

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel 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: September 19, 2013

TO: County Development Review Committee

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

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

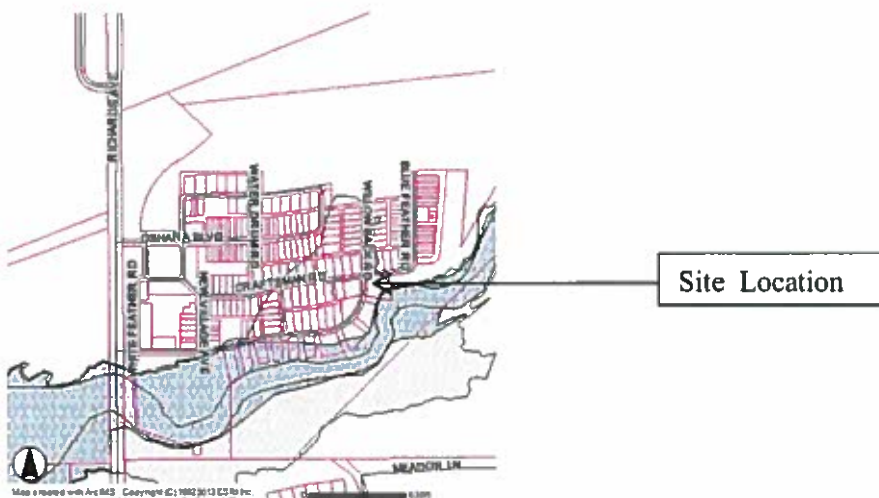
FILE REF.: CDRC CASE MIS #13-5200 Oshara Village Master Plan Amendment

ISSUE:

Homewise Inc. and Century Bank, Applicants, Design Enginuity, Agent, request a Master Plan Amendment to rezone 26 live/work lots into 26 residential townhome lots (Lots 76-85 and 92-107), to rezone 10 live/work lots to 7 residential patio lots (145-154) and to rezone 17 commercial lots to 9 residential patio lots (Lots 7-15 and 20-27). The request also includes approval to create 5 residential patio home lots on Tract C which was designated reserved, open space.

The property is located in Oshara Village, via Richards Avenue, within the Community College District, within Section 16, Township 16 North, Range 9 East (Commission District 5).

Vicinity Map:



SUMMARY:

On April 30, 2002, the Extraterritorial Zoning Authority (EZA) granted Master Plan approval for a mixed-use development formerly known as "Oshara Ranch." The development consisted of 735 residential units and 1.7 million square feet of commercial space and 246 acres of open space/park/plaza areas on 471 acres, to be developed in eight (8) phases (Refer to April 30, 2002 EZA Meeting Minutes attached as Exhibit 5).

On October 28, 2004, the EZA granted a Master Plan Amendment to the previously approved Oshara Ranch in order to change the phasing of the project (Refer to October 28, 2004 EZA Meeting Minutes attached as Exhibit 6).

On January 11, 2005, the Board of County Commissioners (BCC) granted Preliminary Development Plan and Plat approval for Phase 1 of the Oshara development.

On June 14, 2005, the BCC granted Final Plat and Development Plan approval for Phase 1 of the Oshara Village development which consisted of 175 residential lots and 136,000 sq. ft. of commercial space on 74 lots on a total of 37.78 acres in accordance with the previously approved Master Plan (refer to June 14, 2005, BCC Meeting Minutes attached as Exhibit 7).

Since the time of approval, the necessary infrastructure, including roads and utility lines have been installed and more than 59 homes are occupied within Oshara Village.

In 2008, the nationwide economic downturn greatly impacted the project's execution and the developers could not meet their obligations. The project mortgages were set up so that if the developer failed, the banks would take over ownership of the remaining lots.

The Applicant's now request to modify the zoning on Lots 76-85 and 92-107 from 26 live/work lots to 26 residential townhome lots, Lots 145-154 from 10 live/work lots to 7 residential patio home lots and Lots 7-15 and 20-27 from 17 commercial lots to 9 residential patio home lots. The request also includes approval to create 5 residential patio home lots on Tract C which was designated as reserved, open space on the original recorded plat.

The primary reason for the request is to address changing market conditions, as they see little market for live-work units or small commercial lots in Oshara Village. Currently there are 42 live-work lots within Phase 1, and under the proposal, 36 of those lots would be developed as 26 residential townhome lots and 7 residential patio home lots. The other six would remain live-work lots.

There currently are 23 commercial lots, The Applicants state that 17 of the commercial lots which are located at the far eastern side of the Oshara development site are not suitable for commercial projects as they are not visible from the main traffic thoroughfares and are small lots ranging in size from 2,345 to 4,250 square feet. However, patio home buyers have shown interest

in them, given their location adjacent to Oshara's open space. Therefore, the Applicants are proposing to rezone those 17 commercial lots to 9 residential patio home lots.

In addition, the Applicants request approval to create 5 patio home lots on Tract C which was designated as reserved open space. The tracts will front Willow Back Road which is complete with all necessary utilities in the roadway. The lots will have a minimum setback of 350 feet from Richard's Avenue. The project will still provide the required 50% open space.

If the requested Master Plan Amendment is granted, the development of the 26 townhomes will proceed promptly, as no lot line or infrastructure modifications would be necessary. The lots for the patio homes are larger than the existing live-work and commercial lots requiring modifications to lot lines and utilities that would require the Applicant to return to the County with a development plan and lot line adjustment plat for this portion of the project as well as a request for Preliminary and Final Plat and Development Plan approval for the 5 lots being created on Tract C. Overall the net result of the proposed changes would be a 6-lot decrease in density with respect to the original plan.

Article V, § 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".

This Application was submitted on June 7, 2013.

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

APPROVAL SOUGHT: Master Plan Amendment to convert 26 live/work lots into 26 residential townhome lots, 10 live/work lots into 7 residential patio home lots and 17 commercial lots into 9 residential patio home lots and to create 5 patio home lots on Tract C, which was designated as reserved open space.

GROWTH MANAGEMENT AREA: El Centro, SDA-2

LOCATION: Oshara Village is located on the east side of Richards Avenue, south of 1-25 and north of the Santa Fe Community College.

ZONING ALLOWANCES: The minimum residential density that is required in a

village zone community center/neighborhood is 3.5 units per acre. The Applicant is proposing approximately 5 units per acre.

AFFORDABLE HOUSING:

Oshara Village was required to provide 15% affordable housing. That was based on 15% of 175 residential lots for a requirement of 26.25 affordable units. The developer agreed to do 27 affordable units. Of the 27 affordable units required, all but 7 have been developed. There was no affordable housing obligation imposed on the creation of commercial lots.

The Applicants now propose to create 11 additional residential lots for a total of 186 residential lots. With the 15% affordable requirement applied to the 186 residential lots, the development must include 28 affordable units. Therefore, one more affordable unit is required.

OPEN SPACE:

The Community College District Ordinance requires 50% open space within a project. The original project had 42.30 acres of open space, or 50.4%. A lot line adjustment was done in March 2013, which altered the lot lines of 9 Estate lots to address a modification of the adjacent FEMA flood zone which brought the total acreage of open space to 43.69 acres or 52%.

The proposed request to create 5 residential patio home lots in the designated reserved open space will amount to .66 acres which will decrease the open space to 43.03 acres or 51.2% open space.

ACCESS/TRAFFIC:

Access is directly off Richards Avenue via two access points and the project developer constructed a 2-lane paved road connection between Richards Avenue and Rabbit Road, which helps alleviate some traffic on Rodeo Road and Richards Avenue.

The proposed development will not affect the operation level of the existing roadways and intersections due to a reduction in peak hour traffic. Therefore, Santa Fe County Public Works Department stated an updated TIA was not required.

NMDOT stated the study provided did not include any traffic analysis for the subdivision.

ARCHAEOLOGY: An Archaeological survey was conducted at the Master Plan level which yielded two significant sites, however, neither one of these sites impacts this Phase.

FIRE PROTECTION: Fire hydrants are installed throughout the development.

WATER SUPPLY: Santa Fe County Water utility serves the development. Residential water use is estimated at 0.15 acre feet per dwelling with a water restriction of 0.12 acre feet per unit. This will be accomplished through water conservation measures and the use of treated effluent for landscaping and flushing toilets within commercial buildings as well as collection of roof drainage for landscaping.

WASTEWATER: A wastewater treatment plant serves the development.

TERRAIN MANAGEMENT: The Arroyo Hondo, which is a significant drainage course, extends through the development. The drainage course is reserved as part of the permanent open space

AGENCY REVIEW:	<u>Agency</u>	<u>Recommendation</u>
	SFC Fire	Approval with Conditions
	SFC Public Works	Approval
	SFC Utilities	No Response
	SFC Planning	No Response
	SFC Transportation	Approval
	SFC Affordable Housing	Approval with Conditions
	Soil and Water	Approval
	NMDOT	Negative

STAFF RECOMMENDATION: Approval of a Master Plan Amendment to rezone 26 live/work lots to 26 residential townhome lots, rezone 10 live/work lots to 7 residential patio home lots, rezone 17 commercial lots to 9 residential patio home lots and create 5 residential patio home lots on Tract C which was designated reserved, open space. Subject to the following conditions:

1. The Applicant shall comply with all conditions of the original Master Plan.
2. Amend the Affordable Housing Agreement to identify an additional unit.

EXHIBITS:

1. Developer's Report
2. Developer's Plans
3. Reviewing Agency Reports
4. April 30, 2002 EZA Staff Report
5. April 30, 2002 EZA Meeting Minutes
6. October 28, 2004 EZA Meeting Minutes
7. June 14, 2005 BCC Meeting Minutes
8. Letter of Support
9. Letter of Opposition
10. Aerial Photo of Site and Surrounding Areas

DESIGN ENGINUITY



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E-mail oralynn@designenginuity.biz

June 7, 2013

Santa Fe County Commissioners
County Development Review Commissioners

RE: Request to Amend Portions of Oshara Village Phase 1 Zoning

Dear Commissioners,

The Oshara Village Phase 1 project received final approval from the Board of County Commissioners in June 2005, shortly thereafter they installed the necessary infrastructure, including roads and utility lines, and began selling lots. More than 59 homes are occupied in Oshara today. Unfortunately, the 2008 nationwide economic downturn greatly impacted the project's execution and the developers could not meet their obligations. The project mortgages were set up so that when the developer failed, the banks would take over ownership of the remaining lots. However, the banks did not become the developer, nor do they constitute the developers' successors. Los Alamos National Bank (LANB) and Century Bank became the owners of most of the lots within the Village. LANB has transferred their interest in 26 live work lots to Homewise. All common area is now owned by the Oshara Homeowners Association.

Homewise and Century Bank are interested in modifying the zoning on some of their lots. Specifically they would like to request the following:

<u>CURRENT</u>	<u>PROPOSED</u>
36 Live-Work Lots	26 Townhome Lots
17 Commercial Lots	21 Patio Home Lots

The primary reason for this request is to address changing market conditions, as they see little market for live-work units or small commercial lots in our community. Six live-work lots will remain in the Oshara development, and under this proposal, the other 36 would be developed as either Townhome or Patio Home lots. The 17 commercial lots that are proposed to be modified are all located at the far east side of the Oshara development site. They are not suitable for commercial projects as they are not visible from the main traffic thoroughfares. They are small commercial lots ranging in size

EXHIBIT

tabbles

17

from 2345 to 4250 square feet. Market analysts have found no interest from potential buyers of these lots for commercial purposes. However, patio home buyers have shown interest in them, given their location adjacent to Oshara's open space. We further request that we be allowed to place 5 Patio Home Lots on Tract C, which was "reserved" for future development in Phase 1. This Tract fronts Willow Back Ridge, which is complete with all necessary utilities in the roadway. We propose a setback of no less than 350 feet from Richard's Avenue.

In addition, we request that the existing wastewater collection and wastewater treatment systems be acquired by Santa Fe County Utilities, at no public cost. Oshara Village is currently served with water supply by Santa Fe County Utilities. In our opinion this acquisition would be in the best interest of Oshara Village and the entire Santa Fe community. The system is only a few years old and has been properly operated and maintained since its start-up, and the County's specialized staff could provide O&M services in perpetuity in a much more reliably manner than anyone else. The County is also in a much better position to enforce rules, rates and fees than the private sector will ever be. The Oshara Village Home Owner's Association strongly supports this request.

The requested changes would have no foreseeable negative impact, while at the same time, they would have the positive impact of allowing this project to reach completion. The Santa Fe County community would not benefit in any way from having the development site deteriorate over time, right in the middle of the most promising multi-use development district in the metropolitan area. If the requested Master Plan Amendment is granted, development of the 26 townhomes in the New Community Center Core will proceed promptly, as no lot line or infrastructure modifications would be necessary. Because the lots for the patio homes are larger than the existing live-work and commercial lots in the Flexible Commercial Area, lot lines and utility modifications would be necessary, and therefore, we would return to the County with a final development plan and lot line adjustment plat for this portion of the project. Overall the net result of these changes would be a 6-lot decrease with respect to the original plan. Other important facts related to this project are listed below.

LOCATION

Oshara Village is located on the east side of Richard's Avenue just south of I-25. The area that is to be modified is highlighted in Figure 1.

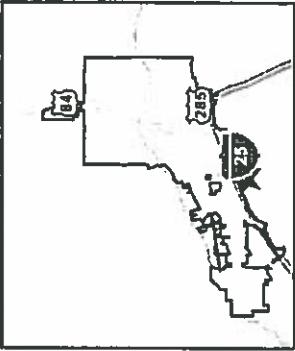
AFFORDABLE HOUSING

Oshara Village was required to have 15% affordable housing. All but seven have been developed, and these seven are all on live-work lots. We propose to provide seven affordable patio homes.

OPEN SPACE

The Community College District Ordinance requires 50% open space within a project. The original Oshara Village Phase 1 project had 42.30 acres of open space, or 50.4%. In March 2013 Century Bank, with County approval, altered the lot lines of nine estate lots to address a modification of the adjacent FEMA flood zone and create lots that had

FIGURE 1 - VICINITY MAP



Legend

- City Limits
- Address Points
- Parcels
- Santa Fe River
- Major Roads and Highways
- Other Roads and Streets



Scale: 1:8,497



Map center: 1715663, 1678987

0 500 1000 ft.

This map is a user-generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



INTERSTATE 25

a primary south facing elevation. These changes resulted in a 1.39 acres increase in the open space. With the approval of the proposed amendment the open space would be 43.03 acres for a total of 51.2% of the total acreage in the project.

WATER

The County approved water budget for the entire Oshara Village project is 41 AFY. Each residential lot was required to have 0.19 AFY regardless of the type of residence built on it. Therefore, converting from one type of residential product to another would have no impact on the water budget. In fact, current water use in the already developed lots at Oshara Village averages an impressive 0.11 AFY/lot, based on the most recent 12 months of records in the County.

The originally designated commercial lots, whose zoning is hereby proposed to be modified, were proposed to have very low water demand at only 1.2 AFY for 36,000 SF of commercial development. As we propose to modify 17 of commercial lots or 81% of the total allowable 36,000 SF, we figure that these lots can take 81% of the original water budget, or 0.971 AFY. Making the same assumptions as were made for the original water budget, the 17 commercial lots' water allotment would be equivalent to 5 residential units ($0.971 \text{ AF} / 0.19 \text{ AF/DU} = 5.11 \text{ DU}$). Therefore, the proposed amendment would have enough water to be serve 42 of the proposed 48 residential units. We propose that the remaining 6 residential units be connected in accordance with the current County Utilities policies, which requires a payment of \$3,050 per lot, at the time of water meter installation.

TRAFFIC

There were several traffic analyses prepared for the development of Oshara Village. The project developer installed a 2 lane paved road connection between Richard's Avenue and Rabbit Road, thus providing connection to St. Francis Road, which helps to alleviate some traffic on Richards and Rodeo Roads.

In all the Oshara traffic analyses, the traffic impact by residential type (estate, patio home, townhome or live-work) were not distinguished. Therefore, we can safely assume that a modification of the type of residential use would have no change to anticipated traffic, and changing the 26 live work units to 26 townhomes in the new Community Core will have no discernible impact on the traffic conditions.

In the Flexible Commercial Area there are currently 10 residential live-work units that were assigned 74 trips per day, plus 36,000 square feet of commercial development which were assigned 108 trips in the previous traffic studies. Only non-retail commercial (office space, light manufacturing, wholesale and services) development was permitted in this area. We propose converting 81% of the commercial area (17 of the larger commercial lots) to patio homes, thus converting 81% of the 108 trips, or 87.48 trips. The trips associated with the units to be changed would total 74 plus 87.48 or 161.48.

Because the nature of the Flexible Commercial Area will be transformed from primarily commercial to primary residential, use of 7.56 trips per day per dwelling unit consistent

with the New Community Center Core is appropriate. Therefore 161.43 trips equates to 21 dwelling units (161.43 total trips/7.56 trips per residence =21.35 residences). The proposed replacement of 10 live work units and 17 commercial units with 21 patio homes, will have no impact on the traffic conditions compared with what was previously approved.

