 21 lots, so out of those 21, I believe that there would be ten new lots? Ten new lots. So ten additional lots.

COMMISSIONER ANAYA: Okay. So I'm just going to put some perspective on this. We're talking about a total master plan that's been approved, combined commercial and residential of a total of 238 lots. The entire discussion we've had tonight and the concerns raised, the advocates and the people raising concerns, we're talking about a net deviation of ten lots out of 238 to 248. Is that right?

MS. LUCERO: Madam Chair, Commissioner Anaya, the ten lots that are being proposed, those ten lots are part of the master plan authorization that's requested tonight. In addition to those, as you'll see in a few months when they come forward with the master plan amendment application, there's also an additional 27 lots that will be proposed.

COMMISSIONER ANAYA: Okay, so that's what I'm getting at. So when I'm looking at this 22 number in my book here what I understand that to be is that they already had 11 of those approved, and that there's an additional 11 that they're asking for in this request. Is that accurate?

MS. LUCERO: That's correct.

COMMISSIONER ANAYA: Okay. So we had 238, and tonight's action, if it's allowed to go forward would raise it ten lots?

MS. LUCERO: Madam Chair, Commissioner Anaya, it would just allow them – all tonight's action is going to do – but it won't actually approve the additional lots. I just want to make sure we're clear.

COMMISSIONER ANAYA: So tell me, what did you say about 27 lots? I'm looking at all the lots, trying to make sure I'm completely clear. What I understand that to be is we're going from 238 to 248 with this proposed action to take it through the process. That's it.

MS. LUCERO: Madam Chair, Commissioner Anaya, for tonight's request, that's correct.

COMMISSIONER ANAYA: But what you're telling me is in addition to those ten lots they're going to come in with 27 additional lots, on top of what that is, to take it up another 27 lots?

MS. LUCERO: Madam Chair, Commissioner Anaya, that's what they're proposing as part of their master plan. So in total it will be the 238 original lots, plus 37 more. For a total of 273 lots.

COMMISSIONER ANAYA: Okay. So of the – just a logistical question. Then why in your summary when you tell me – and I'm not picking on you. I'm just trying to understand the logic in the framework of the recommendations and the information I have. Then why on the issue do you give me the issue as 22 lots at the top and then in the back you restate that again and you say, recommendation, and you refer back to the 22 but there's no reference to the additional. So I guess what I'm getting at is if you bring it up in the issue and then you – what's the recommendation of staff and then you bring the 22 up? I think I'm understanding that of those 22, 11 were existing and 10 are new based on the deviation of one that I heard over here about a Lot 35 or whatever that was.

You're also saying that you're going to bring back another item to hear that's going to go through the CDRC and the Commission again? Or is that additional number of lots you said that's going to be part of the proposal that's going to go to CDRC and back to us? Are you following me?

MS. LUCERO: Madam Chair, Commissioner Anaya, I think so. Let me if I can just kind of clarify. The reason that we're only bringing up the 22 lots right now is because that's the only part of the subdivision that they want to have a master plat for. Those 22 lots are the ones that they want to be able to create administratively ultimately. The remainder of the lots, the additional 27 lots, those will actually be platted through the master plan amendment process.

COMMISSIONER ANAYA: So that's not tonight at all.

MS. LUCERO: That's not tonight at all. So all we're considering tonight is a master plat to allow them to proceed under the master plat guidelines for these 22 lots.

COMMISSIONER ANAYA: Okay. So Madam Chair, Ms. Lucero, along those lines and now that we're focused in on only tonight, only talking about 22 lots, we're really only talking about 10 more lots in addition to what they've already received approvals for.

MS. LUCERO: That's correct.

COMMISSIONER ANAYA: Ten lots in the scheme of 238 plus ten.

MS. LUCERO: Correct.

