

**Legend**

ROADS

Parcels



1:6,600  
1 inch represents 550 feet

0 175 350 700 1,050 1,400 Feet



2008 Orthophotography  
2 FOOT CONTOURS

This information is for reference only.  
Santa Fe County assumes no liability for  
errors associated with the use of these data.  
User are solely responsible for  
confirming data accuracy.



**Ranchland Utility Company, Inc.**

5 Bisbee Court, Suite 106; Santa Fe, NM 87508  
Telephone (505) 428-2256

December 10, 2013

Jose Larrañaga, Commercial Development Case Manager  
Santa Fe County Development Services  
102 Grant Avenue  
Santa Fe, NM 87501

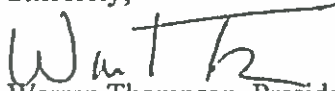
**RE: Elevation at Rancho Viejo  
College North Master Plan Amendment**

Dear Jose:

This letter is to confirm that Ranchland Utility Company, Inc. is willing and able to provide sanitary sewer service to all phases of the above referenced project.

Please feel free to call or e-mail me with any questions.

Sincerely,



Warren Thompson, President  
Ranchland Utility Company, Inc.



OBA-59

2. Suitability of the site to accommodate the proposed development;
3. Suitability of the proposed uses and intensity of development at the location;
4. Impact to schools, adjacent lands or the County in general;
5. Viability of proposed phases of the project to function as completed developments in the case that subsequent phases of the project are not approved or constructed.
6. Conformance to applicable law and County ordinances in effect at the time of consideration, including required improvements and community facilities and design and/or construction standards.

#### 5.2.5 Filing of Approved Master Plan

The approved master plan with maps which has been approved by and received signatures of the County Development Review Committee Chairman and Board Chairman shall be filed of record at the County Clerk's Office.

#### 5.2.6 Amendments and Future Phase Approvals

- a. Approval of the master plan is intended to demonstrate that the development concept is acceptable and that further approvals are likely unless the detailed development plans cannot meet the requirements of applicable law and County ordinances in effect at that time. Each phase of the development plan must be considered on its own merits.
- b. The Code Administrator may approve minor changes to the master plan. Any substantial change in land use or any increase in density or intensity of development in the approved master plan requires approval by the County Development Review Committee and the Board.
- c. Any changes approved by the Code Administrator pursuant to Section 5.2.6b of this Article shall be subject to the review and approval of County Development Review Committee and the Board at the time of development plan or plat approval.
- d. The phasing schedule may be modified by the Board at the request of the developer as economic circumstances require as long as there is no adverse impact to the overall master plan. (See Article V, Section 4.5)



#### 5.2.7 Expiration of Master Plan

- a. Approval of a master plan shall be considered valid for a period of five years from the date of approval by the Board.
- b. Master plan approvals may be renewed and extended for additional two year periods by the Board at the request of the developer.
- c. Progress in the planning or development of the project approved in the master plan consistent with the approved phasing schedule shall constitute an automatic renewal of the master plan approval. For the purpose of this Section, "progress" means the approval of preliminary or final development plans, or preliminary or final subdivision plats for any phase of the master planned project.

History. 1980 Comp. 1980-6. Sections 4.4, 4.5, 5.1 and 5.2 were amended by County Ordinance 1987-1 to provide for the submittal of a master plan.

### 5.3 Preliminary Plat Procedure

#### 5.3.1 Introduction and Description

- 5.3.1a Preliminary plats shall be submitted for Type-I, Type-II, Type-III, except Type-III subdivisions that are subject to review under summary procedure as set forth in Subsection 5.5 of this Section, and Type-IV subdivisions.



5.3.4 Public Hearings on Preliminary Plats

The proposed preliminary plat shall be reviewed by the County Development Review Committee and the Board according to the procedures set forth in Article II, Sections 2.3.2, 2.4 and 2.6 of this Code.

5.3.5 Preliminary Plat Approval

- a. Approval or conditional approval of a preliminary plat shall constitute approval of the proposed subdivision design and layout submitted on the preliminary plat, and shall be used as a guide to the preparation of the final plat.
- b. The Board shall not approve the preliminary plat if the subdivider cannot reasonably demonstrate that he or she can fulfill the requirements of the Code, the New Mexico Subdivision Act and the subdivider's disclosure statement.
- c. Action. Unless the applicant has agreed to a tabling within thirty (30) working days after the Board's public hearing, the Board shall approve, approve with conditions, or disapprove the preliminary plat at a public meeting, the date, time, and place of which shall be announced publicly at the conclusion of the public hearing.

5.3.6 Expiration of Preliminary Plat

- a. Expiration. An approved or conditionally approved preliminary plat shall expire twenty-four (24) months after its approval or conditional approval. Prior to the expiration of the preliminary plat, the subdivider may request, from the Board, an extension of the preliminary plat for a period of time not exceeding thirty-six (36) months.
- b. Phased Development. If the preliminary plat was approved for phased development, the subdivider may file final plats for portions of the development, and the expiration date of the preliminary plat shall be extended for an additional thirty-six (36) months after the date of the filing of each final plat. The number of phased final plats shall be determined by the Board at the time of the approval or conditional approval of the master plan.
- c. Expiration effect. The expiration of the approved or conditionally approved preliminary plat shall terminate all proceedings on the subdivision, and no final plat shall be filed without first processing a new preliminary plat.

5.4 Final Plat Procedure5.4.1 Introduction and Description.

- 5.4.1a Final plats shall be submitted for Type-I, Type-II, Type-III, except Type-III subdivisions that are subject to review under summary procedure as set forth in Subsection 5.5 of this Section, and Type-IV subdivisions. Following approval or conditional approval of a preliminary plat, and before the expiration of the plat, the subdivider may prepare a final plat in substantial conformity with the approved or conditionally approved preliminary plat. At the discretion of the Code Administrator, preliminary and final plats may be reviewed for approval simultaneously. Final plats for subdivisions proposed to be phased shall be submitted as indicated on the phasing schedule submitted with the master plan as specified in Section 5.7 above. The final plat shall comply with the New Mexico Subdivision Act and these regulations.
- 5.4.1b Application and Fees. A subdivider shall prepare a final plat and supporting documentation in accordance with the requirements provided in these regulations. Final plat submittal is initiated by completing an application on a form available



fulfill the proposals contained in the subdivider's disclosure statement and in determining whether or not the subdivider's provisions for a subdivision conform with County regulations.

#### 4.8 Common Promotional Plans

The Code Administrator will review proposed applications to determine whether there is a common promotional plan to subdivide a property. If it is determined that the land division does constitute a common promotional plan, the project shall comply with the procedures provided for in this Article V.

### SECTION 5 - PROCEDURES AND SUBMITTALS

#### 5.1 Pre-application Procedures

Prior to the filing of an application for approval of a preliminary plat, the subdivider shall confer with the Code Administrator to become acquainted with these subdivision regulations. At this pre-application conference, the subdivider shall be advised of the following:

1. Submittals required by the Code.
2. Type and/or class of the proposed subdivision.
3. Individuals and/or agencies that will be asked to review the required submittals.
4. Required improvements.
5. Conditions under which Master Plans and Development Plans are required as described in Sections 5.2 and 7.
6. A determination will be made as to the appropriate scale and format for plans and plats and as to the appropriateness of applicable submittal requirements.

#### 5.2 Master Plan Procedure

##### 5.2.1 Introduction and Description

- a. Master plans are required in the following cases:
  - i. All Type I, Type II, and Type IV subdivisions with more than one development phase or tract;
  - ii. As required in Article III for developments other than subdivisions; and
  - iii. Such other projects which may elect to apply for master plan approval.
- b. A master plan is comprehensive in establishing the scope of a project, yet is less detailed than a development plan. It provides a means for the County Development Review Committee and the Board to review projects and the subdivider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a preliminary and final plat approval.
- c. The master plan submittal will consist of both plans and written reports which include the information required in 5.2.2 below. A typical submittal would include a vicinity map, a plan showing existing site data, a conceptual environmental plan with written documentation, a master plan map, a master plan report, a schematic utilities plan and the phasing schedule. Maps and reports may be combined or expanded upon at the discretion of the applicant to fit the particular development proposal as long as the relevant information is included.

##### 5.2.2 Master Plan Submittals

- a. Vicinity Map. A vicinity map drawn at a scale of not more than 2,000 feet to one inch showing contours at twenty (20) foot intervals showing the relationship of the site to its general surroundings, and the location of all existing drainage channels, water courses and water bodies located on the parcel and within three miles of the Parcel.



2. Suitability of the site to accommodate the proposed development;
3. Suitability of the proposed uses and intensity of development at the location;
4. Impact to schools, adjacent lands or the County in general;
5. Viability of proposed phases of the project to function as completed developments in the case that subsequent phases of the project are not approved or constructed;
6. Conformance to applicable law and County ordinances in effect at the time of consideration, including required improvements and community facilities and design and/or construction standards.



#### 5.2.5 Filing of Approved Master Plan

The approved master plan with maps which has been approved by and received signatures of the County Development Review Committee Chairman and Board Chairman shall be filed of record at the County Clerk's Office.

#### 5.2.6 Amendments and Future Phase Approvals

- a. Approval of the master plan is intended to demonstrate that the development concept is acceptable and that further approvals are likely unless the detailed development plans cannot meet the requirements of applicable law and County ordinances in effect at that time. Each phase of the development plan must be considered on its own merits.
- b. The Code Administrator may approve minor changes to the master plan. Any substantial change in land use or any increase in density or intensity of development in the approved master plan requires approval by the County Development Review Committee and the Board.
- c. Any changes approved by the Code Administrator pursuant to Section 5.2.6b of this Article shall be subject to the review and approval of County Development Review Committee and the Board at the time of development plan or plat approval.
- d. The phasing schedule may be modified by the Board at the request of the developer as economic circumstances require as long as there is no adverse impact to the overall master plan. (See Article V, Section 4.5)

#### 5.2.7 Expiration of Master Plan

- a. Approval of a master plan shall be considered valid for a period of five years from the date of approval by the Board.
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- c. Progress in the planning or development of the project approved in the master plan consistent with the approved phasing schedule shall constitute an automatic renewal of the master plan approval. For the purpose of this Section, "progress" means the approval of preliminary or final development plans, or preliminary or final subdivision plats for any phase of the master planned project.

History. 1980 Comp. 1980-6. Sections 4.4, 4.5, 5.1 and 5.2 were amended by County Ordinance 1987-1 to provide for the submittal of a master plan.

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x = uses eligible in zone  
S = special use

USE CATEGORY	VILLAGE ZONES				OTHER ZONES				
	New Community Center	Neighborhood Center	Neighborhoods (optional)**	Fringe Zone	Rural Zone	Employment Center Zone	Institutional Campus Zone	Open Space	Village Separators
<b>ELIGIBLE USES</b>									
Residential and Residential Accessory									
Bed and Breakfast (6 units max.)	x	x	x	x	x				
Group Homes and Shelters	x	x	x	x	x	x	x		
Guest Houses and secondary dwellings	x	x	x	x	x	x	x		
Home Day Care (12 or fewer children)	x	x	x	x	x	x	x		
Home Occupations	x	x	x	x	x	x	x		
Live / Work Dwellings	x	x	x	x	x	x	x		
Residential, dormitories	x	x	x	x	x	x	x		
Residential, limited Multifamily (4units max.)	x	x	x	x	x	x	x		
Residential, Multifamily (over 4 units)	x	x	x	x	x	x	x		
Residential, Single family	x	x	x	x	x	x	x		
Retirement Homes/Assisted Living	x	x	x	S					
Studios	x	x	x	x	x	x	x		
<b>Civic/Public/Institutional</b>									
Auditoria, Community Theatres, Museums	x	x				S	x		
Cemeteries			x	x	x			S	
Churches/Religious Institutions	x	x	x	x	x	x	x		
Day Care (more than 12 children)	x	x	S	x	x	x	x		
Hospitals									
Nursing Homes	x	x		S		S	S		
Private Clubs/Lodges	x	x		S			S		
Public Buildings	x	x				x	x		
Recreational areas, play fields & facilities, including school fields	x	x	x		x	S	x	S	S
Recreational buildings, public indoor	x	x	S	S			x		
Schools: Colleges, Universities, Vocational	x	x					x		
Schools: K-6, Public	x	x	x	S			x		
Schools: Middle or High, Public ***	x	x	S	S			x		
Schools: Private	x	x	x	S	S	S	x		
<b>Commercial/Industrial</b>									
Automotive sales/Auto, truck or RV dealerships	S								
Automotive services/ Car Washes	S	S				S			
Automotive services/ Gas stations	S	S				S			
Automotive services/ repair shops	S	S				x			
Banks/Financial Institutions	x	x				x	x		
Business & Personal Services	x	x				x	x		
Campgrounds, RV parks				x	x				
Construction supplies & yards	x	x							
Distribution facilities	S								
Greenhouses/Plant nurseries		x		x	x				
Guest Ranches, Resorts	x	x		S	x				
Health Clubs	x	x			x				
Hotel, motel, inns, Bed & Breakfast (over 6 units)	x	S				x	x		
Indoor Recreational Centers	x	S				x			
Industrial, Light & crafts manufacture	S	S			S	x		S	

1846087A



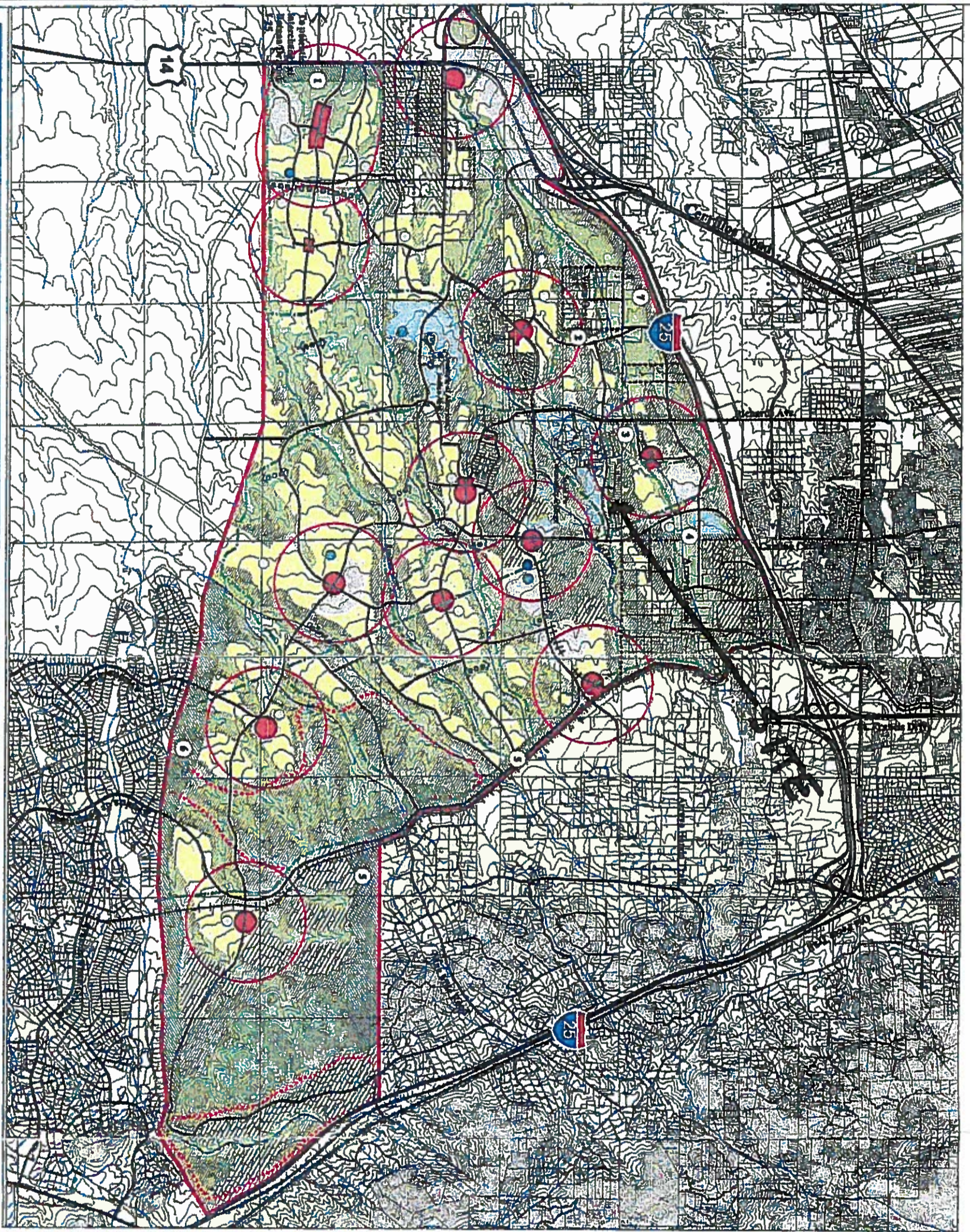
OBA-64



# Land Use Zoning Map

## Legend

- Community College District Boundary
- Major Drainages
- Existing Rail Road
- Proposed Rail Road
- Village Zones
- Pastoral / Rural / Open Space
- Employment Campuses and Centers
- Institutional Campuses
- Arroyo Corridors and Open Space
- Roads - Proposed & Existing
- Village Separators
- Multi-Use Trails
- Proposed Alignments
- Rural Zones
- Existing Neighborhood Zones
- New Community Centers & Walking Nodes
- Priority Zones:**
  - Hillsides / Pison Jumper
  - Hillsides / Granada
  - Buffer Areas:
  - Upland / 14 buffer
  - Vista Open buffer
  - Roberts Ave. / 200 ft. both sides
  - Arroyo / Shale Wood buffer
  - New Hill buffer
  - El Dorado buffer
  - SR-99 / Highway Corridor buffer to Highway Corridor Plan
- Elementary Schools
- Middle Schools
- High Schools



# Santa Fe Community College District

Approved by Board of Community College District, October 21, 2009  
 Approved by Santa Fe County Board of Commissioners, December 11, 2009  
 Approved by City of Santa Fe Board of Commissioners, December 11, 2009  
 Approved by Santa Fe Community College Board of Trustees, December 11, 2009  
 Approved by Santa Fe Community College Board of Trustees, December 11, 2009  
 Approved by Santa Fe Community College Board of Trustees, December 11, 2009  
 Approved by Santa Fe Community College Board of Trustees, December 11, 2009





- ~~(8) proposed architectural treatment;~~
- ~~(9) The Buildable Area and the No Build Areas on each lot shall be clearly indicated by shading, pattern or comparable graphic method (see Article VII, Section 3.4.1 for Buildable Area Performance Standards.)~~
- ~~(b) The site plan shall respond to Section 4.4.1 Site Planning Standards for driveway access, building placement, parking location and terrain management.~~

4) Development Plan Report

The development plan report shall include all submittals pursuant to this Article III, Section 4 of the Code.

5) Traffic Generation Report

- a) The amount of traffic generated by the development shall not at any time impede traffic flow, or cause public roads to operate at over capacity.
- b) If a fair and substantial showing is made that the development will increase the burden on inadequate public roads, utilities or other services, the use may be denied, or the developer may be required to undertake the full cost of improvements to the public road or other services in order to meet the test of adequacy.



- c) A traffic report shall be prepared, signed and sealed by a registered New Mexico professional engineer, or other qualified professional as determined by the Code Administrator. Report contents shall be based upon existing traffic conditions in relation to existing road capacity and level-of-service (LOS); a projection of traffic to be generated by the development; and recommendations for mitigating any negative effects to existing road capacity which may occur as a result of new development. Where applicable, the International Traffic Engineers (ITE) Trip Generation Report 1987, 4th Ed. shall be used as a reference in calculating traffic projections. Copies of the ITE Trip Generation Report are available in the Land Use Administrators Office.

History. 1980 Comp. 1980-6. Section 4.4.1 Submittals was amended by County Ordinance 1990-11, to clarify and make additions to the submittals required of the applicant for non-residential use zoning.

4.4.2 Environmental Performance Standards

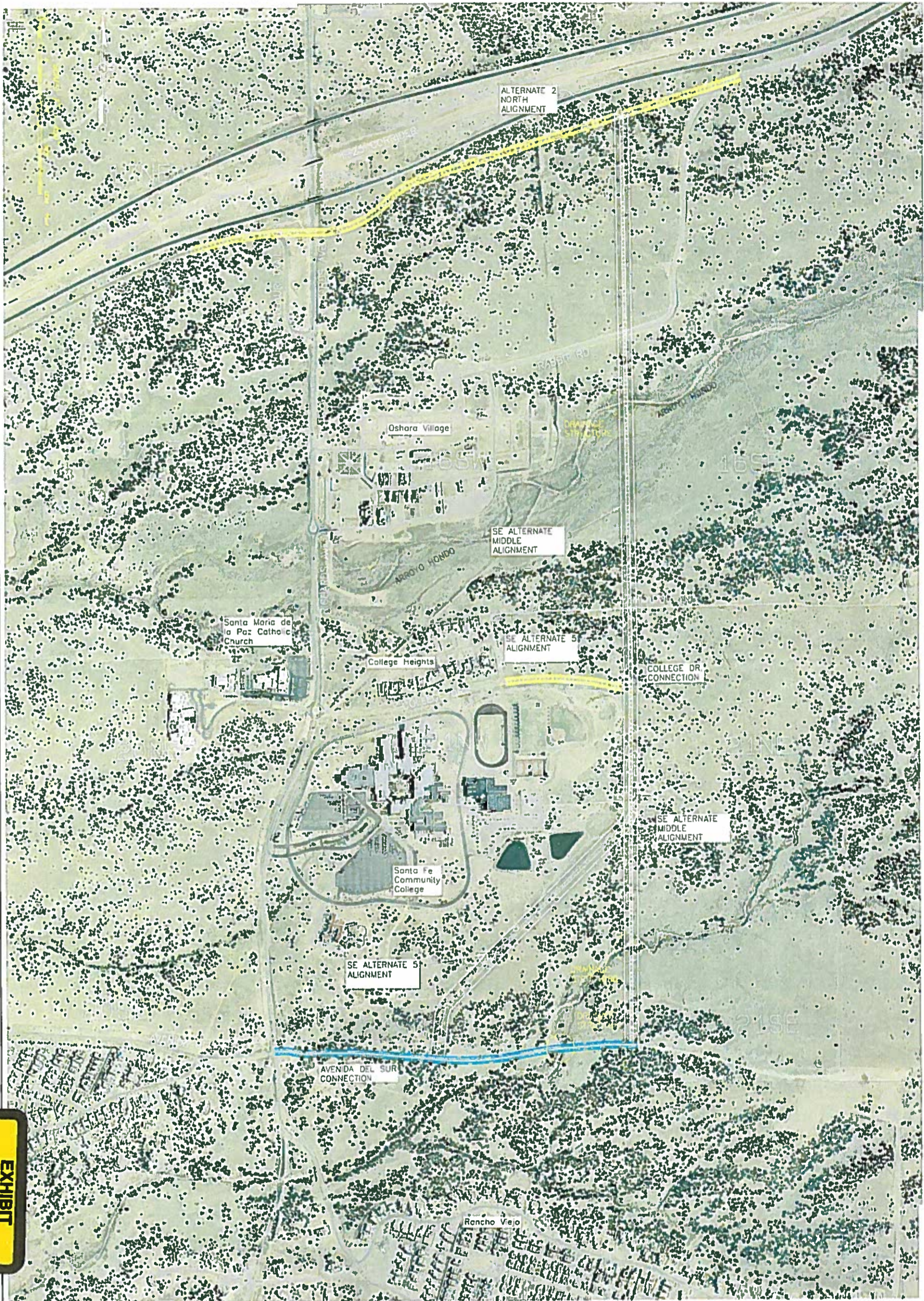
The proposed development shall utilize standard techniques available in order to minimize noise, vibration, smoke and other particulate matter, odorous matter, toxic or noxious matter, radiation hazards, fire and explosive hazards, or electromagnetic interference. The Code Administrator may refer an application to the New Mexico Environment Department for comment concerning the performance standards. If it is determined that the development will create any dangerous, injurious, noxious or otherwise objectionable condition, noise or vibration; smoke, dust, odor, or other form of air pollution, electrical or other disturbance, glare or heat, in a manner which causes a significant adverse impact to the adjacent areas, a plan shall be submitted which states how such conditions will be mitigated.

History. 1980 Comp. 1980-6. Section 4.4.2 was amended by County Ordinance 1990-11. This Section was previously 4.4.3.





# NE AND SE ALTERNATIVES



tabbles  
**14**  
**EXHIBIT**

08A-67

DATE: 01/27/14  
 E-0752-01  
 SHEET: 15



SANTA FE CORRIDOR STUDY  
 PHASE 1-A ALTERNATES  
 ALTERNATES-BASE - NE AND SE ALTS

Santa Fe County		Santa Fe County	
NO	REVISION DESCRIPTION	DATE	BY
1			
2			
3			

DATE: \_\_\_\_\_  
 BY: \_\_\_\_\_



**DECLARATION OF DE-ANNEXATION**

This Declaration of De-Annexation (this "Declaration") is made by Univest-Rancho Viejo, LLC, a New Mexico limited liability company (the "Declarant").

**BACKGROUND RECITALS**

A. Declarant is the Successor in interest to Rancho Viejo de Santa Fe, Inc., a New Mexico corporation, as described in the Assignment and Assumption of Declarant's Rights recorded December 22, 2012 as Instrument No. 1621127, records of Santa Fe County, where Rancho Viejo de Santa Fe, Inc., is the Assignor and Univest-Rancho Viejo, LLC, is the Assignee.

B. Declarant reserved the right to De-Annex certain portions of the property subject to the First Amended and Restated Declaration Covenants, Conditions and Restrictions and for the Village at Rancho Viejo recorded November 2, 1998 in Book 1560, pages 354-391, records of Santa Fe County, New Mexico (the "First Amended and Restated Declaration").

C. This reservation is created by Article 6, Section 6.5 of the First Amended and Restated Declaration and reads as follows:

6.5 De-Annexation. Notwithstanding any other provisions of this Declaration, Declarant shall have the right from time to time, at its sole option and without the consent of any other Person, (except as provided in this Section 6.5), to delete from the Property and remove from the effect of this Declaration one or more portions of the Property, provided, however, that: (a) a portion of the Property may not be so deleted and removed unless at the time of such deletion and removal such portion is owned by Declarant or Declarant executes and Records an instrument approving such deletion and removal. Declarant may exercise its rights under this Section 6.5 by executing and Recording an instrument which identifies the portion of the Property to be so deleted and removed and which is executed by each owner of such portion (if other than Declarant), and the deletion and removal of such portion of the Property shall be effective upon the later of: (i) the date such instrument is Recorded; or (ii) the effective date specified in such instrument, if any, whereupon the portion of the Property so deleted and removed shall thereafter for all purposes be deemed not a part of the Property and not subject to this Declaration, and the owner(s) thereof (or of interests therein) shall not be Owners or Members or have any other rights or obligations hereunder except as members of the general public. No such deletion and removal of a portion of the Property shall act to release such portion from the lien for Assessments or other charges hereunder which have accrued prior to the effective date of such deletion and removal, but all such Assessments or other charges shall be appropriately prorated to the effective date of such deletion and removal, and no Assessments or other charges shall thereafter accrue hereunder with respect to the portion of the Property so deleted and removed. Each portion of the Property deleted and removed pursuant to this Section 6.5 shall thereafter be deemed to be a part of the Annexable Property unless otherwise expressly provided to the contrary in the instrument Recorded by Declarant to effect such deletion and removal.