INFRASTRUCTURE MODIFICATIONS

There will be no infrastructure modifications associated with changing 26 of the live work units to townhomes in the New Community Center Core. As the lots will be enlarged in the existing Flexible Commercial Area, we will have to shift lot lines, and permanently shut off 11 water and sewer service lines. In addition we will need to install new water, sewer and dry utility services in the five lots to be developed along Willow Back Road. No road modifications would be required. Design drawings for all utility modifications will be provided with the Final Development Plan.

Thank you for consideration of this request.

Sincerely,



Oralynn Guerrerortiz, PE

DESIGN ENGINUITY



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PO Box 2758 Santa Fe, New Mexico 87504
(505) 989-3551 FAX (505) 989-4740
E-mail oralynn@designenginuity.biz

August 20, 2013

Santa Fe County Commissioners
County Development Review Commissioners

RE: Request to Amend Portions of Oshara Village Phase 1 Zoning
Further Clarification

Dear Commissioners,

At the request of County Staff, we provide the following clarifications.

- **Summary of the Lots to be Rezoned**

Current Zoning

26 Live Work Lots will be converted to
10 Live Work Lots will be converted to
17 Commercial Lots will be converted to
1 Reserved Open Space Lot will be converted to

Proposed Zoning

26 Townhome Lots
7 Patio Homes
9 Patio Homes
5 Patio Homes and a Reserved
Open Space Lot

Total Lots to be Rezoned:

Current

54

Proposed

48

Note the Oshara Village Phase 1 has 2 "Reserved" Open Space lots in which future development is permitted as long as the 50% open space requirement is met.

- **Open Space (50% required)**

Approved by BCC for the Oshara Village, Phase 1:

42.30 acres or 50.4%

After Lot-line Adjustments by Century Bank, March 2013:

43.69 acres or 52.0%

If request to create 5 patio homes in Reserved Open Space is approved:

43.03 acres or 51.2%

• **Summary of Commercial Zoning Changes**

<u>Current</u>	<u>Proposed</u>
• 6 Large Commercial Lots near Richards Avenue 100,000 SF Permit Uses: Retail and Office	Unchanged
• 42 Live Work Lots	6 Live Work Lots
• 23 Flexible Commercial Lots 36,000 SF Permit Uses: Light Manufacturing, Office, Wholesale and Services	6 Flexible Commercial Lots 6840 SF

Note that the approved Oshara Village 2004 Amended Master Plan has the following statements:

In the New Community Center which incorporated all of Phase 1 of Oshara Village permitted commercial development includes *"office, hotel, theater, retail or any viable permitted use that makes this region-serving destination popular"*. And *"Expected quantities of development in each land use may increase if market conditions permit."*

If there is anything further you require, please let me know.

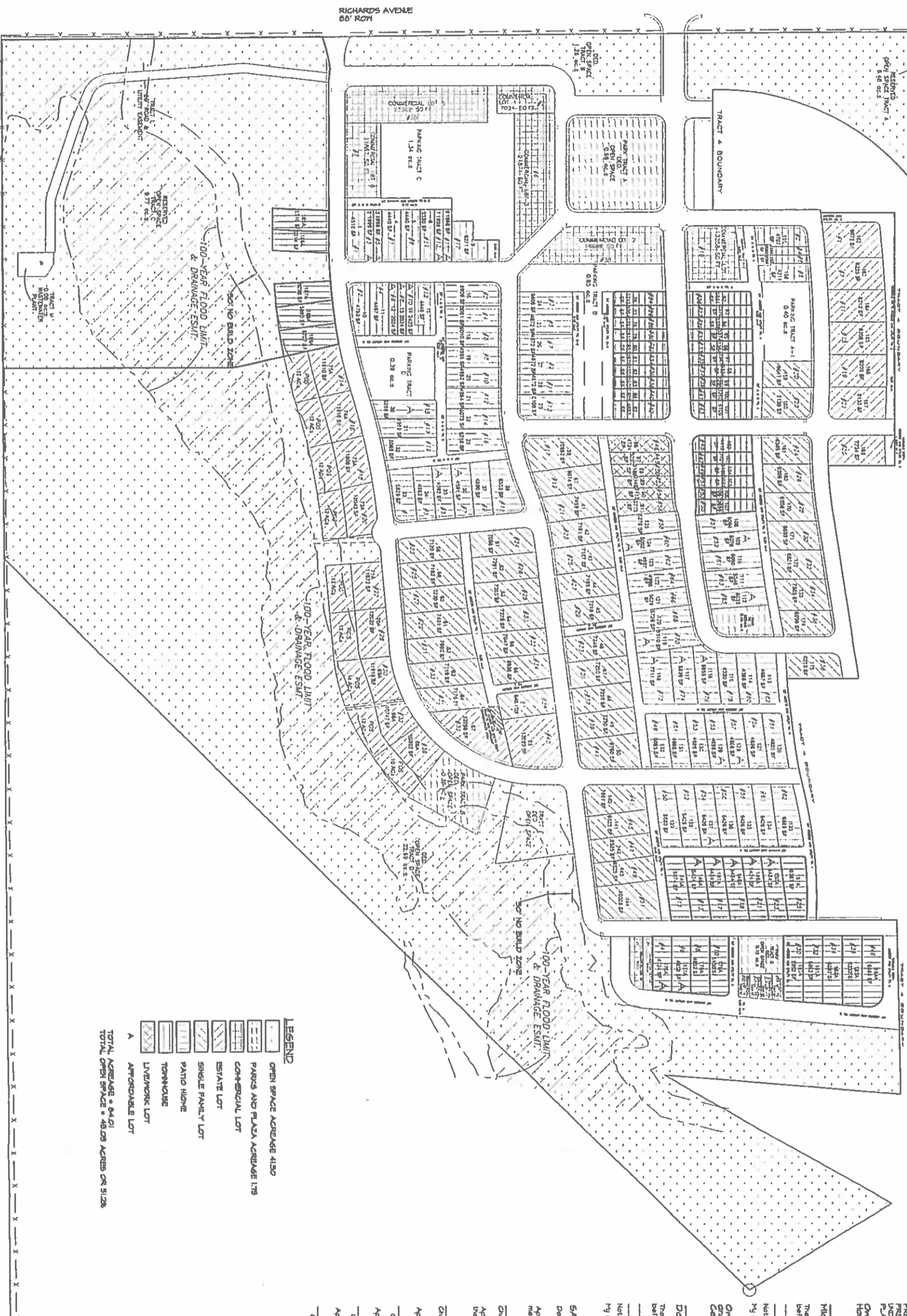
Thank you.

Sincerely,



Orallynn Guerrerortiz, PE

MASTER PLAN AMENDMENT OF LOTS 76-85, 92-107, AND 145-154, COMMERCIAL LOTS 7-15 AND 20-27, AND TRACT C OF OSHARA VILLAGE, PHASE I, SANTA FE, NEW MEXICO



LEGEND

- OPEN SPACE ACREAGE 4130
- PARKS AND PLAZA ACREAGE 178
- COMMERCIAL LOT
- ESTATE LOT
- SINGLE FAMILY LOT
- PATIO HOME
- TOWNHOUSE
- LIVE/WORK LOT
- APPROPRIABLE LOT

TOTAL ACREAGE = 84.01
TOTAL OPEN SPACE = 48.08 ACRES OR 51.28

PURPOSE:
TO CHANGE ZONING OF 26 LOTS (LOTS 76-85 AND 92-107) FROM LIVE/WORK TO TOWNHOUSES
TO CHANGE ZONING OF 10 LOTS (LOTS 145-154) FROM LIVE/WORK TO PATIO HOME LOTS
TO CHANGE ZONING OF 11 COMMERCIAL LOTS (COMMERCIAL LOTS 7-15 AND 20-27) TO 4 PATIO HOMES
TO ALLOW 5 PATIO HOMES TO BE DEVELOPED IN TRACT C.

AFFIDAVIT:
KNOW ALL PERSONS BY THESE PRESENTS THAT THE UNDERSIGNED, DON K. PADGETT, PRESIDENT AND CEO OF CENTURY BANK, HAS PREPARED THE MASTER PLAN AMENDMENT FOR THIS PLAN IN FULL AND ACCORDANCE WITH THE DESIRES OF THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS. THIS DEVELOPMENT LIES WITHIN THE PLANNING AND PLATTING JURISDICTION OF SANTA FE COUNTY. Owner of Lots 76-85 and 92-107: Hemlock, Inc.

Michael D. Lotfin, Executive Director
The foregoing was sworn, attested and subscribed before me by Michael D. Lotfin, Executive Director, Hemlock, Inc. of _____ day of _____ 20____
Notary Public: _____
My Commission Expires on _____

Owner of Lots 145-154, Commercial Lots 7-15, 20-27 and Tract C:
The foregoing was sworn, attested and subscribed before me by Don K. Padgett, President and CEO of Century Bank of _____ day of _____ 20____
Notary Public: _____
My Commission Expires on _____

SANTA FE COUNTY APPROVALS

Development Permit # _____
Approved by the Board of County Commissioners at their meeting of _____ Date _____

Chairperson _____ Date _____
Approved by the County Development Review Committee at the meeting of _____ Date _____

Chairperson _____ Date _____
Approved by _____ Date _____
County Land Use Administrator _____ Date _____
Approved by _____ Date _____
County Fire Marshal _____ Date _____
Approved by _____ Date _____
County Public Works Director _____ Date _____

DESIGN ENGINEER
NAB URBAN STREET, SUITE C
SANTA FE, NEW MEXICO 87504
DON K. PADGETT
PRESIDENT AND CEO
CENTURY BANK

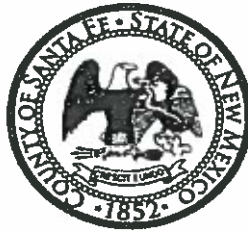
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DATE 06/05/2018

Daniel Mayfield
Commissioner, District 1

Miguel Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Liz Stefanics
Commissioner, District 4

Kathy Holian
Commissioner, District 5

Katherine Miller
County Manager

**PUBLIC WORKS DIVISION
MEMORANDUM**

Date: June 27, 2013

To: Vicente Archuleta, Development Review Team Leader

From: Paul Kavanaugh, Engineering Associate Public Works
Johnny P. Baca, Traffic Manager Public Works

Re: CDRC CASE # 13-5200 Oshara Village, Phase I Master Plan Amendment

The referenced project has been reviewed for compliance of the **Land Development Code**, of **Article V** (Subdivision Design Standards), **Section 8.1** (General Policy on Roads) and **Article XV** Regulations for the Community College District, in which the roadway/driveway needs to conform. The project is located within the Community College District located within Santa Fe County Zoning Jurisdiction and is situated south of Interstate 25, east of Richards Avenue, within Section 16, Township 16 North, Range 9 East. The applicant is requesting approval for a Master Plan Amendment consisting of a reduction of 36 Live –Work Units to 26 Townhome Units and a reduction of 17 Commercial Lots to 21 Patio Home Lots, resulting in a reduction of the commercial and an increase in residential.

Access:

The applicant accesses the 84.01 acre tract (Phase I) from Richards Avenue on the west and Rabbit Road on the northeast. The applicant has proposed to convert 36 Live –Work Units to 26 Townhomes and 17 Commercial Lots to 21 Patio Home Lots. **According to the *Institute of Transportation Engineers Trip Generation 8th Edition*, a reduction in peak hour traffic is indicated**, which supports the change in Master Plan and will not affect the operation level of the existing intersections (Richards Avenue and Oshara Boulevard) and (Richards Avenue and Willow Back Road).

Conclusion:

Staff has reviewed the submittal and feels that they can support the project for Master Plan Amendment.





New Mexico DEPARTMENT OF
TRANSPORTATION

July 26, 2013

Mr. Vicente Archuleta
102 Grant Avenue
Santa Fe, NM 87501

RE: Oshara Village, Phase 1 Subdivision

Dear Mr. Archuleta,

The appropriate engineers of the New Mexico Department of Transportation have reviewed the submitted material on the above referenced development and comments or concerns to be addressed are as follows:

Traffic Technical Support Section: The study provided did not include any traffic analysis for the subdivision. They need to contact District Traffic Engineer and follow this procedure:

Traffic Study Approach: A three-tiered approach shall be utilized to satisfy the NMDOT traffic study requirement for a proposed land development project. Traffic impact study requirements of local governments shall also be followed, where applicable. The general type of traffic analysis required for each tier are listed below. A simplified traffic study process flow chart for an access request is provided on the following page.

(1) First Tier: Site THreshold Assessment (STH) - A screening-level analysis to determine if additional traffic analysis is required. Consists of a one-page worksheet (Form STH in Appendix D).

(2) Second Tier: Site Traffic Analysis (STA) - A focused traffic study to assess site-specific impacts of a proposed development. Consists of an engineering evaluation and the preparation of a traffic study report.

(3) Third Tier: Traffic Impact Analysis (TIA) - A detailed traffic impact analysis of all traffic operations, access and safety impacts within the prescribed study area for a proposed development. Consists of an engineering evaluation and the preparation of a traffic study report.

C. Site Threshold Assessment: A STH shall be required of all developing or redeveloping properties that directly or indirectly access a state highway. The requirements for the STH are described in the following subsections.

(1) The STH should examine existing roadway volumes and trip generation estimates to determine if additional traffic analysis is required. The following information is needed to complete Form STH, which is included in Appendix D:

- A detailed description and location of the proposed development
- Existing daily traffic volumes for the adjacent state highway

Susana Martinez
Governor

Tom Church
Interim Cabinet Secretary

Commissioners

Pete K. Rahn
Chairman
District 3

Dr. Kenneth White
Secretary
District 1

Robert R. Wallach
Commissioner
District 2

Ronald Schmeits
Commissioner
District 4

Butch Mathews
Commissioner
District 5

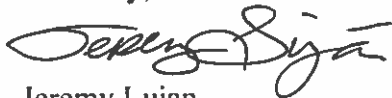
Jackson Gibson
Commissioner
District 6

Trip generation estimates for the proposed development
Existing daily traffic volume information for state highway segments may be obtained from the NMSHTD Consolidated Highway DataBase (CHDB). Data obtained from other sources must be current or have been collected within two years of the STH.

Environmental Bureau: Is the Developer aware that Santa Fe County is proposing to build a bypass near this location? Although Santa Fe County is in the Phase A stage of selecting alternatives for this by-pass, one of the alternatives under review is immediately adjacent (under 2000 feet east) of the proposed subdivision. I believe developers have to disclose this kind of information to potential homebuyers. (The study underway is being funded by FHWA, through the NMDOT, as a local lead project.)

If there are any questions you may contact me at (505) 827-5249 or by email at jeremy.lujan@state.nm.us .

Sincerely,



Jeremy Lujan
Property Asset Management Agent

FILE#: 1747



SANTA FE – POJOAQUE SOIL AND WATER CONSERVATION DISTRICT

4001 Office Court Dr, Bldg 1000, Ste 1001

Santa Fe, New Mexico 87505

Telephone (505) 988-6253 Extension 3

Fax (505) 988-6615

SUPERVISORS
Alfredo Roybal
José Varela López
Jose Carlos Ortiz
Shelley Winship

July 23, 2013

Mr. Vicente Archuleta
Development Review Team Leader
Santa Fe County
102 Grant Avenue
Santa Fe, NM 87501

Re: Case #13-5200 Oshara Village, Phase I Master Plan Amendment

Dear Mr. Archuleta:

Santa Fe-Pojoaque Soil and Water Conservation District (District) has reviewed the materials associated with the Oshara Village Master Plan Amendment for Phase I. It is our opinion that the proposed amendments do not negatively affect our previous comments regarding this subdivision.

Sincerely,

Jose J. Varela López
Vice-Chairman
Santa Fe-Pojoaque SWCD

Vicente Archuleta

From: Steven R. Brugger
Sent: Tuesday, July 02, 2013 5:48 PM
To: Vicente Archuleta
Subject: Oshara Village Phase 1 Master Plan Amendment Request

Vicente:

Per your request for comments on the proposed development request, I offer the following.

Back when Oshara Village was originally approved, the affordable housing requirement was based on 15% of 175 residential lots, for a requirement of 26.25 affordable units. In the affordable housing agreement, the developer agreed to do 27 affordable units. There was no affordable housing obligation imposed on the creation of commercial lots.

With the proposed master plan amendment request, the applicant proposes to add 11 net new residential units, for a total of 186 units. With the 15% affordable requirement applied to 186 total units, the development must include 28 affordable units. This is one more than what is currently required and depicted on the development plan.

To comply with the affordable housing ordinance and regulations, one more affordable unit must be shown on the development plan and cited in the consultant report.