COMMISSIONER ANAYA: Okay. That being said, this is a question for the applicant, and I don't care who wants to answer it. The thing I heard, and I agree with Commissioner Stefanics' separation of issues. I can tell you that I completely agree with her comments relative to things that maybe aren't what they should be relative to sewer or relative to cleanup. I think that's a separate issue. I think that's a responsibility of all of you to work with the community that you already have residents in to mitigate those issues and to make it right. Just to put it blunt. I think that's not the issue that we're hearing tonight, but that is very much an issue that we've been discussing as a Commission in recent meetings that it's not only our obligation and responsibility as elected officials to make approvals or vote and take action in accordance to recommendations from staff and feedback from the public and even those applicants. It is our obligation to make sure that those people that are fulfilling those build-outs are doing so in a way that's in accordance with the conditions and specs and regs and all that stuff. So I think I agree with Commissioner Stefanics. I think those concerns need to be addressed and those are separate issues.

Speaking specifically to the density issue, which I heard over and over and over again, which is going to come up as part of the process at CDRC and then back probably as discussion items at the Board of County Commissioners, I would presume. You're probably going to have the same groups of people who are going to raise those concerns relative to density. Does the applicant have additional space to augment the size of that 2.27-acre piece of land higher? Is that possible?

MR. MCCARTHY: Madam Chair, Commissioner Anaya, not if we maintain the 50 percent open space.

COMMISSIONER ANAYA: Madam Chair, and I kind of was thinking ahead to that that might be something that would come up. I thought that. And I guess I would go back to our Land Use Administrator as a question. Because I heard what you said and I heard your follow-up. Part of my thought process when some of the communication was going on was we go through a process and prior Commissions – I can't speak to every single detail and aspect, nor would I pretend I could, to what those Commissioners were faced with when they were making those determinations. What I know is that they were bombarded with a lot of information and a lot of different aspects and the Commission at the time I think took an aggressive step to do something that was fairly progressive in nature and took the County to a different place. And I think some might say, well, maybe it was a bad place or maybe they don't agree with the place they took it to, and I respect that, but I think overall when you look at affordability and other, trails and things that you mentioned, that it does bring forth options that weren't prevalent in other developments and a process that wasn't prevalent in other developments.

So I guess my question back to you is you said, and I think I agree with it, that there's adjustments that we have to make. Do you feel the same way about those adjustments associated with commercial? Would you apply that same logic to utilize potentially part of open space to raise the density up a little bit to be more consistent with – maybe not more consistent but more prevalent with surrounding areas? I mean is that even something that you think is rational along the same thought process that you brought up?

MR. KOLKMEYER: Madam Chair, Commissioner Anaya, the point to what I was trying to make about the adjustment was in fact the adjustment, what they're trying to do to adjust from commercial, which no longer really works the way that it was originally intended to be something else. So I think we have to take that into consideration, because if it's then going to be something else then it's probably going to be some other kind of residential. Because the commercial is really difficult there. We have lots of commercial on Turquoise Trail. Some is happening in Rancho Viejo. But it doesn't appear at this point after ten years that we're going to – that adjustment about having about appropriate commercial is going to work.

Where we're going to hold the line as staff is we're not going to go below 50 percent open space. We're not going to do it. That was the agreement that we made with everybody that lived out there and we're going to stick to that as your staff. So, however a developer wants to come in and accommodate that is probably going to have to be through them, if they want to rearrange commercial to some other kind of residential, our thinking would probably be then they're going to have to figure out how to rearrange the residential and the density to make it work within the 50 percent open space.

Because if we give away the 50 percent open space – and we did that 12 years ago. That was a key element to the Community College District. Several people have gotten up here and said we're losing open space. That was the whole point of this to try to get dense areas where we could have a wide variety of housing for people who were rich, poor, young or old could live in a more community-type situation but certain things were really important. In fact that's where the whole affordable housing ordinance started was with the 15 percent open space where we got affordable housing at that particular rate.

But we don't think we can jeopardize the 50 percent open space.

COMMISSIONER ANAYA: Madam Chair, I just want to be clear. I don't think I said I wanted to walk away from 50 percent but I think what I heard from a lot of people in the audience and otherwise was if it wasn't exactly 50 percent I don't think it would undermine the whole integrity of the Community College District. I'm just going to leave my comment at that and I'd like to hear what some of the other Commissioners have to say. I think that there's a process in place. I think that may be something that as you made the comment about adjustments, maybe that's an adjustment we need to look at, but that the process, if we're talking not about the 27, Ms. Lucero, that potentially would be coming in. We're not talking about that. We're just talking about 22 and a deviation of not 11 but actually 10, based on the one coming off the table. I think the process at the CDRC as well as BCC and maybe some more thought and more interaction with not only these developers but the other developers and the other community members in the Community College District might be warranted if it's in the interest of the entire community as a whole. So those are my thoughts, Madam Chair.