SEC QUERY RECORDED 03/20/2014



OBA-68







**EXHIBIT A**  
**Plat Book 422, page 5**

SEC CLERK RECORDED 03/20/2014

OBA-70





**DECLARATION OF COVENANTS AND RESTRICTIONS**

This Declaration of Covenants and Restrictions is made this 18<sup>th</sup> day of May, 1999, by  
Rancho Viejo de Santa Fe, Inc., a New Mexico Corporation.

1674777

**RECITALS**

WHEREAS, Rancho Viejo de Santa Fe, Inc., a New Mexico corporation (hereinafter referred to as the "Declarant") is the owner of the real property described in Exhibit A attached hereto (hereinafter referred to as College Heights);

WHEREAS, Declarant is also the owner of The Village at Rancho Viejo as shown on the certain subdivision plat and lot line adjustment plat recorded in the records of Santa Fe County Clerk at Plat Book 389-390, Pages 049-008, as Document No. 1031147, and at Plat Book 389, Page 010-011, as Document No. 1029907 (hereinafter referred to as "Units 1 and 2 of the Village");

WHEREAS, Declarant has subjected Units 1 and 2 of the Village to that certain Declaration of Restrictive Covenants as recorded in Book 1560, Pages 354-391, as Document No. 1560354 (the "Covenants"); and

WHEREAS, Declarant wishes to subject College Heights to the Covenants by this Declaration and include College Heights within the jurisdiction of the Rancho Viejo Master Association.

**DECLARATION**

Now, therefore, Declarant hereby declares that the real property described in Exhibit A attached hereto known as College Heights shall be held, sold, transferred, conveyed, occupied and used subject to the covenants, and Declarant shall hereafter record a separate and individual tract declaration concerning the development of the lots within College Heights.



**CERTIFICATION**

See attached to exhibit and file with it  
Page 1

OBA-72





EXHIBIT A

1674779

COLLEGE HEIGHTS - 86.7 ACRES

Lot 1 as shown on the Land Division plat recorded in the records of Santa Fe County Clerk at Plat Book 352, Page 002, as Document No. 968-719.



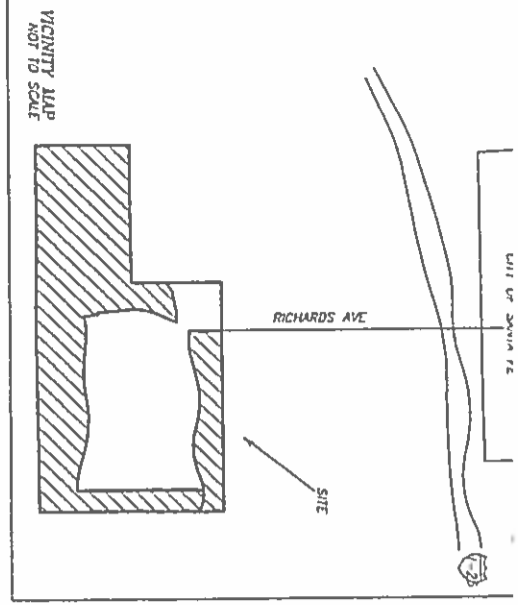
COUNTY OF SANTA FE  
STATE OF NEW MEXICO 10818 SS 129  
This instrument was kind  
and duly recorded in book 1674  
page 777-779 of the records of  
Santa Fe County.

Witness my Hand and Seal of Office  
Rebecca Bustamante  
County Clerk, Santa Fe County, N.M.

Carly Mabe  
Deputy

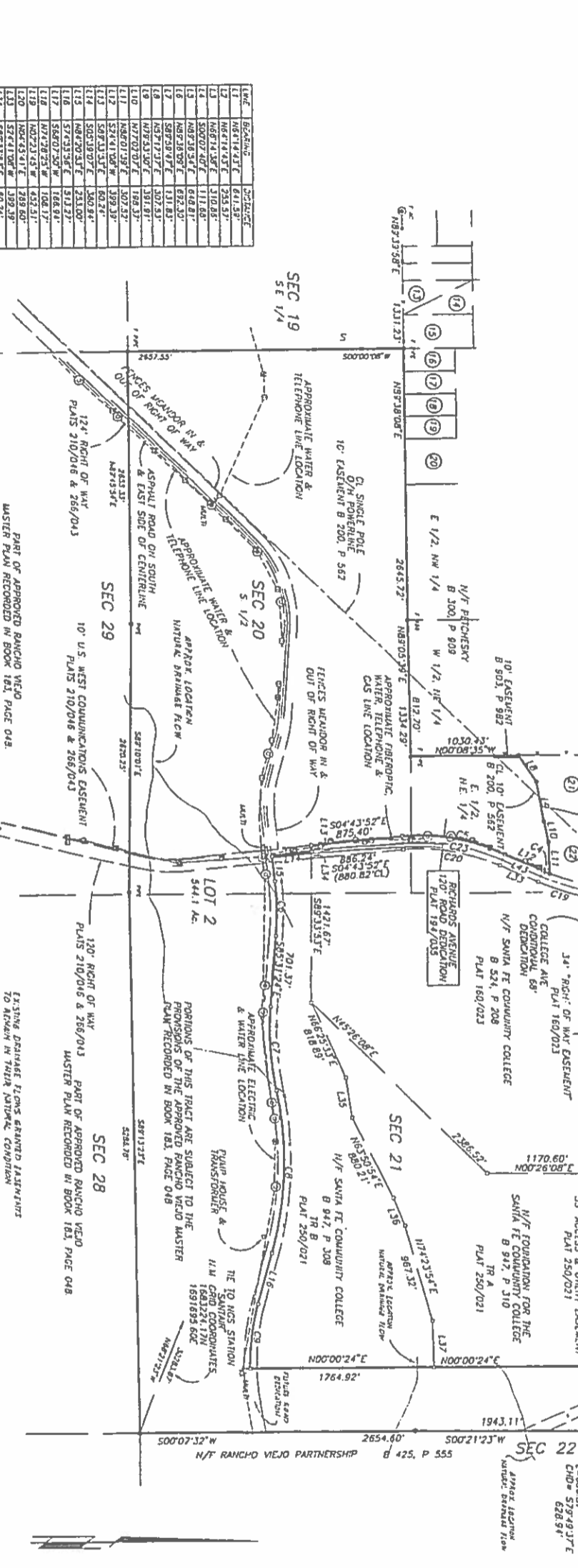
OBA-74





**LIST OF ADDRESS**

OWNER	EST./PLAT	PLAT
12 BUCKS	863/824	G-2
13 BUCKS	871/801	G-2
14 BUCKS	871/801	G-2
15 BUCKS	871/801	G-2
16 BUCKS	871/801	G-2
17 BUCKS	871/801	G-2
18 BUCKS	871/801	G-2
19 BUCKS	871/801	G-2
20 BUCKS	871/801	G-2
21 BUCKS	871/801	G-2
22 BUCKS	871/801	G-2
23 BUCKS	871/801	G-2



LINE	BEARING	DISTANCE
1	N 67° 14' 41" E	611.59
2	N 67° 14' 41" E	233.97
3	N 67° 14' 41" E	310.88
4	S 0° 00' 00" E	111.60
5	N 67° 14' 41" E	648.81
6	S 67° 14' 41" E	648.81
7	S 67° 14' 41" E	307.81
8	N 67° 14' 41" E	307.81
9	N 67° 14' 41" E	307.81
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20	N 67° 14' 41" E	307.81
21	N 67° 14' 41" E	307.81
22	N 67° 14' 41" E	307.81
23	N 67° 14' 41" E	307.81

**LEGEND**

BEARINGS ARE REFERRED TO THE N. M. STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE DISTANCES SHOWN ARE GROUND DISTANCES TO GRID SCALE FACTOR = 0.999588

○ DENOTES REBAR OR AS SHOWN FOUND

○ DENOTES REBAR OR AS SHOWN SET

○ DENOTES CALCULATED POINT NOT SET

○ DENOTES UTILITY POLE

○ DENOTES OVERHEAD UTILITY LINE

○ DENOTES FENCE

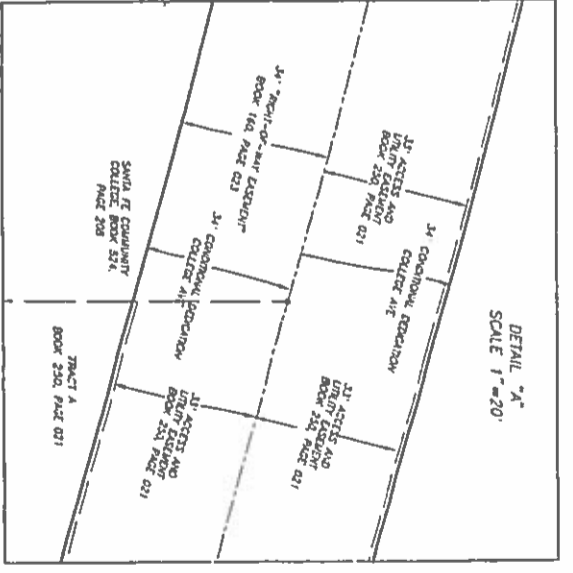
○ DENOTES LATERAL/VERTICAL

○ DENOTES TELEPHONE LINE MARKER

○ DENOTES FLEET OPTIC LINE MARKER

○ DENOTES THE PERIPHERY OF THE LANDS DELT WITH BY THIS PLAT

○ DENOTES INFORMATION ONLY, NOT VERIFIED FOR ACCURACY AND NOT PART OF THIS PLAT.



COUNTY OF SANTA FE  
STATE OF NEW MEXICO

I hereby certify that this instrument was filed for record on the 10th day of October, 1996, and was duly recorded in book 210, page 048, of the records of Santa Fe County.

Witness my hand and Seal of office  
John G. Arnold  
County Clerk, Santa Fe County, N.M.

**REFERENCE DOCUMENTS**

1. RECORDATION PLAT RICHMOND AVENUE CORRIDOR, PREPARED BY TERRA ENGINEERING CONSULTANTS, DATED MAY 1987.
2. DIVISIONS OF LOTS OF RANCHO VIEJO PARTNERSHIP, RECORDED IN BOOK 210, PAGE 048 OF THE RECORDS OF SANTA FE COUNTY.
3. RANCHO VIEJO PARTNERSHIP, RECORDED IN BOOK 210, PAGE 048 OF THE RECORDS OF SANTA FE COUNTY.
4. SUBDIVISION PLAT PREPARED FOR RANCHO VIEJO, RECORDED IN BOOK 230, PAGE 021.

**FACTORY AS SHOWN HEREON**

THIS PROPERTY LIES WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE COUNTY OF SANTA FE, N.M. AS SHOWN ON F.L.R.M. PLAN 350068-0228B, DATED 11-4-88.

THERE ARE HURRICANE RANCHO ACCESS ROADS TRAILS WITHIN THIS PROPERTY THAT ARE NOT SHOWN ON THIS PLAT.

30' WIDE CORRIDOR & UTILITY EASEMENT  
SUBJECT TO RECORDATION BOOK 351, PAGE 620 & 626

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED (OWNERS) HAVE CAUSED TO BE DRAWN THESE PLANS AND INSTRUMENTS WITH THE DEBARS OF SAID OWNERS' UTILITY COMPANIES ARE GRANTED EASEMENTS AS SHOWN TO EXISTING UTILITIES NOT SHOWN. OTHER EASEMENTS ARE GRANTED AS SHOWN. THIS DIVISION CONTAINS 635.292 ACRES, MORE OR LESS PORTIONS OF RICHMOND AVENUE HAVE BEEN PREVIOUSLY DEDICATED TO THE COUNTY BY RECORDATION PLAT PREPARED FOR RANCHO VIEJO, RECORDED IN BOOK 210, PAGE 048 OF THE RECORDS OF SANTA FE COUNTY. THIS PROPERTY LIES WITHIN SECTION 28.1 B OF THE SANTA FE EXTRAJURISDICTIONAL SUBDIVISION REGULATIONS.

THIS DIVISION LIES WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE COUNTY OF SANTA FE, N.M.

RANCHO VIEJO, A LIMITED PARTNERSHIP

BY: E. WEAVER GENERAL PARTNER  
COUNTY OF SANTA FE  
THE FOREGOING INSTRUMENT WAS SHOWN, ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY SAID PARTNER  
E. WEAVER  
BY: M. WEAVER  
AT COMMISSION EXPENSE  
JANUARY PUBLIC

OWNERS:  
SANTA FE COMMUNITY COLLEGE

ON: 10/10/96  
BY: J. G. ARNOLD  
COUNTY CLERK

**APPROVED BY:** [Signature]  
DATE: 10-10-96

**APPROVED BY:** [Signature]  
DATE: 10-10-96

**APPROVED BY:** [Signature]  
DATE: 10-10-96

**APPROVED BY:** [Signature]  
DATE: 10-10-96

**APPROVED BY:** [Signature]  
DATE: 10-10-96

**SURVEYORS CERTIFICATE**

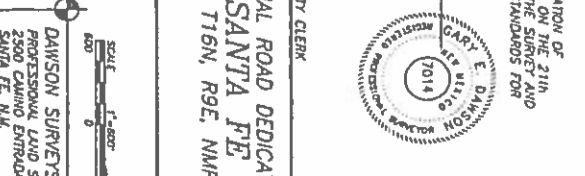
I HEREBY CERTIFY THAT THIS PLAT IS A TRUE REPRESENTATION OF THE LANDS SHOWN THEREON, AND THAT THE SURVEY AND PLAT ARE CORRECT TRUE AND MEET THE MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

CART E. DAWSON, N.M. PLS. 7014

**TITLE AND INTEREST INFORMATION FOR THE COUNTY CLERK**

**RANCHO VIEJO DE SANTA FE**  
WITHIN SECTIONS 20 AND 21, T16N, R9E, NMPM  
SANTA FE COUNTY, N.M.

DAWSON SURVEYS, INC.  
2500 CAMINO ENTRADA  
SANTA FE, N.M.  
DATE: 8-29-96



OBA-75

Glen Smerage, 127 East Chili Line Road, under oath, stated that it was less than a month ago the proponents were asking for 650 high-density residential units plus other things. In the interim, this phase has been scaled back to a single commercial development. He said this strikes him as a typical developer scheme to piecemeal things. The entire project area is 65+ acres of raw land and it should be treated as a whole. He said a comprehensive view is needed to make sure it is harmonious and these different uses relate functionally and architecturally.

There were no other speakers on this case.

Member Katz said he shared the sentiments of the last speaker and was concerned that the project lacked cohesiveness.

Ms. Lucero said the project received master plan approval in 2010 and that overall conceptual plan is within the CDRC member packets. The mixed-use master plan was approved for multi-family, commercial and light industrial. Today's request is to create four parcels in Phase 1. When the site is ready for construction, the applicant will have to return to the CDRC with a development plan.

Member Katz observed that the overall plan allows for virtually anything less a nuclear plant. Ms. Lucero concurred it was an extensive use list that has been approved by the BCC.

Member Gonzales said the request appears to be an economical step necessary for the developer to get the project rolling.

Member Gonzales moved to approve the request and the motion failed for lack of a second.

Member Martin asked if the CDRC could pass a case onto the BCC without recommendation. Ms. Brown responded that is the CDRC's role to make a recommendation to the BCC and encouraged them to craft a recommendation.

Member Katz said he was uncomfortable with the lack of information regarding this phase of the development. He appreciated the fact that sub-developers would be coming forward but the application lacked information and his concern was inconsistent development.

Member Katz moved to deny the application Member Martin seconded and the motion passed by majority [3-2] voice vote with Members Katz, Martin and Booth voting for and Members Drobnis and Gonzales against.

**D. CDRC CASE # Z 13-5380 Elevation. Vedura Residential Operating, LLC, Applicant, JenkinsGavin, Agents, request Master Plan approval in conformance with the Community College District Ordinance to allow a**





**multi-family residential community consisting of 214 residential units on 22 ± acres. The site is located on the north side of College Drive and east of Burnt Water Road within the Community College District, within Section 21, Township 16 North, Range 9 East, Commission District 5**

Mr. Larrañaga presented the staff report as follows:

“This case was on the March 20, 2014, CDRC Agenda as a Master Plan Amendment to the College North Master Plan. This case was tabled from the Agenda at the request of the Applicant. During the review process staff determined that the College North Master Plan had expired. The College North Master Plan, which allowed for 73 single family lots on 90.75 acres, was approved by the Extraterritorial Zoning Authority in 1997 and Phase I of the Master Plan was developed in 1999 as a 20 lot subdivision known as the College Heights Subdivision on 33.84 ± acres.

“Article V, Section 5.2.7 Expiration of Master Plan states: “approval of a master plan shall be considered valid for a period of five years from the date of approval by the Board; Master Plan approvals may be renewed and extended for additional two year periods by the Board at the request of the developer; progress in the planning or development of the project approved in the master plan consistent with the approved phasing schedule shall constitute an automatic renewal of the master plan approval. For the purpose of this Section, "progress" means the approval of preliminary or final development plans, or preliminary or final subdivision plats for any phase of the master planned project”.

“The Applicant is requesting Master Plan approval in conformance with the Community College District Ordinance. The CCDO was adopted on December 11, 2000. The CCDO Land Use Zoning Map designates this site as a Village Zone within a New Community Center which allows for multifamily residential use. The Master Plan would allow a 214 unit multifamily residential apartment community on a 22 ± acre site, which is defined as an eligible use in the CCDO Land Use Table. Density allowed in this area is a minimum of 3.5 dwelling units per acre. The Applicant is proposing approximately 9.7 dwelling units per acre and is in conformance with the CCDO.

“The Applicant has refined their plans to relocate the proposed site of the apartments in accordance with the alignment of the proposed Southeast connector. The exact alignment of the Southeast Connector has not been established therefore the actual building site of the apartments may change to coincide with the alignment once it is finalized by the County.

“Article V, Section 5.2.1.b states: “a Master Plan is comprehensive in establishing the scope of a project, yet is less detailed than a Development Plan. It provides a means for the County Development Review Committee and the Board to review projects and the sub-divider to obtain concept approval for proposed development

without the necessity of expending large sums of money for the submittals required for a Preliminary and Final Plat approval”.

Mr. Larrañaga said the application was submitted on December 6, 2013 and revised on March 26, 2014. Building and Development Services staff have reviewed this project for compliance with pertinent Code requirements and have found that the facts presented support this request: the Application is comprehensive in establishing the scope of the project; the Master Plan conforms to the eligible use and density allowed under a New Community Center; the Application satisfies the submittal requirements set forth in the Land Development Code.

Staff recommends conditional approval for a Master Plan in conformance with the Community College District Ordinance to allow a multi-family residential community consisting of 214 residential units on 22 ± acres subject to the following staff conditions:

1. The Applicants shall comply with all review agency comments and conditions, as per Article V, § 7.1.3.c. Conditions shall be noted on the recorded Master Plan.
2. Master Plan with appropriate signatures shall be recorded with the County Clerk, as per Article V, § 5.2.5.
3. A revised Traffic Impact Analysis, showing current road conditions, shall be submitted based on the Southeast Connector at Preliminary Development Plan. Article III, § 4.4.1.5.c

An email in opposition to the development was distributed by staff [*Exhibit 2*].

Jennifer Jenkins, previously sworn, introduced Colleen Gavin with JenkinsGavin Design and Development and Oralynn Guerrerortiz the project civil engineer who were duly sworn.

Ms. Jenkins used a slide presentation that located the 22-acre site, identified that the site within a village zone within the Community College District, noted that residential multi-family is a permissible use in all of the village zones, highlighted the preferred alignment for the proposed new north south minor arterial intended to relieve traffic and congestion on Richards Avenue and serve the Community College District, delineated that in accordance with the Community College District requirements the proposal has 50 percent open space, significant landscaping, pedestrian walkways, collects stormwater for landscape irrigation, has residential amenities, and a proposed donation of property for right-of-way, and illustrated the schematics for utility hookups, etc.

Ms. Jenkins mentioned the amendments to the plan have occurred in working with Santa Fe County staff. She said they have been working closely with staff regarding timing of the southeast connector’s 2016 construction schedule. This multi-family project will be constructed in phases and the southeast connector and this project will be running in parallel time paths.

Ms. Jenkins said Vedula Residential builds, manages and operates luxury apartment communities throughout the southwest and she showed a series of slides of completed projects with pools, fitness facilities, interiors, etc. This is not student housing



for Santa Fe Community College nor is the college involved in the project. This is a market sector, market rate apartment community that is at the high-end spectrum of apartment living. The apartments will rent from \$900 to \$1,400 monthly and emphasized these are professionally run properties with clear occupancy rules.

Ms. Jenkins said this area is designated as the primary growth area in Santa Fe County and it is an economic development issue. Stating she serves as the chair of the Regional Development Corporation Board whose sole mission is economic development in northern New Mexico, she stressed that a diverse range of housing options is critical to attracting employers to Santa Fe County. Santa Fe Community College is one of the largest employers in the state and La Entrada Commerce Park is a designated employment center in the Community College District. This project will provide a necessary housing option and she emphasized that is exactly why the Community College District Ordinance permits and encourages multi-housing. Speaking from her own expertise, Ms. Jenkins said this type of project is necessary for the success of Santa Fe County.

Ms. Jenkins referred to a letter in the CDRC packets from attorney Chris Graeser on behalf of the College Heights neighbors and addressed the issues he brought up. She offered to expedite the plat and deed the property prior to going before the BCC. This is not a rezoning, the property is already zoned. Citing the CCDO, "...all properties are zoned for the uses allowed in the Land Use Table." In response to another point Mr. Graeser brought up about the restrictive covenants for Rancho Viejo, Ms. Jenkins said the subject property has been de-annexed and provided a Declaration of De-annexation [*Exhibit 2*], dated March 20, 2014.

With a site map, Ms. Jenkins identified her neighborhood, the two existing apartment communities, the transitioning development and assured the Committee that property values have not been negatively impacted nor the quality of life by the apartments. A community like Elevation can be in harmony with its surroundings.

Chair Drobnis apologized to the public but said the CDRC will lack a quorum at 6 p.m. Member Martin has an engagement and will leave at 6 p.m. and Member Katz is recusing himself from this case because he is related to an attorney involved.

Ms. Brown encouraged the CDRC to continue the meeting until that time and carry the issue over to the next meeting.

Member Booth said she would have liked to have had the Declaration of De-annexation earlier than this evening. She said the date of the document concerned her. Ms. Jenkins said it is atypical in a project of this size, Rancho Viejo, for undeveloped tracts to be annexed into an association. When it was brought to the attention of the developer, the de-annexation occurred. She said they recognized they were part of Rancho Viejo in terms of the full master plan.

For the record, Member Katz said it was appropriate that he recuse himself from this case. He has a close relative who represents a party in the matter.

A gentleman from the audience stood and announced they were not asking Member Katz to recuse himself. The Chair responded that that was Member Katz' decision.

There were approximately 25 individuals wishing to speak and Chair Drobnis advised the public that the speakers would be limited to two-minutes.

Duly sworn, Al Padilla, 8 Dean's Court, a native of Santa Fe said he was in total opposition to this development. He acknowledged the eloquence of Ms. Jenkins' presentation but said it was not based in reality. The project will impact the community. He said the apartments Ms. Jenkins referred to in her neighborhood had been there long before she arrived.

Previously sworn, Glen Smerage of Rancho Viejo said his eight compelling arguments for denying this proposal were contained in the CDRC packet. The degradation of neighborhoods that occurs with off campus student housing was of great concern. Many good projects are conceived and built and subsequently degraded and even destroyed by the creators. Rancho Viejo is a 13-year-old community built out on virgin ranch land. He urged the CDRC to read his letter. The County has a poor track record in the placement of commercial activities within a residential area.

Mr. Smerage requested that the CDRC deny this proposal and send a recommendation to the BCC that they amend the CCDO and the Sustainable Land Use Code to better protect the community.

Duly sworn, Jerry Wells, Dean's Court, said he worked with the Community College and Santa Fe County to develop a roundabout on Richards Avenue. College Drive has issues and one is that the Richards and College Drive roundabout is rated as a failure. Santa Fe Community College north exit is a traffic hazard. He spoke of the traffic issues and the problems in the event of a wild fire.

Duly sworn, Randy Kretchmer of Dean's Court said he has attended every meeting made available for the community to provide input on this project. He said there were hundreds in attendance. He likened this project to a professional ball game where after the first quarter the referees announce a rule change. He said the project was ramrodded down the throats of the area residents and there have been no sincere recognition of the residents' concerns.

Mr. Kretchmer said this evening was the first they heard of the de-annexation. He read a letter from the Rancho Viejo North Community Association Board of Directors [*Exhibit 3*] expressing their opposition and reasons for opposition to the development and requests the denial of the master plan amendment.

Duly sworn, Chris Schatzman said the commute on Richards Road continues to get worse. Rabbit Road continues to worsen and is exceedingly dangerous. He said Rabbit Road should be addressed before bringing more traffic to Richards Road. The recent de-annexation was "suspicious" and the neighbors have not been given the opportunity to review it. Mr. Schatzman said he was a professional commercial real



estate lender and financed many apartment complexes. During those years he saw many failed apartment projects that as markets changed the actual use and rent schedules changed. This project fails to take that factor into account.

Previously sworn, Ken Vellon asked whether the developer would be paying for the repaving of College Drive and pay for the road improvements to reach the southwest connector; who pays for that?

Ms. Jenkins said the portion of College Drive up to the west side of the southeast connector is the County's project. Everything on the east side connector along the frontage of the apartment community is the burden of the developer. If access is needed to the apartment community prior to the County getting to that point, then the developer will construct that portion on the west side of the southwest connector.

Duly sworn, Susan McGrew, Dean's Court, said the agent's claim that this parcel was de-annexed does not fit with the fact the area residents bought their homes based on the diagram showing 53 individual homes there. She read Vedula's mission statement, "...our company's strategy is simple: never pay more than replacement cost. We buy below replacement cost when markets dip. We build as markets improve and we sell at the peaks." The residents have no way of knowing who the ultimate owner will be and whether the maintenance and upkeep will occur.

Ms. McGrew suggested Vedula and Mr. Thompson find an appropriate area in Rancho Viejo to build the apartment complex.

Duly sworn, native Santa Fean, David Vigil, Dean's Court, said he recently purchased his property in Rancho Viejo and the covenants state the subject area is designated for single-family homes governed by their same rules. This proposal completely diverges from what the covenants state and what residents were sold. He said he was a proud to be a resident of Santa Fe County and as an internal customer of Rancho Viejo he expects more and is opposed to the proposal.

Duly sworn, Pat Perrin, Dean's Court said most of Rancho Viejo opposes this complex and provided staff with signatures attesting to that opposition. She said approving this application is piecemeal zoning and may be grounds for a lawsuit. Without the southeast connector a ground fire would make this complex a deathtrap. Ms. Perrin said this project is inappropriately sited in the middle of a covenanted controlled community.

If approved, the Rancho Viejo North Community Homeowners Association loses more than \$50,000 annually on maintenance fees. And the Association will still have to maintain roads used by the apartment complex. She understood this project had two phases; where is the second phase?