In addition, if Homewise is to satisfy the affordable requirement through the construction of affordable homes on lots that they currently own, the proposed location of the affordables to be built will be different than what is currently shown on the plans and should be revised. This will also be addressed in a new affordable housing agreement which would be part of the submittal package to the BCC.

Please call with any questions. Thanks.

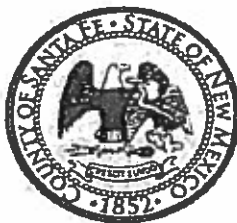
Steve

Steven Brugger, AICP
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102 Grant Avenue
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Daniel "Danny" Mayfield
Commissioner, District 1

Miguel Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Santa Fe County Fire Department Fire Prevention Division

Official Development Review

Date	7/2/2013				
Project Name	Oshara Village				
Project Location	Willowback				
Description	Master Plan	Case Manager	V. Archuleta		
Applicant Name	Homewise Inc. & Century Bank		County Case #	13-5200	
Applicant Address	c/o Design Enginuity PO Box 2758 Santa Fe, NM 87504		Fire District	La Cienega	
Applicant Phone	505-670-7605				
Review Type:	Commercial <input type="checkbox"/>	Residential <input checked="" type="checkbox"/>	Sprinklers <input type="checkbox"/>	Hydrant Acceptance <input type="checkbox"/>	
	Master Plan <input checked="" type="checkbox"/>	Preliminary <input type="checkbox"/>	Final <input type="checkbox"/>	Inspection <input type="checkbox"/>	Lot Split <input type="checkbox"/>
	Wildland <input type="checkbox"/>	Variance <input type="checkbox"/>			
Project Status:	Approved <input checked="" type="checkbox"/>	Approved with Conditions <input type="checkbox"/>	Denial <input type="checkbox"/>		

The Fire Prevention Division/Code Enforcement Bureau of the Santa Fe County Fire Department has reviewed the above submittal and requires compliance with applicable Santa Fe County fire and life safety codes, ordinances and resolutions as indicated..

Fire Department Access

Shall comply with Article 9 - Fire Department Access and Water Supply of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal

- **Fire Access Lanes**

Section 901.4.2 Fire Apparatus Access Roads. (1997 UFC) *When required by the Chief, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.*

Curbs or signage adjacent to the building, fire hydrant, entrances and landscape medians in traffic flow areas shall be appropriately marked in red with 6" white lettering reading "FIRE

LANE – NO PARKING” as determined by the Fire Marshal prior to occupancy. Assistance in details and information are available through the Fire Prevention Division.

- **Roadways/Driveways**

Shall comply with Article 9, Section 902 - Fire Department Access of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

Roads shall meet the minimum County standards for fire apparatus access roads of a minimum 20' wide all-weather driving surface and an unobstructed vertical clearance of 13' 6" within this type of proposed development.

- **Street Signs/Rural Address**

Section 901.4.4 Premises Identification (1997 UFC) Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property.

Section 901.4.5 Street or Road Signs. (1997 UFC) When required by the Chief, streets and roads shall be identified with approved signs.

- **Slope/Road Grade**

Section 902.2.2.6 Grade (1997 UFC) The gradient for a fire apparatus access road shall not exceed the maximum approved.

The maximum approved slope of the driveway access/egress shall not exceed 11%.

- **Restricted Access/Gates/Security Systems**

Section 902.4 Key Boxes. (1997 UFC) When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the chief is authorized to require a key box to be installed in an accessible location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the chief.

Fire Protection Systems

- **Hydrants**

Shall comply with Article 9, Section 903 - Water Supplies and Fire Hydrants of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

Section 903.4.2 Required Installations. (1997 UFC) *The location, number and type of the fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises or both to be protected as required and approved.*

Fire hydrants subject to possible vehicular damage shall be adequately protected with guard posts in accordance with Section 8001.11.3 of the 1997 UFC.

All fire hydrants shall be spaced so that the furthest buildable portion of a parcel shall be within one thousand feet (1,000') as measured along the access route.

Supply lines shall be capable of delivering a minimum of 500 gpm with a 20-psi residual pressure to the attached hydrants. The design of the system shall be accordingly sized and constructed to accommodate for the associated demands placed on such a system through drafting procedures by fire apparatus while producing fire flows. The system shall accommodate the operation of two pumping apparatus simultaneously from separate locations on the system. Final design shall be approved by the Fire Marshal.

All hydrants shall comply with Santa Fe County Resolution 2000-55, Hydrant color-coding, marking and testing.

- **Fire Extinguishers**

Article 10, Section 1002.1 General (1997 UFC) *Portable fire extinguishers shall be installed in occupancies and locations as set forth in this code and as required by the chief. Portable fire extinguishers shall be in accordance with UFC Standard 10-1.*

General Requirements/Comments

- **Inspections/Acceptance Tests**

Shall comply with Article 1, Section 103.3.2 - New Construction and Alterations of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

- **Permits**

As required

Final Status

Recommendation for Master Development Plan approval with the above conditions applied.

Buster Patty



Fire Marshal

2-2-13
Date

Through: David Sperling, Chief

File: DevRev/La Cienega/Oshara Village/7.2.13

Cy. V. Archuleta, Land Use
Applicant
File

SANTA FE COUNTY PLANNING DEPARTMENT
TRANSPORTATION PLANNING

June 24, 2013

Vicente Archuleta
Development Review Team Leader

Re: CDRC Case# 13=5200 Oshara Village Phase I Master Plan Amendment

Vicente,

I have reviewed the Oshara Village Phase I Master Plan Amendment report dated, June 7, 2013 and have the following comments:

1. Per section 5.2.2 Master Plan Submittals g. 5) *A written preliminary traffic report prepared by a licensed traffic engineer or other qualified expert acceptable to the Code Administrator.* Given traffic volumes within the Community College District have increased since the Oshara Master Plan was approved in 2005, and traffic volumes on Richard's Avenue are approaching 11,000 vehicles per day, arguably over capacity, it is recommended that the County County's request a report for the record.
2. Per the original Master Plan and a Memorandum of Agreement, the development of a Northeast Collector in conjunction with Oshara Phase II was planned. Due to unforeseen circumstances Phase II is not viable. The County, in conjunction with the NMDOT is taking the responsibility for this connector and are in the "location study" stage of developing the Northeast Connector. This will likely have impacts on the circulation system for Oshara and may further impact proposed units outlined in the amendment. The developers/owners should be clearly informed of this project and possible impacts.
3. Per section 5.2.2 Master Plan Submittals g. 7) *Schools impact report.* No report included.
4. Per section 5.2.4 Master Plan Approval b. *The County Development Review Committee and Board shall consider the following criteria in making a determination and recommendations for approval or amendment of master plans:*
 1. *Conformance to County and Extraterritorial Plan;*
 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;*

Erick J. Aune AICP, Senior Transportation Planner
102 GRANT AVENUE · SANTA FE, NEW MEXICO · 87501
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SANTA FE COUNTY PLANNING DEPARTMENT
TRANSPORTATION PLANNING

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.*

The Oshara Village Master Plan was originally envisioned to build out to be in accordance with the land use patterns outlined in the 2000 Community College District (CCD) Plan. More specifically, to follow the "Village Zones" and "New Community Centers" as "the most intensive development areas in the District." (Pg. 20 and 21, The Santa Fe Community College District Plan, 2000) Clearly, the market has not realized this level of intensity and diversity articulated in these zones. (Conformance with applicable law and County ordinances)

As outlined in the proposal, the modifications are an effort to "address changing market conditions." The Planning Division recognizes the challenges set forth by existing and foreseeable future market conditions and supports the requested modifications for the following reasons:

- A. Oshara Village Phase I has the requisite infrastructure in place to accommodate the development of the proposed uses. (Suitability of site)
- B. Increased residential development will assist existing Oshara residents in reaching greater economies of scale for the intended investment and support of the Oshara Home Owners Association. (Suitability of proposed uses and viability)
- C. Though the uses are less intense, the proposed modification supports the planning principles set forth in the CCD Plan including higher density dwelling options and diverse housing opportunities. (Suitability of uses and county impacts)
- D. The proposed modifications support the requisite and continued development of affordable homes and townhomes and patio homes continue to support an intended village development pattern versus large lot single detached dwellings. (Suitability of uses and county impacts)
- E. The proposed modifications do not eliminate potential commercial uses as platted and originally intended. Though the market may not support those intended uses at this time, increased population density in the development may provide future opportunities that supports the "community center" concept. (Suitability of uses and viability of proposed phase)

Respectfully submitted,

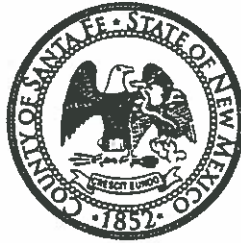
Erick J. Aune
Senior Transportation Planner

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Marcos P. Trujillo
Commissioner, District 1

Paul Duran
Commissioner, District 2

Javier M. Gonzales
Commissioner, District 3



Paul Campos
Commissioner, District 4

Jack Sullivan
Commissioner, District 5

Estevan R. Lopez
County Manager

MEMORANDUM

DATE: APRIL 30, 2002

TO: EXTRATERRITORIAL ZONING AUTHORITY

FROM: JOE CATANACH, DEVELOPMENT REVIEW SPECIALSIT III

VIA: ROMAN ABEYTA, LAND USE DIRECTOR *RA*

RE: EZ CASE MP 02-4190 OSHARA RANCH MASTER PLAN

ISSUE:

On March 14, 2002 the EZC recommended approval for the following (refer to meeting minutes attached as exhibit).

Greer Enterprises, Inc.-Alexis K. Girard, President (Design Workshop, Agent) is requesting master plan approval for a mixed use development (residential, commercial, community) in a village zone, institutional campus zone, employment center zone and fringe zone, consisting of 735 residential units and 1.7 million sq. ft of commercial space on 471 acres. The property is located along Richards Avenue south of Interstate 25.

SUMMARY:

The master plan proposes the following development with 246 acres of open space/parks/plaza areas, and 53 residential units for affordable housing:

Phase 1 – Employment Center Zone/Neighborhood Center/Neighborhood (21 acres):

- 70 residential units (townhouse, live/work units)
- 145,000 sq. ft of commercial space (retail, office, laboratory, wholesale, light industrial)
- 1 acre park/plaza
- 27.5 acre feet water use
- off-site road connection to St Francis Dr.

Phase 2 – Employment Center Zone/Neighborhood Center/Neighborhood (18 acres):

- 30 residential units (townhouse, live/work units)
- 220,000-225,000 sq. ft. of commercial space (retail, office, restaurant, light industrial)
- 32.1 acre feet water use



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Phase 3 – Employment Center Zone/Neighborhood & Village Zone Neighborhood Center/Neighborhood(61 acres):

- 230 residential units(detached, townhouse, apartments, live/work units)
- 290,000 sq. ft. of commercial space(retail, office, light industrial, gallery, labs)
- 13 acre community park/open space
- 71.0 acre feet water use

Phase 4 – Employment Center Zone & Village Zone neighborhood(38 acres):

- 110 residential units(detached, townhouse)
- 200,000 sq. ft. of commercial space(light industrial, lab, office, wholesale)
- 1 acre park
- 43.9 acre feet water use

Phase 5 – Village Zone Community Center/Neighborhood(35 acres):

- 195 residential units(townhouse, apartments)
- 175,000 sq. ft. of commercial space(retail, office, theater)
- 10 acre community park/open space
- 54.5 acre feet water use

Phase 6 – Village Zone Community Center/Neighborhood & Employment Center Zone (48 acres):

- 100 residential units(townhouse, estate, apartments)
- 350,000 sq. ft. of commercial space(retail, office, hotel, restaurant, light industry, shop, gallery, lab)
- 5 acres park/open space
- 80.3 acre feet water use

Phase Q & X(based on market conditions) – Employment Center Zone & Institutional Campus Zone:

- 80,000 sq. ft. of office space on 10 acres
- 250,000 sq. ft. institutional space on 25 acres
- 33.3 acre feet water use

BOUNDARIES OF LANDSCAPE TYPES/LOCATION OF ZONES:

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

ZONING ALLOWANCES:

The minimum residential density that is required in a village zone community center/neighborhood is 3.5 units per acre, the applicant is proposing approximately 5 units per acre. The minimum residential density in a village zone neighborhood center/neighborhood is 3.5 units per acre, the applicant is proposing approximately 7.2 units per acre. There is no minimum requirement for residential densities in employment center zones and institutional campus zones. The applicant is complying with residential densities in the fringe zones with 1 unit per acre.

The minimum floor area ratio in a village zone community center is .33 and the maximum is 3.0, the applicant is proposing between .65 and 1.0 floor area ratio. The minimum floor area ratio in a village zone neighborhood center is .25 and the maximum is 2.0, the applicant is proposing approximately .33 floor area ratio.

The maximum floor area ratio in a employment center zone is 3.0 with no minimum, the applicant is proposing approximately .32 floor area ratio. The maximum floor area ratio in a institutional campus zone is 3.0 with no minimum, the applicant is proposing approximately .31 floor area ratio.

Please note that the master plan includes a proposal to incorporate additional uses as eligible uses into the various zones. These additional uses are not presently established in the Community College District land use table, however the additional uses are consistent with modifications that are being considered by staff for amendments to the Community College District Ordinance, with some exceptions.

MARKET ANALYSIS/ECONOMIC/FISCAL IMPACT:

The applicant has submitted a market analysis that emphasizes the location as the Community College gateway and promotes the projects market potential with the mixed use and mixed housing nature, open space, views and architectural requirements. The report address the growth pattern south of the city with reference to existing and proposed residential and commercial projects within the City and Extraterritorial District, and projects that over a 20 year period, they will lease 1,400,000 to 1,900,000 feet of commercial space and sell or lease all the dwelling units.

The economic/fiscal impact report indicates that the combination of one-time and recurring revenue will exceed a total of more than 40 to 50 million over 20 years. Oshara Ranch is projected to generate 4 million on an annual basis. The net positive fiscal impact to the County would be over 3 million annually, in addition to the one-time projected revenues of 19 million accumulating over the life of the project.

WATER/WASTEWATER:

Water service is proposed from the Santa Fe County Water Utility. The total water demand is estimated to be 342.5 acre feet per year based on water conservation measures. The developer presently has a water supply contract for 51.9 acre feet with the County Water Utility and is also in the process of acquiring additional water rights that could be transferred to the County Water Utility for use by this development. The current water supply contract is sufficient to support the projected water use of 27.5 acre feet for phase one development. Water supply to support each phase of development must be available at the time a development plan is submitted for each phase, and each phase must be able to function as a viable and complete development in the event that subsequent phases are not approved or developed. *MIXED USE*

The Ranch Viejo waste water treatment facility will be utilized for liquid waste disposal.

ROADS/ACCESS:

Richards Ave. extends along the west boundary of the property as the primary access with three intersections proposed off Richards Ave. Secondary access is a road connection from Richards Ave. to an existing frontage road (Old Agua Fria Rd.) along St Francis Dr. which is proposed for phase one and is in accordance with the Community College Dist. Road Plan. The primary access roads will be subject to a conditional dedication for future ownership and maintenance by the County. The traffic report indicates that the intersection improvements presently proposed for Rodeo Rd./Richards Ave. intersection will be necessary to maintain an adequate level of service with the inclusion of traffic for phase one from Oshara, and additional improvements to the intersection will be needed for phase two. The traffic report also indicated that additional lanes would be needed for Rodeo Rd. and St. Francis Dr. to maintain adequate capacity in the future, however the future Richards Ave/I-25 interchange was not included in the analysis.

The internal subdivision roads will be paved with curb/gutter and sidewalks, with on-street parking. The road lay-out also provides for continuation of future connections with the Rancho Viejo College Heights Subdivision on the south.

TERRAIN/OPEN SPACE/LANDSCAPING/ARCHAEOLOGY:

The Arroyo Hondo and a significant drainage course extend through the property and will be part of the open space, including hillside areas over 15 percent slope and some areas between 10 and 15 percent. Retention/detention ponds and check dams will control post development drainage and provide infiltration of storm water. Permanent open space/parks/plazas will consist of 246 acres with recreational facilities and public trails, including open space buffers along the interstate, Richards Ave. and along the Arroyo Hondo existing neighborhood. Low water landscaping will be planted and disturbed areas reseeded. Two significant archeological sites will be preserved within the open space.

HOMEOWNERS ASSOCIATION:

Conceptual homeowner documents address use and development of the lots with reference to the mixed use principles and design guidelines of the Community College District, including maintenance of common areas and facilities, and participation in a special assessment district for district wide infrastructure, improvements and operations.

RECOMMENDED ACTION:

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

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

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

1. Compliance with applicable review comments from the following:
 - a) State Engineer
 - b) State Environment Dept.
 - c) State Highway Dept.
 - d) Soil & Water Dist.

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- e) County Hydrologist
- f) County Public Works
- g) County Technical Review
- h) County Fire Dept.
- i) County Water Utility
- j) Santa Fe Public School Dist.