CHAIR VIGIL: Thank you. I will turn it over to you. May I just make a couple of comments? I'd like to remind our colleagues that we're also dealing with an issue in the Community College District that places the burden on the County with regard to a wastewater treatment plant and that's Oshara. Now, Oshara, we did hear testimony and we knew coming down the line that it was in financial trouble. It was going bankrupt and part of the reason why I think it did is nobody anticipated the economic downturn. We actually don't have any

policies in place to deal with economic downturns, and we know that this community does not want to be put in the same place that we're having to deal with Oshara right now because those people who own property there are between a rock and a hard place. They don't know what's going to happen to their wastewater treatment plant. Their homeowners association has gone defunct. There's nobody there taking on any kind of a leadership role to make that community happen. So all of a sudden the issues that they're having difficulty with have been brought to the County and we're asked to rescue them from a lot of the issues that were created because of the economic downturn, because there was nothing to assist this development in creating a [inaudible]

I wanted to make that statement. And then I had to ask you, Jack. One of the issues that I didn't hear you address when Commissioner Stefanics asked the question about highlighting the Community College District is that live/work spaces were imposed in that district, and if I'm to understand correctly that actually exists in commercial developments themselves, like the Turquoise Trail Industrial Park. It's one of those concepts that has been a part of integrated community mixed-use plans. Correct?

MR. KOLKMEYER: Madam Chair, that's correct. It's been used from the beginning. Now, maybe it hasn't been used in the context of La Pradera and the subdivision in the development that's going on there, but that was a term that was used early on in the development of the Community College District, yes.

CHAIR VIGIL: I just want to also state, my understanding because through all the development review processes that we've gone through, the live/work space is actually less of a traffic impact because the folks that live and work there stay there and there is the traffic coming and going. At least that's what I recall from the Galisteo property.

MR. KOLKMEYER: Madam Chair, that's correct. In the traffic studies that we've done in Rancho Viejo and with Oshara show less trips per day for live/work. That's correct.

CHAIR VIGIL: Okay. And one other thing that I also want to just put out there with regard to the concerns of the community is you also don't want this development to go under, because if they do you really don't know what's going to come up if this development goes under because what they're requesting, I think, is an attempt to assist them in moving forward with this development in a way that would assist you in keeping that development somewhat vibrant at least. There were, I'm sure you heard and I heard testimony, that there were commitments and promises made. The Commission can't address those. The only thing that we can address is what's in compliance and what can be in compliance with the code.

Another question I have for Vicki is why the master plat – can this be done through preliminary?

MS. LUCERO: Madam Chair, these lots could be created through a preliminary and final normal plat procedure, however, because as the applicant stated that they weren't certain who the buyer – how the homes were going to be designed they wanted the flexibility to be able to create the lot layout and lot configurations as the homes were built. So that's the reason for the master plat process.

CHAIR VIGIL: Okay. Does the developer agree with that or did you have another reason for going through the master plat process?

MR. MCCARTHY: Madam Chair, Commissioners, we have a specific vision for a village with trails and interaction possibilities throughout the village. So we're going to have some very, very odd-shaped structures, number one, if we were to build the whole thing at one time. Number two, we want individual buyers to have the flexibility to tailor their home occupation spaces to fit their needs. So that's going to change the footprint. So we would like to be able to come in and superimpose that jigsaw type of lot line configuration pretty close to the final stages of development and if I may add one thing, please recall in this Phase I that we're dropping the commercial. So when we talk about ten lots or eleven lots in addition to the eleven condos, that's in lieu of the commercial, which already had a 50 percent residential allowance in there.

CHAIR VIGIL: Okay. Thank you, Mr. McCarthy. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair and whoever can answer this. Is there any covenants or restrictions that currently prevent live/work space in the homes that are out there?