Chair Drobnis apologized that the time was up. He said this item will be first on next month's agenda.

See cc on  
PAGE 3.

March 5, 2014

Ms. Liz Stefanics,  
County Commissioner, District 5  
P.O. Box 720  
Cerrillos, New Mexico 87010

**Re:** Proposed Apartment Development within Rancho Viejo behind the Santa Fe Community College on College Drive, called "Elevation at Rancho Viejo." Project on the County Development Review Committee (CDRC) for March 20. Presentation by Jenkins and Gavin to the Rancho Viejo Community at the Santa Fe Community College on March 10 at 5:30 p.m. (Jemez Rooms).

Dear Commissioner Stefanics:

It is our understanding that you prefer email, but we could not send the attached list of more than 300 signatures opposing this project, easily by that means. (**See Attachment A.**)

Last year, we were told in three meetings that this proposed apartment complex was to be built in two phases on an extension of quiet College Drive, which borders the College on the North, to ultimately total an estimated 400 units. These apartments represent a huge departure from Rancho Viejo's design and concept.

This year, the major change appears to be starting the project with 200 units 1/4th of a mile further over from our mail boxes on Burnt Water Road. (Later, they would finish the apartments right up to Burnt Water road.)

Past SF Community College President Ana Guzman, invited us to a community meeting and surprised us with the information that the complex would be filled with students--most likely foreign students.

Although it is billed as a luxury development with club house and pool, we view it as a potential "party palace" in our quiet neighborhood. (The club house and pool are a further irritant because our developer Univest promised Rancho Viejo residents a Club and a pool but never built them.) And the college has a huge pool only yards away.

Further complicating the situation, according to Jenkins Gavin--the local Public Relations firm fronting this development--this property is in the process of sale to Vedula Residential, 6720 Scottsdale Road, Suite 109, Scottsdale, AZ 85253. Bruce Hart is the main partner involved, according to Warren Thompson of Univest.

This land is currently Master Planned by the County for 60 single family residences which is far more appropriate for this neighborhood and in line with



OBA-82



what we were promised when we bought our homes.

This project would certainly lower the property values on Dean's Court. Rancho Viejo developers (Univest, and others) sold housing in Rancho Viejo with the assurance that it would be occupied by homeowners and governed by covenants and associations. A sale of this parcel should not change the contract under which we purchased homes.

We oppose apartments in this neighborhood because of loss of views due to the heights of this complex, traffic, noise, headlights which eliminate our night sky concept, the lack of the completed Southeast Connector (which in the event of a ground fire virtually traps us on College Drive--there is only one way in and out), the traffic impact on Richards, and the fact it presents the perfect site for potential drug and criminal problems.

We are reviewing the traffic impact study paid for by the developers and we are aghast at the findings. We have traffic experts among us and they find this study deeply flawed.

We have discussed that the ideal place for apartments, would be next door to our new Fire Station. The Station represents some law enforcement and such a complex would have immediate access to Route 14 as well as be walking distance to college, reducing the traffic impact on Richards. It would be some distance from our single family homes. It would be more likely to attract a variety of residents rather than just students.

We do not oppose student housing constructed on the College and supervised by the College.

We control our residents through homeowners associations. Apartment dwellers have no such associations. Young students can quickly bring down the condition of apartment structures since they do not understand maintenance. Once this project is developed, we know it will be immediately sold and possibly not well managed. One look at the police blotter for the apartment complexes on Airport Road, is enough to cause deep concern.

While respecting Univest's right to sell or develop this particular parcel, we do not endorse any changes to the Master Plan to permit apartments on College Drive because this kind of density is a far fetched deviation from our community plan.

Sincerely,

Concerned Residents for Smart Development  
concernedrvhos@gmail.com  
99 Via Orilla Dorado,  
Santa Fe, NM 87508

OBA-83

cc: Penny Ellis-Green, Growth Management Administrator, County of Santa Fe,  
P.O. Box 276, Santa Fe, NM 87504-0276

Dan Drobni, Chair of the County Development Review Committee and District 5  
Representative, 102 Grant Ave., Santa Fe, 87501-2061

OBA-84



Rancho Viejo Against Apartment Complex Petition

**Petition to the County Board of Supervisors regarding a proposed Rancho Viejo Community apartment complex on College Drive**

--Whereas those who now own homes in the Rancho Viejo Community purchased their homes with the understanding that Rancho Viejo would be a community of homeowners and,

--Whereas the residents of Rancho Viejo have a voice and accountability through homeowners associations and,

--Whereas Rancho Viejo is dedicated to the concept of preserving the nighttime sky and an apartment complex would have to be well lighted for security and,

--Whereas the roads, streets and infrastructure of the Rancho Viejo community are not sufficiently developed to support dense populations and,

--Whereas crime has been high in Santa Fe apartment complex areas,

**Those signed below oppose revisions to the Master Plan to insert apartment buildings into or next to existing developed Rancho Viejo community homes.**

Name	Address
<u>PAUL WRENN</u>	<u>163 E CHILI LIME RD, SANTA FE, NM 87502</u>
<u>ELEANOR O. BOVE</u>	<u>922 ACEQUIA MADRE SANTA FE 87501</u>
<u>Cliff Poir</u>	<u>922 ACEQUIA MADRE, SANTA FE 87501</u>
<u>Walter G. Johnson</u>	<u>54 VIA PUNTO NUEVO SF 87508</u>
<u>JASON JOHNSON</u>	<u>54 VIA PUNTO NUEVO SF 87508</u>
<u>Dennis Green</u>	<u>42 JOHNSON MESA SF 87508</u>
<u>Susan Woesch</u>	<u>7 Rocky Slope Dr. SF 87508</u>
<u>Terrell Gumbert</u>	<u>50 Victorio Peak SF 87508</u>
<u>Donna Beemerhart</u>	<u>50 Victorio Peak SF 87508</u>
<u>Glenn A. Buehler</u>	<u>5 CALLE AGUA CLARA, SF NM 87508</u>
<u>Patricia Jones</u>	<u>#5 Calle Agua Clara</u>

**Petition to the County Board of Supervisors regarding a proposed Rancho Viejo Community apartment complex on College Drive**

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--Whereas crime has been high in Santa Fe apartment complex areas,

**Those signed below oppose revisions to the Master Plan to insert apartment buildings into or next to existing developed Rancho Viejo community homes.**

Name	Address
<u>Susan McGrew</u>	<u>3 B Deans Ct., SF, NM 87508</u>
<u>Pat E. Ferrin</u>	<u>10 DEANS CT. SF NM 87508</u>
<u>Elizabeth Kerr</u>	<u>1 Canyon Ln 87508</u>
<u>James Kerr</u>	<u>6555 S. Richards Ave</u>
<u>James Kerr</u>	<u>6555 S. Richards Ave</u>
<u>MARK H. GALLAGHER</u>	<u>1 MATRUE PL. SANTA FE 87508</u>
<u>Paul Mann</u>	<u>163 E CHILI LINE RD, SANTA FE NM 87501</u>
<u>Randall Schutz</u>	<u>6 Shiprock Peak, SF, NM 87508</u>
<u>Juanita L. Cleburn</u>	<u>27 E Chili Line Rd</u>
<u>Richard Cleburn</u>	<u>" " " " "</u>
<u>Ken Brandall</u>	<u>4 Whitewater Ct</u>



(AGAINST) 2

Wendy

LINDA WILLIAMS

ROSALIE LOPEZ

Tom O'Brien

Marguerite Hatch

John Hatch

Lisa Louch

LARRY WRIGHT

DON SOF-CHALK

Patricia Morianty

Dennis Green

BARBARA MILLER

Laura Corbin

JORDAN MILLER

VAN E. Liming

Maggie Liming

Hip M<sup>c</sup>Ca

Peggy McCoy

Paula Daub

Hanna P. Fernandez

Yakima Fernandez

Solamea Fernandez

Gilda Fitzpatrick

9- Gallin Peak Rd

4 PURPLE CROW PL

2 SHIPROCK PEAK

3 Fireheart Pl.

4 Fajada Wash

4 Fajada Wash

38 Devoy's Peak St

83 Johnson Mesa

11 W. Chen Peaks

3 Big Bear Place

42 Johnson Mesa

45 JOHNSON MESA

42 Johnson Mesa

45 JOHNSON MESA

51-D Cañada del Rancho

51-D Cañada del Rancho

3 Conestoga Trl

3 Conestoga Trl

40 E. Chile Lane

4 Eyle Peak

u u u

u u u

3 Corte Patricia

AGAINST

ROBERT & ELAINE CARSON	175 E. CHILI LINE RD.
Mary Kay Baulton	3 Bucking Horse Ct.
Randy Cautcher	12A Deans Ct
Karin Gebin	12A Deans Ct
Eme Margaleis	15 Reeds Peak
Jim R. Com	2 Cimarron Ridge Dr.
STEVEN MORIARTY	3 Big Bear Pl 87508
Beverly Brunson	4 BASKET MAKEUP
Lynn Jochen	22 Cumbres Pass
Frederick P. Wright	32 E Chili Line Rd
W. French	12 Eumeclio Pl.
Richard Byrne	4 Shannon Ct
Barbara Aran	5 Pajarito Peak
Kenneth Aran	5 Pajarito Peak
Deborah Harmon	2 Broken Rock Place
Barbara Anderson North	76 Canada del Rancho
Carla Beene	2 Conestoga
Mary Beene	2 Conestoga Trail
David & Dee Dee Vigil	6 A Deans Ct
Jack Hartz	5 Softwynd
Pat Gioia	5 Softwynd
Sandra L. Sloger	15A W Chili Line Rd
ROBERT J ANDREOTTI	15A W CHILI LINE



AGAINST

Tom SCHRIMPF

9 ANGEL PEAK

Bob Hassel

22 GRASSLANDS TR

JAN MARTINEZ

22 GRASSLANDS TRAIL

Dimitri Michalos

15 Withers Peak

Anke Michalos

15 Withers Peak

TIM MANNINEN

23 VICTORIA PEAK

Elle Jensen

431 Canada del Rancho

Mary S. Hatola

4 Julia Court

Mark Fuller

2 Mule Deer Road

LAWGTON PUCUILLUCH

3 CINDERELLA PASS

JACQUE MCANILUCH

3 CINDERELLA PASS

Charles O'Donnell

2B Deans Ct

Karen O'Donnell

2B Deans Ct

Cathy Doren

6 Broken Rock Pl.

MANFRED LAERDIE

7B DEAN CT

Jeanne Schurz

34 Canada del Rancho

Sandy Lemon

11 Softwynd Drive

Stanis Harlman

15 E. Chili Line

Dora Harlman

15 E. Chili Line

LAURA TRUJILLO

6 CAPITAL PK.

Bette Knott

3 Well Tank Rd

Paul Lujan

2A Deans Ct

Del Del Vigil

4A Deans Ct

ROBERT & DENI DALTON  
 Florence Knight  
 Judy Linn  
 C. J. [unclear]  
 Leo Duncan  
 Nancy Duncan  
 Robert Duran  
 Adeline C. Younger  
 Allan Turner  
 Diane Brown  
 Mary McElroy  
 Marion [unclear]  
 Walter / Peggy [unclear]  
 CHERYL Buscitt  
 PAUL LEHMAN  
 ANGELA LEHMAN  
 KAREN LANKFORD  
 KELLY SKNERLOS  
 Kathleen [unclear]  
 Vicki Schaefer  
 Jean McKinney

9 [unclear] Pass  
 32 E Chili Line Rd  
 20 [unclear] Rd  
 2 Pin Cushion Pl  
 9 B Deans Ct  
 9 B Deans Ct  
 12 PEARIE Crest Dr  
 12 PEARIE Crest Dr  
 3 Socorro Ct  
 1 Balada Pl.  
 2 [unclear] Canyon Dr  
 7 Spirit Run Pl  
 19 Firerock, Rd  
 15 [unclear] Pass  
 27 E Saddleback Mesa  
 5 REEDS PEAK  
 7 Reeds Peak  
 7 Reeds Peak  
 2 HUNTERS PASS  
 2 HUNTERS PASS  
 Dean's Court  
 99 Via Grilla Nevada  
 9 [unclear] Place

<del>Joseph P. Kelley</del>	4 Conestoga Trl
Dorothy A. Kelley	"
Kathleen A. Morgan	29 Brilliant Sky Ln
Eddie Hirouaka	5 Avenida Oso Ct
Teiko Hirouaka	5 Avenida Oso Ct
Rosemary Strout	41 Victoria Peak
Elizabeth Martin	26 Devoy's Peak
Mark Udoby	7 Sobradere Dr
Kay Greene	14 Cañada del Rarcho
Jospeh Gonzalez	6 Eagle Peak
Alexis Gonzalez	6 Eagle Peak
Cheryl Lewis	15 ENM 3 <sup>rd</sup> Place
Mary Ann	7 Saffron Ln
Sara Jimenez	
Paula Doane	83 Johnson Mesa
Linda Hull-Weske	57 Via St. Ignace
Susan Mayes	16 Mesa Pino
Steven Mayes	16 Mesa Pino
Susie Knight	7 Gray Hawk
Karl Johnson	↓
David Gorcey	8 Prairie Crest Dr
Diane Gorcey	8 Prairie Crest Dr



AGAINST

Charles McKittrick

Beth Detert

Demmet Pachler

PEDRO PACHLER

Maria Pope

Rodger Pope

Monica Pimental

Jeff Moorhead

Richard Furlong

Christa Furlong

Nancy Uvalle

Ivan Orobóres

Linda Rundell

Thomas Leming The O.S.

~~Patricia~~ LINDA KONE-

DOUG KONEW

Jimmy Smith

Ed Smith

Dore Dalton

KIM SONG

Robert Hagen

Mildred Lewis

Marion Peshlak

6 Blue Wing Lane

11 Craftsman Rd

215 E CHILI LINE RD

215 E. CHILI LINE RD

4 Bear Mountain

4 Bear Mountain

8 Legacy Park

10 PEAR MOUNTAIN

6 Redoubt Peak

6 Redoubt Peak

17 Firerock Rd.

81 Cañada del Rancho

11 Well Tank Rd

4 Sabadora Dr.

26 PANTHER PEAK

26 PANTHER PEAK

14 Cañada del Rancho

15 Johnson Mesa

4 Cameron Pass

9 Fireheart Lane

7 FIREHEART PL

81 Johnson Mesa

81 Johnson Mesa

Anji Estrellas  
Laura Parker  
Julie Good  
Kate Bonbee  
~~Russell Bonner~~  
Sylvie Romero  
Kristin Chancellor  
USA GULOTTA  
BETH HUNDLEY  
Barbara Mohon  
Amy Milder  
Henry Freund  
Patricia L. Williams  
Eldon E Brown  
Lisa K. Rawlings  
J. Peppard-Combes  
J. H. Condes  
Zun Zun (Loren Testa)  
Carmen Lopez  
Clinton Coffman  
KW Mully  
Pamela G  
~~Wesley~~

11 Bajada Place  
2 Poppy Place  
14 PANTHER PEAK  
14 Panther Peak  
130 E Chili Lin Rd  
130 E Chili Lin Rd  
21 E. Chili Lin Rd,  
4 GRAYHAWK Place 87508  
1 COYOTE WASH  
26 Reeds Peak SF. 87508 505-501-3610  
1 Coyote Wash 87508  
1 Reeds Peak 87508  
169 E. Chili Rd 87508  
169 E Chili Rd 87508  
78 Johnson Mesa Santa Fe, NM 87508  
2 Sobradora Dr. Santa Fe, NM 87508  
"  
6 Horse Peak, 87508  
47 Victorio Peak  
2 ALEGRE PASS  
18 Cimarron Pass  
2A Dean's Ct.  
6B Deans Ct

AGAINST

LEE Morgan  
 Frank Dickson  
 Robert J Karea  
 KAI QU  
 Karen Donovan  
 DARLENE FRAZER  
 JORDAN MILLER  
 BARBARA MILLER  
 Marianne Tenenbaum  
 Deborah Senters  
 Bill Senters  
 Patricia Padilla  
 Debra DeLeon  
 Jerry R. Miller  
 Cal E. Capen  
 TERI BUHL  
 Wanda J. Miller  
 Kenneth Vellan  
 Robert Garcia  
 Harold J. ...  
 FRANCISCO LOPEZ  
 STEPHEN HUNT

29 Brilliant St, V.  
 2 Big Bear  
 181 E. Chili Line Rd  
 8 Bajada Place  
 155 Rancho Viejo Blvd  
 9 ANGEL PEAK  
 45 JOHNSON MESA  
 45 JOHNSON MESA  
 4 BLUE WING PLACE  
 15 Prairie Crest  
 15 Prairie Crest  
 18 Prairie Crest  
 3 RED THORN PL  
 14A DEANS CT.  
 39 E Chile Line Road  
 219 E. CHILI LINERD.  
 1 CAPITAL PEAK  
 Kenneth.Vellan@WFAVISORS.COM  
 joslyabob@earthlink.net  
 18A DEANS CT  
 FLopez3951@aol.com  
 18 B DEANS CT. SF 970-313  
 19A DEANS CT, SF, NM 97508



Rancho Viejo Against Apartment Complex Petition

Fuller Drane

Rosalie Lopez

Charles Brown

Janita Stee Paul

Steven & Patricia Moriarty

Sydney Young

Philomela Teelley

Garry Nelson

Mavis Holman

Grace Dana Hailman

David Yates

John Hatch

Mary + Bernie Faiz

Kathleen Berant

Diane Williams

Cathy Doern

Jane Lubinski

SARA Kennedy

Jiri Kennedy

Hilma van Hemmen

Conrad Kocan

NORD PETERSEN

Robert Duran

83 Johnson Mesa

2 Shiprock Peak

83 Via Orilla Dorado

2 Sallera Peak

3 Big Bear Pl

Cibola Mesa

1 Woodflower PL

1 Woodflower PL

15 E Chili Line Rd

15 E Chili Line Rd.

8 West Saddleback Mesa

4 Farida Wash, SE. 87508.

25 Reeds Peak 87508

79 Calle Agua Clara

73 Calle Agua Clara

6 Broken Rock Pl.

3 Cuernavaca Pass

16 Bear MTN

"

4 WINDSTONE R

112 Via Orilla Dorado

4 WINDSTONE RD.

3 Socorro Ct.

Rancho Viejo Against Apartment Complex Petition

Jennie Olsen	95 Via Orilla Dorado
Jaime Schneider	99 Via Orilla Dorado
Ina Masam	144 Rancho Viejo Blvd
Sara Haring	102 Via Orilla Dorado
Mary Helbert	9 PASO LUNA BIANCA
Robert Zanni	87 Via Orilla Dorado
Quil Davis	87 Via Orilla Dorado.
John Hatch	4 Fajada Wash, Rancho Viejo
Mimi Hatch	" " " "
Martin Katz	30 Army Ridge Road.
Janet Paul	2 Gallina Place
Steve Paul	"
Linda McIlroy	14 Cimarron Pass
Glen Smerage	181 E Chili Line Rd. 87508
Bruce Blair	1 Paso Luna Blanca 87508
Joan Peppatt-Lombes	2 Sobradora Dr.
Jim Peppatt-Lombes	"
Arlene YOUNGER	1 Bajada Place
JOHN INGER SEITZ	34 SOBRADORA DR.
James + Elizabeth	655 S. Richards Ave
Linda Williams	4 Purple Crow Place
Tom O'Brien	3 Firehearth Place
LARRY WILSON	83 Johnson Mesa
Al Bouch	4B cañada del Rancho

Rancho Viejo Against Apartment Complex Petition

Loreeni Reitano	58 Johnson Mesa 87508
Margaret Boych	3 Crows View PL-
James Fry	57 E. Chili Line
Jule Ferrera-Clarke	74 Johnson Mesa
<del>Justin Clarke</del>	74 Johnson Mesa
Marianna Steingrueck	219 E. Chili Line Rd.
Olii Suhl	219 E. CHILI LINE RD.
David Ferrera	6 Siskiyewas Dr
Kristin Chancellor	211 E. Chili Line Rd
Steve Chancellor	211 E. Chili Line Rd
Terri Manuelli	23 Victoria Peak
Anna Bacc	30 Canada del Rancho
Mike Orr	30 CANADA del Rancho
Robert J. Keres	181 E. Chili Line Rd
Judy S. Keres	181 E. Chili Line Rd.
Sue Estay	19 Grassland Tr
Thayne Cooper	131 E. Chili Line Rd
Martin Katz	30 Arroyo Ridge Road
Wendy Katz	30 ARROYO RIDGE RD



Rancho Viejo Apartment Complex Petition

**Petition to the County Board of Supervisors regarding a proposed Rancho Viejo Community apartment complex on College Drive**

--Whereas those who now own homes in the Rancho Viejo Community purchased their homes with the understanding that Rancho Viejo would be a community of homeowners and,

--Whereas the residents of Rancho Viejo have a voice and accountability through homeowners associations and,

--Whereas Rancho Viejo is dedicated to the concept of preserving the nighttime sky and an apartment complex would have to be well lighted for security and,

--Whereas the roads, streets and infrastructure of the Rancho Viejo community are not sufficiently developed to support dense populations and,

--Whereas crime has been high in Santa Fe apartment complex areas,

**Those signed below oppose revisions to the Master Plan to insert apartment buildings into or next to existing developed Rancho Viejo community homes.**

Name	Address
<u>Rhonda G. Williams</u>	<u>46 Camino Dimitria, SF NM 87508</u>
<u>Wanda Moon</u>	<u>34 Vista Precioso, SF NM 87507</u>
<u>Sue Wittman</u>	<u>1286 Chestnut, SF NM 87507</u>
<u>[Signature]</u>	<u>1620 Bertha Dr SE 87501</u>
<u>[Signature]</u>	<u>409 Canyon Rd Suite 205</u>
<u>[Signature]</u>	<u>4621 Cactus Flower Santa 87507</u>
<u>[Signature]</u>	<u>203 Calle San Simon SF 87505</u>
<u>[Signature]</u>	<u>203 Calle San Simon Santa Fe, NM 87501</u>
<u>[Signature]</u>	<u>151 Gonzales Rd #18 SF 87501</u>
<u>[Signature]</u>	<u>1109 Don Quixote Ln Santa Fe, NM</u>

Robert Kroutil

3 Wall Tank Road

Gary Lee Nelson

1 Woodflower Place

Rancho Viejo Apartment Complex Petition

**Petition to the County Board of Supervisors regarding a proposed Rancho Viejo Community apartment complex on College Drive**

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--Whereas the roads, streets and infrastructure of the Rancho Viejo community are not sufficiently developed to support dense populations and,

--Whereas crime has been high in Santa Fe apartment complex areas,

Those signed below oppose revisions to the Master Plan to insert apartment buildings into or next to existing developed Rancho Viejo community homes.

Name

Address

[Signature]

2508 Camino San Patricio, SF 87505

[Signature]

8 Sandia, Santa Fe 87508

[Signature]

3704 Valmora Road SF 87505

[Signature]

1896 LORRA DR. 87505

[Signature]

50 Cibola Cir. 87505

[Signature]

35 Humada Dr. 87506

[Signature]

723 Gonzales Rd, Santa Fe 87501

[Signature]

1600 Ben Hur Dr. SF NM 87507

[Signature]

2903 Cortez del Petro SF NM 87505

[Signature]

112 San Salvador Ln, SF NM 87501

[Signature]

33AB South Fork SF NM 87505



AGAINST

Cyril Hilley

Stanley Rosen

Peter Gould

Marsha Drennon

Frank

Frank O'Johnson

Jean Stuck

Jean Stuck

TIM MANNINEN

Steve Land

Barbara Butcher

NANCY ARMSTRONG

5 Jimsonweed Ct SF 87508

7 FINE WOOD PL 87508

18 Cibola Peak, pgouldlaw@gmail.com

3 Julia Court

29 Echelon Park

2 Big Bear Pl.

177 Devils Ct S.F.

912 Devils Ct

23 VICTORIO PEAK

1 Meane Pass

11

2 PIN CUSHION PL

March 7, 2014

Jerry & Carol Wells  
14A Deans Court  
Santa Fe, NM 87508

County Land Use Administrator  
P. O. Box 276  
Santa Fe, NM 87504-0276

Dear Sir or Madam:

This letter is in response to Legal notice #96592 published in the Santa Fe New Mexico on February 27, 2014 regarding a public hearing on an amendment to the College Master Plan on 56.91 acres for the development of an multifamily residential community.

As we will be unable to attend the hearing on the 20<sup>th</sup> day of March 2014 we are writing to voice our concerns and objections to this development.

Univest-Rancho Viejo proposed this development over a year ago at which time we voiced our objections to this development as it would substantially increase traffic on College Drive and it was a change in the original design of the neighborhood from single family housing to multifamily rental housing. The original proposal submitted by Univest-Rancho Viejo was to build two multifamily rental housing units in two phases each development consisting of approximately 240 housing units. The proposal was marketed as a "Luxury" apartment complex.

After receiving considerable opposition to these plans, Univest-Rancho Viejo altered their plans and presented a proposal very similar to the current proposal. Once again the Community voiced opposition to this plan.

At a meeting in the fall of 2013 a meeting was held to establish a Community/Developer joint task force for purposes of addressing many of the issues voiced in our opposition to this development. At the end of the meeting we were informed that this proposed development was not included in this new joint task force as the College Drive property was being sold to Vedura Residential Operating LLC.

We are now told that this sale has not been completed and it appears that Univest-Rancho Viejo is a partner in the proposal.

OBA - 102 -

Our original opposition to this development has not been resolved. Our issues are the increase in traffic on College Drive, the change from single family owner occupied homes to multifamily rental units.

We do not believe these rental units will be "Luxury" apartments as it is quite evident that they are intended as student housing for SFCC.

Our concerns with student housing is the fact that College students do not maintain the property, have late night parties and are constantly traveling back and forth to social events, work, school, friends houses etc. We have rented to College students in a College town and know the ramifications of renting to College students.

The traffic study presented assumes that the traffic on College Drive will not increase significantly. It is unknown how many automobiles the study assumes for each apartments but I would expect no fewer than at least two per unit and considering the residents would in all likelihood be students, I would expect some units would have up to four automobiles per unit.

The multifamily rental housing is proposed assuming the South East Connector runs west of the proposed site. As the developer probably is working with the county to make that happen, it may relieve some of the traffic concerns, but not as many as the traffic study seems to imply.

The multifamily rental housing is only a short distance from a significant archaeological site. Knowing young adolescent children tend to wonder off to explore unoccupied areas of the surrounding areas to the homes, I would expect this site is at risk.

The proposal as submitted leaves open the question of the second multifamily rental units and would in fact increase traffic substantially above the projections.

It may be noted that the round about at Richards and College Drive is rated as a failure. While it is true the South East Connector may help the rating on this roundabout, it would still be rated at a failure or near failure rating with the rental units.

As a homeowner in College Heights, I must follow the covenants established by the Rancho Viejo Homeowners associations. These covenants protect homeowners rights, rights which the multifamily rental units will not be required to follow.

We live in a natural dry land environment which is highly flammable and easily destroyed by wildfires, unplanned pedestrian, bike and off road vehicle trails.