ON-GOING
COMPLIANCE WITH ORDINANCE AMENDMENTS
RELEVANT TO ELIGIBLE USES WITHIN COMM. COLLEGE
DIST. ZONES

2. The following requested uses will be considered special uses and not eligible uses.
 - hotel/motel uses over 6 units in neighborhood centers
 - retail uses(5,000 sq. ft. to 45, 000 sq. ft.) in commercial area of employment center
3. Submit updated traffic report and market/economic/fiscal analysis with development plan for each phase.
4. Notify County Assessor and County Sheriff regarding master plan approval.
5. Reservation of property for public school site may be used for appropriate institutional, civic, community use if reservation is not accepted by Public School District.
6. Conditional dedication of primary roads to County for future ownership and maintenance, in accordance with road circulation map of the Comm.College Dist. Ord.
7. Submit conceptual landscape plan, including recreational facilities for park/plaza areas prior to recording master plan.
8. Provide road and trail connection on south side of Arroyo Hondo for Arroyo Hondo neighborhood, in accordance with road/trail circulation map(CCDO) prior to recording master plan.
9. Submit consent regarding proposal to utilize Rancho Viejo sewer system and access through Taurus property prior to recording master plan. This does not prohibit applicant from proposing construction of a community sewer system or other options.
10. Provide 15 percent affordable housing units(110 units) based on total residential density of 735 units, and subject to conformance with future amendments to the affordable housing ordinance.
11. Location of school site is conceptual and specific site can be modified depending on school district requirements.

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ATTACHMENTS:

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

7. **EZ Case MP 02-4190**. Oshara Ranch. Greer Enterprises, Inc. (Alexis K. Girard, President), Design Workshop, agent, is requesting master plan approval for a mixed-use development (residential, commercial, community) in a village zone, institutional campus zoned, employment center zone, fringe zone, consisting of 735 residential units and 1.7 million square feet of commercial space on 471 acres. The property is located along Richards Avenue, south of Interstate 25 within Section 16, Township 16 North, Range 9 East in the Two-mile EZ District

Mr. Catanach summarized his report as follows:

“The master plan proposes the following development with 246 acres of open space/parks/plaza areas, and 53 residential units for affordable housing. Phase 1, the employment center zone/neighborhood center/neighborhood (21 acres) proposes 70 residential units, 145,000 square feet of commercial space; 1 acre park/plaza; 27.5 acre-feet water use and off-site road connection to St. Francis Drive.

“Phase 2, employment center zone/neighborhood center/neighborhood (18 acres) includes 30 residential units; 220,000-225,000 square feet of commercial space; and 32.1 acre-feet water use.”

Mr. Catanach reviewed the various future phases and zones as proposed by the applicant, including floating phases contingent on economic conditions. He said the densities and floor area ratios proposed in the submittal conform those outlined in the Community College District plan

Mr. Catanach outlined the criteria used for consideration of the proposed master plan:

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

Staff finds the plan in compliance with the District Plan and Ordinance and recommends approval with the following conditions:

1. Compliance with applicable review comments from the following:
 - a. State Engineer
 - b. State Environment Dept.
 - c. State Highway Dept.
 - d. Soil & Water District
 - e. County Hydrologist
 - f. County Public Works
 - g. County Technical Review
 - h. County Fire Dept



- i. County Water Utility
- j. Santa Fe Public School Dist.

~~2. The following requested uses will be considered special uses and not eligible uses: hotel/motel use over 6 units in neighborhood center, retail uses in commercial area of employment center~~

The applicant shall comply with ordinance amendments relative to eligible uses in zones.

[Changed at staff report]

3. Submit updated traffic report and market/economic/fiscal analysis with development plan for each phase.
4. Notify County Assessor and County Sheriff regarding master plan approval.
5. Reservation of property for public school site may be used for appropriate institutional, civic, community use if reservation is not accepted by Public School District.
6. Conditional dedication of primary roads to County for future ownership and maintenance, in accordance with road circulation map of the CC District Ordinance.
7. Prior to recordation of master plan submit conceptual landscape plan, including recreational facilities for park/plaza area.
8. Prior to recordation of master plan provide road and trails connection on south side of Arroyo Hondo for Arroyo Hondo neighborhood, in accordance with road/trail circulation map.
9. Prior to recordation of master plan submit consent regarding proposal to utilize Rancho Viejo sewer system and access through Taurus property.
10. Provide 15 percent affordable housing units (110 units) based on total residential density of 735 units.

Mr. Catanach said discussion has occurred regarding the allowed uses referred to in the second condition. There is a process underway to adjust the ordinance to allow certain uses in other zones. He asked that condition #2 be deleted to be replaced with a condition calling for ordinance amendments relative to eligible uses within the Community College District zones. The applicant is in agreement.

Mr. Catanach said this is the first Community College area master plan to be discussed before a governing body. In response to questions from Commissioner Gonzales, he said the developer has a water supply contract for 51.9 acre-feet with the County. The areas and types of uses comply with the designated zones.

Commissioner Gonzales asked if it was possible for the developer to "front-load" the commercial development resulting in an eventual imbalance of commercial and residential. Mr. Catanach noted that build-out ratios will be evaluated at the end of each phase.

Chairman Duran asked how Rancho Viejo's phasing tied in with Oshara's. Mr. Catanach stated Rancho Viejo has approval for a building with offices and some retail and should start construction on that soon. The commercial activity is on a much smaller scale, however.

Putting the plan into context, Ms. McGowan indicated that of the 17,000 acres in the Community College District, 50 percent of which is open space. She said the projections they had were done for the road plan and far exceed what is likely to occur. The 20-year projection

calls for 5,000 to 5,700 dwelling units including what's already developed. She said the marketing studies were reviewed in comparison with the maximum plausible numbers and with what has been developed to this point. They are in a realistic range of what has occurred in the last six years. Staff continues to be concerned about phasing and balance.

Ms. McGowan said the fiscal impact report will help elucidate problems involved in achieving balance between residential and commercial. She said staff is grappling with the concept of light industry and how it is to be blended with residential and retail, and employment centers seemed to be the answer.

Commissioner Sullivan asked how much planning is needed for transportation at this point. He noted that the City says the plan does not meet their standards. Mr. Catanach said they have to work off the road plan done as part of the Community College District plan. The Highway Department has set forth issues that need to be addressed at development plan stage. It is his understanding that County Public Works and the Highway Department have been working with the applicant on the connection to St. Francis Dr. and a resolution should be forthcoming.

Commissioner Sullivan stated the road connection to St. Francis was the first priority to alleviate the congestion on Richards Avenue. He said the terrain in that area is difficult. He recommended making successful completion of the St. Francis connection a condition of approval. Mr. Catanach agreed it is an important element of the master plan.

Explaining the possible amendments to eligible uses, Mr. Catanach said this involves both the employment zone and neighborhood centers.

Expressing his concern, Commissioner Sullivan said the neighborhood was opposed to two major zones, commercial and institutional campuses. Initially, these were distinct but with revisions to the use table, these two categories are very similar. He said he would prefer the distinction be maintained. Additionally, as the maps have been revised, commercial seems to be approaching Richards Avenue more closely. Mr. Catanach stated the commercial is still within defined employment zones and is consistent with the setbacks.

Regarding open space, Mr. Catanach said the first phases tend to have greater than 50 percent undeveloped.

Mr. Catanach stated if this development does not connect to the Rancho Viejo sewer system, they are still prohibited from using septic systems.

Duly sworn, Alexis Girard with Greer Enterprises, commended the visionary effort undertaken. The first plan presented in 1997 was rejected due to traffic concerns, then deferred until after the Commission planning was complete. Greer Enterprises has donated several acres for gateway improvements and has setbacks, some greater than 1000 feet from Richards Avenue. There are natural physical features that provide for separations between villages. She stressed that Oshara was providing an employment base for future generations. The meetings with the Highway Department involved extending Old Agua Fria Road to connect to St.

Francis Drive. She thanked staff for their cooperation.

Expanding on the road connection, Rosanna Vazquez, legal counsel for the applicant, indicated they have proposed alignments to the Highway Department. The Highway Department wants a written commitment from the County to the northeast connector in terms of land dedication and maintenance. They would also like to see a circulation plan adopted under the Commission Ordinance. That will be submitted when Al Pitts finishes his project. There are three potential routes, the preferred going through federal land.

Commissioner Sullivan asked to see correspondence pertaining to the process. Councilor Lopez said she was also interested in the northeast connector as a means of relieving congestion on Rodeo Road. She has met with the Deputy Highway Secretary to discuss alternate circulations.

In response to questions from Councilor Pfeffer, Joe Porter, Oshara planner previously sworn, stated there would be approximately 2100 people in the first residential phase. In the live-work areas the population will be less, and those units are counted separately from the dwelling units. He said they calculate there being four workers per thousand square feet.

Previously sworn, Bill Conway said each land use type has a different employee density. Office is higher and retail lower. There should be over 2,000 workers in the employment center. Councilor Pfeffer speculated there would be about 450 people in the live-work units.

Mr. Porter said the 175,000 feet of retail space corresponded to 525 residents, which calls for the importation of customers.

Councilor Pfeffer noted there would be at least three times as many people working in the village as living, with customers and clients counted in addition to that. He said the plan speaks of the "traditional village concept" and asked how this jibed with the plan under discussion.

Mr. Porter referred to the fundamental elements of the plan. The first is walkable villages with commercial centers. The second is a need for institutions that don't fit within a village. A third is employment centers with the intent of one job per house, something the little villages can't sustain. Three sites that are on external roads (Thornburg, Oshara and the State Land property) can take advantage of passing traffic and provide employment for residents. He said they could be compared to magnet stores.

Councilor Pfeffer asked how wide an area the 1.7 million square feet would serve. Mr. Porter stated there was a hierarchy of uses. The 100,000 square feet in the neighborhoods serves those immediate neighborhoods. There are 250,000 square feet in institutional campuses, which serve the region. In the new community centers there is about 350,000 square feet of commercial office and 175,000 of retail, which is the downtown area, and will have people coming from the outside as well as local traffic. The 80 acres originally slated for industrial has been broken down into neighborhood centers, office uses and flexible space.

This is a key component to economic development for Santa Fe.

Regarding the dwelling units, Mr. Porter said there is a wide range of square footage. The lofts are 600 to 900 square feet. Townhouses are 1,200 to 1,500, as are live-work units. Single family residents and estates are even larger. Councilor Pfeffer speculated that the 735 residential units amounted to around one million square feet of residential space. This would result in "a lot of empty space at night."

Mr. Porter said he doubted there would be empty space at night in the new community center. The goal is to introduce mixed use wherever possible. He speculated the Community College District plan would be a model for communities looking for an alternative to sprawl.

Duly sworn, Robert Garcia stated he was concerned, rather than opposed to the master plan. He said he was a resident of the Community College District and supports the plan. He is a member of the Community College District Development Review Committee and this proposal does not fall under their purview. The committee asked him to respond to the project. He asked that the timing and conditions of the phasing be delineated more precisely. He mentioned that Rancho Viejo, while committed to mixed use, is still 100 percent residential. Thornburg would prefer to concentrate on commercial and Sonterra on residential. Therefore he requested a stipulation that an approved phase be completely built before moving on to the next phase.

A further concern of Mr. Garcia was that affordable housing would be deferred as long as possible. He said the northeast connector was vital to keep the intersection of Rodeo and Richards from total gridlock. He noted that it was not until the fifth phase that a southern connector was contemplated.

Regarding open space, Mr. Garcia said there is a difference between unbuilt upon land and dedicated open space. He suggested that each phase stand on its own as far as constituting a percentage of total land area. Trails should also receive immediate attention.

Mr. Garcia said he has reviewed the State Engineer's negative finding about inadequate water. The Community College District Development Review Committee was told to ignore that and approved the first two master plans before the committee. He said Commissioner Sullivan underestimated the amount of commercial space projected. He said San Cristobal, Thornburg and Oshara constitute over 18 million square feet, which is twice that in Santa Fe currently. He said he and the committee were troubled by the suspension of detailed water availability assurance, particularly since the condition that water is required prior to development is not specifically stated. He asked that there be a stated condition to the effect that an application will not be considered for development plan approval unless there is proof of water.

Mr. Garcia recommended that the plan be thoroughly reviewed.

Under oath, Jim Klemmer from the Richards Avenue South Neighborhood Association indicated his group believes the plan is overly ambitious. [Exhibit 3] The commercial is too extensive to be a semi-rural gateway area. He said Richards is already gridlocked on Sundays

after church services and Oshara will exacerbate that considerably. He suggested the fiscal impact study be completed before approvals are granted. The neighborhood group would prefer that the Two-mile EZ be a transition area between the urban area and the higher density expected deeper in the Community College District.

Bob Wilbur was administered the oath and stated he doubted the Oshara proposal met the spirit of the community plan, particularly in that it didn't give special design consideration to Richards Avenue. The presence of commercial development makes Richards look like an extension of the urban area. He recommended tabling until the northeast connector is in place, and believed the north-south connection should occur in phase one rather than phase five.

Jane Petchesky, duly sworn, said she lived right across the street from the Oshara property. She recommended denial, since the plan is too commercial. She agreed another north-south road was necessary and opposes the interchange. "This is another case of a developer driving growth."

Under oath, Bob Burbick indicated he supports the commercial development in Oshara as an opportunity for true employment. He noted that residents of Rancho Viejo have to go elsewhere for employment, and cited Los Alamos as an example of a community that has grown and spun off industries.

Mr. Catanach submitted two letters of support. [Exhibit 4]

Councilor Lopez posed questions on the phasing of affordable housing and open space.

Mr. Porter stated the intent is to dedicate open space phase by phase. There is currently enough water available for the first two phases and they will stand on their own.

Ms. Vazquez said Oshara has committed to 15 percent affordable housing and a contract will be filed at development plan stage. Mr. Catanach said the ordinance requires proportional phasing of affordable housing.

Councilor Lopez spoke in favor of assuring that every phase has integrity on its own regarding mixed use, open space and affordable housing.

Ms. Vazquez said a 20-year build-out was projected at the most optimistic calculation, assuming water availability and the interchange.

Ms. McGowan pointed out staff is working on amendments to the affordable housing ordinance to include 15 percent of all housing, not just fee-simple housing. She stated that it was a good idea to make the affordable housing proportional to the total housing provided in each phase. The ordinance currently makes an exception if you have less than 25 percent of residential in the first phase. Councilor Lopez asked her to bring back a complete and improved rendition of affordable housing provisions. She noted that affordable housing tends to occur after everything else. Ms. Vazquez stated they are working with staff on the issue.

Commissioner Sullivan said the first two phases would require 15 affordable units.

Commissioner Gonzales asked that at preliminary phase, the Authority be given a breakdown of the types of uses, in addition to specific traffic projections.

Ms. McGowan speculated that the plan will become more specific but flex space is being proposed so it will be hard to pin down exact ratios.

Mr. Conway stated the market is not clearly established at this point.

Commissioner Gonzales moved to approve EZ Case #MP 02-4190, with staff recommendations and a stipulation that affordable housing be provided proportional to the residences built. Councilor Lopez seconded.

Providing suggested language, Commissioner Sullivan offered:

- Subject to requirement of 15 percent affordable housing to be provided in each phase
- Subject to provision of an off-site road connection to St. Francis Drive
- A preliminary development plan application will not be accepted until proof of water availability is provided for each phase to the satisfaction of the County.

Ms. Vazquez said that the road connection is already part of the proposal, and they have a water contract with the County for 51 acre-feet.

Councilor Pfeffer said he was having a hard time grasping the scale of the plan, and asked for further clarification about the "village concept."

Mr. Kolkmeier said it was not the intention of the plan to recreate traditional villages, which were created for agriculture, religion and protection. The underlying elements sought are compactness, connectedness, centeredness and community. He noted that there was an era of planning that got away from these elements toward bedroom communities, which is no longer in vogue. He agreed that phasing was always problematical.

In response to a question from Councilor Lopez, Mr. Kolkmeier said that this proposal did tend to meet the goals of non-proliferation of sprawl and concentration of infrastructure. He cited Tierra Contenta as an example of what happens when commercial development is not considered from the beginning. He advised monitoring the phasing closely to ensure the project was staying on track.

Councilor Pfeffer pointed out that the residents coming forward to comment seemed to have an entirely different concept of the village concept.

Mr. Catanach recommended a further condition:

- that open space not fall below 50 percent throughout the phasing. This was accepted by the movant and second.

The motion passed by majority [4-1] voice vote with Commissioner Sullivan

casting the sole dissenting vote.

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PETITIONS FROM THE FLOOR

None were presented.

COMMUNICATIONS FROM THE COMMITTEE

Councilor Lopez asked that a policy be brought forward to the EZA regarding early neighborhood notification.


COMMUNICATIONS FROM LAND USE STAFF


None were presented.