MR. MCCARTHY: Madam Chair, Commissioner Mayfield, almost by definition for Phase I approval it states that we have this 32,667 of which 50 percent may be residential. It in an indirect way defines a live/work kind of structure even though that may not have been the original intent, that's effectively what it is. But to directly answer your question, we do not have any kind of home occupation zoning unless it's in the matrix that the Community College District allows, and I don't think that's the case, nor do we have the equivalent of the City's RAC zoning, I think recreational arts and crafts zoning. But no, we don't.

And as a matter of fact, when we talk about live/work units, we're really talking about single-family residential, and I think Vahid addressed this – single-family residential where a music teacher or a tutor or someone else could invite their students into their home, effectively, and legally conduct business, and I think I heard staff mention as long as there weren't more than six visits a day kind of thing that it would fit within some other zoning category. But no, we do not have a specific zoning category for this.

COMMISSIONER MAYFIELD: Thank you.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. McCarthy, perhaps you can help me again. Your last comment about 50 percent of the commercial was for 50 percent residential – say that again and tell me what that equates to in units.

MR. MCCARTHY: Well, 50 percent would be 16,335, so if you divide that by 1500 you're going to have at least 11 units anyway. That's on the 50 percent of what's already approved. In other words, 50 percent of the 32,667 commercial, divided by two gives you 16,000, divide that by the minimum of 1500 square foot units and we're effectively not asking for an increment in terms of approved space. It's the conversion of using the already existing commercial of that commercial to flexible residential use.

COMMISSIONER ANAYA: Madam Chair, Mr. McCarthy, in Phase I, how much of the commercial are you converting? How many of those four lots in just Phase I are you converting to residential?

MR. MCCARTHY: Madam Chair, Commissioner Anaya, we're suggesting

that we do away with all of the commercial and for the sake of the technical description of the commercial includes the condos. But we're doing away with all of the commercial, not just the 50 percent share that's allowed. So we would be going again with my prior comment, from 49,000 approved square feet down to 31,500 or so square feet.

CHAIR VIGIL: Any further questions? Seeing none, what's the pleasure of the Commission?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: I will move to deny the applicant's request for the master plat.

CHAIR VIGIL: Okay. I have a motion to deny. Is there a second? Motion dies for lack of a second. Is there another alternative motion?

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, given my last couple sequencing of questioning, keeping in mind the two issues are separate between the existing property owners that I think have issues that I think need to be addressed and I think we all need to learn more what those are, and then taking into consideration the question associated with the total – basically with what you said and I guess I wish that would have been said at the beginning and maybe you said it and I missed it. But the whole discussion here and concern revolves around density as I hear it from the residents.

I'm going to make a motion to approve the process going forward which encumbers going back to CDRC and coming back to the Commission. But I'm also going to ask as part of the motion to do that that staff in coordination with the applicant as well as the feedback you already heard from community members relative to the density aspect of the units themselves, that that discussion take place and that staff consider that as what potential alternates do you have as you go through the process because otherwise, you're going to have these same folks that are going to go to CDRC again and they're going to come back here again and I think the interest is to try and figure out is there any balance or compromise associated with some of those concerns. So I'm going to move for approval that it continue forward, given that the conversion is from commercial and it's a net increase on this one of ten lots total, but that there be some internal County efforts, applicant efforts to incorporate or have discussion on options that potentially raise the density I guess is what I'm hearing. But I would move that.

CHAIR VIGIL: I have a motion. Is there a second?

COMMISSIONER HOLIAN: Madam Chair, I'll second it and I would like to add an amendment that there be meetings between the developers and the residents. I just see a lot of problems with regard to the dumping we saw, with regard to the wastewater treatment plant, with regard to many things that were promised and were not followed through on. So if I were to – this will come back to both the CDRC and the BCC and I would not go, I would not approve it I would not go forward with it any more unless I really see a good faith effort on the part of the developers to work with the community to address those problems, and there are problems.

I would also like to say something to the community. I think that what we're seeing

here is something that's happening across the United States. I think that the way that we are developing, the way that we envision ourselves as developing in America is changing. It's changing because of a lot of things that are out of our control. One if it is the cost of energy. One of it is the cost of land. The kind of development that we've done, that we've worshiped, the 2.5-acre lot, when you think about it it's the way of destroying the most amount of land that we can. And a lot of people talk about 2.5-acre lots and that's open space, but it's not. That 2.5-acre lot is served by all kinds of infrastructure. It's served by roads. It's served by electric lines, and it's a way of actually destroying the most amount of environment that we can.