As a final issue, we find it unreasonable for multifamily housing to be allowed a swimming pool when residents of Rancho Viejo are not allowed to have swimming pools and which saves our valuable water resources. The pool would make the multifamily rental units for College students even more attractive for late night parties with significant use of alcohol and drugs.

ORA-103



We ask that you require this section of land be developed as originally platted in the Master Plan and as presented to the residents of College Heights at the time they purchased their single family homes.

Sincerely,



Jerry Wells



Carol Wells

CC: Liz Stefanics, Commissioner

OBA-104

## Jose Larranaga

---

**From:** Dennis & Dona Hoilman <hoilmanhouse@yahoo.com>  
**Sent:** Tuesday, March 11, 2014 11:54 AM  
**To:** Jose Larranaga  
**Subject:** Re: Proposed Apartment Development in Rancho Viejo

15 East Chili Line Rd  
Santa Fe, NM 87508  
Email: [hoilmanhouse@yahoo.com](mailto:hoilmanhouse@yahoo.com)  
Phone: 505 473-2205

Dear Mr. Larranaga,

Thank you for returning our call so promptly. We appreciate your efficiency and courtesy very much and are glad to know that you are the proper and expected person to whom we should address our objections to the proposed development of an apartment complex in Rancho Viejo.

This proposed development would require changes to the Rancho Viejo master plan; we most strongly object to any changes at all in the original plan, and especially to the proposed construction of an apartment complex on College Drive just north of Santa Fe Community College.

We bought our house on the promise that the Rancho Viejo Master Plan would be honored permanently. Now the developers are seeking to void the original plan and build a commercial apartment rental complex in our community. Doing so will inevitably change the nature of Rancho Viejo, lowering our property values, further clogging our already too congested traffic access (a major problem already), creating serious security concerns, polluting our land and night sky, playing havoc with our beloved views, ultimately depleting our water supply and over-stressing our sewers leading to increased assessments for all residents of Rancho Viejo.

Of additional concern to residents of Rancho Viejo is the proposed sale of this development property to a Scottsdale firm which has a dismal record as far as maintaining its developments and its commitment to the communities which those developments disrupt.

But whether this sale materializes or not, the proposed changes in the master plan provide absolutely NO BENEFITS for current residents--only an intolerable degradation of the community and life style that we presently enjoy and that were prime factors in our choice of Rancho Viejo as a place in which to live.

The only motivation for the proposed changes is corporate greed, and all residents of Rancho Viejo will be the victims should the Development Board and/or the County Commission approve them. We have heard rumors that this is a "done deal," but hope that this is NOT THE CASE.

Sincerely,

Drs. Dennis R. and Grace Dona Hoilman

**TO: COUNTY DEVELOPMENT REVIEW COMMITTEE (CDRC)**

**RE: Proposed Apartment Development within Rancho Viejo behind the Santa Fe Community College on College Drive, called "Elevation at Rancho Viejo". This project is currently on the County Development Review Committee (CDRC) agenda for your March 20, 2014 meeting.**

March 11, 2014

Dear Commissioner Stefanics:

Univest, the current owners of Rancho Viejo have, for some time now, proposed to build a more than 400-plus unit apartment complex in the College Heights area of Rancho Viejo (just north of the Santa Fe Community College campus).

All of the many hundreds of individuals and families who have bought our homes here in the Rancho Viejo community, bought them with the specific developer promises that this was to be a carefully planned community of individual family homes. The "Elevation at Rancho Viejo" proposal, on its most basic level, is a total violation of the original representations made to all of us when we purchased our homes here.

The large Rancho Viejo community can only be accessed by using one of three, narrow two-lane roads: Rancho Viejo Blvd., Richards Avenue and Rabbit Road (which cuts through the Oshara Village community and comes out again on Richards Avenue). Rancho Viejo Blvd. is a narrow, twisting, unlit two-lane road with no shoulders and only a couple of tiny pull-off areas. Richards Avenue is also a two-lane road, and will always be only a two-lane road as it is crossed by the two I-25 bridges and the Railrunner Bridge (preventing any future road widening).

Last Summer, many of us attended a presentation of a roadway and traffic study that was commissioned by Santa Fe County, in conjunction with the New Mexico Department of Transportation and the Federal Highway Administration. At the beginning of this presentation by Occam Consulting Engineers, one of the very first statements made by the presenters was (quote), "Richards Avenue is MAXed out". There are, as you know, proposals being considered by the County to create "connector" roads in and out of Rancho Viejo which supposedly will allow more traffic, but all that these connectors will accomplish is to shunt vehicles from one portion of these MAXed out roads to other areas farther down these same roads.

OBA-107



Although Uninvest (owners of Ranch Viejo) have originally made this apartment development proposal, we have since learned that Uninvest now proposes to sell this idea and land to an Arizona developer: Bruce Hart, Vedura Residential, 6720 Scottsdale Road, Suite 109, Scottsdale, Arizona 85253. This effort is being fronted by Jenkins Gavin, a local Public Relations/Design firm. Vedura's business model is to build apartment complexes at the lowest possible cost, and move on. They have no stake or interest in this community other than the money that they will reap from it. Although this development is being represented as a "luxury" development, the previous President of Santa Fe Community College, Ana Guzman, announced in a public meeting that this complex will be filled with students! If we want to know what kind of neighbors apartment complexes have brought to Santa Fe previously, all we need do is look at the Santa Fe Police blotters in relation to all of the apartment complexes currently on Airport Road.

- ❖ We have paid a premium to live in a planned community, governed by covenants and homeowner associations. This proposed development is a blatant violation of the representations originally made to us, and such a development will be under no obligation to be bound by any such governance.
- ❖ The traffic studies commissioned by Santa Fe County, the New Mexico Department of Transportation and the Federal Highway Administration have clearly proven that the roads which access Rancho Viejo are already totally inadequate. Knowing that many individuals and families own more than one vehicle it is absurd to believe that the roads here can possibly accommodate the addition of many hundreds more vehicles that would be a part of a 400-plus unit apartment development. The proposed future "connector" roads do not offer a solution, they simply serve to shunt traffic from one part of an over-crowded roadway to another part of the same roadway.
- ❖ Approving "Elevation at Rancho Viejo" or any other similar development will permanently and adversely alter the entire Rancho Viejo community by creating destruction of valuable wild-land and animal habitat, unimaginable and permanent traffic congestion, major pollution (in many forms), significant risk of additional crime, and emergency entrance and exit access issues.

This proposal is only driven by financial greed. It does not represent any perceived or real need of this community. It is being driven by people who have no interest in the well-being of people in this community, as well as a possible developer who does not even live in this State, and I urge that this proposal (or anything vaguely resembling it) be permanently rejected.

OBA-108

Respectfully,

**Bruce Blair**

1 Paseo Luna Blanca

Santa Fe, New Mexico

(La Entrada – Rancho Viejo)

cc:

Penny Ellis-Green at [www.santafecountynm.gov/growth\\_management](http://www.santafecountynm.gov/growth_management)

Jose Larranaga-Case Manager at [joselarra@santafecountynm.gov](mailto:joselarra@santafecountynm.gov)

Eunice Vicki at [concernedrvhos@gmail.com](mailto:concernedrvhos@gmail.com)

OBA-109.

## Jose Larranaga

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**From:** jan@hassel-usa.com  
**Sent:** Tuesday, March 11, 2014 11:57 AM  
**To:** Penny Ellis-Green; Jose Larranaga  
**Subject:** Master Plan change proposed for Rancho Viejo

March 11, 2014

Penny Ellis-Green, Growth Management Administrator

Julia Valdez, Constituent Services Liaison District 5

Santa Fe County – via email

**Re:** Proposed Apartment Development within Rancho Viejo behind the Santa Fe Community College on College Drive, called "Elevation at Rancho Viejo." Project on the County Development Review Committee (CDRC) for March 20.

Dear Ms. Ellis-Green and Ms. Valdez:

Last year my husband and I attended meetings regarding the proposed apartment complex referenced above. As residents of Rancho Viejo for ten years, we continue to be very concerned about the negative impact these apartments would have to our property values and the enjoyment of our home and our neighborhood.

We believe that the current master plan for the community should remain in place. It is what we agreed to when we purchased our home. It was well planned and does not seem to warrant amendment, except to bring Vedura Residential, who plans to purchase the new property, a financial opportunity. This Arizona company does not have a stake in our community or a long-term incentive to maintain the community quality over time. We believe the complex will become mostly student apartments, which is significantly different from the single family dwellings approved in the current Master Plan.

We believe the traffic study purchased by the developers that indicated the new plans would not adversely impact traffic was seriously flawed. Since there is only one road in and out of the area, more traffic compounds the traffic snarl one can easily witness every day at 5:00 and could represent a serious hazard in the event of a fire.

We realize the Board must be fair and impartial in their decision and that the developer has the right to develop the parcel in question, but believe that following the current Master Plan without changing it is the fairest approach for all interested parties. The developer has other property that would be much more suitable for such a complex without impacting an established neighborhood.

Thank you for taking our concerns into account.

Sincerely,

Jan Martinez and Bob Hassel

22 Grasslands Trail

Santa Fe, NM 87508



## Jose Larranaga

---

**From:** Penny Ellis-Green  
**Sent:** Tuesday, March 11, 2014 10:57 AM  
**To:** Jose Larranaga  
**Subject:** FW: Proposed change to rancho viejo master plan (CRDC hearing March 20)

---

**From:** lance tunick [mailto:tunick@vsci.net]  
**Sent:** Tuesday, March 11, 2014 9:42 AM  
**To:** Jose Larranaga; Penny Ellis-Green; Liz Stefanics  
**Subject:** Proposed change to rancho viejo master plan (CRDC hearing March 20)

Greetings:

I am writing to express my strong opinion as regards an issue to be heard next Thursday, March 20 before the County Development Review Committee -- changes to the Rancho Viejo Master Plan.

The land owner and developer are together seeking a change to the Master Plan in order to build an apartment development within Rancho Viejo behind the Santa Fe Community College on College Drive, called "Elevation at Rancho Viejo." This land is currently platted and recorded with the county for a small number of single family residences.

I am not writing to express my total opposition to the project. Rather, I am writing to do my best to see that the project, if approved, is done in a sensible and neighborhood-sensitive fashion. The mess of Oshara Village and Richards Avenue must never be repeated. The Rancho Viejo owner, Univest, displays virtually no concern for aesthetics and community issues (I can only imagine that money is their sole driving force). This means that government must be extremely mindful of the rights of Rancho Viejo residents and of the quality of life impacts that development inevitably has.

If the Master Plan amendment were eventually approved, there **MUST BE CONDITIONS attached to the change**; these conditions must include:

- Limitation on the usage of the parcel of land east of Burnt Water Road and west of the proposed apartment site. This land should be open space. Otherwise, we will be back before the CRDC in the near future with someone wanting to put more apartments on this small parcel.
- Limitations to protect vistas (height limits)
- VERY careful traffic control (stops sign, speed bumps, limitations on heavy truck traffic)
- Tree planting, wall construction and other measures along College Drive to reduce noise pollution in the existing College Heights neighborhood
- Meaningful light pollution ordinances and ENFORCEMENT of same.

Rancho Viejo has strictly-enforced covenants designed to improve quality of life. The proposed apartment complex cannot be permitted to do an end-run around these restrictions.

**MOST IMPORTANTLY, however, permitting construction of this apartment development to start *before* the Southeast Connector road is completed would be a frightening case of putting the cart before the horse.** Construction traffic, noise, dust etc. on Richards and College Drive would be horrendous if all construction vehicles had to use those roads in order to go to and from the construction site. Richards is already a nightmare. That the developers wish to start construction sooner rather than later is simply a consideration which must bow to the reasonable needs of the community. Build the Connector road first.

**And as regards the Southeast connector:**

--surely we have learned from the traffic mess that is called Richards Avenue that poor planning leads to lousy roads; and that a plethora of sign pollution does not solve the problem;  
-- from what I have seen and heard (from the developer), there is no planned turn-off from the Southeast Connector directly into the Community College. Rather, all CC traffic would exit the Connector at College Drive and enter the CC through the existing North Entrance. This is insane. A condition to approval must be a CC turn-off leading directly into the CC from the East. The proposed pathway for the Connector is only 100 yards from the parking lots at the CC. It is hard to imagine any financial or political excuse that could justify not requiring such a CC turn-off on the Connector.

Thank you for this opportunity to express my views.  
Sincerely,

Lance Tunick  
14-B Deans Court  
Santa Fe NM 87508  
Cell -- +505 570 1845

**Jose Larranaga**

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**From:** Penny Ellis-Green  
**Sent:** Tuesday, March 11, 2014 10:57 AM  
**To:** Jose Larranaga  
**Subject:** FW: REJECT MPA 13-5380

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**From:** Gary Lee Nelson [<mailto:gnelson@oberlin.edu>]  
**Sent:** Tuesday, March 11, 2014 9:09 AM  
**To:** Penny Ellis-Green  
**Subject:** REJECT MPA 13-5380

Dear commissioner Stefanics,

As a homeowner in Rancho Viejo North and a conscientious voter in Santa Fe County, I am writing to express my STRONGEST OPPOSITION to MPA 13-5380 that will come before you on March 20.

The Univest plans for a 400+ multi-story high-density apartment complex in College Park will simply destroy the residential character of that neighborhood and Rancho Viejo as a whole. It will cost us millions in lost property value that will eventually be reflected in county tax revenues.

In particular, it will increase the already too-dense traffic on Richards Avenue. There have been traffic studies contending that traffic Richards Avenue will be fine but SFCC anticipates a doubling of enrollment in the near future and Univest is planning a high-density "employment center" on the corner of Richards Avenue and Avenida del Sur. Do the studies take these plans and the inevitable increase in traffic flow into consideration?

There are alternative sites for the apartment complex and the employment center within the extensive property holdings of Univest. There is land near Route 14 where a large number of commercial enterprises already exist. This location is convenient to I-25 and Route 599 so that the increased traffic can be handled from all directions NSEW without additional cost for roads. It is also convenient to the new and proposed commercial development of Cerrillos Road as it approaches I-25.

The new fire station is nearby this alternate site. Has the commission considered the increased cost of additional staff and equipment that would be needed in either plan?

The proposed NS connector will not provide such access in the proposed plan. People from the east might use the connector via Rabbit Road but Richards Avenue will remain the most convenient route for all other directions. Furthermore, the connector does not include new entrances to SFCC that would draw traffic away from existing entrances from Richards.

What about disaster evacuation routes? The alternate site is already close to 599. That would leave Richards Avenue for Rancho Viejo residents to escape wildfires and flooding.

What about crime? Bringing more people into Rancho Viejo will inevitably increase crimes of opportunity.

What about water? Yeah, what about water?

I urge you to reject this poorly-conceived proposal. Send it back to Univest with your strongest opinion that plans for the apartment complex and the employment center be reconsidered and revised in the interest of all concerned – Univest, SFCC, Rancho Viejo residents and, most of all, the county as a whole.

Gary Lee Nelson

1 Woodflower Place

Rancho Viejo

Santa Fe County, NM 87508

440.522.4278



## Jose Larranaga

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**From:** Penny Ellis-Green  
**Sent:** Tuesday, March 11, 2014 10:57 AM  
**To:** Jose Larranaga  
**Subject:** FW: Opposition to Master Plan in Rancho Viejo/Univest

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**From:** Chad Gasper [mailto:CGasper@SantaFeCF.org]  
**Sent:** Tuesday, March 11, 2014 9:13 AM  
**To:** Penny Ellis-Green  
**Subject:** Opposition to Master Plan in Rancho Viejo/Univest

Per Julia Valdez, Commissioner Stefanic's liaison, I am forwarding my concerns to you concerning the changes in the master plan of Rancho Viejo by Univest – I plan to attend the meeting but wanted to voice my concerns in writing as well.

Thank you for your time.



Chad Arthur Gasper  
Development and Donor Services Associate  
Santa Fe Community Foundation  
501 Halona St  
Santa Fe, NM 87505

(505) 988-9715 Ext. 7020

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**From:** Julia Valdez [mailto:javaldez@co.santa-fe.nm.us]  
**Sent:** Tuesday, March 11, 2014 9:06 AM  
**To:** Chad Gasper  
**Subject:** RE: Opposition to Master Plan in Rancho Viejo/Univest

Mr. Gasper,

I am Commissioner Stefanics' liaison. She has asked me to explain why it is important that she may not communicate with you concerning this pending land use application.

**EX PARTE**

Land Use applications come before the Board of County Commissioners and are a quasi-judicial proceeding. The Board acts like a judge in a court of law. Decisions must be based solely on the law and the facts presented to the Board in a fair and impartial way.

Communicating with the Commissioners about the case at this point or trying to influence their decision would be an impermissible *ex parte* communication. They cannot go on record as supporting or opposing the application in advance of the vote by the full BCC. If she did take a position in advance of the hearing, she would have to recuse herself from further participation in the case.

However, you can present your views to the Growth Management Administrator. This is proper, expected, and very effective. The Administrator and her staff will take your view into consideration when developing the case for consideration. Your position is summarized in staff documents and all the information you forward to the Administrator is included in the record of proceedings. You can also appear at the hearing and present testimony concerning the application.

You can contact Penny Ellis-Green, Growth Management Administrator, (505) 986-6221, [pengreen@santafecountynm.gov](mailto:pengreen@santafecountynm.gov).

Please feel free to contact me if you have any other questions.

Sincerely,

*Julia*

Julia Valdez

Constituent Services Liaison District 5  
Santa Fe County Manager's Office  
505.986.6202  
[www.santafecountynm.gov](http://www.santafecountynm.gov)



Conserve resources

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**From:** Chad Gasper [<mailto:CGasper@SantaFeCF.org>]  
**Sent:** Tuesday, March 11, 2014 9:05 AM  
**To:** Liz Stefanics  
**Subject:** Opposition to Master Plan in Rancho Viejo/Univest

Good Morning Ms. Stefanics,

I purchased my home 8 years ago under strict guidelines on maintenance of my property, and because of these strict guidelines I have been able to enjoy the peace and quiet and the beauty of the night sky out in Rancho Viejo. Additional homes to Rancho Viejo, specifically apartment complex's geared toward college students is not ideal, especially under the guise we were sold our homes – I was once a college student and lived off campus and know the potential of what/may/will happen, specifically with parties, additional traffic, noise, littering, police complaints. If the Santa Fe Community College is in favor of these apartments then they should build on the campus itself where they can regulate the apartments, like the homeowners associations regulates us with association fees and guidelines.

--We bought our homes with developer promises that we would be part of a community governed by covenants and homeowners associations. A high density apartment complex in our midst has no such obligations. Land owners in Univest own other land that would be much more appropriate for such a development... near the Fire Station.

--The proposed location for the Elevation apartment complex will generate much more traffic on already congested Richards Road. Until the Southeast Connector is completed, the traffic for these apartments will be forced on to Richards.

--This development negatively impacts us with noise, dust, and car headlights plus parking lighting that destroy our concept of night skies. This high density housing development is a huge departure from our Master Plan of single family residences and we oppose any changes to it.



Chad Arthur Gasper  
Development and Donor Services Associate  
Santa Fe Community Foundation  
501 Halona St  
Santa Fe, NM 87505

(505) 988-9715 Ext. 7020

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*Nonprofits have until the end of March to sign up for Give Grande New Mexico, our state's first day of crowd-sourced giving. Visit the [website](#) or email [info@givegrandenm.org](mailto:info@givegrandenm.org) for more information.*

Ms. Liz Stefanics,  
County Commissioner, District 5  
P.O. Box 720  
Cerrillos, New Mexico 87010

Dear Ms. Stefanics,

Last year it came to our attention that Vedula Developers and Uninvest were working together to change the Master Plan at the county level. This is a Proposed Apartment Development within Rancho Viejo behind the Santa Fe Community College on College Drive, called "Elevation at Rancho Viejo." Project on the County Development Review Committee (CDRC) for March 20.

I am writing because I am opposed to this Master Plan change and ask that you save the college master plan as it is. Allowing 214 apartments to be built is unethical, not well thought out (for many reasons from environmental to traffic issues); and sadly being considered for the money—not the well intent of the Santa Fe community.

The SE connector is also a real concern and needs to be questioned why it is being built when if we were doing real long term thinking of our community and college expansion, then we would build a connector at the far end of the college campus rather than its now considered placement (a quarter of a mile away from the college) suggested at the March 10<sup>th</sup> meeting.

The timing of building a road connector as well as a development complex perhaps was not thought through. We are being told that the road will begin to be laid down in 2016 yet the construction of whatever project gets the go ahead will start BEFORE the road is completed.

Considering the traffic issues already on Richards road, it makes no sense that we would impact the road even more with big equipment, trucks etc and even have a greater impact on traffic, congestion and safety issues if there is a need to evacuate quickly.

I know that you will stand by the larger Rancho Viejo community that is against this major change to the Master plan. Please note our concern and hesitation in making this major change to an already completed plat that has been documented and what all residents receive when purchasing their property.

Please do the right thing!

Sincerely,

Karin Lubin  
12A Deans Court  
Santa Fe, NM 87508

OBIA-119



## Jose Larranaga

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**From:** Deanna Hagan <dee.hagan@live.com>  
**Sent:** Tuesday, March 11, 2014 10:53 AM  
**To:** Jose Larranaga  
**Subject:** RE: Case MPA13-5380

I live on Richards Ave and i want to vote NO to any changes of the Master Plan that we agreed to originally in Rancho Viejo. Too much cogestion with traffic, noise, and hiding the sites of the mountains. I will not honor any changes what so ever. Thanks Deanna Hagan 6551 Richards Ave.

## Jose Larranaga

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**From:** lance tunick <tunick@vsci.net>  
**Sent:** Tuesday, March 11, 2014 9:42 AM  
**To:** Jose Larranaga; Penny Ellis-Green; Liz Stefanics  
**Subject:** Proposed change to rancho viejo master plan (CRDC hearing March 20)

**Categories:** Red Category

### Greetings:

I am writing to express my strong opinion as regards an issue to be heard next Thursday, March 20 before the County Development Review Committee -- changes to the Rancho Viejo Master Plan.

The land owner and developer are together seeking a change to the Master Plan in order to build an apartment development within Rancho Viejo behind the Santa Fe Community College on College Drive, called "Elevation at Rancho Viejo." This land is currently platted and recorded with the county for a small number of single family residences.

I am not writing to express my total opposition to the project. Rather, I am writing to do my best to see that the project, if approved, is done in a sensible and neighborhood-sensitive fashion. The mess of Oshara Village and Richards Avenue must never be repeated. The Rancho Viejo owner, Uninvest, displays virtually no concern for aesthetics and community issues (I can only imagine that money is their sole driving force). This means that government must be extremely mindful of the rights of Rancho Viejo residents and of the quality of life impacts that development inevitably has.

If the Master Plan amendment were eventually approved, there **MUST BE CONDITIONS** attached to the **change**; these conditions must include:

- Limitation on the usage of the parcel of land east of Burnt Water Road and west of the proposed apartment site. This land should be open space. Otherwise, we will be back before the CRDC in the near future with someone wanting to put more apartments on this small parcel.
- Limitations to protect vistas (height limits)
- VERY careful traffic control (stops sign, speed bumps, limitations on heavy truck traffic)
- Tree planting, wall construction and other measures along College Drive to reduce noise pollution in the existing College Heights neighborhood
- Meaningful light pollution ordinances and ENFORCEMENT of same.

Rancho Viejo has strictly-enforced covenants designed to improve quality of life. The proposed apartment complex cannot be permitted to do an end-run around these restrictions.

**MOST IMPORTANTLY, however, permitting construction of this apartment development to start *before* the Southeast Connector road is completed would be a frightening case of putting the cart before the horse.** Construction traffic, noise, dust etc. on Richards and College Drive would be horrendous if all construction vehicles had to use those roads in order to go to and from the construction site. Richards is already a nightmare. That the developers wish to start construction sooner rather than later is simply a consideration which must bow to the reasonable needs of the community. Build the Connector road first.

### And as regards the Southeast connector:

--surely we have learned from the traffic mess that is called Richards Avenue that poor planning leads to lousy roads; and that a plethora of sign pollution does not solve the problem;

OBA-121

-- from what I have seen and heard (from the developer), there is no planned turn-off from the Southeast Connector directly into the Community College. Rather, all CC traffic would exit the Connector at College Drive and enter the CC through the existing North Entrance. This is insane. A condition to approval must be a CC turn-off leading directly into the CC from the East. The proposed pathway for the Connector is only 100 yards from the parking lots at the CC. It is hard to imagine any financial or political excuse that could justify not requiring such a CC turn-off on the Connector.

Thank you for this opportunity to express my views.  
Sincerely,

Lance Tunick  
14-B Deans Court  
Santa Fe NM 87508  
Cell -- +505 570 1845

**Jose Larranaga**

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**From:** Jim&Elizabeth Kerr <ekerr22@gmail.com>  
**Sent:** Tuesday, March 11, 2014 9:11 AM  
**To:** Jose Larranaga  
**Subject:** Case #MPA13-5380

Please vote this down. Water is my main concern but traffic congestion is going to be a problem. Please do not change our master plan in Rancho Viejo.

Thank You,

Jim Kerr

6555 S. Richards Ave

Santa Fe, NM 87508



## Jose Larranaga

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**From:** Janice McAninch <jan.mcaninch@gmail.com>  
**Sent:** Tuesday, March 11, 2014 8:45 AM  
**To:** Liz Stefanics  
**Cc:** Jose Larranaga  
**Subject:** College Drive Project

Dear Commissioner Stefanics and CDRC Jose Larranaga,

It comes as no surprise that the residents of Rancho Viejo and College Heights are upset about the projected development of an apartment complex which is compromising.

Traffic on Richards Road is already maxed out.

This violates our community standards and CC&R's which was specifically for single family homes.

Students in apartments would have no vested interest in maintaining these guidelines for quiet and dark sky nights.

There are three covered pools in the Fitness Center of SFCC.

An outdoor pool at 7000 feet is ridiculous, especially with 60 mph winds potentially emptying it with a mini tsunami.

Univest may be selling the property to be exempt from any CC&R constraints; however, Vedula's reputation is not one of quality structures or concerns for the long run.

IF SFCC wants student housing, it should be on their campus and part of their responsibilities.

Traffic then could be bikes around the campus and less impact on Richards Road.

We do hope you will consider these issues as paramount to continuing a quality of life in this area.

Sincerely,

Langdon P McAninch &  
Janice A McAninch

## Jose Larranaga

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**From:** Gayle Evezich <gevezich@gmail.com>  
**Sent:** Tuesday, March 11, 2014 8:00 AM  
**To:** Liz Stefanics; Jose Larranaga  
**Subject:** Opposition to Proposed Apartment Development with Rancho Viejo - Elevation at Rancho Viejo

**Categories:** Red Category

March 11, 2014  
Ms. Liz Stefanics,  
County Commissioner, District 5  
P.O. Box 720  
Cerrillos, New Mexico 87010

**Re:** Proposed Apartment Development within Rancho Viejo behind the Santa Fe Community College on College Drive, called "Elevation at Rancho Viejo." Project on the County Development Review Committee (CDRC) for March 20. Presentation by Jenkins and Gavin to the Rancho Viejo Community at the Santa Fe Community College on March 10 at 5:30 p.m. (Jemez Rooms).