ADJOURNMENT


This meeting was declared adjourned at 11:25. p.m.

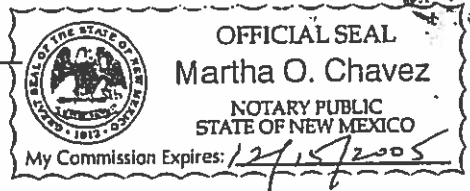
Approved by:


Paul Duran
EZA - Chairman

Respectfully submitted:

Debbie Doyle

NORARIZED THIS 30th DAY OF May, 2002.


NOTARY PUBLIC
My commission expires: 12/15/2005



Commissioner Duran pointed out that applicants spend money on planning relying on assurances from the City and then are told they won't be served. Councilor Robertson-Lopez said the City is in the position of not having adequate water supply.

Mr. Siebert said he would be willing to be tabled since they would prevail in litigation. "The issue is getting an answer out of TRT." If they can be assured of an answer by next month, they would be happy to table until that time.

Commissioner Duran moved to table for 30 days and Commissioner Montoya seconded. The motion to table Case #Z 04-4470 passed unanimously.

Councilor Robertson-Lopez asked City Public Works Director Robert Romero to expedite the request.

6. EZ CASE # Z-04-4450 Oshara Village Master Plan Amendment. Greer Enterprises, Inc./New Village Consulting LLC., (Alan Hoffman) applicants, Lorn Tryk, agent, request a master plan amendment to the previously approved Oshara Ranch mixed-use development (residential, commercial, community) consisting of 735 residential units and 1.7 million square feet of commercial space on 470 acres, in order to change the phasing of the project. The property is located along Richards Avenue south of Interstate 25, in the Community College District, within Section 16, Township 16 North, Range 9 East (2-Mile EZ District)

Chairman Duran recited the case caption and Ms. Lucero gave staff's report as follows:

"On October 14, 2004, the EZC met and acted on this case. The decision of the EZC was to recommend approval of this request.

"On April 30, 2002, the EZA granted master plan approval for a mixed-use development formerly known as 'Oshara Ranch.' The development consisted of 735 residential units and 1.7 million square feet of commercial space and 246 acres of open space/parks/plaza areas on 471 acres, to be developed in eight phases.

"The applicant is now requesting an amendment of that master plan which will change the phasing of the project, in order to develop the village zone community center/neighborhood in the first phase for the purpose of increasing the residential development and decreasing the commercial development in the first phase. Phase I as previously approved consisted of 21 acres of development with 70 residential units, 145,000 square feet of commercial space, one acre park/plaza, and an off-site road connection to St. Francis Drive.

"Phase II as previously approved consisted of 18 acres of development with 30 residential units and 220,000-225,000 square feet of commercial space.

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"Upon careful evaluation of the market analysis the applicant has determined that the demand for residential will increase. The applicant's proposal, as part of this amendment, is to combine phases I and II of the previous approval to be Phase II of the current proposal. The new Phase I would develop the village zone community center/neighborhood and increase the number of residential units to 175 and decrease commercial area to 136,000 square feet, and 37.78 acres of open space, parks and a main plaza. Increasing residential and decreasing commercial would create a greater balance."

Ms. Lucero noted that the applicants are requesting a master plan amendment to the previously approved Oshara Ranch mixed-use development in order to change the phasing of the project to develop the village zone community center/neighborhood and increase the amount of residential units and decrease the amount of commercial development in the first phase. Based on the preliminary housing needs analysis and the fiscal impact study for the Community College District staff can support an increase in the amount of residential development and decrease in the amount of commercial development as it relates to the modified phasing. Staff recommendation and the decision of the EZA was to recommend approval of this request subject to all previously imposed conditions of the original master plan in addition to the following condition:

1. Participation in an infrastructure extension policy for district wide infrastructure, improvements and operation as applicable.

Commissioner Duran noted that there was some concern at the original plan that there was too much commercial development. The County hired a consultant to do a fiscal impact study on the Community College District, which found there was too much commercial.

Councilor Robertson-Lopez pointed out that recent discussions in the RPA encouraged striving for 30 percent affordable housing. Ms. Lucero said 15 percent was proposed, which is in accordance with the Community College District Ordinance. Commissioner Duran stated the RPA was still trying to determine whether 30 percent was economically feasible.

Duly sworn, agent Lorn Tryk explained the intent was to change the phasing of the master plan in order to begin development closer to Richards Avenue would provide greater commercial viability in the short-run. He showed artists' renderings of how the plaza and various housing types would look. He said the new plan is more in line with the Community College District's goals and vision of a more pedestrian-oriented village. He added the new mix is a better balance.

Referring to the original plan, Mr. Tryk noted the northeast connector, which was to come in later, will now be in the first phase. He referred to a letter wherein the applicant agrees as a condition of construction of the first phase to design and bond for that road. He said the water budget has been cut approximately in half due to the sophisticated water reclamation aspects of the project. He characterized the State Engineer's Office as very excited about the innovative technology proposed.

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Mr. Tryk said updated market demand and absorption rate study indicated a greater demand for housing rather than commercial. Using maps, he demonstrated the changes proposed.

Councilor Robertson-Lopez referred to supplemental TIAs done by Al Pitts which are referred to in an October 4, 2004 letter. It was determined that the attachments were not included in the packet. Mr. Tryk said the northeast connector has been designed and engineered and drawings are on file. Ms. Lucero provided copies of the TIAs. Councilor Robertson-Lopez referred to City Traffic Engineer John Nitzel's remarks and asked City Public Works Director Robert Romero to comment on the traffic concerns. Mr. Tryk indicated Mr. Nitzel requested a study be done and that has been completed. Cost-sharing concerns are addressed in staff's conditions about the participation of all developers in a fair-share agreement. He called paying for the northeast connector "a giant first step". He said they have addressed Mr. Nitzel's major concerns.

Councilor Robertson-Lopez brought up the capacity of the intersection at Richards Avenue and Rodeo Road, mentioned in Mr. Nitzel's remarks. He suggested that impact fees be paid in a manner proportional to traffic being directed into city streets.

Mr. Tryk noted Mr. Catanach has explained the contemplated process in the past. He said the County was seen as the "point person" for the improvements. Money will not be funneled directly to the intersection at Richards Avenue and Rodeo Road. Mr. Tryk explained that there were two options – paying into an assessment district that apportions costs system wide, or they can improve specific projects. He pointed out that Mr. Nitzel also mentions St. Francis Drive which is far from the property. He said the improvements to intersection at Richards Avenue and Rodeo Road are minor compared to their project on the northeast connector and it seems unfair to contribute to both.

Councilor Robertson-Lopez said she was disturbed that all the improvements seemed to be for County roads. She said the impact of development should be borne by developers and the intersection at Richards Avenue and Rodeo Road is already a failed intersection. Commissioner Duran asked, "Where does it stop?"

Frank Herdman, duly sworn and counsel for the applicant, stated the applicant is prepared to participate in the fair-share program and they do not demarcate City and County jurisdictions. The plan is to receive a credit for the northeast connector which will be used by other developers.

Councilor Robertson-Lopez pointed out that the developer is not having to pay for the federal rights-of-way, so the public is in a sense participating in the project. Mr. Herdman said the northeast connector will be serving a wide area.

Robert Romero, City Public Works Director, stated he has not yet reviewed the report submitted to DOT, but agreed it was essential to determine the fair-share distribution of costs. He agreed the intersection at Richards Avenue and Rodeo Road was failing and the northeast

connector will take pressure off of it. He said they are also concerned about Richards from Governor Miles.

Commissioner Duran indicated the area is a high-demand growth area and growing pains are to be expected. He said building the intersection at Richards Avenue and Rodeo Road is a major contribution and the developer should not be overburdened. Mr. Romero said they are doing something similar in the Santa Fe Estates area in determining a pro rata share for each developer.

Councilor Robertson-Lopez said she was not trying to break the back of developers, but she wanted to clarify the documents in question.

Under oath, Alan Hoffman stated the study now in the hands of Councilor Robertson-Lopez was prepared at the behest of the City Traffic Department. Following questions about St. Francis traffic, the County engaged Mr. Pitts to do a T-model, something required for the Highway Department to grant the right-of-way. The report also refers to beneficial impacts of the northeast connector. He reiterated they are committed to contributing their fair share whether it's city or county. He said they are grateful for help they are getting with rights-of-way and the road will be a benefit the neighborhood as well as Oshara. If the credit accrued from the northeast connector is used up they will pay more.

Councilor Robertson-Lopez said she would like to see a condition asking the City and County to work together with the developer to address all the issues. Mr. Hoffman indicated he understood this was a condition of approval.

Duly sworn, Jeremy Mains, president-elect of the Santa Fe Homebuilders Association, stated people want to move to Santa Fe and they need places to live. He supported the proposal which could be an icon for the rest of the country.

Damian Terrel, under oath, stated his family has lived in the area for generations. He lamented the sprawl taking place and said he believed the development would offer many amenities. He welcomed Oshara to the neighborhood.

Under oath, Ben Luce of Los Alamos said he was allied with solar energy organizations and other groups for clean and affordable energy. He stated he is interested in this project due to the energy-efficiency aspects and good urban design.

David Diego Mulligan, previously sworn, said he was in support as an environmentalist, since it appears to be sustainable and healthy. Working at the Community College, he commended the developer for providing a more affordable alternative for housing within walking or biking distance. He asked the Authority not to put up obstacles.

Previously sworn, Jennifer Hanann spoke of her experience with sustainable communities in northern California and asked for support for the forward-looking, creative team on this project.

Robert Garcia, speaking for the Richards Avenue Association and previously sworn, noted the association opposed the original master plan. He said this plan is far superior. He asked for assurance that the northeast connector would absolutely be built, and said he understood that commitment was made. He asked that the Camino Carlos Rey extension, running down the east side of Oshara, also be built soon. He indicated that the association is in favor of traffic circles and asked that they be considered. He noted that John McCarthy is committed to extending Dinosaur Trail, and he supports the traffic circle concept for traffic calming.

Chuck Hammer from the Academy of Technology and Classics, previously sworn, said the school has been talking with Oshara about the possibility of placing the school on the property. He said they are seeking a greater interaction with the Community College and would welcome the chance to have a facility near there. Councilor Robertson-Lopez said she understood the charter school was to be built next to IAIA. Mr. Hammer said Rancho Viejo has not committed to them.

Returning to the podium, Mr. Terrel pointed out that Old Galisteo also needs improvement.

Councilor Robertson-Lopez noted that public transportation was already in the area and she asked if there would be another bus stop along there. Mr. Hoffman said they have a letter from Santa Fe Trails stating they could serve them from day-one, and Oshara has committed to having a bus stop at the plaza.

Referring to potential additional funds for affordable housing coming the legislature, Councilor Robertson-Lopez asked if they would be looking into state subsidy or grants. Mr. Hoffman said he had not heard of the funds becoming available but said affordable housing need not come solely from subsidies. He anticipates many homes will cost \$200,000 which could serve as an unsubsidized component for starter homes. The village concept lends itself to a lower price range. Councilor Robertson-Lopez stated Oshara lent itself to affordability and encouraged him to look into MFA sources.

Councilor Robertson-Lopez moved to approve the project with staff's condition, plus two additional conditions:

2. County staff and developer will work on an agreement for cost allocation for traffic improvements prior to building permits being issued.

She said the purpose of the condition is to allow City and County staff to look at the latest traffic report and come to an agreement.

3. The City and County commit to working with the Federal Highway Administration and New Mexico DOT and other entities to expedite and petition the State Transportation Commission to support the release of right-of-way for the northeast connector. The

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developer will do nothing to interfere with or deter the northeast connector. [Approved with successful motion.]

She said she understood the commitment was already made but wanted to "keep everyone's feet to the fire."

In response to a question from Commissioner Duran, Councilor Robertson-Lopez said she did not feel condition 2 was redundant to condition 1. She said while she doesn't want to see the project held up, her condition 2 makes it clear there is work to be done.

Mr. Catanach reiterated that many developers have been making improvements with the understanding that costs will eventually be distributed equitably.

There was no second to Councilor Robertson-Lopez's motion.

Commissioner Duran move to approve Case #Z 04-4450 with staff's condition and Councilor Robertson-Lopez's condition number 3. Commissioner Anaya seconded and the motion passed by unanimous voice vote.

Commissioner Montoya said it is critical that there be a coordinated plan among all of the developments, and that seems to be taking place.

PETITIONS FROM THE FLOOR

None were presented.

COMMUNICATIONS FROM THE AUTHORITY

None were presented.

MATTERS FROM LAND USE STAFF

Ms. Lucero stated the November and December meetings are traditionally combined, and the meeting was scheduled for Tuesday, December 7, 2004 at 6:00 p.m.

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CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: We need to work on these kinds of issues but I just don't feel comfortable that we have sufficient information. I would like to motion to continue. Wayne, you've probably done all you probably can and you're overstretched with this, but I think we need to get some raw data in here. I think we need to know how this affects utility customers and that's a critical issue that I think we've just focused on with one community and that's Sierra Vista. Perhaps we need to bring in some of the utility companies or utility representatives with regard to this so that they can provide a broader scope of information for us. It sounds wonderful and I think if I had further information and that utility issue was of a comfort level to me, I would move forward as fast with this as I possibly could but at this point in time, without having that piece of information, I would like to motion that we table this until next meeting and hopefully we can get raw data on this.

CHAIRMAN ANAYA: There's been a motion to table. Is there a second?

COMMISSIONER SULLIVAN: Second.

CHAIRMAN ANAYA: Motion, second.

The motion to table consideration of the water recirculation ordinance passed by majority [4-1] voice vote with Commissioner Campos voting against.

- XIII. A. 2. **EZ CASE # S-04-4551 Oshara Village. New Village Consulting LLC, Allan Hoffman, applicant, Lorn Tryk, agent, request final plat and development plan approval for Phase 1 of the Oshara Village Development, which will consist of 175 Residential lots and 136,00 square feet of commercial space on 74 lots, on a total of 37.78 acres in accordance with the previously approved master plan. The property is located along Richards Avenue south of I-25 in the Community College District, within Section 16, Township 16 North, Range 9 East**

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: When we approved the agenda, the first question was whether this was right for consideration because documents were provided by the developer at the very last moment, and perhaps staff or the Commission hadn't had an opportunity to review that. And I would like to have that addressed by the applicant.

CHAIRMAN ANAYA: Okay. Do you want to hear from Vicky first, or do you want to hear from the applicant? Do you remember the concerns, Lorn? You want to address those real quick?

MR. TRYK: Just real briefly, we have not submitted anything in the last



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few days. I was made aware that the packet was missing the memo from the Environment Department. I think it was mistakenly characterized as missing the memo from City Traffic. It's actually in there. None of these memos are particularly recent. We have not provided anything to staff in the last couple of days. So as far as we're aware, everything was presented in a timely fashion.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: May I ask a question of Dolores Vigil?

CHAIRMAN ANAYA: You bet.

COMMISSIONER CAMPOS: I think staff did mention that they wanted to table this because documents had not been provided on a timely basis. Would you please address that?

MS. VIGIL: Yes. Mr. Chairman, Commissioner Campos, what I was addressing was there had been some issues that I felt hadn't been addressed concerning the roads. And since the staff has submitted their staff report, those issues have been addressed. And I also want to state that we did receive a comment or a memo from the Utilities Department today. [Exhibit 5] And that's one of the memos that I had said earlier that I had just received and reviewed, and I did give a copy to the applicant for review also.

COMMISSIONER CAMPOS: And were those issues adequately discussed in your staff report?

MS. VIGIL: I'd like to defer that to Vicki Lucero, please.

COMMISSIONER CAMPOS: Okay.

VICKI LUCERO (Zoning Director): Mr. Chairman, Commissioner Campos, as far as the issues that were brought up by the Utilities Division today, those were not a part of our memo, our staff memo. We just reviewed comments to that effect today. Perhaps Doug Sayre could answer questions regarding his recommendation.

COMMISSIONER SULLIVAN: Mr. Chairman?

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: One of the memos that Ms. Vigil referred to, Dolores Vigil, was Doug Sayre's memorandum regarding the wastewater treatment facilities. And I won't read it all, but his conclusion: "Based on the wastewater facilities submittals to date, and the status of the discharge plan application, approval of the final development plan at this time should only be considered with conditions that final development plan approval be considered when complete and detailed engineering plans including design calculations and soil analysis for the wastewater facility have been submitted."

I would just remind the Commission that when we did the La Pradera approvals in the Community College District that at their final plan stage they had complete drawings of the wastewater plant that they proposed. And they had a letter from the Environment Department from the permit section saying that the application was acceptable. This

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particular application was just noticed on June 6. A notice just came out. So there's a public hearing process to go through, and there's even comments in the documents about the possibility of maybe connecting into the Community College District plant. So it's still quite up in the air what's going on here. And we're not at a point where we can make that decision. I just wanted to point those staff comments out to you.