So I think that we have to relook at the way we develop in this country. We have to do what I think is envision more in the Community College District, which is that we defer with dense development and then we set aside a certain amount of open space that will preserve the environment. So I think that this is a hard lesson for Americans to learn because we have always had, we have always seen ourselves as having an unlimited amount of land and so we should be able to develop however we want. But in the long run we have now eaten up a lot of the land in Santa Fe County and if we really want to preserve the open space that we love, the character that we love about this county, then we're going to have to rethink how we develop. Thank you.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I would accept the friendly amendment for discussion. I think in the Community College District it was put together, centered around that methodology of more dense, cluster-type development throughout that district, but I guess where I might differ a little with some of the comments would be that there are segments within Santa Fe County that that's not the way of life associated with the residents in some parts of the county. So I accept the amendment but I think there are areas of the county that don't see that same need for cluster development. So I do accept the amendment though.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, we had earlier discussion about I guess a neighboring property, Oshara Village, and I know this body has also discussed maybe a performance bond being put up by our developers, so if in case or if in fact this development does go belly up, how do we make sure that the residents aren't holding the bag with the infrastructure that's there. Is there any type of guarantees from the development community that there are some assurances provided to this community? One, we spoke about the wastewater system, that if something goes awry, they're not going to be left holding the bag with that wastewater system, or somebody's going to be coming to this County saying, take it over. We cannot manage it anymore and we need the County to bail us out. And I don't know if that's been discussed. I know we've – or at least I believe I've discussed that there might be some performance requirements on some of our developers in the future. Steve, is there anything in place right now?

MR. ROSS: Madam Chair, Commissioner Mayfield, we're just trying to review what's in place right. In the ordinance there is performance bonding required. It

wasn't in place in Oshara because it had already been developed, but there are requirements in the code and they certainly can be beefed up in the rewrite. We'll pay close attention to that.

COMMISSIONER MAYFIELD: Would they apply to this development?

MR. ROSS: I believe the bonds have already been released because the improvements have been completed.

COMMISSIONER MAYFIELD: Could we put that as a condition if they're asking to increase the density in this area?

MR. ROSS: Commissioner, when they come in for the subsequent development platting and plans, if there are improvements, say, upgrades or increases in the capacity, those would have to be bonded.

COMMISSIONER MAYFIELD: Thank you, Madam Chair, and the other Commissioners brought this up. My thoughts to the development community, going back and working with the residents that you currently have is one, I believe you should have environmental certification on your wastewater treatment center, especially if you're proposing to increase density. Two, testimony that was provided to us and pictures that were provided to us, there is an eyesore out there of some serious debris. I would say at least 100 yards, maybe, from what I saw in the picture. I would think that just as a good gesture you all would have that stuff immediately removed and hopefully not place any more in those lots. That's all I have to say. Thank you.

CHAIR VIGIL: Okay. We're going to take a vote on this. I just want to clarify. This really just is a motion to approve a process. It isn't a motion to approve a final product. This process should be able, and I like the amendment that Commissioner Holian provided, this process should be able to provide a design and the opportunity for the residents in the area, and I did hear the testimony today that there is a desire and there is a statement of confidence that there has been good stewardship on this and if it's the case that stewardship should consider so that communication with the residents and the neighbors will continue. I think once we approve this process we still have a lot of hoops to go through, just because this process has been approved doesn't mean this density is going to be approved. So it gets really confusing to those of us who are here making decisions saying why are there so many people here that don't really like it?

But the fact of the matter is we don't know what we like right now, because we're not taking action on any particular product. So with that I'm going to go ahead unless there's any more comments. All those in favor of the amended motion please say so by saying aye.

The motion passed by majority [3-2] voice vote with Commissioners Anaya, Holian and Vigil voting in favor and Commissioners Mayfield and Stefanics voting against.

CHAIR VIGIL: I hope that by the time this comes to us that we'll have a better idea of what this is going to look like, and we'll have a better understanding from the neighbors in the area that they clearly understand your intent to be good stewards. Thank you.