Dear Commissioner Stefanics:

I am writing to convey my deep opposition to this development since I cannot attend the March 20 meeting. We have an almost complete consensus within our community against this development, with a significant number (in the hundreds) showing up at any meeting relating to this issue, and with more than 300 signatures on a petition opposing this project.

Last year, we were told in three meetings that this proposed apartment complex was to be built in two phases on an extension of quiet College Drive, which borders the College on the North, to ultimately total an estimated more than 400 units. These apartments represent a huge departure from Rancho Viejo's established design and concept.

This year, the major change appears to be starting the project with 200 units 1/4th of a mile east of our mail boxes on Bumt Water Road.

Past Santa Fe Community College President Ana Guzman, invited us to a community meeting and surprised us with the information that the complex would be filled with students, validating our concern about the target market for the complex. Although it is billed as a luxury development with club house and pool, we view it as a potential "party palace" in our quiet neighborhood. The Community College already has a pool.

Further complicating the situation, according to Jenkins Gavin—the local Public Relations firm fronting this development—this property is in the process of sale to Vedula Residential, 6720 Scottsdale Road, Suite 109, Scottsdale, AZ 85253. Bruce Hart is the main partner involved, according to Warren Thompson of Univest.

Vedula's business model is to construct apartment complexes at the lowest cost possible, and move on (see their website <http://vedurareidential.com/home/>). In a well planned and sustainable community this seems more than simply opportunistic. This company does not have a stake in the community or long standing commitment to maintaining the quality over time.

This land is currently platted and recorded with the county for a small number of single family residences, which is far more appropriate for this neighborhood and in line with what we were promised when we bought our homes.

This project will negatively impact the quiet enjoyment of our homes, and quality of life that we paid a premium for at time of purchase, and what is considered valuable to anyone living in Rancho Viejo. Rancho Viejo developers (Univest, and others) sold homes in Rancho Viejo with the assurance that it would be occupied by homeowners and governed by covenants and associations. A sale of this parcel would change the contract under which we purchased homes.

We also oppose apartments in this neighborhood because of loss of views due to the heights of this complex, traffic, trash and noise. There would be significant light pollution from traffic and from exterior lighting in parking lot and common areas, as well as the pool and other public areas. This is inconsistent with Rancho Viejo's tightly enforced lighting covenants designed to improve quality of life and respect the night sky ordinance in effect in the county.

The lack of the completed Southeast Connector (which in the event of a ground fire virtually traps us on College Drive—there is only one way in and out), the traffic impact on Richards, and the fact it presents the perfect site for potential drug and criminal problems.

At the community meeting with Jenkins-Gavin last night (March 10) we were informed that once the connector road is constructed, College Drive will have to be extended and that will be the route to SFCC's north entrance. SFCC does not plan to have another entrance from directly from the connector which means that all traffic that will be on the Connector will dump onto College Drive. Additionally, the north entrance of SFCC is a poorly designed entrance that is too small to accommodate much traffic. C

We are reviewing the traffic impact study paid for by the developers and we are aghast at the questionable quality of the study and its insufficient and misleading results. We have traffic experts among us and they find this study deeply flawed.

Sufficient consideration was clearly not given to more appropriate sites, where infrastructure is still feasible and cost effective - but without creating a massive impact on existing development. A good example would in the area of the new Fire Station. The Station represents some law enforcement and such a complex would have immediate access to Route 14 as well as close proximity to the college, and would reducing the traffic impact on Richards. It would be some distance from any existing single family homes. And given it is not immediately next to the college, it would be more likely to attract a variety of residents rather than just students. Again, that is consistent with the design and intent of the Rancho Viejo community plan.

We do not oppose student housing constructed on the College and supervised by the College. However, we control our community and quality of life by way of homeowners' associations. Apartment dwellers have no such associations. Young students can quickly bring down the condition of apartment structures since they have no vested interested in maintaining the quality of the structure or environment. Once this project is developed, we know it will be immediately sold and possibly not well managed. One look at the police blotter for the apartment complexes on Airport Road, is enough to cause deep concern.

While respecting Unives't's right to develop this particular parcel, we do not in any way endorse changes to the Master Plan to permit apartments on College Drive. This concept and related density is a far dramatic deviation from our community plan. Rancho Viejo is a community of homeowners, with strict home owner association covenants and guidelines and management. This was not designed or promoted by the developer as a rental community at the time we purchased our homes and made the decision to live in this community.

Sincerely,

Gayle Evezich  
68 Dean's Court

cc: Penny Ellis-Green at [www.santafecountynm.gov/growth\\_management](http://www.santafecountynm.gov/growth_management)

## Jose Larranaga

---

**From:** Penny Ellis-Green  
**Sent:** Friday, March 07, 2014 5:35 PM  
**To:** Jose Larranaga  
**Subject:** FW:

**Categories:** Red Category

For the record

**From:** Lib O'Brien [<mailto:libobrien66@gmail.com>]  
**Sent:** Friday, March 07, 2014 5:00 PM  
**To:** Penny Ellis-Green  
**Subject:**

Dear Ms. Ellis-Green:

I am opposed to any change in the Master Plan regarding the proposed apartment complex north of SFCC for the following reasons. I moved to Rancho Viejo seven years ago from New Jersey and chose Rancho Viejo for it's night skies and minimal daytime noise.

1. There is plenty of land near the fire station (owned by Univest) and would not impact already existing homes. Plus, there is easy access off Rte. 14 that would not cause congestion. In addition, I bought my home with developer promise that we would be part of a community governed by covenants and our homeowners association. A high density apartment complex in our midst has no such obligations.
2. Traffic on Richards Ave. at 8:30 and 5:30 when the college holds so many classes, snakes as far as the light at Governor Miles. Today there was gridlock in the traffic circle by Maria de la Paz...Lenten services mingled with SFCC students. GRIDLOCK! We already have FIVE schools--- Maria de la Paz, Amy Biel, ACT, IAIA and SFCC...WE do not need any more traffic and I fear that the proposed location for the apartment complex will generate more traffic on already congested Richards Rd.
3. I treasure the quiet, the night sky and lack of traffic..the reason I purchased in Rancho Viejo.This development negatively impacts us with noise, dust, and car headlights plus parking lighting that destroy our concept of night skies.
4. WATER....The bold reality is that we in the Southwest are running out of water....we cannot afford to do any more building....we need to renovate what is available so that families can find homes already built.

Please do what you can to confront these issues, with the hope that 1. The builder will stop its plans all together (false hope!) or 2. move to land that does not impact this already congested area.

Thank you for our help in this issue. Elizabeth O'Brien, Ph.D. 6557 S. Richards Ave. SF 87508

Jose Larranaga

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From: JUSTEXECRO@aol.com  
Sent: Tuesday, March 11, 2014 2:54 PM  
To: Liz Stefanics; Jose Larranaga  
Subject: UNIVEST's proposed changes to Rancho Viejo Master Plan

Re: Case #MPA13-5380  
Changes to the MASTER PLAN of Rancho Viejo,  
Santa Fe, NM

No, No, No!

We "contracted" to fulfill our covenants when we bought our homes in Rancho Viejo. The "contract" had another obligation: YOURS. We are not permitted to break ours to you; you should not be permitted to break yours to us!--We bought our homes with developer promises that we would be part of a community governed by covenants and homeowners associations. A high density apartment complex in our midst has no such obligations, and is not what we contracted for.

This development would negatively impact us with noise, dust, and car headlights plus parking lighting that would destroy our concept of night skies, among other unwanted problems. This high density housing development is a huge departure from our Master Plan of single family residences and we oppose any changes to our Master Plan, which your side (even though you may be a new owner) contracted for.

We, in Rancho Viejo, DO NOT WANT CHANGES TO OUR/YOUR MASTER PLAN!

Very truly yours,

Rosemarie Cristello  
11 Emory Pass  
Rancho Viejo,  
Santa Fe, NM



Date: March 12, 2014

TO: Mr. Jose Larrañaga  
Development Review Team Leader  
Santa Fe County

FR: David A. Vigil  
Resident College Heights  
Rancho Viejo

RE: Elevation at Rancho Viejo #MPA 13-5380

Dear Mr. Larrañaga,

I'm writing you today to express my concerns and objections to a proposed master plan amendment to the College North Master Plan affecting the approximate 56.91 acre parcel north of College Drive and east of Burnt Water Rd. Again this issue is returning and again the sediments of many of the Rancho Viejo community including myself are strongly opposed. Let me be clear that this change is going to significantly alter and deviate from our current quality of life. Additionally, the residents of College Heights were sold on the vision that the area in question would eventually be developed into single family homes like ours.

Quality of life, culture and community are all reasons why my wife and I love College Heights. We do our due diligence whenever we purchase properties and the issue of this open space did come to our attention. After doing our research we were confident through the master plan, our HOA covenants and just the basic logistics that a development such as a multi-family housing unit would not be an option. Here we are a few years later dealing with this potential change which brings me to the question. With so much land owned by Univest, why would they choose this area to put a multi-family housing unit? Why would they sell us one thing but propose to deliver another? This is not a good feeling to have. Sure many of us are taking this personal but this is our home. Nobody would appreciate the feeling of misrepresentation. The multi-family housing unit severely deviates from the original vision by which we were sold.

I could get into a variety of reasons as to why this proposal is not a good idea. I will only keep it to a few points to keep it short. First and foremost is the reason that I have previously touched on which is the misrepresentation. This alone should null and void this proposal from going any further. Second is the fact that who is going to govern this multi-family housing unit. As a neighborhood we are governed by HOA covenants. What rules will govern the multi-family housing unit? I see plans and drawings that are contradictory to our existing HOA rules and regulations. To mention a few; no pools are allowed, why is the current plan show a sewer line tie-in to the College Heights existing line (not allowed based on College Heights subdivision disclosure statement), has this project received approval from the architectural review board and use restriction that lots are to be used for single family residential use only. The most important takeaway from our disclosure is health, safety and welfare which states that in the event uses of, activities on, or facilities upon or within the Property, the Tract or any Lot are deemed by the Board of Architectural Review Committee to be a nuisance or to adversely affect the health, safety or welfare of the Owners or Occupant, the Architectural Review Committee may make rules restricting or regulating their presence.

OBA - 129.

I'm a strong believer that our quality of life is significantly going to be adversely affected. Traffic, noise and transiency are all concerns. The fact that a large structure is now going to occupy space originally designed for single family homes is very disappointing. This is obviously an amendment, for this particular area, that cannot be approved or accepted by the Rancho Viejo community.

I do have a background in development and construction. My firm provides engineering services to many projects that people benefit from every day. As a native Santa Fean, it was always a dream of mine to return to Santa Fe after college and contribute back to my community. I'm proud to say that my company employs 17 New Mexicans and we work on projects that make sense and benefit the community. It is disappointing when I hear of a change like this being implemented by a non-local developer with intentions on maximizing the profits for its investors. That is the motto of Vedula Residential Operating, LLC and they proudly announce it on their web page. I was born and raised in this community and I say no to this development thinking that they can make Santa Fe a chop shop. I love my home, community and many family and friends that are part of this community. This proposed master plan amendment should be removed from consideration and I ask that you please share this letter and thoughts with the CDRC. I thank you for your time.

Sincerely,



David A. Vigil

OBA-130

March 12, 2014 email to Jose Larranaga; cc: Penny Ellis-Green & Liz Stefanics page 1 of 2  
..(Note that this attachment to a cover email is a pdf document to make type more readable)..

To: [joselarra@santafecountynm.gov](mailto:joselarra@santafecountynm.gov)

CC: [pengreen@santafecountynm.gov](mailto:pengreen@santafecountynm.gov); [lstefanics@santafecountynm.gov](mailto:lstefanics@santafecountynm.gov)

Subject: Do Not Approve MPA13-5380, Master Plan Amendment for Elevation at Rancho Viejo

Dear Mr. Larranaga:

As someone who has been living in Rancho Viejo for 9 years, I request that you Do Not Approve Case MPA13-5380, Master Plan Amendment for Elevation at Rancho Viejo, 214 Apartments. Reasons for requesting this are as follows (the Case is referred to as the Apartments below):

**1. The County is not allowing sufficient current input from the public on the Apartments**

It's been approximately 1 year since this issue last came up in a public meeting at the County that resulted in the Apartments being postponed until now. Current public input needs to be considered, as plans have changed. The short March 20 meeting is not enough time to consider public input. Especially since the Developer spent months meeting with the County on this. Thus we request you Do Not Approve this Case and do not send it to the Board of County Commissioners for a vote until the County allows and responds to more public input.

**2. The public hasn't received sufficient current input from the County on the Apartments**

In a March 10 meeting we received information from the Developer on the Apartments. But that's just his point of view. The public wants a meeting to know the County's point of view.

**3. The County has not provided sufficient public information on how the SE Connector is integrated into the Apartments plan, key since they're adjacent and increase traffic.**

The last public information meeting about the SE Connector was June 26, 2013. We believe that the SE Connector traffic study did not specifically model projected Apartments traffic. Plus, we understand the study was only for 1 day. Very experienced traffic experts we've consulted warn that such a study is inadequate. We've heard that the Developer may have done some sort of traffic projection for the Apartments; if so, this is less objective than having a third party do such a study. We think our sources are accurate, but we say "believe," "understand," and "heard" because we have gotten all our information from unofficial sources, not the County. *The County needs to provide such Apartments information publicly to show transparency.*

Additional examples of information we need clarification on are:

- Is there a direct entrance onto the SE Connector from the Apartments?
- With increased Apartments traffic, is a roundabout planned at the College North entrance?; no roundabout there = College Drive traffic from Rabbit stalled making a left at that entrance
- Why isn't there a West entrance into the College to reduce more College Drive congestion?
- Why did we 1st see new SE Connector options March 10 at a Developer, not a County meeting?
- Has the County confirmed that the \$5 million bond issue will cover the SE Connector proposed?

OBA-131

At the March 10 meeting with Rancho Viejo residents, the Developer said that one of the two new supposedly-final route options for the SE Connector from the Apartments S to Avenida del Sur curves S Rabbit approximately 45 degrees southwest below the College. The other supposed final option keeps S Rabbit going almost due South. When asked at the meeting what route option was most likely, the Developer said the due South route would be used because the College didn't like the 45 degree southwest route. *Why hasn't the public had the chance to say what it thinks about that route?* It looks like it could be saner and save money.

Rancho Viejo residents have received information about developments on the Apartments in the last 9 months only in a public meeting by the Developer on March 10. Residents have not had a public meeting with the County in those 9 months to present input on the Apartments. Similarly, residents have not had a public meeting with the County in 12 months on the SE Connector that is intertwined with the Apartments. Nor have they had any public meeting opportunity in 12 months to present input to the County on this SE Connector. And the only public meeting they had covering the intertwined SE Connector was from the Developer, not the County, on March 10.

With residents having no public meetings with the County on the Apartments or the intertwined SE Connector in 9 to 12 months, the public has not been afforded enough time to learn about, consider, and comment on the alternatives. *Only in the last 2 days have Rancho Viejo Residents had supposedly up-to-date information on the Apartments and the intertwined SE Connector!* And that information was presented by the Developer, not the County. It looks like the County is only considering comments by the Developer.

County resident opinion on the above topics deserves more attention than a few minutes at long multi-topic CDRC meeting next week and possible coverage of this topic in a similar Board meeting in the next month or so. Do Not Approve Case MPA13-5380.

Thank you for your consideration.

Sincerely,

Paul Wrenn

OBA - 13'

## Jose Larranaga

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**From:** Penny Ellis-Green  
**Sent:** Tuesday, March 11, 2014 3:20 PM  
**To:** Jose Larranaga  
**Subject:** FW: URGENT - MPA 13-5380

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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**From:** jsherre [<mailto:jsherre@att.net>]  
**Sent:** Tuesday, March 11, 2014 3:11 PM  
**To:** Penny Ellis-Green  
**Subject:** URGENT - MPA 13-5380  
**Importance:** High

Dear Ms. Ellis-Green

I am a Rancho Viejo (RV) homeowner in Windmill Ridge. I wish to express my **STRONG OPPOSITION** to MPA 13-5380, which comes before you on March 20.

I, along with many RV home owners are **CONCERNED**, seriously concerned about the so-called "luxurious" apartments to be built in College Park. First, this proposal goes against the core of why most of us bought homes in RV. We chose to spend our funds in what we believe would be a non-dense community surrounded by natural New Mexico beauty. The building of these apartments will be the first step toward destroying the covenant on which we relied. In addition, the cost to affect these changes is likely to decrease property values and increase taxes. Property values will decrease for future buyers will look elsewhere to avoid "apartment communities" and will not want to contend with the traffic. I am already aware of homeowners moving due to increased Richards traffic and the future plans initiated by Univest and the developer, Vendura. Their tax dollars now go to the city of Santa Fe.

In addition, the proposed expansion of SFCC and the "employment center" at the corner of Richards and Avenida del Sur shall increase traffic—despite any relief route or the apartment complex. Not only will the traffic increase, but if a serious wildfires occur in RV, the two routes to safety will be congested to the point that lives will be endangered.

Last evening, we met with representatives of Vendura and gained no answers to our questions or suggestions. The representatives maintained they did not know the details of the developer (their employer) nor that of Univest. As concerned home owners, we were frustrated that a meeting was called, but little, if any, information was made available.

We have requested Univest and Vendura explore other, extensive property holdings of Univest, such as the land near Route 14 where a large number of commercial enterprises already exist. This location is convenient to I-25 and Route 599 so that the increased traffic can be handled from all directions NSEW without additional cost for roads. This location is convenient to the new and proposed commercial development of Cerrillos Road as it approaches I-25 and would not significantly increase traffic on Richards.



Another concern is crime. Currently, RV is peaceful with little crime? Generally, apartment complexes increase the probably of crimes of opportunity. Yet another potential for lowering the value of property and impacting, negatively, future real estate sales.

I, as many other RV homeowners, **urge** you to reject this poorly-conceived proposal. Send it back to Univest with your strongest opinion that plans for the apartment complex and the employment center be reconsidered and revised in the interest of all concerned – Univest, SFCC, and RV residents.

Thank you for considering our concerns,

Sherre Stephens  
3 Lookout Mountain  
Santa Fe (county), NM 87508  
505-570-7470

## Jose Larranaga

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**From:** Vicki Lucero  
**Sent:** Tuesday, March 11, 2014 3:49 PM  
**To:** Jose Larranaga  
**Subject:** FW: Santa Fe County Public Comment Form

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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

**From:** Jennifer LaBar-Jaramillo  
**Sent:** Tuesday, March 11, 2014 3:47 PM  
**To:** Penny Ellis-Green; Vicki Lucero  
**Subject:** FW: Santa Fe County Public Comment Form

Is this re: a case for tonight or CDRC? Please submit with case correspondence.

Thanks,  
Jen

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

**From:** Anonymous [<mailto:kbustos@santafecountynm.gov>]  
**Sent:** Tuesday, March 11, 2014 2:57 PM  
**To:** Kristine Mihelcic; Jennifer LaBar-Jaramillo  
**Subject:** Santa Fe County Public Comment Form

Web form results:

[Anonymous submission]

Comments:

Re: Case #MPA13-5380  
Changes to the MASTER PLAN of Rancho Viejo, Santa Fe, NM

No, No, No!

We "contracted" to fulfill our covenants when we bought our homes in Rancho Viejo. The "contract" had another obligation: YOURS. We are not permitted to break ours to you; you should not be permitted to break yours to us!--We bought our homes with developer promises that we would be part of a community governed by covenants and homeowners associations. A high density apartment complex in our midst has no such obligations, and is not what we contracted for.

This development would negatively impact us with noise, dust, and car headlights plus parking lighting that would destroy our concept of night skies, among other unwanted problems. This high density housing development is a huge departure from our Master Plan of single family residences and we oppose any changes to our Master Plan, which your side (even though you may be a new owner) contracted for.

We, in Rancho Viejo, DO NOT WANT CHANGES TO OUR/YOUR MASTER PLAN!

Very truly yours,

Rosemarie Cristello  
11 Emory Pass  
Rancho Viejo,  
Santa Fe, NM

## Jose Larranaga

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**From:** pateperrin@aol.com  
**Sent:** Tuesday, March 11, 2014 4:21 PM  
**To:** Liz Stefanics; Jose Larranaga  
**Subject:** Opposition to the proposed 214 apartment building complex on College Drive. CDRC Case # MPA 13-5380 Elevation at Rancho Viejo

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

When I retired, I couldn't decide between Sedona or Santa Fe.

I thought, the big Arizona Developers will ruin Sedona because it has such a fragile infrastructure and the Hispanics will protect Santa Fe.

Indeed, the developers have ruined Sedona. In summer, it takes over an hour to drive 5 miles because the roads do not support the traffic.

I now find myself fighting two Arizona construction firms: Univest and Vedura, which want to build what is really going to be student housing in my back yard. And the traffic problems on Richards are mounting.

Please do not allow this construction on College Drive until the Southeast Connector goes in.

We were promised a Master Plan of 60 additional single family homes. We support that. We would even support condos or town homes if we didn't have such traffic problems on Richards.

But apartments, where we have no way to control or communicate with renters, are a nightmare.

The current plan shows a buffer zone but we all know that just as soon as they build the 214 apartments, they will put more right next to us. To those of us on little, quiet College Drive, it just means traffic, noise, dust and lights.

Of course, I can just sell my house and leave. I feel so terribly sad because that's probably what I am going to have to do.

## Jose Larranaga

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**From:** Reinhartz, Judy <jreinhartz@utep.edu>  
**Sent:** Tuesday, March 11, 2014 8:26 PM  
**To:** Jose Larranaga  
**Cc:** Liz Stefanics  
**Subject:** Proposed Apartment Development Within Rancho Viejo Behind the Santa Fe Community College

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Mr. Larranaga,

As you are aware, the community members and homeowners of Rancho Viejo are committed to maintaining the quality of life originally envisioned and advertised by adhering to the existing Master Plan drawn up and agreed to in the 1990s for the establishing of College Heights and adjacent communities. The original commitment and agreement have been challenged by the recent request to develop the apartment complex east of College Heights and the SFCC.

For those of us who have been here since 2002, this announcement was certainly a shock to hear about the plans for a high-density multi-story rental apartment complex of 156 units in the already traffic-impacted area. Currently, SFCC has 6,000 students with the goal of 12,000 in the next decades, St Maria de la Paz Catholic Community, which includes 1700+ families, Santo Niño Regional Catholic School with 356 students, Amy Biel Community School with a student population of 441, bicycle parts business, and that does not include the current Rancho Viejo families with expected expansion of La Entrada at RV in the next few years.

Our vision is simple and that is to have owner-occupied, maintained, and cared for residential communities that are governed by sets of covenants established first by the developer, which were turned over to individual homeowners' associations. The vision as stated in the current Master Plan ensures that we would be enjoying and living in an area where there is open space free of pollutants, clear day and night skies, recreation trails to walk and enjoy nature, safety for us and our loved ones, sustainable property values, and enough water for all without fear.

The proposed developer's project changes this vision and the future lives of homeowners in Rancho Viejo. We made a commitment to buy and live here, and now the current project ignores the Master Plan, changing the original mission and vision by building a high density commercial apartment complex with a clubhouse and swimming pool, bringing more people into the area already plagued by high travel density issues.

We have participated and attended most of the public meetings held, but many were not productive because many of the questions from hundreds of homeowners present were not answered since the presenters did not



have the answers, contributing to our frustration. The question that comes to mind, is why have public meetings when people in authority are not present to answer questions? It appears that the meetings were held to meet the requirement of having them, but not to really have them function as a public forum.

We are sad to conclude that the dye has already been cast, and it is a done deal. We hope and pray that is not the case. We hope the Santa Fe County Commissioners will recognize that this project is against the will of the majority of residents in Rancho Viejo and that our community will not benefit in any way from having this project approved. In fact, we all lose—in terms of natural water sustainability, increased erosion by removing ground cover and interfering with flood zones, and the reduction of wildlife.

When the developer's Master Plan for this area was drawn, the Santa Fe County Commissioners supported them. What does the project say about systematic county development policies, strategies, and tactics for our future? Who will benefit from this proposed change? Is it in the communities' interests? The economic interest of the developers? And finally, how does Rancho Viejo maintain its integrity, vision, and lifestyle when it's developers try to undermine the original Master Plan for their profit?

My husband and I made a choice to come to Santa Fe and live in Rancho Viejo. And frankly, we feel *betrayed*. It seems that written documents and verbal promises can be easily broken by the developer and now Vendura, who will be building the apartment complex.

We are concerned that a precedent for further changes is in the wind for the Rancho Viejo area. We chose quality of life and sustainability based on the original Rancho Viejo Master Plan. Please, Mr. Larranaga, as project manager, do not abandon us and the original Master Plan and vision in favor of corporate America. Please make us count in the end.

Thank you for taking time to read and consider our request.

Sincere regards,

*Judy and Dennis Reinhartz*

Judy Reinhartz, Ph.D.

Professor Emeritus, The University of Texas at El Paso

Dennis Reinhartz, Ph.D.

Emeritus Professor, The University of Texas at Arlington

20 Firerock Road

Santa Fe, New Mexico 87502

505-474-5329

# Graeser & McQueen, LLC

-Attorneys at Law-

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(505) 982-9074

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April 2, 2014

Santa Fe County Board of County Commissioners  
c/o Jose Larrañaga, Commercial Development Case Manager

via: email to [josejarra@santafecountynm.gov](mailto:josejarra@santafecountynm.gov)

re: Elevation at Rancho Viejo, #MPA 13-5380

Dear Jose,

This firm represents neighbors of the proposed Elevation at Rancho Viejo project (residents of College Heights Phase 1) and submits this letter on their behalf in opposition to the requested master plan amendment. Their objection to the master plan amendment to allow at least 214 rental apartments where 53 homes were previously approved and expected is based on several factors.

## BCC Discretionary Review Criteria

Section §4(B)(3) of the Community College District Ordinance, Ordinance 2000-12 (CCDO), requires the BCC to review the application for "Conformance to the Santa Fe County Growth Management Plan as amended by the Community College District Plan" as well as "Impacts to schools, adjacent lands or the County in general." Fundamentally, this application does not comply with the Community College District Plan, Resolution 2000-148 (CCDP), and presents an unreasonable impact on the adjacent lands. The amendment request should be denied, and the applicants can be apprised of the reasons for denial as set forth in this letter. CCDO §4(B)(4).

County staff has done a thorough job in their review, and has recommended approval. Although the staff memorandum may recommend the project as in compliance with the Code, that recommendation only addresses prescriptive Code requirements. **The BCC may still reject the project under its discretionary authority.**

## Master Plan Expired

The 1997 College North Master Plan has expired. Thus, a new master plan is required. CCDO §4. Granting any new master plan is within the BCC's discretion and may be done taking into mind appropriate, planned-for development and its impact on the neighbors.

### Community College District Plan

The CCDO allowed development in accordance with approved master plans “without amendment.” CCDO Section 9(A). The applicants could have developed their property in accordance with the 1997 master plan but did not do so. There continues to be little resistance to development as planned at that time (i.e., adoption of a new master plan that tracks the expired one).

The CCDP accepted and anticipated continuation of approved development as of the plan’s adoption in late 2000. The plan was adopted in anticipation of College Heights buildout as initially approved and expected. For instance, the plan incorporated the Future Road Network Study that specifically notes 73 approved dwelling units for College Heights Subdivision (with 0 existing at the time). FRNS, Pg. 4.