CHAIRMAN ANAYA: So I guess I have a question of staff. Did they follow all the guidelines that they needed to in order for us to hear them tonight? Yes or no?

MS. LUCERO: Mr. Chairman, I think the only outstanding issue was the water service agreement, which was approved earlier this evening, and the issues regarding traffic. We've spoken with Public Works since the time that our memo was prepared, and they're comfortable with this case proceeding forward for final development plan. I did also speak with Doug Sayre before the meeting, and he is fine with this case proceeding with the condition that the wastewater treatment system has to be approved prior to plat recordation.

CHAIRMAN ANAYA: Okay. So we heard from staff that says they feel comfortable that this can go forward. I want to know from the Commission, do you all want this to go forward or not?

COMMISSIONER CAMPOS: Yes.

COMMISSIONER VIGIL: Yes.

COMMISSIONER SULLIVAN: No.

CHAIRMAN ANAYA: Okay. We'll hear it. Go ahead, Vicki.

MS. LUCERO: Thank you, Mr. Chairman. On January 11th, 2005, the BCC granted preliminary development plan and plat approval for phase I of the Oshara development. The BCC gave direction that the applicant and staff work out the water budget issues and come up with a back-up plan for this project, as well as adjust the buffer area along Richards Avenue. The County Hydrologist has outlined a water allocation backup plan that he feels will protect the County system. In this backup plan, he estimates that a total of 40.78 acre-feet of water rights would need to be transferred to the County in order to protect the County utility and at the same time allow Oshara to demonstrate its proposed water budget. The applicant has addressed this issue in a letter dated June 3, 2005.

In regards to the buffer area along Richards Avenue, the land use zoning map of the Community College District Ordinance, which refers to buffer areas as a fringe zone, illustrates a 200-foot buffer area along both sides of Richards Avenue. Section 13.3.C of the CCDO also states that zone boundaries in the Community College District shall be refined during the master plan, preliminary development plan, and final development plan approval process. The applicant is proposing a buffer along Richards Avenue that ranges from approximately 60 feet to 570 feet. The applicant is proposing to create a 3- to 4-foot berm along the most narrow portion of the buffer area. Landscaping will also be incorporated.

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In the CCD plan, the intent of buffers is a separation or transition between existing residential neighborhoods and future village development areas. Along Richards Avenue and State Road 14, buffers preserve the traffic priority nature of these main roads, and the intent to create a boulevard rather than a roadway lined with buildings and driveways. The buffer proposed by Oshara would separate the living priority road and buildings fronting it from Richards Avenue, where traffic takes priority, with landscaping and the district trail as envisioned by the CCD plan and ordinance. It also more restrictive than the other developed areas on Richards Avenue, which do not have a buffer requirement.

The applicant is now requesting final plat and development plan approval for phase 1 at this time. Phase 1 will consist of the development of a village zone community center neighborhood that will consist of 175 dwelling units and 136,000 square feet of commercial space on 37.78 acres, as well as an additional 37.78 acres of open space parks and main plaza. Twenty-seven of the dwelling units will be affordable housing units, which is 15 percent of the total number of units, as required by the CCDO. This application was reviewed for access and roads, terrain management, open space, landscaping, archeology, water, wastewater, and fire protection.

Recommendation: Since the time that the staff report was submitted, we have had additional discussions with Public Works. As I understand, we are okay with allowing this to proceed for final development plan at this time. Therefore, staff would like to amend our recommendation and recommend final plat and development plan approval subject to conditions number 1 through 17 as listed in the staff report, and two additional conditions as follows. Condition number 18, that the applicant must comply with the conditions of the water service agreement prior to final plat recordation. And condition number 19, that if the 11 acre-feet of water rights do not get transferred, the developer will only be allowed to plat 117 lots. Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Thank you. Any questions of Vicki? Okay, hearing none, is the applicant here?

[Duly sworn, Lorn Tryk testified as follows:]

MR. TRYK: I wanted to just remind you of the things we were asked to do in some detail, some of which were conditions that were put on in our preliminary approval, and some which were added by staff during this process of the last couple of months. Regarding water, we were asked to start the application of transfer for the 30 acre-feet of water rights. As you heard earlier today, that application has been made to the office of the State Engineer. We were asked to execute a water service agreement. We've worked diligently with County staff, including legal staff, to get that done.

We were asked to agree to the County Hydrologist's budget, as well as his mechanism for credits and debits, if you will, and monitoring of our budget. Since it's a Spartan budget, he wanted to make sure that if we exceeded it, we were penalized. If we came in under it, we would be able to carry some of those water rights forward. We have agreed to his budget and his conditions without exception.

We were asked to further develop the commercial covenants in terms of low-water

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uses in the commercial area, which we've done and staff has accepted. And we were asked to specifically enter into an agreement with Greer Enterprises, where the 30 acre-feet is coming from, so that the destiny of those 30 acre-feet would be without question. All of those have been taken care of.

It was earlier mentioned that the 375 acre-feet that us basically getting a stand-by agreement with you as part of our water service agreement would evaporate – I use that term no pun intended – once the 375 acre-feet are transferred to the Buckman direct diversion. That is actually incorrect. They do not go away. We think that you're taking a miniscule risk with the water service agreement that you've already approved. If we don't meet the budget, and we don't ever get a chance to transfer the eleven acre-feet, which you already heard earlier John Utton say are "good water rights," pre-1907 Peña Blanca water rights. He saw no problem with those getting approved by the Office of the State Engineer. This is taking a very small risk.

I say that as a preface to saying that we do have a problem with the additional condition of number 19, of limiting us to 117 lots. That was a surprise to us today. We thought we had worked out all of the contingencies of this water service agreement, and protected the County in several ways already. And it is a great burden for the project. So I want you to consider that carefully because the financial feasibility, the obtaining of financing for the infrastructure, was predicated on building 175 houses. So there's a serious concern. We think of the temporary granting, and it isn't actually granting, it's basically a stand-by agreement of those eleven acre-feet being like co-signing of a loan. And there's a very, very small chance that it would ever come into play, and only temporarily. Meanwhile, think of the opposite, which is to stand by the water service agreement that you already passed, and not force us to limit ourselves to 117 houses, sends a message that you're supporting good, sustainable development.

The second category that we were asked to analyze was the northeast connector. Staff asked us for more assurance that the northeast connector was possible, that it was really going to happen. We explained to you last time that the northeast connector, obtaining the right-of-way, while it's a condition of our recordation and we can't move forward without it, it's not something that we can petition. The City and the County actually have to petition through the Access Control Committee for that right-of-way. But staff felt it's important to have some indication that that process was going to ultimately be successful. If you recall the Extraterritorial Authority, when they granted approval to us, put in a condition that the City and the County commit to working with the Federal Highway Administration and the DOT and other entities to expedite and petition the State Transportation Committee to support the release of a right-of-way for the northeast connector. I'm reading this verbatim: "The developer will do nothing to interfere with or deter the northeast connector."

Well, since that time, we tried as much as possible to steer that ship. We went to the Department of Transportation. We went again to the City Public Works Department, entered into further discussions with them to make sure that everybody was in support of

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it. At our meetings with the Department of Transportation, they suggested that we go to the RPA, since it's a joint City-County body, to make sure that everybody was on the same page, and before we proceed to the RPA that we go to their Technical Advisory Committee. The Technical Advisory Committee includes members of City, County, and State. We've been to the TAC, and we've had them vote on it in favor of the northeast connector, and it is proceeding to the RPA for their ratification. So we have made some considerable strides in that area of obtaining the right-of-way, even though as I said before, it's not really something that's within our control.

We had a letter with some concerns last time from the City regarding traffic, particularly traffic in the area of Rodeo and Richards. Since that time, in meeting with City Traffic and them realizing that the northeast connector will now be a part of our phase 1, rather than phase 2, they have amended that letter. It's included in your staff report. And it is very positive in support of this project.

I think it's also worth noting that not only did this northeast connector show up on the Community College District Plan, but we've had a lot of support from neighbors anxious to see it happen and anxious to see it happen in phase 1 as a traffic-reliever. We were asked by Public Works to consider making another connection between the northeast connector and Richards Avenue. We're already making two. They asked for a third, which would run through the neighboring property, the Taurus property to our north. We have resisted that. First of all, we don't control the land. *[Exhibit 6]* We simply cannot comply with that request. Secondly, we have been urged by our neighbors to the north to hold off on planning that road until they can go through their master planning process.

Finally, I'd like to point out that those who are so anxious to see us make a direct connection from the northeast connector to Richards and Dinosaur Trail are hoping that this will be somehow a bypass highway. And we urge you to realize that's not going to be the case. The Community College District Ordinance asks for a dense network of small roads, rather than a few large roads. And we're already doing our part in phase 1 to create two road connections. This third one that will eventually occur in phase 2 of our project and go through Taurus will be a third. But it'll also go through a neighborhood center. So it is not going to be a more direct route. I want to point that out. We would like to see it occur in the future, but we don't think that it's significantly an improvement over what we're already intending to provide.

The last thing that we were asked to, just in general categories that we were asked to look at, was wastewater treatment. Several things. One, when we were approved at preliminary, you will recall our condition of approval was to do final working drawings before recordation, not before final plat. So we are not renegeing on a previous promise. I want to make that clear. Secondly, since the time we saw you last, we have done a whole lot more design work on this wastewater treatment plant and presented it to ED and gotten a very favorable letter back from them, which apparently you don't have copies of, and I think Anna is providing you with right now. *[Exhibit 7]*

Basically, what staff asked us to do before we came back to you is get some

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indication from the Environment Department that they would be willing to approve this technology, since this is a - I wouldn't say cutting edge, but it is not the most basic of technology. This was particularly important to the County Hydrologist, our utilities director, because we're using treated wastewater for toilet flushing. And he wanted to make sure that that essential component of our water budget was going to be practical. So since then we have done a great deal more work and gotten a very positive recommendation from the Environment Department. There's no iron-clad guarantee that they'll give us a permit. It never is until they've gone through that process. But it was a very positive step for us to take.

Finally, there was mention of the buffer, and the fact that we were asked to study it again. And as staff said in their report, there is the right to refine the buffer. Our buffer varies from fairly narrow - I don't think it's actually 60 feet wide, but something under 200 feet to something close to 600 feet. We took the step on our own to go to the neighbors, talk with them, make sure that they would support our buffer. Went out, staked out the site, put up story poles, did renderings, showed them that this one block area was critical for the success and viability of our commercial area. They came back to us and said that they agreed with us. They did ask us to do a couple of things in terms of our commercial design, which you'll see in the letter from the South Richards Avenue Association. [Exhibit 8] They asked us to do some stepping back and some modifying of the second stories of those buildings.

But in general, we're in agreement with that buffer being designed as we have designed it. Again, I want to point out that to us that's critical, not only for commercial viability, but for the viability of transit. The transit company has told us that they would be willing to bring a stop into our project, rather than having one out on Richards Avenue where no one would use it, only if our commercial street and plaza are close to Richards Avenue. And I think we mentioned last time that signage is going to grow in size as we step further and further away from Richards Avenue. So I think it's an important issue to us. We're not being cavalier about it. And it's something that we've generated good support for.

So those are the things that we were asked to do last time. I think we followed through with them rigorously, got good support. Again, the only thing that I think we were not in agreement with is this new condition 19 on limiting us on our number of lots. Other than that, we've looked the staff report over in detail and agree with all the other conditions. And you'll find that many of the conditions have already been satisfied. I think all of the ones enumerated in 17, A through G, have already been satisfied. So we're getting pretty far down the road there.

Anyway, that gives you an overview of what we've been doing the last few months, and we stand for your questions.

CHAIRMAN ANAYA: Thank you, Lom. Any questions of Lom? Okay.
Commissioner Sullivan?

COMMISSIONER SULLIVAN: Lom, on the setback from the commercial,

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the Richards Avenue Association with whom you met recommended 140 feet from the right-of-way. Is that okay with you?

MR. TRYK: Yes.

COMMISSIONER SULLIVAN: Okay. So that's the minimum setback from the right-of-way for the commercial.

MR. TRYK: That's for buildings from the right-of-way.

COMMISSIONER SULLIVAN: Well, what would be the setback for other things?

MR. TRYK: Well, we have roads and parking closer to the right-of-way of Richards Avenue than that. They're referring to the face of the buildings.

COMMISSIONER SULLIVAN: So you're not willing - the 200-foot is what's required in map 14 on the Community College District. So you're not willing to go for the 140, then?

MR. TRYK: No.

COMMISSIONER SULLIVAN: No? Okay.

MR. TRYK: It depends on your definition.

COMMISSIONER SULLIVAN: My definition is a setback's a setback. There's no development, it's a buffer area. That would be my definition.

MR. TRYK: Then no. And that's not their intent either. And I'll let them address that.

COMMISSIONER SULLIVAN: Okay. On the issue of the setbacks for the bus, you may have seen it, I'm sure you have, I wrote a letter to the transit director asking whether that 200-foot setback would impact their providing service to your development, or would cause you to incur any additional costs. And you may recall from seeing his response that his answer was no, it wouldn't, that there would be service regardless. If you would like me to read that letter into the record, I will. If you disagree with that, I'll be glad to read that into the record. Have you -

MR. TRYK: Did you hear my comment which was that they said that they would still provide a transit stop, but if we moved further from the road, they would provide it on Richards Avenue?

COMMISSIONER SULLIVAN: That's not what the letter said. The letter said that they would provide service, and they went on to say that of course the closer service is to a population area, the more people you get voluntarily to use transit service. And that would apply anywhere, of course, where you go in a population center. If your population center was 200 feet back or if it was 140 feet back or if it were 60 feet back, as it is now, either way where that population center is, if your bus stop is closer to that center, then it's going to be more convenient for people. That's what the letter said.

MR. TRYK: Our indication from them was they could immediately provide us a stop within the development, if we were no further away than we are. They could immediately provide a stop on Richards Avenue if we moved further away. They could provide in the future a stop within the development if we moved further away. That's the

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indication that they gave us.

COMMISSIONER SULLIVAN: Okay. That may be in the discussions that you had with them. It's not in the letter. The letter, I specifically asked was there anything that impacted that, and their answer was no, that they could provide the service at the 200 feet.

MR. TRYK: Your letter says: "Bus stops could be sited on Richards Avenue to serve residents of the proposed development, assuming that an accessible way connecting the stops to the development is provided."

COMMISSIONER SULLIVAN: Yes, in other words you've got a bus stop and you need a path to get people to the bus stop.

MR. TRYK: If anyone would use it, yes.

COMMISSIONER SULLIVAN: Yes. If they need it, I'm sure they will. And then also, Mr. Chairman, just a clarification. There's occasionally some confusion about the temporary water rights that the County's negotiated with the City of Santa Fe and the settlement to the San Juan/Chama diversion water rights issue. And I want to be sure that there's not any confusion about that. The 375 acre-feet that's included in the water service agreement that's available to us right now is through the City of Santa Fe. That 375 acre-feet of water rights is a temporary water right allowance that they've given us to enable development to move forward, prioritize development to move forward in the interim. That is not in any way connected to the County's resolution of the San Juan/Chama water rights issue, wherein 5,605 acre-feet was allocated to the City and the County. And we had been arguing for many, many years over how much of that was for the County and how much of that was for the City. The ultimate conclusion of that was that that 375 acre-feet, which doesn't become available until after the Buckman Direct Diversion is online, that 375 acre-feet was the settlement of that dispute. We got 375 acre-feet; the City got the rest.

The 375 acre-feet that Oshara will be making use of in the water service agreement is the 375 - that's a totally different 375. Because if it weren't, you couldn't use it. You'd have to wait until the Buckman Direct Diversion was online. That 375 is the temporary water that we negotiated with them so that some developments could move forward while they were getting water rights. That 375 does go away at that point. And I want to be very clear that the Commission understands that that water service agreement is not an agreement with Oshara for eleven acre-feet in perpetuity, going beyond the BDD, the opening of the Buckman Direct Diversion. At that point, you have to have your eleven acre-feet in place. And that was the concern that we discussed earlier. So I would take exception to your comment that it's not temporary. I was on the negotiation team for that for over a year, intimately involved in it, as were other members of the Commission, and it is temporary. I just want to clear the air on that.

I have some other questions later, Mr. Chairman, after the public hearing. But that's it for now. Thank you.

CHAIRMAN ANAYA: Thank you, Commissioner Sullivan.

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COMMISSIONER VIGIL: I would just like Steve Wust to respond to Commissioner Sullivan's characterization of that 375 acre-feet. Is it your understanding that it's temporary? Or is it finite or is it forever or what?