**This application amends the CCDP itself, and it does so without consideration of the needs, expectations or health of the surrounding community.**

### Master Plan Area

Under CCDO §4(B)(2), “The minimum area which must be included within a master plan shall be an entire Village Zone, Employment Center Zone or Institutional Campus Zone, or that portion of such zone owned by the applicant.”

The master plan encompasses substantially less than an entire village zone. Applicant Univest Rancho Viejo has numerous landholdings in Rancho Viejo, including the portion marked “Future Development” located between College Heights Phase 1 and the current project. Thus, the master plan must include at least this property. Failure to do so both violates the CCDO and unfairly leaves the applicants’ neighbors in limbo fearing what even more intense use might be proposed for the remaining land.

Given the applicants’ current intention to substantially modify the expected land uses and thus interfere with the community’s settled expectations, **the applicants must adhere to the code requirement to master plan all of their holdings in the area that may impact the residents of College Heights Phase 1.**

### Zoning Limitations

Applicants seek a new master plan. The term “master plan” has two associated meanings in land use planning. The first is as a jurisdiction-wide comprehensive or general plan. *See*, Santa Fe County Land Development Code Art. X, §1.33, Ordinance 1996-10 (the Code); Michael Davidson and Fay Dolnick, *A Glossary of Zoning, Development and Planning Terms* 146 (1999). The second, as used in this context, is a vehicle for zoning or subdivision approval (this application does not seek to subdivide the land; subdivision regulations may be found in Art. V of the Code). The

Code does not define "zoning." However, it does define "master plan" as "a report, plans, and other submittals as required by this Code for a proposed subdivision or zoning or re-zoning of land showing the development proposal in a manner comprehensive enough to evaluate the scope, size, intensity, compatibility, benefits, relationships, and impacts of a project..." Code Art. III, §5.2 (emphasis supplied). Thus, a master plan zones. It is not legally permissible to do so in such a limited context.

In *Albuquerque Commons Partnership v. City of Albuquerque*, 144 N.M. 99, 2008-NMSC-25 the New Mexico Supreme Court reviewed its own case law on piecemeal zoning and revitalized several important concepts. "A targeted rezoning action is also called a piecemeal rezoning and stands in contrast to a comprehensive rezoning, which affects a substantial portion of land within the zoning jurisdiction belonging to many landowners." (internal quotations removed). A piecemeal rezoning results in "specific properties or small groups of properties within an otherwise similarly situated class, restricting or allowing uses in ways that do not apply to the surrounding area or similar areas within the [zoning district]." ¶26.

Under *Albuquerque Commons*, such piecemeal rezonings must be justified by 1) a change in conditions in the community or 2) a mistake in the original zoning. See also, *Miller v. City of Albuquerque*, 89 N.M. 503, 554 P.2d 665 (1976) and *Davis v. City of Albuquerque*, 98 N.M. 319, 648 P.2d 777 (1982). There is no evidence in the record, nor do the applicants submit any information, regarding any change in the community or mistake in the original zoning. Their zoning request completely fails under this rule.

*Albuquerque Commons* does open up one other avenue to new zoning, if it is "more advantageous to the community, as articulated in the Comprehensive Plan or other [zoning district] master plan." In the case of a "more advantageous" zoning, there must be a public need for the change and proof that "that need will be best served by changing the classification of the particular piece of property in question as compared with other available property." *Albuquerque Commons* at ¶30. There is also no evidence in the record of any particular public need or site-specific appropriateness. In this respect, the zoning is not only contrary to law, §39-3-1.1(D)(3), but also unsupported by substantial evidence, §39-3-1.1(D)(2).

The basis of the rule re-articulated in *Albuquerque Commons* is logical. The *Miller* court, in exploring the basis of zoning restrictions, noted the "**desirable stability of zoning classifications upon which the property owner has a right to rely, since property may be purchased or sold or uses of the property undertaken in reliance on existing classifications.**" *Miller* at 506, 554 P.2d at 668 (emphasis supplied). Here, the community has come to expect continuation of the quiet, low intensity single-family use that as represented to them when they purchased their homes, and as has become an essential part of the community's identity.



### Compliance with General Plan

Art XV, Sec. 4.B.3.a of the Code requires conformance to the County's Growth Management Plan (currently, the 2010 Sustainable Growth Management Plan). The SGMP requires "transitioning between land use types, intensities, and densities using buffers and floor area ratios..." SGMP, Pg. 42. Here, **there is no transition zone between the single family residences and the 214 unit complex.**

Notably, when the original developer was seeking approval for the 1997 master plan, their land use planner stated that "College North is a transitional area between the rural densities and the Community College." April 30, 1996 EZA minutes.

### Adjacent Lands Impact Analysis

Art. XV, Sec. 4.B.3.d of the Code requires analysis of impacts to adjacent lands. The **application contains no such analysis, rendering it deficient.**

### HOA Membership

Owners of single-family residences in College Heights are automatically members of the homeowners association. Dues are substantial (~\$1,000 per year) and support many of the amenities and services enjoyed by community residents. Residents have proceeded with the settled expectation that 53 new single-family residences would be built, assisting them in paying these hefty dues. However, the apartment project, on a single lot, would be all but exempt from such dues. **This results in an unfair financial burden on the College Heights Phase 1 residents.**

### Violation of Restrictive Covenants

The current private restrictive covenants that govern the property prohibit the applicants' anticipated project. My clients recognize that the County does not enforce restrictive covenants, and they are prepared to do so themselves, although the covenants were specifically approved by the County as part of the development review process (See May 12, 1997 EZA minutes). However, the covenant restriction is relevant for the County's discretionary review as to whether amendment of the master plan is appropriate and honors residents' established expectations.

There is no question that the project is prohibited by the covenants (Village At Rancho Viejo Covenant Declaration, Section 9.2): "All Lots may only be used for single family residential use..." Although current applicants' ability to amend the covenants is far from clear based on a review of the relevant transactions, they presumably assert the ability to amend the covenants under the Declarant's rights.<sup>1</sup>

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<sup>1</sup> Declarant rights are tightly regulated by the Homeowner Association Act, NMSA 1978 Section 47-7E-1, and such an amendment may be in violation of applicants' obligations under that act as well.

<sup>2</sup> Univest-Rancho Viejo LLC has accepted all rights and obligations of Rancho Viejo de Santa Fe, Inc. in a

However, there are substantive legal restrictions and prohibitions on their right to do so.

The first of those is the requirement of uniformity. In *Montoya v. Barreras*, 81 N.M. 749 (1970) the Supreme Court looked at a case in which protective covenants ("detailed plan for residential development and restriction as to all of the lots in the subdivision" *Id.* at 751) were amended to remove the restrictions on a single lot, allowing it to be used for nonresidential purposes. The Court stated, "Historically, restrictive covenants have been used to assure uniformity of development and use of a residential area to give the owners of lots within such an area some degree of environmental stability. To permit individual lots within an area to be relieved of the burden of such covenants, in the absence of a clear expression in the instrument so providing, would destroy the right to rely on restrictive covenants which has traditionally been upheld by our law of real property" and that "All of the lots in the subdivision were sold subject to the provisions of the declaration. Restrictions as to the use of land are mutual, reciprocal, equitable easements in the nature of servitudes in favor of owners of other lots within the restricted area, and constitute property rights which run with the land... Where the covenants manifest a general plan of restriction to residential purposes, such covenants constitute valuable property rights of the owners of all lots in the tract." *Id.* The Court then held, "Because the grantor encumbered all of the property with restrictions, we cannot infer from the declaration the intention that any subsequent change or changes in the restrictions could be made applicable to only one lot or a portion of the lots in the residential subdivision." *Id.* at 753.

**Just as in *Montoya*, the applicants seek to amend the covenants in a non-uniform fashion. They are not permitted to do so.**

Just last summer our Supreme Court looked at another substantive restriction on amending covenants, namely the requirement of reasonableness. In *Nettles v. Ticonderoga Owners' Association, Inc.*, 2013-NMSC-30 certain protective covenants were amended to eliminate previously required road maintenance and to dilute the plaintiff residents' votes. The Supreme Court took on the case to "address an area of the law that... remains vital to those with property interests in planned subdivisions... throughout our state." 2013-NMSC-30 at ¶9. The Court relied on established authority and the *Restatement* in its analysis developing and strengthening the reasonableness requirement.

Thus, the *Nettles* Court held, "this Court will consider not only the rights of the individual owner, but also the rights of the other association members who expect maintenance in keeping with the general plan.... The purpose of balancing these considerations is to ensure that the strength of the association is maintained and the expectations and purpose are not frustrated, while also ensuring that *no individual property owner or class of owners is unduly and unexpectedly burdened for the benefit of others in the association.*" (emphasis in original; quoting *Griffin v. Tall Timbers Dev., Inc.*, 681 So.2d 546, 554 (Miss.1996)).

If the applicants go forward with the master plan, they are the only ones benefitted; the rest are unduly and unexpectedly burdened for their sole benefit. **This is exactly the situation prohibited as being unreasonable by the Supreme Court.**

Marketing representations and subsequent reliance by purchasers on those representations forms an independent prohibition on such a drastic change in plans as well. NMSA 1978, Section 47-6-17 (Disclosure) requires a subdivider to disclose in writing certain information about the subdivision as required by county regulations. Santa Fe County, in turn, has adopted a subdivision disclosure format (Code Appendix 5.C.1). The required disclosure includes the anticipated number of parcels. Accordingly, Rancho Viejo de Santa Fe, Inc.<sup>2</sup> filed its *College Heights Subdivision First Amended and Restated Disclosure Statement* at Book 1767, Page 468 of the records of the Santa Fe County Clerk. That disclosure statement specifies the number of parcels as 73.<sup>3</sup> In addition, we understand that marketing materials at the time also made a similar representation, although they appear not to have been filed with Santa Fe County as required by Section 47-6-18(B) (no such materials should be destroyed).

*Knight v. City of Albuquerque*, 110 N.M. 265 (N.M. App. 1990) concerned the Paradise Hills Country Club Estates in Albuquerque. The original developers denominated certain areas as part of a golf course on the subdivision plat. A successor developer then attempted to amend the plat to develop those areas in a manner contrary to that shown on the plat. The Court of Appeals, noting the designation and use of the golf course and purchasers' reliance on that designation, found that the facts gave rise to a private right of action to prohibit development of the golf course for other purposes. Addressing the developer's point that the recorded covenants, conditions and restrictions (CCR's) seemed to reserve a right in the developer to "unilaterally change the character of the open space" the Court found such a result "patently unfair and violative of public policy."

The applicants' proposal is functionally the same. The developer consistently represented in numerous ways, at numerous times that the subject property (Lot 1) would contain only 73 single-family homes. This character of the subdivision was a significant part of how the properties were represented in marketing materials and sales pitches. Buyers who chose to live at College Heights made their choice based on the character of the neighborhood and their understanding that it would not change. The applicants cannot now attempt to amend the covenants or de-annex the property in order to fundamentally change the neighborhood character, density and form. Please refer also to *Ute Park Summer Homes Ass'n v. Maxwell Land Grant Co.* 77

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<sup>2</sup> Univest-Rancho Viejo LLC has accepted all rights and obligations of Rancho Viejo de Santa Fe, Inc. in a series of agreements filed with the County Clerk on December 23, 2010.

<sup>3</sup> It is worth noting that while the disclosure statement includes a bold face note regarding development of other land within the vicinity, it makes no such reservations regarding future development of College Heights itself.

N.M. 730 (1967) (plat showing golf course/playground/recreation area, tennis courts and clubhouse used in connection with sale of lots gives rise to equitable right of enforcement, surveying other similar cases). On the point of amending covenants or de-annexation, *Cree Meadows, Inc. v. Palmer* 362 P.2d 1007 (1961) is squarely on point. In *Cree*, the question presented was “whether or not any rights are created to other areas owned by the dedicators when a plat of the subdivision is used in making sales of lots.” Noting that “defendants had sold lots to purchasers in some of the subdivisions by references to the then-existing plat and the restrictive covenants, and that some persons had purchased lots at higher prices than ordinarily would have been paid after having examined the plat, the covenants, and heard the representations of the owners or their agents” the Court held that the developers were prohibited from changing covenants, and thus changing the use, on land adjoining land that had been sold to individual purchasers through use of plats noting the originally contemplated uses.

In *Appel v. Presley Companies*, 806 P.2d 1054 (1991) the original covenants on which the purchasers relied regulated the “land use, building type, quality and size of the residential single-family dwellings” permitted in the subdivision. The developer later attempted to modify the covenants to permit smaller lots and townhouses to be built on them. The Supreme Court reversed summary judgment in favor of the developers and directed that trial was appropriate. Citing *Flamingo Ranch Estates, Inc. v. Sunshine Ranches Homeowners, Inc.*, 303 So.2d 665 (Fla. Dist. Ct. App. 1974) and *Moore v. Megginson*, 416 So.2d 993 (Ala. 1982) (both involving unreasonable attempted amendment of covenants by developer to permit commercial uses without due regard to property rights of residents), the Court held that the appropriate determination was “whether the exceptions were reasonably exercised or whether they essentially destroyed the covenants.” **This proposal indisputably destroys the covenants.**

For these reasons, my clients object to the proposed master plan and urge you to reject the application, allowing the applicants to move forward with the project as originally planned and platted.

Sincerely



Christopher L. Graeser

**Jose Larranaga**

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**From:** Vicki Schneider <[vickischneider@gmail.com](mailto:vickischneider@gmail.com)>  
**Sent:** Wednesday, March 12, 2014 5:20 PM  
**To:** Jose Larranaga  
**Subject:** Re: Elevation at Rancho Viejo , #MPA 13 -- 5380

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

1  
Graeser & McQueen, LLC  
-  
Attorneys at Law  
-  
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(505) 982  
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9074  
March 12, 2014  
Santa Fe County Development Review Committee  
Santa Fe County Commission  
c/o Jose Larrañaga  
Commercial Development  
Case Manager  
[joselarra@santafecountynm.gov](mailto:joselarra@santafecountynm.gov)

Dear Jose,

Please let the CDRC know that we are very opposed to the proposed change to the Master Plan in this case. The idea of Multi-family projects in the current environment is completely inadvisable.

I am assured that many reasons for this have been submitted, so in the interest of time, please add our names to the opposition to this item.

Thanks very much,  
Vicki Schneider  
BJ Irwin  
99 Via Orilla Dorado  
Santa Fe, NM 87508

(9190641-3096



46

## Jose Larranaga

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**From:** Julia Valdez  
**Sent:** Tuesday, March 18, 2014 3:05 PM  
**To:** Penny Ellis-Green; Jose Larranaga  
**Subject:** FW: Opposition to the Apartment Complex

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

FYI.

Sincerely,

*Julia*

505.986.6202

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**From:** Joseph Kelley [<mailto:kellykian8@earthlink.net>]  
**Sent:** Tuesday, March 18, 2014 2:07 PM  
**To:** Liz Stefanics  
**Subject:** Opposition to the Apartment Complex

Hi Liz,

Dottie and I are absolutely against this complex...I didn't buy my house to be degraded by apartments that wasn't in the overall plan.

Best,

Joe and Dottie Kelley  
4 Conestoga Trl  
Santa Fe, NM 87508

## Jose Larranaga

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**From:** Randy Crutcher <quantumrandy@gmail.com> on behalf of Randy Crutcher <qleapcoach@gmail.com>  
**Sent:** Thursday, March 13, 2014 2:29 PM  
**To:** Jose Larranaga  
**Cc:** Liz Stefanics  
**Subject:** Letter from resident 3/13/14, CDRC Case # MPA 13-5380 Elevation at Rancho Viejo

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**To:** County Development Review Committee Case Manager Jose Larranaga  
**Re:** CDRC Case # MPA 13-5380 Elevation at Rancho Viejo  
Proposed plan change to allow multi-family multi-story commercial apartment complex in Rancho Viejo community  
**Date:** March 13, 2014

Dear Mr. Jose Larranaga,

I am writing as a concerned resident of Santa Fe County living in the community of College Heights-Rancho Viejo. My comments reflect my own observations, concerns and findings along with those I've heard expressed multiple times at meetings with hundreds of Rancho Viejo residents.

Last year the Univest-Rancho Viejo corporation proposed to us a Master Plan change that would permit over 400 multi-story apartment units to be built adjacent to our single-family owner occupied homes on College Drive, which the current Master Plan designates as the area's development build out pattern.

We eventually learned that Univest has been in a sales negotiation with Vedula, a large commercial developer in Phoenix, and has submitted an application to Santa Fe County to change our Master Plan to permit a project that would be built and managed by this Phoenix firm. From Vedula's website, here is their stated mission.

"Vedula Residential is a multifamily real estate company founded in 2010 by Bruce Hart and Paul Fannin. Our company's strategy is simple: never pay more than replacement cost. We buy, below replacement cost, when markets dip; build as markets improve; and sell at the peaks. Vedula Residential remains nimble at all times, ready to respond to market changes. It is geographically focused. Vedula Residential will be successful in high beta markets like Phoenix, which offer high profit opportunities, because it is a disciplined buyer and seller. Vedula uses its expertise and experience to minimize risk while maximizing returns to our investors."

We are not opposed to overall county goals to build sustainable affordable housing that meets the new standards and zoning set by the Sustainable Growth Management Plan approved in 2010 with the recently passed Sustainable Land Use Code. We recognize that we are in a new era with new criteria for evaluating proposed projects.

We are opposed to the current proposed Master Plan change and high density apartment project as we see it as a radical departure from the vision and nature of our Rancho Viejo community, the vision and plan we were presented with when we moved here and our basis for investment in our community. Some of the basis for our opposition is as follows:

--Our Master Plan provides us with covenants, codes and restrictions within an organized and accessible

homeowner's association. These would not apply to adjacent rental housing that will have turnover in tenants, ownership and management.

--This apartment project will radically increase traffic on Richards Rd, since Richards is the only outlet off College Heights Drive. As currently proposed in the application, a connector route easement through the property would only increase traffic congestion in the area. Logically, high-density housing creates high density traffic.

--This project will generate dust, noise, and light pollution near our homes. The demographics of such a high-density residential center will be at odds with surrounding communities.

--There are better places to position such a project near Rancho Viejo that have existing access and lower impact on existing single family residential areas.

With regard to these points, some of our findings are:

- The College Heights property was platted with Rancho Viejo as one community and is covered by the Rancho Viejo North covenants that would prohibit this project without a vote of the homeowners
- That the county cannot change zoning to approve a project on a spot basis, but must look at the entire impact a new designation would have on the community.
- That courts have supported property owners who come to rely on developer plans and disclosures when homes are purchased
- That the county plan protects adjacent property from adverse impacts of land-use changes.

In summary, we view this application as misguided and out of step with both our existing community's plans and needs as well as the needs for housing that meets new standards for sustainability at the county level. It would set a poor precedent in this new era. We strongly encourage you to deny this application for a plan change and appreciate your consideration of our concerns.

Respectfully submitted,

Randy Crutcher

12A Deans Court Santa Fe, New Mexico 87508

March 11, 2014

Dear Ms. Stefani's,

I am writing, Re: CDRC Case MPA 13-5380  
Elevation at Rancho Viejo.

Our family and neighbors are very troubled that a Phoenix-based owner of this parcel wishes to apply to change our Master Plan to build 400 high density apartments. It seems as though a master plan is a great marketing tool for real estate sales but loses its importance as developers see fit to change it when their own interests are affected. If our Master Plan can be changed for this, they can do it anywhere. The Plan provides homeowners with covenants and associations. Renters will not be covered by any covenants.

We purchased property here because it is a master-planned community. Residents are at the mercy of the whims of outside forces who seem oblivious to traffic troubles (on Richards Ave.) the apartment complex will generate. There are better places to position such a project near Rancho Viejo. What is designated now for future building on this parcel should be kept intact.

I believe this application for a master plan change sets a dangerous precedent for future building plans here in our wonderful community.

We fear we will become a city of urban sprawl developed without thought concerning pollution, traffic congestion and water resources. Does the term "master plan" have any real meaning or

OBA-152

validity when it can be amended without input or vote by Rancho Viejo residents?

Thoughtful planning should rule when considering changing or adding buildings in a covenant-controlled community. We urge you to vote no on this proposed master plan change.

Thanks for your consideration,  
Barbara Butera  
1 Alegre Pass, Santa Fe, 87508  
(505) 424-3092  
babskl@a.rr.com

Ms. Liz Stefanics,  
County Commissioner, District 5  
P.O. Box 720  
Cerrillos, New Mexico 87010

Dear Ms. Stefanics,

Last year it came to our attention that Vedula Developers and Uninvest were working together to change the Master Plan at the county level. This is a Proposed Apartment Development within Rancho Viejo behind the Santa Fe Community College on College Drive, called "Elevation at Rancho Viejo." Project on the County Development Review Committee (CDRC) for March 20.

I am writing because I am opposed to this Master Plan change and ask that you save the college master plan as it is. Allowing 214 apartments to be built is unethical, not well thought out (for many reasons from environmental to traffic issues); and sadly being considered for the money—not the well intent of the Santa Fe community.

The SE connector is also a real concern and needs to be questioned why it is being built when if we were doing real long term thinking of our community and college expansion, then we would build a connector at the far end of the college campus rather than its now considered placement (a quarter of a mile away from the college) suggested at the March 10<sup>th</sup> meeting.

The timing of building a road connector as well as a development complex perhaps was not thought through. We are being told that the road will begin to be laid down in 2016 yet the construction of whatever project gets the go ahead will start BEFORE the road is completed.

Considering the traffic issues already on Richards road, it makes no sense that we would impact the road even more with big equipment, trucks etc and even have a greater impact on traffic, congestion and safety issues if there is a need to evacuate quickly.

I know that you will stand by the larger Rancho Viejo community that is against this major change to the Master plan. Please note our concern and hesitation in making this major change to an already completed plat that has been documented and what all residents receive when purchasing their property.

Please do the right thing!

Sincerely,



Karin Lubin

12A Deans Court  
Santa Fe, NM 87508

OBA-154



## Jose Larranaga

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**From:** James Joy <dr.jjoy@yahoo.com>  
**Sent:** Tuesday, March 11, 2014 11:37 AM  
**To:** Jose Larranaga  
**Cc:** Liz Stefanics  
**Subject:** Univest Plans in Rancho Viejo

Dear Mr. Larranaga:

We bought our house in Rancho Viejo in 2006. At the time, we were attracted by the idea of a community of single-family residences governed by homeowners associations and covenants. The community was quiet and offered excellent views of the mountains and the night skies. Since then we have seen steady development of our area, with many more housing units, schools, churches and businesses all utilizing Richards.

Univest's plan to build 400 apartments, however, will represent an even more threatening development. First, I doubt that the company will stop at 400. Second, this completely goes against the concept of single-family residences, covenants and homeowners associations. Third, it will disrupt the quiet in our neighborhood and the views that so many have enjoyed. Fourth, it will take the traffic problems in our community to a new level. Fifth, apartment dwellers, not being long-term residents, do not have the same stake in the community and that will bring a decline in community involvement.

I urge you to NOT allow the change that Univest wants.

Sincerely yours,

Dr. James Joy  
57 E. Chili Line Rd

## Jose Larranaga

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**From:** Kristin Chancellor <kc@sfjs.net>  
**Sent:** Thursday, March 20, 2014 12:21 AM  
**To:** Jose Larranaga  
**Cc:** Liz Stefanics; concernedrvhos@gmail.com  
**Subject:** Rancho Viejo Homeowner Objections to Proposed Apartment Building Location

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Sir,

It has been brought to our attention that Univest has made a request to build a high density, up to four hundred unit, multi-story apartment complex in the Rancho Viejo residential community. This goes against the contractual covenants and principals that the original developers constructed. The reason people such as ourselves moved into this area was the promise that all who would live here would have to live under enforceable contractual covenants such as the single home master plan, evening light restrictions, building height restrictions and proper property maintenance. This proposal flies in the face of the promises that convinced us to move here in the first place. It's very existence would break most of the original contractual covenants we agreed upon.

The influx of people into this area is also a logistical nightmare. Richards road can't handle the current traffic load into and out of the area. Adding as many as six hundred to a thousand additional vehicles to this single road access area will be render traffic unmanageable and unsafe. I don't object to Univest developing the property they have purchased, but I do think they or any other person or company should be held to the original standards which started and continue to compel the community to be a model for low density rural development.

Thank you for your time and attention.

Sincerely,

Kristin & Steve Chancellor  
211 E. Chili Line Rd.  
Owners, Santa Fe Jewelers Supply  
3200 Mercantile Ct.  
Santa Fe, NM 87507  
[www.sfjs.net](http://www.sfjs.net)  
[kc@sfjs.net](mailto:kc@sfjs.net)

## Jose Larranaga

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**From:** Glen Smerage <glens@ufl.edu>  
**Sent:** Tuesday, April 01, 2014 11:19 AM  
**To:** Jose Larranaga  
**Subject:** letter, case 13-5380

187 E Chili Line Road  
Santa Fe, NM 87508  
505-471-2026

1 April 2014

Jose Larrañaga, Case Manager  
Building & Development Services  
Santa Fe County  
102 Grant Ave  
Santa Fe, NM 87501-2061

Dear Mr Larrañaga:

In spite of the date, this letter is no joke. Please note in particular Item 6.

I implore the CDRC to deny the Master Plan Amendment (MPA) to College North Master Plan (CNMP), dated February 1997, sought in SFC Permit 13-5380 by Univest Rancho Viejo and Vedula Residential Operating. Among many reasons to deny, I offer only the following few as most important.

1. The MPA would be an unconscionable departure to CNMP as adopted in February 1997 and presented to the public and original and subsequent buyers of 20 residential properties developed in Phase-I, College Heights, of CNMP. Granting the MPA would unrightfully disenfranchise those owners.
2. The MPA would affect only a portion of the undeveloped 57 acres in CNMP, itself only 91 acres. That would be piecemeal development of land all 57 acres of which should be developed as a single, unified entity, in conjunction with College Heights and integral to the entire Rancho Viejo (RV). SF County should not pursue nor permit piecemeal development under the Community College District Ordinance (CCDO).
3. Residents of RV own and reside under strict covenants, including membership in and control by homeowners associations (HOAs). Membership and dues payment to an HOA would not be required of residents of apartments proposed in the MPA, yet they would have access to trails, open space, and other amenities of paying residents. That is unequal, and unconscionable treatment under law.
4. Development of apartments under the MPA would not be governed by an HOA; therefore, it would not be subject to architectural and other requirements of an adjacent HOA and RV overall. We can be sure that Univest would not impose on developer Vedula HOA-like requirements it imposes on resident owners. Apartments would be an independent, incongruous island in the whole RV, a morally and legally objectionable condition.
5. Provisions of SF County's new Sustainable Land Development Code (SLDC) are inadequate to sustain quality communities like RV. Residents of RV need time to develop with Univest and BCC provisions in SLDC that will sustain features and quality-of-life in RV and other such communities.
6. The MPA application states that the applicant is '... seeking to bring the property into compliance with the CCDO by the MPA' and '...the CCDO designates the subject property as a Village Zone'. Use of those statements to justify the apartments is phony and deceitful, an egregious artifice toward getting their way. The 57 acres are far too small to be a village; they really are merely a portion of College Heights and a very small portion of the whole RV Community.

I request that before closing public hearing of case 13-5380, your Committee request of Jose Larrañaga an explanation of the two statements relative to provisions of the CCDO.

7. The RV developing on 2500 acres, already a fine community of 1300 single residences, abundant open space, trails, and vistas, should and must be treated as a single community, a single entity. Development of new, major segments of that 2500 acres must be done with architectural, functional, and social harmony. Already, Bicycle Technologies International and Easter Seals El Mirador are glaring, incongruous, and unwanted blights on the Community; RV does not need additional blight of apartments proposed in the MPA.

8. Very obviously, the site of Univest-Vedula's proposed monolith apartment complex is a scheme to exploit future students of SFCC. As a resident of university towns forty of my adult years, I know first-hand the deterioration of near-university neighborhoods caused by off-campus, student housing, both apartments and single family houses. Residents of RV do not want that deterioration of their neighborhoods and community to occur. Univest has land, e.g., near SR 14 or elsewhere in the 2500 acres of RV, much more suitable for apartments than the proposed site.

For the welfare of Rancho Viejo, please deny application 13-5380 and request that Univest complete College North Master Plan in the manner originally proposed and develop its other land north and east of SFCC via large master plans in conformity with the vision and intent of CCDO and the Rancho Viejo extant.

Sincerely,

Glen Smerage



**Rancho Viejo North Community Association, Inc.**

55 Canada del Rancho, Suite B, Santa Fe, NM 87508 (505) 473-3516

[www.ranchoviejonorth.com](http://www.ranchoviejonorth.com)

April 16, 2014

Santa Fe County Board of County Commissioners  
c/o Jose Larranaga, Commercial Development Case Manager

via: email to [joselarra@santafecountynm.gov](mailto:joselarra@santafecountynm.gov)

RE: Elevation at Rancho Viejo, #MPA 13-5380

Dear Mr. Larranaga,

The Rancho Viejo North Community Association Board of Directors submits this letter on behalf of the homeowners of Rancho Viejo North, particularly those in College Heights. The Board strongly opposes the requested master plan amendment to allow the construction of 214 apartment units. The proposed apartments are inconsistent with the existing residential neighborhood at College Heights. At the time the residents of College Heights bought their homes, there were representations made that future development phases would continue the single family residential character. Residents are now concerned that an apartment complex will negatively impact current home values in this area.

The Rancho Viejo North Community Association Board requests that this master plan amendment be denied.

Sincerely,

On behalf of the Rancho Viejo North Community Association Board of Directors

Bruno Keller, President  
Rancho Viejo North Community Association  
[bkeller@ranchoviejonorth.com](mailto:bkeller@ranchoviejonorth.com)

OBA-159

## Jose Larranaga

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**From:** Penny Ellis-Green  
**Sent:** Monday, April 14, 2014 1:48 PM  
**To:** Jose Larranaga  
**Subject:** FW: Regarding the proposed Apartment Complex and the changing of the Master Plan in Rancho Viejo

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**From:** Paul H Lujan [[mailto:pbstrong\\_1999@yahoo.com](mailto:pbstrong_1999@yahoo.com)]  
**Sent:** Monday, April 14, 2014 1:44 PM  
**To:** Penny Ellis-Green  
**Subject:** Regarding the proposed Apartment Complex and the changing of the Master Plan in Rancho Viejo

Penny Ellis-Green, Growth Management Administrator,

I am writing this e-mail to express my concern over the proposed Apartment Complex and the changing of the Master Plan in Rancho Viejo. My address is 2A Dean's Court, and just based on the proximity to the proposed apartment complex, I will be the one most impacted by it.

I purchased a home in Rancho Viejo back in 2001 for several reasons, but the most important was the feeling of being in a rural environment even with the city being so close by. The nights are quiet and all you can hear are the birds chirping and the coyotes howling. I also purchased my home, with the understanding that Rancho Viejo would always be a community of single family dwellings in order to maintain the beauty and peacefulness of our community. It is not fair to the 1000+ residents of our community that this would now change. The impact on traffic alone, which is already atrocious, is unfathomable! The sewage lines that go from the homes on College Heights to the Santa Maria de La Paz Church and Santo Nino School already back up several times a year. I know this, because I used to work at Santa Maria de La Paz and this seems to be a major issue. The sewage has to be pumped uphill to the waste processing center at Rancho Viejo. How can this sewage line handle 241 apartment units, when it can't even handle 20 homes, a church and a school.

Basically the proposed revision to the Rancho Viejo Master Plan would disrupt the lives of the countless people that now reside in Windmill Ridge, The Village, La Entrada and most importantly the 20 homes in College Heights. Please do not let this happen.

Sincerely yours,

Paul H Lujan



## Jose Larranaga

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**From:** Chris Furlanetto <crfrwf@yahoo.com>  
**Sent:** Monday, April 14, 2014 11:28 AM  
**To:** Jose Larranaga  
**Cc:** Liz Stefanics; Penny Ellis-Green; Robert Griego  
**Subject:** Comments on CDRC Case # Z 13-5380

Mr. Larranago:

We are writing in opposition to the apartment complex proposed in this application. As residents of Rancho Viejo, we are concerned that allowing a high-density complex in our single-family development will adversely impact the quality of life here in Rancho Viejo. The proposed development will provide absolutely no benefit to the hundreds of residents already in Rancho Viejo. Adding another 200+ apartments at a later date will only exacerbate the negative effects of the current application.

We ask that CDRC and the BCC act in the spirit of the Sustainable Land Development Code adopted in December 2013. Although the Code does not officially take effect until the zoning map is approved, we believe development decisions of this scope should be made with the provisions of the new Code in mind.

In any case, should the BCC ultimately approve this application, we strongly believe that:

- No construction should be allowed until the Southeast Connector is built. Proceeding with construction with no additional access roadways will result in a traffic nightmare for everyone who lives in Rancho Viejo, commutes to SFCC, or attends Santa Maria de la Paz church or school.
- An outdoor pool should not be permitted under any circumstances, given the severe water issues here in Santa Fe County.

Thank you for your attention to our views.

Sincerely,  
Christine Furlanetto  
Richard Furlanetto, MD, PhD  
6 Redondo Peak  
Santa Fe, NM 87508

## Jose Larranaga

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**From:** Penny Ellis-Green  
**Sent:** Tuesday, April 15, 2014 8:11 AM  
**To:** Jose Larranaga  
**Subject:** FW: CDRC CASE # Z 13-5380 Elevation at Rancho Viejo OPPOSED!!

**From:** Linda Weston [<mailto:lindaw505@gmail.com>]  
**Sent:** Monday, April 14, 2014 9:03 PM  
**To:** Liz Stefanics; Penny Ellis-Green  
**Subject:** CDRC CASE # Z 13-S380 Elevation at Rancho Viejo OPPOSED!!

Hello,

I appreciate you taking the time to consider my opinion. I am a 5 year resident of Rancho Viejo and I am 100% OPPOSED to a change in the Master Plan for the Community College district.

I do not think an apartment complex is a good addition to the neighborhood, this was not in the original Master Plan which I studied prior to purchasing my home in this area. This new concept and related density is a far dramatic deviation from our community plan.

Besides the obvious problems of increases in noise, traffic, crime, light pollution, etc. the larger issue here is I purchased a home in Rancho Viejo with the assurance that this area would be occupied by homeowners and governed by covenants and associations. A sale of this parcel would change the contract under which I purchased my home. I have done an informal survey in my neighborhood and we are all in agreement that this proposal to make a change is not endorsed by any homeowner here.

Please take this into consideration and vote NO for a change in the density allowed in this Community College district. We would appreciate it if you could please vote in favor of the Rancho Viejo residents who are in a consensus regarding this request.

Thank you,  
Linda Weston

57 Via Sagrada  
Santa Fe, NM 87508  
(505) 920-4960  
[lindaw505@gmail.com](mailto:lindaw505@gmail.com)

April 9, 2014

Jerry & Carol Wells  
14A Deans Court  
Santa Fe, NM 87508

Jose Larranaga  
Commercial Development Case Manager  
County Land Use Administrator  
P. O. Box 276  
Santa Fe, NM 87504-0276

Dear Mr. Larranaga

Re: Elevation at Rancho Viejo #MPA 13-5380

This letter is in response to Legal notice published in the Santa Fe New Mexico on March 31, 2014 regarding a public hearing on an amendment to the College Master Plan on 56.91 acres for the development of an multifamily residential community.

I had previously written my objections to this development, however; the hearing was rescheduled for April 17<sup>th</sup>, so I am resubmitting my comments in opposition to this development.

Univest-Rancho Viejo proposed this development over a year ago at which time we voiced our objections to this development as it would substantially increase traffic on College Drive and it was a change in the original design of the neighborhood from single family housing to multifamily rental housing. The original proposal submitted by Univest-Rancho Viejo was to build two multifamily rental housing units in two phases each development consisting of approximately 240 housing units. The proposal was marketed as a "Luxury" apartment complex.

After receiving considerable opposition to these plans, Univest-Rancho Viejo altered their plans and presented a proposal very similar to the current proposal. Once again the Community voiced opposition to this plan.

At a meeting in the fall of 2013 a meeting was held to establish a Community/Developer joint task force for purposes of addressing many of the issues voiced in our opposition to this development. At the end of the meeting we were informed that this proposed development was not included in this new joint task force as the College Drive property was being sold to Vedura Residential Operating LLC.

OBA-163

We are now told that this sale has not been completed and it appears that Univest-Rancho Viejo is a partner or is spearheading the development for Vedula Residential Operating LLC because of their ties to the community.

Our original opposition to this development has not been resolved. Our issues are the increase in traffic on College Drive, the change from single family owner occupied homes to multifamily rental units.

We do not believe these rental units will be "Luxury" apartments as it is quite evident that they are intended as student housing for SFCC.

Our concerns with student housing is the fact that College students do not maintain the property, have late night parties and are constantly traveling back and forth to social events, work, school, friends houses etc. We have rented to College students in a College town and know the ramifications of renting to College students.

The traffic study presented assumes that the traffic on College Drive will not increase significantly. It is unknown how many automobiles the study assumes for each apartments but I would expect no fewer than at least two per unit and considering the residents would in all likelihood be students, I would expect some units would have up to four automobiles per unit.

The multifamily rental housing is proposed assuming the South East Connector runs west of the proposed site. As the developer probably is working with the county to make that happen, it may relieve some of the traffic concerns, but not as many as the traffic study seems to imply.

The multifamily rental housing is only a short distance from a significant archaeological site. Knowing young adolescent children tend to wonder off to explore unoccupied areas of the surrounding areas to the homes, I would expect this site is at risk.

The proposal as submitted leaves open the question of the second multifamily rental units and would in fact increase traffic substantially above the projections.

It may be noted that the round about at Richards and College Drive is rated as a failure. While it is true the South East Connector may help the rating on this roundabout, it would still be rated at a failure or near failure rating with the rental units.

As a homeowner in College Heights, I must follow the covenants established by the Rancho Viejo Homeowners associations. These covenants protect homeowners rights, rights which the multifamily rental units will not be required to follow.

We live in a natural dry land environment which is highly flammable and easily destroyed by wildfires, unplanned pedestrian, bike and off road vehicle trails.

As a final issue, we find it unreasonable for multifamily housing to be allowed a swimming pool when residents of Rancho Viejo are not allowed to have swimming pools and which saves our valuable water resources. The pool would make the multifamily rental units for College students even more attractive for late night parties with significant use of alcohol and drugs.

OBA - 1164

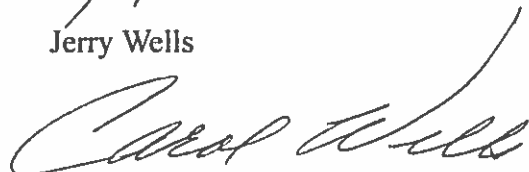
We have real concerns over our ability to exit or enter our street during heavy traffic periods. We are also concerned about our ability to evacuate our neighborhood in case of a wildfire in the grasslands surrounding our neighborhood., as there is only one exit out of the neighborhood. We need a turning lane on College Drive into Burnt Water so as not to tie up traffic exiting SFCC and utilizing College Drive to connect to the South East connector . We would like to see a parking lot for SFCC to be planned along the side of the South East connector behind the Witter Fitness Center to reduce traffic on College Drive.

We ask that you require this section of land be developed as originally platted in the Master Plan and as presented to the residents of College Heights at the time they purchased their single family homes.

Sincerely,



Jerry Wells



Carol Wells

CC: Liz Stefanics, Commissioner

OBA-165

## Jose Larranaga

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**From:** Penny Ellis-Green  
**Sent:** Tuesday, April 15, 2014 3:28 PM  
**To:** Jose Larranaga  
**Subject:** Fwd: proposed zoning change

*Sent from my Verizon Wireless 4G LTE DROID*

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

**Subject:** proposed zoning change  
**From:** Doug Konen <[dkonen@comcast.net](mailto:dkonen@comcast.net)>  
**To:** Penny Ellis-Green <[pengreen@co.santa-fe.nm.us](mailto:pengreen@co.santa-fe.nm.us)>  
**CC:**

Ms. Ellis-Green,

I have heard about proposed zoning changes to the Rancho Viejo master plan that would allow for the construction of apartment buildings near the College. As a homeowner in this community I am opposed to this idea, at least in the area now being discussed. Apartment housing will have numerous detrimental effects on the quality of life, not least among them single family property values, housing density and dangerous traffic.

I urge the Commissioners or those involved in land use planning and laws to deny permission to build apartment buildings on College Rd or near the College. There are probably other, far more suitable places to locate an apartment complex within the Rancho Viejo development.

Douglas Konen  
26 Panther Peak  
Santa Fe 87508



## Jose Larranaga

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**From:** Susie Knight <confettisuz@hotmail.com>  
**Sent:** Thursday, April 17, 2014 2:59 PM  
**To:** Jose Larranaga  
**Subject:** 17th meeting

Dear Mr. Larra,

I am writing for the two adults in this household who live in Rancho Viejo, Village 1.

We are both completely against allowing apartment complexes to be built in the College Heights area of Rancho Viejo.

There is already too much traffic on Richards Avenue.  
The infrastructure doesn't exist to accomodate such an additional population.  
Apartment buildings reduce the real estate value of private homes in the immediate area.

Thanks for listening.

Respectfully,  
Susan Knight and Karl Johnsen  
7 Grayhawk Place  
Santa Fe, NM 87508  
505-438-0404

## Jose Larranaga

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**From:** Glen Smerage <glens@ufl.edu>  
**Sent:** Thursday, April 17, 2014 10:08 PM  
**To:** Jose Larranaga  
**Subject:** new letter, case 13-5380

187 E Chili Line Road  
Santa Fe, NM 87508  
505-471-2026

17 April 2014

Jose Larrañaga, Case Manager  
Building & Development Services  
Santa Fe County  
102 Grant Ave  
Santa Fe, NM 87501-2061

Dear Mr Larrañaga:

Below is copy of the body of the letter I sent tonight to CDRC after its aborted Public Hearing on Case 13-5380 today, 17 April. Its contents and emphases differ substantially from my 1 April letter (also to you) on the same case.

Glen Smerage

Dear Committee Members:

Your Packets for today end with my 1 April letter containing 8 valid & compelling reasons for denial of this proposal. I present below my intended comments for today's aborted meeting. I hope you will read both letters before your 15 May Public Hearing; their contents and emphases differ significantly.

It is axiomatic that many things are conceived and initially created well only to be subsequently degraded and even destroyed by their creators. That axiom may now apply to Uninvest and Rancho Viejo (RV).

RV is a totally new community conceived and created by original land owners on virgin ranch land. Now only 13 years old, it is a special community of 1300 single-family residences, schools, churches, open spaces, trails, and superb vistas. It is a community of pleasing, harmonious structure and architectures of homes offering residents a high quality of life. Of my many concerns about this proposal, the greatest is the significant departure in community character and lack of compatible controls as commercial functions and structures are added to RV.

Until 2012, the vision of original land owners, who are among principals of Uninvest, was well achieved at RV, and residents eagerly bought into that vision. Indeed, many of us paid lot premiums for that privilege. Uninvest now seeks to add commercial functions and structures to our Community, commencing in 2012 with Easter Seals El Mirador, BTI (Bicycle Technologies International), and now proposed apartment. We are not against commercial additions to RV; we are against the incompatible, degrading ways by which it is being done by Uninvest. Instead of working with residents to assure structurally and architecturally harmonious commercial additions that retain superb qualities of RV, Uninvest works against us—against the Community.

What residents do with their properties is highly controlled by covenants and homeowner association fees and regulations that are good for the Community. No comparable covenants and association controls apply to commercial development in RV, and Uninvest is indifferent to, even against controls, aesthetics, and harmony. Easter Seals, BTI, and proposed apartments are in location, function, and architecture inappropriate, ugly, incongruous with, and degrading of Smerage to CDRC, page 2.

the major portion of our Community, the large, adjacent residential units. Further commercial development in RV must be done in conformity with meaningful covenants and oversight by HOAs.

Santa Fe County is no help to us in adding well commercial functions to our Community. Its CCDO and new SLDC really do not address factors affecting harmonious development and sustainability of new communities. That major deficiency and irresponsibility of both ordinances is detrimental to RV and other new communities.

I implore you to deny this application by Uninvest-Vedura and, furthermore, to suggest strongly to BCC that it quickly amend CCDO and SLDC with regulations that assure compatibility of residential and commercial facets and sustainability of new communities.

Sincerely,

## Jose Larranaga

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**From:** pateperrin@aol.com  
**Sent:** Wednesday, April 30, 2014 3:47 PM  
**To:** Jose Larranaga; gevezich@gmail.com; tunick@swcp.com; concernedrvhos@gmail.com; raquel\_burns@shamrockfoods.com; marsjohn4@gmail.com; hunt4steve@gmail.com; david@bsnsantafe.com; arjjg@comcast.net; evelyn@nmlandandhomes.com; Flopez3951@aol.com; quantumrandy@gmail.com; pbstrong\_1999@yahoo.com; qleapcoach@gmail.com; ceasterwood@nmb-t.com; karinlubin@gmail.com; swg.lgg@gmail.com; a63lp@yahoo.com; kcod@mac.com; jimshuba@aol.com; sumac3b@comcast.net; leelowary@gmail.com; jwells7465@comcast.net; bkrasnow@sfnewmexican.com; mlaendle@yahoo.com; pateperrin@aol.com  
**Subject:** Request to retain the expired College Heights Master Plan

Univest (Rancho Viejo) sold the homes on College Drive, promising a single-family, low-rise development of 73 homes.

The College Heights Master Plan apparently expired recently and now Univest wants to sell half of the land in our planned community to a Phoenix Developer and produce high-density apartment housing.

I ask that our Old Master Plan be retained and renewed--no matter who owns the land--for single family housing as promised.

---

**From:** Glen Smerage  
**Sent:** Friday, May 2, 2014 7:47 AM  
**To:** Liz Stefanics  
**Subject:** a big question

187 E Chili Line Road  
Santa Fe, NM 87508  
505-471-2026  
[glens@ufl.edu](mailto:glens@ufl.edu)

2 May 2014

Commissioner Liz Stefanics  
Santa Fe County Commission  
102 Grant Ave  
Santa Fe, NM 87501-2061

Dear Commissioner Stefanics:

Each time I have written to you prior to a public hearing to express concern and criticism and request denial of a development proposal in Rancho Viejo by Univest Ranch Viejo, LLC, you have invoked 'Ex Parte'. How, then, am I to communicate to you in timely manner my concerns and criticisms in such cases so that you may consider in your decision process my input as an affected resident?

I may and usually do speak at Public Hearings on Univest's proposals, but let's be honest, speaking at the Public Hearings is almost worthless. Governing laws and procedures of Santa Fe County Public Hearings place great disparity between developer and public individuals. Developers are permitted unlimited time in Hearings to present their case, rebut public criticisms, and answer commissioner questions. No such privilege is accorded members of the public! Criticisms of development issues typically are multifaceted; in no way can an individual express with adequate substance multiple criticisms in the typical three minutes, often only two, permitted per speaker. That is a ridiculous expectation!

How may I address a letter to you and other commissioners to assure that it gets into your Packets of Materials/Documents for the Commission meeting on the date of a Public Hearing of interest? The public meaningfully must communicate with commissioners, not Penny Ellis-Green and others. Of course, commissioners may ignore letters from its public, but we must write for more adequate communication with you and hope that you have more integrity than that.

Sincerely,

Glen Smerage

OBA - 170

## Jose Larranaga

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**From:** pateperrin@aol.com  
**Sent:** Saturday, May 03, 2014 1:53 PM  
**To:** Jose Larranaga; Jose Larranaga; Liz Stefanics; gevezich@gmail.com; tunick@swcp.com; concernedrvhos@gmail.com; raquel\_burns@shamrockfoods.com; marsjohn4@gmail.com; hunt4steve@gmail.com; david@bsnsantafe.com; arjjg@comcast.net; evelyn@nmlandandhomes.com; Flopez3951@aol.com; quantumrandy@gmail.com; pbstrong\_1999@yahoo.com; qleapcoach@gmail.com; ceasterwood@nmb-t.com; karinlubin@gmail.com; swg.lgg@gmail.com; a63lp@yahoo.com; kcod@mac.com; jimshuba@aol.com; sumac3b@comcast.net; leelowary@gmail.com; jwells7465@comcast.net; bkrasnow@sfnewmexican.com; mlaendle@yahoo.com; pateperrin@aol.com; tunick@vsci.net; detwiler@cybermesa.com; michelle.ensey@state.nm.us  
**Subject:** Fwd: CDRC Case # MIS 13-5380 Elevation at Rancho Viejo Master Plan Amendment, Archaeological site LA 110168  
**Categories:** Red Category

Dear Mr. Jose Larragana and County Commissioner Stefanics:

Please note below that Univest/Vedura, developers of 215-415 apartment units off College Heights Road are not willing to pay for an assessment of an archeological site located on or near the development.

Some of us in College Heights know and protect the location of this site.

We believe it to be at high risk and on or very near the land possibly scheduled for the Elevation at Rancho Viejo or Southeast Connector development. The site should be identified and fenced off.

Sincerely, Pat E. Perrin  
505-474-3453  
10 Deans Court  
Santa Fe, NM 87508

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

**From:** Ensey, Michelle, DCA, DCA <michelle.ensey@state.nm.us>  
**To:** pateperrin <pateperrin@aol.com>  
**Sent:** Thu, May 1, 2014 10:23 am  
**Subject:** RE: CDRC Case # MIS 13-5380 Elevation at Rancho Viejo Master Plan Amendment, Archaeological site LA 110168

Pat,

Thank you for your email and I understand your concerns. Unfortunately, I cannot share the location of LA 110168 because site locations are confidential under state law. We try to protect the locations of sites to ensure that their locations are not available to the public at large in case the information gets into the wrong hands and leads to the destruction of the site. I can tell you that LA 110168 was originally documented in 1995 and revisited again in 2009. It was determined to be significant in 1995 and a non-disturbance easement was placed on the site as required under the Santa Fe County Land Use Ordinance. Under the ordinance, a site is significant if it is 75 years or older and has the potential to provide information on the prehistory and history of the Santa Fe area. Sites usually remain in a non-disturbance easement until a treatment plan (usually excavation) is implemented to recover the significant data from the site and this easement is marked on the plat to ensure protection.

Because the County does not employ a professional archaeologist, they submit development plans and plats to this office for my review, along with archaeological survey reports and treatment plans. Since the State has no jurisdiction on private land (unless there is federal money involved, or the historic property is listed on the State Register of Cultural Properties), my review is limited to providing comments and advice to the County. I cannot require that the County impose conditions on a developer that are outside the scope of their ordinance. For this particular development, the developer indicated that they will continue to avoid the site; however, I did recommend that they hire a professional archaeologist to reassess the site. The plat showing the non-disturbance easement may not be accurate. The firm that conducted the initial recording in 1995 did not always accurately map the sites that they discovered. In other situations, I have found that this firm mislocated sites, placing the non-disturbance easement in the wrong location, and sometimes they placed a very large non-disturbance easement on the site where it wasn't warranted. I do not know if the 2009 recording of the site provided a new non-disturbance easement. If it did, that information is likely to be more accurate. Nonetheless, as a result of my experience, I recommended the new assessment to make sure the site is located correctly on our maps and that the non-disturbance easement is of appropriate size and in the right place. The developer disagreed with my recommendation and to my knowledge will not be conducting the assessment. As I mentioned, I cannot require the reassessment. The County did, however, notify me that the plans have changed and the development may be closer to the site. They will be sending the new plan and plat to me for review, but I have not received it yet. When I do, I will reiterate my concerns.

I recommend that you write letters to the County commissioners and also attend the meeting when the plan will be reviewed so that the commissioners can hear your concerns. They are the only ones that can ask the developer to conduct additional work. In the meantime, please do not hesitate to contact me if you have any other questions.

Sincerely,

Michelle M. Ensey  
Archaeologist  
NM State Historic Preservation Office  
407 Galisteo Street, Ste. 236  
Santa Fe, NM 87501  
(505) 827-4064  
[www.nmhistoricpreservation.org](http://www.nmhistoricpreservation.org)

**From:** [pateperrin@aol.com](mailto:pateperrin@aol.com) [<mailto:pateperrin@aol.com>]

**Sent:** Wednesday, April 30, 2014 4:15 PM

**To:** Ensey, Michelle, DCA

**Subject:** CDRC Case # MIS 13-5380 Elevation at Rancho Viejo Master Plan Amendment, Archaeological site LA 110168

My name is Pat Perrin and I live off College Drive just north of the Community College in Rancho Viejo's College Heights.

Univest (Rancho Viejo Developers) is planning on selling a parcel of land in College Heights to Phoenix Developer Vedula, which wants to build a high-rise apartment complex in an area near the archeological site listed above.

This parcel is next to Burnt Water Road, which borders our 20+ homes. Those of us in Rancho Viejo's College Heights neighborhood are decidedly opposed to this concept because Univest sold us our homes with promises that this adjacent parcel would complete our community for a total of 73 single-family homes.

Consequently, we have learned not to trust Univest.

We wonder if you have any maps that document the exact location of LA 110168.

We are also curious about the value of the site. Do you have any criteria which indicates the value of this site?

Is the archeologist who will be hired to verify the site and its boundaries hired by the State or the Vedula/Univest developer?



I would be happy to come down and look at your maps.

We urge you to consider independent review if you wish to preserve this site.