DR. WUST: Mr. Chairman, Commissioner Vigil, Commissioner Sullivan was correct. It's a bridge, basically, from the City to account for what will be San Juan/Chama water in the direct diversion. However, the water that the City is bridging with is not water, in the strict accounting sense that will be used to supply the developments from the Buckman direct diversion. That's why we're asking to bring in water rights. If we were just making an arrangement that they would get a piece of the 375, and we're assuming that rolls over into San/Juan Chama, they would need water rights, because that's what we have. But we're trying to supplement our capacity within the direct diversion project way beyond the 375. And we're asking developers to bring in water rights to help us be able to reach that capacity.

So in essence, what's going on is the eleven acre-feet that Oshara is requesting is part of the bridge. That bridge goes away, and if they have the water rights in place in time, it rolls over into the eleven acre-feet they've put into the Buckman project, which is different from the San Juan/Chama water. And if they don't have their water rights or any other development doesn't have their water rights at that time, it's not assumed that that's going to roll over into the San Juan/Chama portion of the direct diversion. And so the wet water, the allotment, does go away, because it's rolling over to a different place. And we don't want to assume, he's correct, we don't want to assume that a developer can just assume, "If I don't have my water rights, I'll just take it out of the San Juan/Chama portion of the direct diversion." Because that's not the same allotment coming from the City during this bridge time.

COMMISSIONER VIGIL: Okay.

DR. WUST: I hope that cleared it up somewhat.

COMMISSIONER VIGIL: At some level. So this eleven acre-feet water that we're requiring is a good thing?

DR. WUST: Mr. Chairman, Commissioner Vigil, that is absolutely right, and we do it with all developers. That is that we do not want to be allocating our San Juan/Chama portion of the direct diversion just to anyone without some kind of compensation to help us reach our full - I believe our full capacity of the direct diversion is 1,700 acre-feet. But we've got to make up that difference between 1,700 and 375 in the water rights. We're buying some ourselves, but just like we do with roads or infrastructure, we require that developers contribute to that portion so we can supply them with water.

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

CHAIRMAN ANAYA: Okay. This is a public hearing. All those in favor or that want to speak against this case, could you please come forward? Not all at once, now. Go ahead, ma'am, come on up. If you could just state your name for the record and talk directly into the mike so that everybody can hear you.

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LOUISE WILLIAMS: Thank you for the opportunity. My name is Louse Williams, and I have lived in the neighborhood along with other neighbors that are here present with me today. I'm not directly on Richards Avenue, but however on the northeast corridor that's being discussed for road easement and access. And I am not speaking against the development of the capacity building that's needed on Richards Avenue. I mostly wanted to talk in terms of the northeast corridor, and recognize that people need to have access and ways to get in and around, and very much supportive of the County taking a stance to require that developers do look for more than one alternative to move traffic, and not necessarily high-moving traffic through neighborhoods.

So we are in a neighborhood where we, as I was looking at the plan in the back, not having had the opportunity to look at the packet which you have which is much more extensive, but looking at the packet in the back, recognized that one of the options was to take a look at Rabbit Road. And Rabbit Road I just want to mention to the County is a road that already has a bottleneck on it as it comes onto St. Francis, and asking that the County do continue to ask developers to be responsible to looking for a variety of easements and ways to move traffic instead. And I recognize that there was one discussion of not only two roads, and Public Works is asking that they look to a third alternate. And that may not happen until phase 2 or at another point in time, but I do thank you for looking at not wanting to put high-traffic roads through the neighborhoods. We already to have bottlenecks that are in place.

And if the County needs to work with the other entities, federal state entities to try to see if we can get right-of-way access from Richards directly onto I-25, we'd be very much in support of that, encourage that. I know it's been a discussion topic for a long time. And I didn't hear that conversation come up today, about getting traffic onto Rabbit Road, but I did see it in the packet in the back, and I speak to concerns that high-moving traffic would be a concern of ours in the neighborhood. If that had a little bit of a rise, if there wasn't planned development to include traffic lights, making sure traffic is not moving too fast, there I see room for accidents. When we are moving off Old Galisteo Road and Old Galisteo coming onto the frontage road, it's difficult for us to see traffic coming from the west, moving east towards south St. Francis and getting on St. Francis. We'd be concerned about high traffic and fast-moving traffic. And there is a bottleneck on south St. Francis moving north on St. Francis. So I just want to express concern that we do need to have various ways to move traffic from Richards Avenue instead of just looking at two or three avenues, and encouraging developers to take the steps of developing those additional arteries. Thank you.

CHAIRMAN ANAYA: Thank you, Ms. Williams, thank you very much.

MS. WILLIAMS: I appreciate that.

CHAIRMAN ANAYA: Anybody else want to speak? Okay, anybody want to speak in favor of this? Can I see a raise of hands of who's in favor of this project? Do you all want to speak, or do you want to have a representative to speak for you? I just want to make sure you're not repeating yourselves. So you can come forward if you want to speak. If you all want to stand up, we can swear you in at one time, that'd be great. The ones that want to speak, raise your right hands. Thank you. Go ahead. Come forward, sir. You all can come up

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and sit here in the front. That way we can move this along. Could you just state your name?

[Duly sworn, Tom Noblock testified as follows:]

TOM NOBLOCK: My name is Tom Noblock, I'm at 35 Encantado Loop in Eldorado. I teach at the Community College. I do Radio KSFR at the Community College. I'm the co-founder and co-director of the Youth Radio Network Santa Fe. I want to live in Oshara Village. I've testified about sustainability about this project in the past to you, and I'm just going to say the more it gets delayed, the less affordable it gets for somebody like me, for somebody like a lot of the people that want to live here. The affordable housing is a great part of this, and the more it gets delayed, the less affordable it is. And I appreciate your listening.

CHAIRMAN ANAYA: Thank you, Tom. Next?

[Duly sworn, Robert Garcia testified as follows:]

ROBERT GARCIA: Mr. Chairman, Commissioners, my name is Robert Garcia, 8 Spirit Run Place, Santa Fe. And I'm speaking tonight on behalf of the South Richards Avenue Association. Some of you may know I'm also the chair of the Community College Development Review District, but I'm not speaking for them tonight. Even though this is in the Community College District, it's actually also within the EZA, so they have reviewed this project, not this committee. But I am speaking on behalf of the South Richards Avenue Association.

Some of you may recall that about three years ago, I believe it was about three years ago, we spoke in opposition to the master plan that was eventually adopted for this particular site. So you may ask why are we tonight speaking in favor of this one? Basically, it's because we think this is a much better plan. And we'd like to see this move ahead, because we think it's going to be a really good example for the rest of the development in the Community College District to have to live up to. Specifically, we support it because we think it's in keeping with the Community College District plan.

I want to clarify the issue on the setback, that our letter - and I think you all have the letter, it was sent to you signed by our president, Ms. Jane Petchesky. Regarding the setback, what it says is that we support the lesser setback along the block closest to Richards Avenue as requested. We estimate this to be about 140 feet from the edge of the right-of-way. Now, we all went out there on site, so we saw exactly where the buildings were proposed, and that's what we're supporting. So the 140 feet is an estimate.

Now, we did feel very strongly - originally when it was presented to us, we were told that it was being measured from the center of the road. Our understanding is that's not in keeping with the ordinance and needs to be measured from the edge of the right-of-way. We think that's an important precedent that you keep in mind for all developments. But we were on-site. We saw where the proposed buildings are to be, and we support that setback. Nobody at that time knew why there was 140 feet, 120 feet, 160 feet, we just estimated it to be 140 feet.

However, that support is contingent, as I believe Mr. Tryk mentioned, on - they have very nice drawings similar to that. They're nice-looking buildings, but it's all kind of a straight, flat front, and we wanted that broken up, both in distance and in height. And they have agreed

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to that. So that's very nice looking, but we want a little more variety, and they've agreed to that. And we'll work with them as the final site plans are developed. But I just wanted to try to clarify that on the setback issue.

We also support the concept that the setback itself could be used for temporary uses. And what we had in mind by that is in other words, if there's a restaurant there and they wanted to have some temporary outdoor dining, say on the other side of the street, kind of extend the feeling of community, that was fine with us, as long as it's just temporary.

We strongly support the construction of what is being called the northeast connector. In fact, that's something that we pushed for from the very beginning. It is part of the Community College District Plan. Originally they proposed that it be done on phase 2. We said that was unacceptable to us, it had to be part of phase 1. And they have agreed with that. And we urged that it be a slow-speed, meandering road. We urge that - we support the Community College District Plan concept of many different roads, many small, slow-speed, meandering roads, giving people lots of opportunities to get from wherever they are to wherever they need to go. What we don't want is for twenty years from now, Richards Avenue to look like Airport Road or St. Francis Drive. We don't want to repeat that. We think we can do better in the Community College District. The Community College District is the designated growth area for the county. We know that. That's fine. But we want it to be growth that the community's going to be proud of. We want the County to be able to point to that and say, "We did a great job out there, and this is what we want in other places."

We urged the construction of roundabouts on Richards Avenue, not signalized intersections. We think that'll go a long way to creating a slower speed, much safer, more visually positive street out there. And we strongly urge the construction of a new road, which I think has been alluded to tonight, which would connect the northeast connector to the one down the east side of the Oshara property to connect to the Community College itself and even the east side of Windmill Ridge at Rancho Viejo. We think that'll take a lot of pressure, a lot of traffic, off Richards Avenue.

We know Richards Avenue, it's going to be a major street. But as the Community College District grows, it cannot be the only street connecting the city of Santa Fe and the northern part of the county with the Community College District. There has to be more than one way into the Community College District. That's clearly the way to go, and the applicant has said that they would support that, work with the County to accommodate that.

Finally, I did hear discussion tonight of the third connection, which I guess would kind of be opposite Dinosaur Trail. And we're very much in support of that happening also. But it is true, we have not seen - the South Richards Avenue Association has not seen any specific plans as to exactly where it would be, what the configuration would be, what impact it may have on trails, both pedestrian, bicycle, and equestrian, and equestrian trails are very important out there. We don't know what impact it's going to have on drainage. So it's fine with us that it be required to be built, but we think it should be part of phase 2 or when the Taurus property comes in for development so that the community and the public and the neighborhood have an opportunity to review the specifics, rather than just requiring that something be built without

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knowing exactly what it's going to be.

So overall we support what you have before you tonight. We feel the applicants have been very positive about working with the neighbors. The South Richards Avenue Association urges your approval. Thank you.

CHAIRMAN ANAYA: Thank you, Mr. Garcia. Next.

[Duly sworn, Daniel Pivern testified as follows:]

DANIEL PIVERN: Hello Mr. Chairman and Commissioners, my name is Daniel Pivern. I live off Rabbit Road in Arroyo Hondo West. I've been in Santa Fe for thirteen years, and the last two years I have lived out in the Arroyo Hondo West community.

When I heard about Oshara being developed, I was concerned about five- and ten-acre beautiful lots with hundreds of wellheads scattered out amongst the pinon and juniper. And I was very, very concerned about it. And the more I learned about Oshara, the more and more encouraged I become. And I'm very supportive of the development. I think that, like the first lady who came up concerned about the traffic, I see that Rabbit Road turning into the northeast connector and meandering slowly to the plaza is something that my family and I will very much enjoy going to visit the plaza. I think that the water responsibility is extremely important. And I appreciate the fact that local businesses will be primarily occupying the storefronts, along with the residences.

I grew up in rural Colorado. I've seen sprawl damage communities. The community I grew up in was a very small community. A lot of the agricultural land I grew up on is now gated communities and big boxes and large franchise businesses all around. I think that sprawl without consciousness can really create separation in a community. And I really fully believe that Oshara will encourage inclusion and unity, and I look forward to visiting it often. Thank you for your time.

CHAIRMAN ANAYA: Thanks, Daniel.

[Duly sworn, Charles Bensinger testified as follows:]

CHARLES BENSIGNER: Mr. Chairman, members of the committee, my name is Charles Bensinger, I live at 41 Azul Loop in Eldorado. I worked on the original Community College District Plan back in the year 2000. And a tremendous amount of work went into that plan. It's a very good plan, particularly the sustainable guidelines in it, which I had a major role in drawing up.

Now, I think the sustainability guidelines, they're not just about conserving natural resources or using them more effectively. They're also about creating a living environment that proposes to maximize the quality of life. When we talk about that, we're not talking about excessive, wasteful, or extravagant quality of life. We're talking about something that's supremely sensible and cost-effective. And that, I believe, is what Oshara can show us, that it can serve as a model for a supremely sensible and cost-effective way of living. And I think we really need more of those models. So I urge you to approve this project. I think it's a really good one, and it'll do much to benefit the citizens of Santa Fe. Thank you very much.

CHAIRMAN ANAYA: Thank you, Charles.

[Duly sworn, Adil Rizvi testified as follows:]

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ADIL RIZVI: Mr. Chairman and members, my name is Adil Rizvi. I'm the president of Design and Development Corporation. This is the corporation that's in the process of acquiring the Taurus property, which is a 64-acre property that's located on Richards Avenue and south of the freeway. I have meet with Mr. Alan Hoffman and the Oshara - his design team. I strongly support what he's planning.

I am an engineer with a master's degree from the University of New Mexico, and I've been a developer and an engineer in the state for the past twenty years. I have reviewed these plans, and they look very good, and I strongly support it. We look forward to working with him with our 64 acres, and also work on the third connection, which has been a topic of discussion today. We think we will be able to link Oshara and the Taurus property and create a very good community with local roadway networks and other amenities. So I strongly support this project, and I think they've done a wonderful job in designing it. Thank you.

CHAIRMAN ANAYA: Thank you, Adil. Next.

[Duly sworn, Evelyn White testified as follows:]

EVELYN WHITE: My name is Evelyn White, and excuse me, I have a bit of sore throat. Commissioners, this is an eco-village project, and I really believe that in this time on this planet we all have to learn how to do things differently. We have to learn how to work together. We have to learn how to save water, and really do things differently. I think this is a really good project, and they really are doing things differently.

Commissioner Sullivan, I'm a little disappointed when I see your stance with the project. I find myself wondering if you're opposed to all new building projects or if maybe you don't like someone who's a part of it. But I do find myself wondering what it is that you're so opposed to, and why you wouldn't support a project that is trying to conserve water and really trying to do the best that it can to bring people together, to integrate all kinds of new ideas. So I'd really love to see all of you Commissioners supporting this. It's something that can be a great example for not only Santa Fe, but for other parts of the country. If it's a successful project, as it appears it has the potential to be, it could attract all kinds of attention, positive attention, for the city of Santa Fe, county of Santa Fe.

So I would encourage you to support the project, and not support things like high-speed roads that would really affect the feeling of a village. I really like the idea of a village. I think we need to create communities that are more connected, and a high-speed road through the village wouldn't support that. So that's another point. So please support it. Thanks.

CHAIRMAN ANAYA: Thank you, Ms. White. Okay, two more people? Two, three? Three.

[Duly sworn, Eric Wirrel testified as follows:]

ERIC WIRREL: Good evening, Commissioners. My name is Eric Wirrel, I'm with the Federal Highway Administration. I've been asked to be available to make some comments on roundabouts, which several people have requested in this neighborhood, I guess. And just in general, I wanted to come out with a comment that the Federal Highway Administration strongly supports roundabouts. We're promoting them nation-wide. If I'm able to, I'd like to hand out some flyers to you all. Safety-wise in the United States, the Insurance

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Institute for Highway Safety has indicated that serious injuries at roundabouts versus any other type of intersection have gone down 76 percent, fatalities down 90 percent, pedestrian injuries down 30 to 40 percent. Capacity-wise, efficiency-wise, they allow approximately a thirty percent increase over a signalized intersection as far as the efficiency of flow.

Anyway, we're trying to promote them in New Mexico. New Mexico DOT is now considering them at any new intersection. Any new signalized intersection, they're considering a roundabout first. They're going to build their first one this summer at the Route 66 Casino, which is a long way from Santa Fe, I know. But I just wanted to make a general comment in support, and be available if anyone had any questions.

CHAIRMAN ANAYA: Thank you, Eric. Appreciate that. And yeah, you can hand those out. Take a look at them.

[Duly sworn, Diego Mulligan testified as follows:]

DIEGO MULLIGAN: My name is Diego Mulligan, and I live at 159D Calle Ojo Feliz in Santa Fe, Santa Fe County. Mr. Chairman, Commissioners, I rise in support of the Oshara Village, not as a broadcast journalist, but as the newly appointed president of the New Village Institute, which at this point is a new non-profit organization which will be working on water conservation education for the residents and businesses in Oshara. That will not be our ultimate aim. We aim to support the development of healthy communities everywhere, but we're starting with what's real and what's in front of us. And Oshara looks like it's going to be the best opportunity to create the kind of model that we can then learn so much from and apply in other parts of the county and the state and the country.

Oshara has some of the most innovative and restrictive water covenants of any development that I've ever seen. And we would like to help the residents and businesses achieve those ambitious goals. We think they are achievable, but we believe that it's really essential that they get the kind of technical support and education that they need so that they don't grudgingly get brought into this kicking and dragging, but that they embrace the ideas behind it, and have the support to actually make it work for them.