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

**Miguel M. Chavez**  
Commissioner, District 2

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



**Kathy Holian**  
Commissioner, District 4

**Liz Stefanics**  
Commissioner, District 5

**Katherine Miller**  
County Manager

**DATE:** May 15, 2013

**TO:** County Development Review Committee

**FROM:** Miguel "Mike" Romero, Development Review Specialist Sr. *MR*

**VIA:** Penny Ellis-Green, Growth Management Director *PEG*  
Vicki Lucero, Building and Development Services Manager *VL*  
Wayne Dalton, Building and Development Services Supervisor *WD*

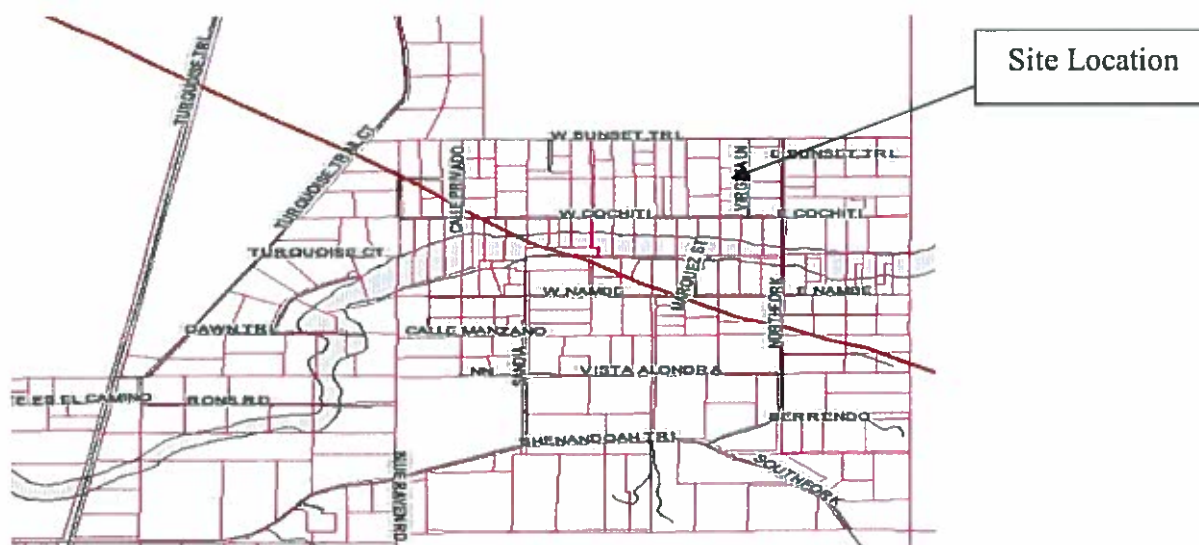
**FILE REF.:** CDRC CASE # V 14-5080 Jason Mohamed Variance

**ISSUE:**

Jason Mohamed, Applicant, Kristofer C. Knutson (Knutson Law P.C.), Agent, request a variance of Article III, § 10 (Lot Size Requirements) of the Land Development Code to allow two dwelling units on 2.5 Acres.

The property is located at 11 Virginia Lane, Within Section 24, Township 15 North, Range 8 East (Commission District 5).

**Vicinity Map:**



NBA-1

**SUMMARY:**

The Applicant requests a variance of Article III, § 10 (Lot Size Requirements) of the Land Development Code to allow two dwelling units on 2.5 acres. The subject lot was created in 1984, via Family Transfer and is recognized as a legal lot of record. Currently there are two homes and two accessory structures on the property. The two accessory structures consist of a well house and stables.

On January 30, 2014, the Building and Development Services Division received a complaint that the Applicant had moved a manufactured home onto the property without a Development Permit from Santa Fe County. On February 6, 2014, Code Enforcement conducted an inspection on the property and issued the Applicant a Notice of Violation for Unpermitted Development.

The Applicant states that he is requesting a variance in order to move his elderly mother into the second home (Manufactured Home) to help provide assisted living for her. Currently, the Applicant along with his family including his mother all reside in the main residence. The manufactured home that was illegally placed on the property is vacant and not connected to any utilities.

Article II, § 3 (Variances) of the County Code states: "Where in the case of proposed development, it can be shown that strict compliance with the requirements of the code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance." This Section goes on to state "In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified." **The variance criteria does not consider financial or medical reasons as extraordinary hardships**

**This Application was submitted on March 6, 2014.**

**Growth Management staff have reviewed this Application for compliance with pertinent Code requirements and finds the project is not in compliance with County criteria for this type of request.**

**APPROVAL SOUGHT:** Approval of a variance of Article III, § 10 (Lot Size Requirements) of the Land Development Code to allow two dwelling units on 2.5 acres.

**GROWTH MANAGEMENT AREA: SDA 2**

**HYDROLOGIC ZONE:** Basin Zone, minimum lot size per Code is 10 acres per dwelling unit. Lot size can be further reduced to 2.5 acres with signed and recorded water restrictions. The proposed dwelling unit exceeds the number of units allowed on the subject property.

**FIRE PROTECTION:** Turquoise Trail Fire District.

**WATER SUPPLY:** Domestic Well

**LIQUID WASTE:** Conventional Septic System

**VARIANCES:** Yes

<b>AGENCY REVIEW:</b>	<u>Agency</u>	<u>Recommendation</u>
	County Fire	Approval

**STAFF RECOMMENDATION:** Denial of a variance of Article III, § 10 (Lot Size Requirements) of the Land Development Code.

If the decision of the CDRC is to recommend approval of the Applicant's request for a variance, staff recommends imposition of the following conditions:

1. Water use shall be restricted to 0.25 acre feet per year per home. A water meter shall be installed for each home. Annual water meter readings shall be submitted to the Land Use Administrator by January 1<sup>st</sup> of each year. Water restrictions shall be recorded in the County Clerk's Office (As per Article III, § 10.2.2 and Ordinance 2002-13).
2. The placement of additional dwelling units or Division of land is prohibited on the property (As per Article III, Section 10).
3. The Applicant must obtain a Development Permit for the second dwelling unit and stables. (As per Article II, § 4.5.2b Article II, § 2).
4. The Applicant shall comply with all Fire Prevention Division requirements at the time of Development Permit Application (As per 1997 Fire Code and 1997 Life Safety Code).

**EXHIBITS:**

1. Letter of request
2. Article III, § 10 (Lot Size Requirements)
3. Article II, § 3 (Variances)
4. Site Photographs
5. Site Plan
6. Aerial of Site and Surrounding Area
7. Fire Prevention review letter

# KNUTSON LAW, P.C.

A PROFESSIONAL CORPORATION

ATTORNEY AT LAW

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(505) 780-8909  
FACSIMILE: (505) 983-7508

WEBSITE: [Kknutson.com](http://Kknutson.com)  
EMAIL: [kck@kknutson.com](mailto:kck@kknutson.com)

March 6, 2014

John Lovato  
Santa Fe County  
102 Grant Avenue  
Santa Fe, NM 87501

RE: Request for Variance for 11 Virginia Lane

Dear Mr. Lovato:

This firm represents Jason Mohamed. Mr. Mohamed recently received a notice of violation regarding a mobile home he has placed on his property pursuant to Santa Fe County zoning regarding lot size requirements. The purpose of this letter is to ask you to approve a variance for the mobile home on the property.

The variance is requested to allow Mr. Mohamed's family member to live in the mobile home. We do not feel that the variance if granted would have an impact upon the water sources in the area, as Mr. Mohamed has a domestic well, and the added use would have a minimal additional impact on water use.

Furthermore, the surrounding neighborhood includes many residences that have mobile homes with family members living there. Granting the variance requested will not confer on the applicant any special privilege, and the variance if granted will result in a minimum easing of Ordinance requirements, making possible the reasonable use of Mr. Mohamed's property.



NBA-5



Granting of this variance would be within the purpose of this ordinance because it would not be injurious to the area or otherwise detrimental to the public welfare, and the variance will not set a precedent which conflicts with the policies of the Extraterritorial Plan.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kristofer C. Knutson". The signature is stylized and written in a cursive-like font.

Kristofer C. Knutson

cc: Jason Mohamed

TYPE OF USE	NUMBER OF PARKING SPACES
Retail Centers	1 per 1 employee plus per 200 sq. ft.
Restaurants, Bars	1 per 1 employee plus per 150 sq. ft.
Gas Stations	1 per 1 employee plus 1 per 300 sq. ft. of garage space.
Industrial	1 per employee plus 1 per 500 sq. ft.
Small Scale Centers, Home Occupations	1 per 1 employee plus 1 per 400 sq. ft. of commercial space.
Large Scale Residential, Institutional, Residential Resorts	2 per dwelling unit
Churches, auditoriums, theaters, arenas, spaces used for public assembly	1 for each 4 seats
Uses not listed	As determined by the County

- 9.2 Multiple use projects shall calculate cumulative parking needs for each type of use in the project to be developed.
- 9.3 Minimum size of parking space shall be 300 square feet which includes the parking stalls and aisles.
- 9.4 Commercial, industrial, other non-residential and large scale residential uses shall provide for handicap parking.

History. 1980 Comp. 1980-6. Section 9, Parking Requirements was amended by County Ordinance 1990-11 adding requirements for auditorium uses, multiple uses and handicap access.

## **SECTION 10 - LOT SIZE REQUIREMENTS**

### **10.1 Relationship of Lot Sizes to Water Policies**

The General Plan sets forth the policy that future population growth in the County should be supported by adequate long term water availability and concentrate population growth in Urban and Metropolitan Areas and Traditional Communities. Development within these areas will generally be served by one or more regional water systems, or community water systems. Development outside of the Urban, Metropolitan Areas and Traditional Communities using domestic wells (Section 72-12-1 wells) should consider estimated long term water availability and protect water resources for existing County residents having domestic wells. Development may also be permitted if the applicant for a development permit demonstrates that he/she has water rights, excluding rights permitted under 72-12-1 NMSA 1978 or 75-11-1 NMSA 1953, recognized and permitted by the Director of Water Resources Department of Natural Resources Division of the State of New Mexico which are approved for transfer by the Director of Natural Resources Division to the site of the Development, and the permitted water rights are sufficient to support the proposed development.



10.1.1 Water Policies Governing Lot Sizes Where the Development will Utilize Permitted Water Rights

Applicants seeking a development permit may base their application on water rights authorized and permitted by the Director of Water Rights Division of the Natural Resources Department of the State of New Mexico, (with the exception of water rights permitted under Section 75-11-1 NMSA 1953 or 75-12-1 NMSA 1978). The applicant shall provide evidence that he/she owns or has an option to purchase the permitted water rights in an amount adequate to meet the needs of the development as shown by Article VII, Section 6.6.2, Water Budgets and Conservation Covenants. Any development permit approved and issued by the County shall be expressly conditioned upon the applicant obtaining final non appealable order or final non appealable approval from the Director of Water Rights Division of the Natural Resources Department of the State of New Mexico authorizing the change in use and change in point of diversion to meet the needs of the proposed development. The minimum lot size permitted by this Section shall be 2.5 acres, unless the proposed development is within an Urban, or Metropolitan Area or a Traditional Community, in which case further adjustments of the lot size shall be permitted as provided by Sections 10.4, 10.5.2 and 10.5.3.

10.1.2 Water Policies Governing Lot Sizes Where Developments Will Not Utilize Permitted Water Rights

BASIN ZONE: Minimum lot size shall be calculated based upon ground water storage only. Water that is in storage beneath the lot in the Basin Zone may be depleted over a 100-year lifetime. The lot must be large enough to have ground water in storage beneath the lot for a 100 year supply of water without consideration of recharge of the ground water.

BASIN FRINGE ZONE: Same as Basin Zone.

HOMESTEAD ZONE: Minimum lot size shall be calculated based either upon ground water storage or recharge of ground water, but not both. Water that is in storage beneath the lot in the Homestead Zone may be depleted over a 100 year lifetime. The lot must be large enough to have ground water in storage beneath the lot for a 100 year supply of water. Calculation of recharge in any specific case shall be done in a manner approved by the County Hydrologist. Recharge should be sufficient to supply water over a 100 year lifetime. However, applicants should be aware that studies done in the development of the General Plan indicated that in most areas of the Homestead Zone minimum lot sizes based on storage in this zone would be larger than those based on recharge.

MOUNTAIN ZONE: Same as Homestead Zone.

METROPOLITAN AREAS-BASIN AND BASIN FRINGE: For Basin and Basin Fringe zones within a Metropolitan Area as shown on Code Maps 12, 14 and 15, it is anticipated that regional water systems will eventually be developed. Therefore, water that is in storage beneath a lot within a Metropolitan Area may be depleted over a 40 year lifetime. The lot must be large enough to have ground water in storage beneath the lot for a 40 year supply of water without consideration of recharge of the ground water.

METROPOLITAN AREAS-HOMESTEAD AND MOUNTAIN ZONE: For Homestead and Mountain Zones within a Metropolitan Area, the minimum lot size shall be calculated based either upon ground water storage or recharge of ground water, but not

both. Water that is in storage beneath the lot in the Homestead Zone may be depleted over a 40 year lifetime. The lot must be large enough to have a ground water in storage beneath the lot for a 40 year supply of water. Calculation of recharge in any specific case shall be done in a manner approved by the County Hydrologist. Recharge should be sufficient to supply water over a 40 year lifetime. However, applicants should be aware that studies done in the development of the General Plan indicated that in most areas of the Homestead and Mountain Zones, minimum lot sizes based on storage in these zones would be larger than those based on recharge.

## 10.2 Calculation of Minimum Lot Size

Calculation of the minimum lot size under Section 10.1.2 shall be determined by the formula:

$$\frac{\text{Acre Feet}}{\text{Use (Year) x acres}}$$

Minimum Lot Size (Acres)=Water Available in acre feet per acre/year

$$\text{MLS} = \frac{\text{U x acres}}{\text{A}}$$

Where:

MLS is the minimum lot size in acres; it is the size of a lot needed to supply anticipated water needs.

U is the anticipated water needs for the lot; it is the use of water which will occur from the intended development of the lot, measured in acre-feet per year. The standard values listed for A were derived using the procedures set forth in the water appendix of the Code. The standard value for U is set forth in Section 10.2.2. A is the amount of water available in the aquifers which are beneath the lot, measured in acre-feet per acre per year using recharge or storage as described in 10.1.2.

10.2.1 Standard Values for A and Adjustments. The standard values for A shall be as follows:

<u>BASIN ZONE:</u>	0.1 acre-feet per acre per year
<u>BASIN FRINGE ZONE:</u>	.02 acre-feet per acre per year
<u>MOUNTAIN ZONE:</u>	.0125 acre-feet per acre per year
<u>HOMESTEAD ZONE:</u>	.00625 acre-feet per acre per year

The minimum lot sizes which result from the use of these standard values are as follows:

<u>BASIN ZONE:</u>	10 acres
<u>BASIN FRINGE ZONE:</u>	50 acres
<u>MOUNTAIN ZONE:</u>	80 acres
<u>HOMESTEAD ZONE:</u>	160 acres

The standard values of A may be adjusted if the applicant submits a hydrology report, either a detailed report (see Section 6.4 of Article VII), or a reconnaissance report (see Section 6.7 of Article VII). Values of A determined in such reports shall be reviewed by the County Hydrologist, who shall recommend to the Code Administrator whether or not

the value is reasonable, and if not, shall recommend a value appropriate for the use in determining minimum lot size.

The actual value of A used shall be based on the information submitted by the applicant, by the County Hydrologist or by others submitting information. If water conservation measures are used, as provided in Section 10.2.4b, and an actual value of A is determined, in most cases minimum lot sizes will be reduced below those listed in Section 10.2.1. However, applicants are advised that because of varying geologic conditions in Santa Fe County there is no assurance that a hydrology report will determine that the water supply in an area is more abundant than indicated by the standard value of A. In cases where the actual study shows a value of A which is less than the standard value (that is, there is less water available than assumed by the standard value), minimum lot size requirements may be increased beyond those indicated in this Section.

#### 10.2.2 Calculation of Use

U shall have a standard value of 1.0 acre feet per year per dwelling unit for residential use. For all other uses U shall be equal to the actual anticipated consumptive use for the development. The standard value for residential use may be adjusted if an applicant proposes to utilize water conservation measures. There shall be no adjustments for conservation in Urban, Traditional Community and Agricultural Valley Areas.

The Code Administrator shall maintain an application form upon which are listed potential water conservation measures. This form shall indicate the effect of each conservation measure on the value of U. As a minimum, the measures shall include: restrictions on use of water for irrigation purposes (including watering of lawns, gardens and shrubbery); restrictions on use of water for swimming pools; restrictions on the number of bathrooms per dwelling unit; restrictions on garbage disposal units; devices which reduce the utilization of water by appliances, kitchen fixtures, and bathroom fixtures; and pressure-reduction devices on in-coming water lines.

Any applicant who uses the application form as a basis for proposing conservation measures shall be allowed to reduce U in accordance with the effectiveness of the measures proposed. The maximum reduction in U which shall be considered achievable using this approach shall be a reduction of U to no less than 0.25 acre feet per year per dwelling unit. An applicant who proposes water conservation measures sufficient to reduce U to less than 0.25 acre feet per year per dwelling unit shall be required to prepare a water conservation report: See Section 6.6 of Article VII.

The actual value of U, and the minimum lot sizes which result, will depend on the conservation measures proposed by the applicant. In general, applicants who substantially restrict the use of irrigation (lawn and garden) water will be assumed to have a U of 0.5 acre feet per year per dwelling unit, while those who further restrict other types of water use will be assumed to require even less water. For reference purposes, the following lot sizes would be allowed if U is equal to 0.5 acre feet per year per dwelling unit.

<u>BASIN ZONE:</u>	5 acres
<u>BASIN FRINGE ZONE:</u>	25 acres
<u>MOUNTAIN ZONE:</u>	40 acres
<u>HOMESTEAD ZONE:</u>	80 acres

For reference purposes, the following lot sizes would be allowed if U is equal to 0.25 acre feet per year per dwelling unit.

<u>BASIN ZONE:</u>	2.5 acres
<u>BASIN FRINGE ZONE:</u>	12.5 acres
<u>MOUNTAIN ZONE:</u>	20 acres
<u>HOMESTEAD ZONE:</u>	40 acres

10.2.3 Special Standards for Calculation of Use for Small Scale Commercial Development

Special standards which set forth specific limitations on use for small scale commercial developments are set forth in this subsection. Applicants who propose small scale commercial development are required to prepare a written estimate of water use. The value of U shall be determined by that estimate unless otherwise determined by the Code Administrator. The Code Administrator shall have on file, a list of standard water consumption requirements for commercial activities. The applicant may use these figures in lieu of the written estimate of water use. Applicants may use standardized values for A as set forth in Section 10.2.2, or they may submit a hydrology report which contains an actual estimate of A for the land which is to be developed.

10.2.4 Special Standards for Calculation of Water Availability for Metropolitan Areas

Special standards which set forth limitations on water availability for metropolitan areas shown in Code Map 12, 14, and 15 are set forth in this Sub-section.

a. Standard Values of Water Availability

Because the policy for water management in Metropolitan areas allows for depletion of storage over a 40 year period, standard values for A are as follows:

<u>BASIN ZONE:</u>	.25 acre feet per acre per year
<u>BASIN FRINGE ZONE:</u>	.05 acre feet per acre per year
<u>MOUNTAIN ZONE:</u>	.0125 acre feet per acre per year

The minimum lot sizes which result from the use of these standard values are as follows:

<u>METRO BASIN ZONE:</u>	4 acres
<u>METRO BASIN FRINGE ZONE:</u>	20 acres
<u>METRO MOUNTAIN ZONE:</u>	80 acres

b. Adjustments for Water Conservation

For the division of land into four (4) or less lots, the minimum lot size may be adjusted using the procedures set forth in Section 10.2.2. For reference purposes, the minimum lot sizes which result if U = 0.25 acre feet per year per dwelling unit or commercial use are:

<u>BASIN ZONE:</u>	2.5 acres
<u>BASIN FRINGE ZONE:</u>	5 acres
<u>MOUNTAIN ZONE:</u>	20 acres

10.3 Exceptions to Minimum Lot Size Requirements

The minimum lot sizes calculated under Sections 10.1 and 10.2 shall not apply to the areas described in this Section and the minimum lot size contained in this Section shall control.

10.3.1 Metropolitan Area - Community Water Systems

Where a community water system provides water service to a development within the Metropolitan Areas, as shown on Code Maps 12, 14 and 15, the minimum lot sizes shall be:

<u>BASIN ZONE:</u>	1 acre
<u>BASIN FRINGE ZONE:</u>	2.5 acres
<u>MOUNTAIN ZONE:</u>	5 acres

10.3.2 Agricultural Areas

In the Estancia Valley Agricultural Area, minimum lot sizes shall be 50 acres for the Basin Fringe Zone and 10 acres for the Basin Zone. Adjustments for water conservation and water availability will not be allowed. In the Northern Valley Agricultural Area, the minimum lot size for lands with permitted water rights shall be five (5) acres. Adjustments to lot sizes in these areas are conditioned on the finding in each case by the County Development Review Committee that it is in the best interest of the County to convert water rights from agricultural to commercial or residential use.

10.3.3 Traditional Communities

The minimum lot size in traditional communities as shown on Code Maps 40-57, shall be .75 acres, except as follows:

14,000 sq. ft. - Where community water service and community sewer service systems are utilized, or a Local Land Use and Utility Plan is adopted.

10.3.4 Urban Areas

The minimum lot size in Urban Areas shall be 2.5 acres, except as follows:

1 acre - Where community water or community liquid waste disposal systems are utilized.

.50 acre - Where community water and community sewer systems are utilized.

10.4 Density Transfer

The minimum lot sizes specified in this Section 10 shall be taken as gross figures for the purposes of determining the total number of dwellings allowed in a particular development. The arrangement of dwellings in clusters or in such locations as to take advantage of topography, soil conditions, avoidance of flood hazards, access and reduced cost of development, shall not violate the lot size requirements of the Code so long as the total number of acres per lot conforms with the requirements of the Code.

**SECTION 11 - IMPORTING OF WATER**

11.1 Location Requirements

Developments which import water from the surface Rio Grande or other locations outside Santa Fe County to any location in Santa Fe County designated in the Development Code as other than urban or metropolitan locations are permitted to locate anywhere in the County provided they meet all requirements of the Code, except that in lieu of the density requirements as specified in Article III, Section 10, the proposed development shall meet the following criteria.



2.5 Zoning

In connection with the review of an application for a development permit with respect to matters described in the New Mexico Statutes concerning zoning, the procedures concerning zoning matters set forth in the New Mexico Statutes, as amended from time to time, shall apply in addition to the review procedures provided in the Code. The time limits established in this Article II may be extended if required, in order to comply with the procedures concerning zoning matters.

2.6 Subdivisions

In connection with review of an application for a development permit with respect to matters described in the New Mexico Subdivision Act, as it may be amended from time to time, the procedures for review provided for in Article V of the Code and the New Mexico Subdivision Act shall apply in addition to the review procedures provided in this Article II of the Code. The time limits established in this Article II shall be extended if required in order to comply with the procedures concerning subdivision matters.

2.7 Other Requirements

The time limits set forth in this Article II shall be extended in order to comply with other provisions of the Code providing for time limits in connection with reviews and requirements under the Code.

**SECTION 3 - VARIANCES**3.1 Proposed Development

Where in the case of proposed development, it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted conditions or that these conditions would result in inhibiting the achievement of the purposes of the Code, an applicant may file a written request for a variance. A Development Review Committee may recommend to the Board and the Board may vary, modify or waive the requirements of the Code and upon adequate proof that compliance with Code provision at issue will result in an arbitrary and unreasonable taking or property or exact hardship, and proof that a variance from the Code will not result in conditions injurious to health or safety. In arriving at its determination, the Development Review Committee and the Board shall carefully consider the opinions of any agency requested to review and comment on the variance request. In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified.

3.2 Variation or Modification

In no case shall any variation or modification be more than a minimum easing of the requirements.

3.3 Granting Variances and Modifications

In granting variances, and modifications, the Board may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

3.4 Height Variance in Airport Zones

All height variance requests for land located with approach, Transitional, Horizontal and Conical surfaces as described within Map #31 A, incorporated herein by reference, shall be reviewed for compliance with Federal Aviation Administration Regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the





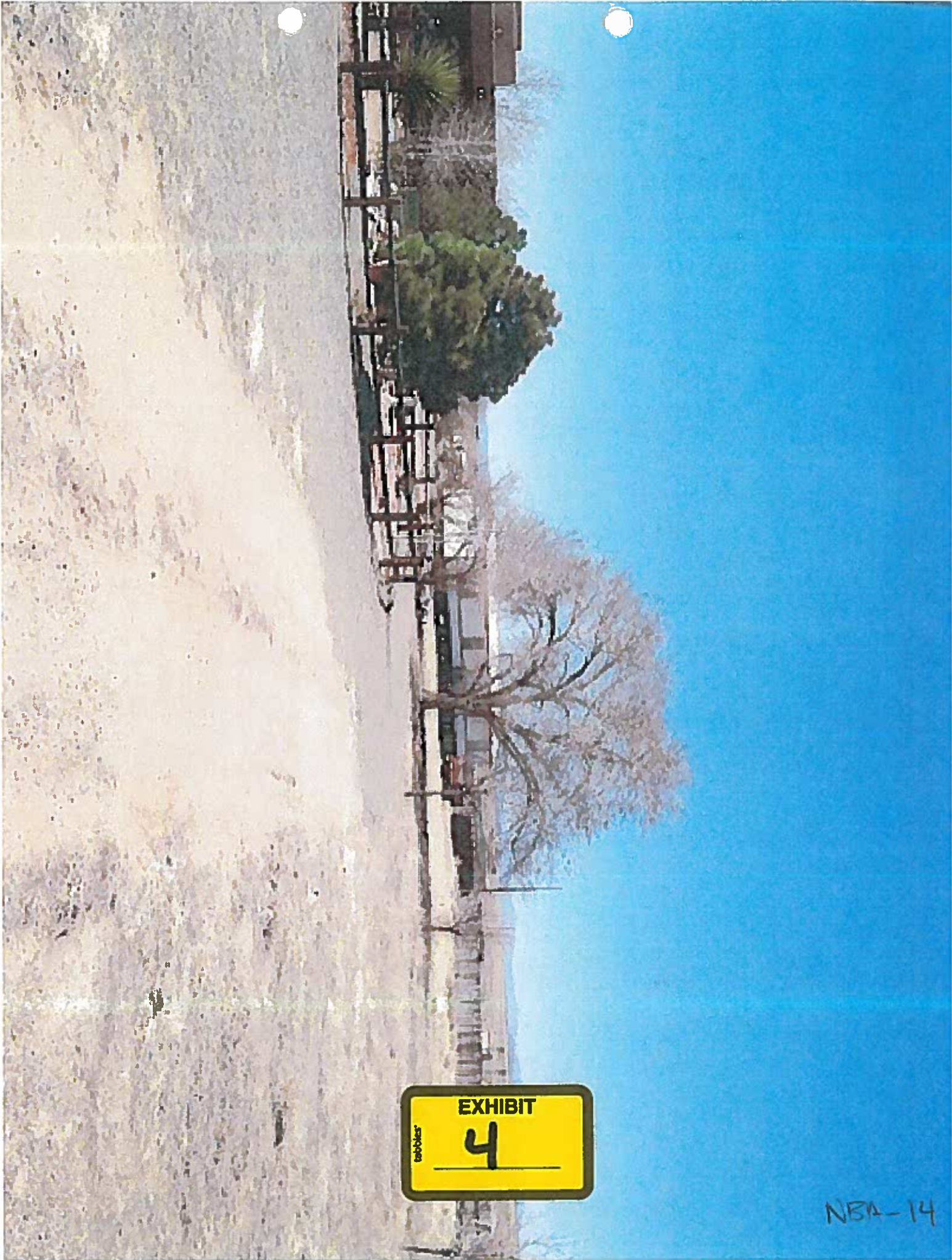


EXHIBIT  
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NBA-14





NBA-15





04/25/2014

NBA-16