I also am very concerned about the Community College District plans that might be compromised if a high-speed road that is traffic priority is forced through Oshara and the current Taurus Ranch. I would much prefer, based on the information that I have, a network of smaller living priority roads, which I believe is what the Community College District actually recommends.

One other thing that is a concern to me at this stage too is the proviso added on, and I don't have all the details on this at this point, but I believe it might be provision 19, that would remove or let's say knock back the number of dwelling units from 175 to 117 because of the concern about the water provision. And I have to confess that I am not a water expert in this, and I am just as confused as the rest of you are in some of these areas. I have a lot to learn about it, but what I do know is that with fifteen percent of the Oshara homes being designated for affordable homes, we will be losing their eight affordable homes as a result of that one decision. They will be pulled back from 25 affordable homes to 17 officially affordable homes, which Homewise and Habitat for Humanity will be cooperating with the developers to create.

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And that is also of great concern to me.

I am a great supporter of roundabouts as well. I've spent a lot of time in different parts of the country and the world where they are used quite effectively. And I really think we ought to consider the difference between signalized Richards Avenue that would have several stoplights with traffic going from zero to sixty, zero to sixty, zero to sixty, zero to sixty, rather than having a road that has a design speed of approximately 35 miles an hour, with a decrease in that speed down to 15 or 20 for the roundabouts. I think it's going to create a much safer and quieter environment, something better for our children, for our community, and also will serve as a model for future developers. Thank you very much for your great efforts in understanding this innovative project. I'll be probably talking with you more as the project advances. Thank you.

CHAIRMAN ANAYA: Thank you, Mr. Mulligan. One more speaker.

[Duly sworn, Jeremy Damien Terrell testified as follows:]

JEREMY DAMIEN TERRELL: Hello, my name is Jeremy Damien Terrell, and I'm a property owner along Old Galisteo Way. When I first heard of the Oshara project, I felt that it was a very good, sound project. And I look forward to working with them to connect a pedestrian trail along the Arroyo Hondo, and connecting open space from their property and mine. I reside along the eastern border, and as Robert Garcia mentioned, talking with the network of roads. I fully promote them working to put a road along their eastern border, and would be willing to work with them on that. In addition, provided that the Old Galisteo Way Users Association would be interested, I'd be willing to connect through my property that road and the new road along the eastern border. That will help create more of this inter-connectivity of a lot of these dead ends in the Community College District. Thank you.

CHAIRMAN ANAYA: Thank you, Jeremy. Okay, that closes the public hearing. Lom, did you have any comments?

MR. TRYK: I just wanted to point out that if you agree with us that the northeast connector connection through the Taurus property is appropriate to being a part of phase 2 rather than phase 1, and give us time to work out an alignment between us and the Taurus property owners, it does violate possible condition 15.i, which says "Compliance with applicable review comments from County Public Works." Since the packet includes this letter recommending that we make that connection, I'm just concerned that if you were to pass this with that condition without commenting on that connection that that would in a sense force us to build it in phase 1. So I'm just pointing that out, because it is a condition in the staff report, and I did earlier say that we didn't have any problem with the conditions as written. So I just want to point that out.

CHAIRMAN ANAYA: Repeat that - tell me that again, I didn't -

MR. TRYK: Okay, if you look at 15.i, compliance with applicable review comments from County Public Works, and if you look in your packet, there is a letter from County Public Works recommending this connection to Dinosaur Trail through the Taurus property. And I didn't think about the fact that if we say we're in agreement with all the conditions as written, that means we're in agreement with that road connection, and we've

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already said we'd like to do that in phase 2.

CHAIRMAN ANAYA: Got you. Could you tell me a little bit about – actually, Ms. Williams had a concern about Rabbit Road. Could you address that?

MR. TRYK: I wasn't really aware of what the condition was that she was talking about on the eastern end of Rabbit Road as it approaches St. Francis Drive, but I understood her comments to mean that she wanted to work with the County to improve that condition. That's something that's off the Oshara property. So what we've been doing is concentrating on the alignments within the Oshara property, and then how it affects those first couple of houses when it comes onto the interstate right-of-way and into that frontage road section. So I didn't understand that to be something that we could do much about. More that the County could do something about.

CHAIRMAN ANAYA: Okay. Any questions of the applicant? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Tryk, on the northeast connector, one of the conditions is 9.c, conditional dedication of the northeast connector to the County. And in your initial master plan application, I think you made it very clear that Oshara was going to be responsible for building the northeast connector. Is that still the case?

MR. TRYK: Yes, that's correct.

COMMISSIONER SULLIVAN: Okay. Just want to be sure. And that doesn't just mean on Oshara property? That means building –

MR. TRYK: No, the whole thing. It's just that the Public Works Department has commented that it's appropriate that if –

COMMISSIONER SULLIVAN: No, I understand your comment on 15.i.

MR. TRYK: No, what I'm saying is that they think it's appropriate that it be conditionally dedicated, and that they'll probably end up taking that road over. But it doesn't mean we wouldn't build it.

COMMISSIONER SULLIVAN: No, I'm talking about the northeast connector that you're talking about now that goes all the way up to the public roads connecting to St. Francis. That will be built as a part of phase 1 by Oshara?

MR. TRYK: Correct.

COMMISSIONER SULLIVAN: And then that right-of-way for that, which I think was 50 feet as I recall, will be dedicated to the County?

MR. TRYK: Correct.

COMMISSIONER SULLIVAN: Okay. Because I don't see in the conditions, and I wanted to ask either you or Vicki, but I think you've answered the question. It says you'll dedicate it, but I don't see in the conditions where it says you'll build it.

MR. TRYK: I see. Okay.

COMMISSIONER SULLIVAN: But you're confirming that you would build it as well. Okay. Thank you very much. The only other comment I have, Mr. Chairman, is just to allay the concerns of I think it was Ms. White who spoke, or any others who may be concerned about my particular commitment to good development and conservation. And I can

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tell you for four and a half years I've been on the forefront of trying to eliminate sprawl in Santa Fe County with a number of forward-looking ordinances. The Community College District Ordinance and the State Environmental Department require these water conservation measures, as does Santa Fe County under its conservation ordinance. And so while it makes a wonderful selling point to the community, and it made a very good selling point for the Community College District plan as well, which was passed by the County Commission, I want to be very clear that those items are already required by either state regulation or by County ordinance. And they make good sense, and that's why the ordinance was passed that way.

What it's important for us to do as Commissioners is to separate the fluff from the specifics. Because if we don't have the specifics down, what we find later is that the attorneys line up at the front door at eight o'clock in the morning and it becomes a long, drawn-out process. So we have to separate selling the steak from selling the sizzle. And that's what we try to do here, to be sure that the commitments that the developer has made and that the requirements of the staff based on its review are accurately reflected and are clearly understood throughout the process. Because as I said before, and I still believe, that this is an incomplete submittal. When we talk about final plats, it should be ready to go, and there should be only minor corrections. We have a great deal of uncertainty left. What that does is that it gives the staff an awful great burden on it, a policy burden in many cases. That is to say, for example, what should happen as is indicated in the packet, if the applicant decides to connect into the Rancho Viejo sewage treatment plant? What do we know about that? What's its capacity, what effect does that have on Rancho Viejo residents, what about the effluent limitations and disposal? None of those issues will come back to the Commission. All those kinds of issues will then have to be decided by staff. And we've got terrific staff. But sometimes to place that much burden on them, we need to separate policy from technical review.

So that's what we're doing here. We're dotting the I's, we're crossing the T's, and we're making sure that everyone understands what this development is about so that when we come back a year from now or nine months, when they indicated they might start construction, there are no loopholes. We get what everybody was promised. We have a letter that was sent to us by the Puesta del Sol subdivision organization. And they are complaining in this letter to us that promises made to them by the Tierra Grande Subdivision, developed by Mr. Hoffman, were not met by Mr. Hoffman. You're welcome to look at this letter at your convenience, you or anyone. So I haven't looked into this issue, so I'm not going to comment on that. I can't say whether their allegations are true or not. I just point that out to you, that we receive very often two sides of the issue, and we want to be sure that what we have is a clear understanding when we move forward on a project such as this. Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Thank you, Commissioner Sullivan. Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chairman, that particular project is in my district, and that whole issue was brought to my attention. I'd like to defer it to Dolores Vigil, because we actually - we're concerned about that, thought we might hear some testimony. But I think it's all been cleared up. Am I correct, Dolores?

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MS. VIGIL: Mr. Chairman, Commissioner Vigil, that is correct. We did meet with Alan Hoffman and we actually went to the site. And I think we've resolved the issues that have come up based on that letter that you have before you.

COMMISSIONER VIGIL: Okay, and that has been done since the letter was received, right?

MS. VIGIL: Yes.

COMMISSIONER VIGIL: Okay. Mr. Chairman, I think that's a non-issue.

CHAIRMAN ANAYA: Okay. I think we've talked about this enough. Is there a motion?

COMMISSIONER SULLIVAN: Mr. Chairman, motion to approve with staff conditions.

CHAIRMAN ANAYA: There's a motion with conditions. I know that there was 18 and 19 recommendation. Is that including 18 and 19?

COMMISSIONER CAMPOS: Second.

COMMISSIONER SULLIVAN: Yes, sir.

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN ANAYA: Is there a motion and a second with 18 and 19? Is there any more discussion?

COMMISSIONER VIGIL: I think we need to go into 18 and 19 with a little more detail, because it was just proposed today. I'm hearing from the applicant that they're not in agreement with that. And I'm not sure that we need to approve it that way. I'd really like some more information.

My concern for this overall is this is a wonderful project. It's a project that is really conducive to smart growth. I hope some projects come up in the northwest quadrant that work as hard on bending backwards with the communities around there with the issues, with staff. And I just have a real difficult time continually what I think, creating barriers to moving this project forward. It's one that I think is well worth our strong consideration. I want to vote in favor of it, but I don't know that we will be providing a favorable position by imposing conditions 18 and 19. And I guess I need further understanding with regard to that, and I'd like to defer to the applicant as to why he is disagreeing with that, and if it's a negotiable item at any point in time.

CHAIRMAN ANAYA: Lorn, do you agree with 18?

MR. TRYK: 18 was okay. It's 19 that's the poison pill for us.

CHAIRMAN ANAYA: Okay, he agrees with 18, but he doesn't agree with 19.

MR. TRYK: Right. And the 15.i that I brought up before, just on that road connection.

CHAIRMAN ANAYA: Could you restate the 19 condition? Number 19?

MS. LUCERO: Mr. Chairman, it would be that if the eleven acre-feet of water rights do not get transferred, the developer will only be allowed to plat 117 lots.

CHAIRMAN ANAYA: Okay, but Steve Wust, you agreed with the 17 conditions, and you didn't have a problem - or do you have a problem now with it? Do you

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not have a problem with 19?

DR. WUST: Mr. Chairman, number 19 came out of a discussion I had with Dolores and Vicki, so it was partly my idea. And just to give you a little background, first off there's a precedent, if you recall La Pradera. They agreed to withhold construction of their last I believe eleven units in their case until they could either, (a) prove up their water budget, or (b) bring forward more water rights to make up that difference. And that's what we're talking about here, is protection of the County so we're not stuck for that eleven acre-feet if somehow it doesn't get transferred. And so that was an arrangement already made with La Pradera. So this is consistent with that.

Secondly, I would just argue that we've been told by the applicant that they're so confident that they'll get the eleven acre-feet that the County should go ahead and approve the water service agreement. I believe if they're that confident, they shouldn't have any issue with number 19. And we feel if they're that confident, then there's no problem putting that kind of condition on. But we do need protection for the County, just in case that stuff doesn't happen. We don't want to be stuck for the water that we don't have the water rights for that that we promised.

CHAIRMAN ANAYA: Thanks, Steve. Lorn, you want to comment?

MR. TRYK: Yes. As I said before, this condition 19 puts a great financial burden on the project. We cannot get financing if we can't build 175 lots. If we go to the bank and say, all we got approved for was 117, we can't get financing. That's what I was mentioning to you before. La Pradera is not an apples-to-apples comparison. They don't have a backup plan. That was the only thing that they could come up with. That's a low-density subdivision that doesn't have the kind of infrastructure costs that we do or the kind of off-site costs we do. So it's a huge concern for us.

CHAIRMAN ANAYA: Okay. I think we get the picture. There's a motion on the floor and a second to approve with conditions from 1 through 19. Any more discussion?

The motion to approve EZ Case S 04-4451 with all staff conditions failed by 2-3 voice vote with Commissioners Campos, Vigil and Sullivan voting against.

CHAIRMAN ANAYA: Okay, the noes have it. Give me another motion.

COMMISSIONER VIGIL: Mr. Chairman, I'd like to motion that we move forward with this project. I think it's a worthy project for Santa Fe County. It's in the best interests of the majority of the county. And that the conditions 1 through 18 be met, but in fact the applicant consider working with Public Works on the possibility of a third road, but he not be obligated to it. But since the applicant has testified that they are willing to consider it, I'd like to see that partnership occur.

COMMISSIONER MONTOYA: Second.

CHAIRMAN ANAYA: Motion and a second. Any more discussion?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Sullivan.

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COMMISSIONER SULLIVAN: I would still make the case that we, as Mr. Wust has said and our staff recommends, that we need some backup to these promises on the eleven acre-feet. And we did get – it is a similar situation to La Pradera. La Pradera had extensive off-site costs, several million dollars, including the reconstruction of Dinosaur Trail, construction of a sewage treatment plant for only 80 units versus 100 to 175 here. They had, I think, per unit costs that probably were higher than we have here. So I think it is a reasonable comparison. I think if we don't find ourselves having some backup in the water service agreement, there's no time that they have to provide that eleven acre-feet. There's no time requirement. One year, two years, three years. It's in perpetuity.

So I think that it's a real disservice to the public to commit the County to approve these additional units until they have the water service agreement. And it's certainly an incentive to the developer to get that eleven acre-feet tied down and moved forward. And if they have the build-out schedule that they're talking about, three to four years, that won't impair their ability at all to bring those units online, because they'll have their water rights by that time.

CHAIRMAN ANAYA: Thank you, Commissioner Sullivan.

The motion to approve EZ Case S 04-4451 passed by majority 4-1 voice vote with Commissioner Sullivan voting no.

- XIII. A. 6. CDRC Case number AB04-5660, Bobby Armijo Density Variance. Bobby Armijo, applicant, requests a variance of Article III Section 10, lot size requirements of the Land Development Code to allow a division of 16.20 acres into two 8.0-acre parcels for the purpose of a family transfer. The property is located off of 428 Ojo de la Vaca, within Section 30, Township 15, North range 11 East, Commission District 3

VICTORIA REYES (Review Specialist): Thank you, Mr. Chairman. On May 29th, 2003, the County Development Review Committee recommended denial of the request for a family transfer to divide 16.20 acres into four lots consisting of 4 acres, more or less. On July 8th, 2003, the Board of County Commissioners denied the request. The applicant has re-applied, and is requesting to divide 16 acres into two eight-acre parcels for the purpose of a family transfer. On March 17, 2005, the County Development Review Committee recommended denial of this request.

The property is located within the Homestead Hydrologic Zone. Article III, Section 10 of the Land Development Code states the minimum lot size in this area is 160 acres per dwelling, or 40 acres with water restrictions. Lot size may be reduced to a minimum of two and a half acres if the applicant can demonstrate water availability. The minimum lot size for a family transfer is 20 acres.

Recommendation: Staff recommends that the request for a variance be denied. The

DANIEL J. O'FRIEL
PIERRE LEVY
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BERTRAND B. PRINCE
1914-1998

July 25, 2013

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

Re: CDRC Case No. MIS 13-5200

Dear Administrator:

I am a property owner at the Oshara Village and have received certified mail regarding the request by Homewise Inc. and Century Bank to convert certain lots at Oshara Village into townhome lots and patio lots.

I support this request. Particularly, I support the effort by Century Bank and Homewise Inc. to create "affordable homes" for our citizens. Please enter my support for Case No. MIS 13-5200.

Please feel free to call upon me should you desire any further information or detail about this support. Thank you.

Sincerely yours,



Daniel J. O'Friel

DJO/dnb



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Vicente Archuleta

From: C Mitchell <janopher@aol.com>
Sent: Tuesday, August 13, 2013 9:21 AM
To: Vicente Archuleta
Subject: Homewise Alteration of Oshara Masterplan

CDRC CASE # MIS 13-5200

As a property owner in Santiago Subdivision that borders Oshara Village, I object to the proposal to convert various lots from live/work & commercial use to townhome & patio home lots.

The Master Plan was considered & revised over many months & was finally approved after much deliberation & this proposal by Homewise negates the principles of the Village concept.

The Master Plan is a brilliant solution to providing an integrated community where residents would live & work & not have to commute to jobs elsewhere.

A reduction in live/work & commercial lots will result in another bedroom community with little job opportunity in the Village.

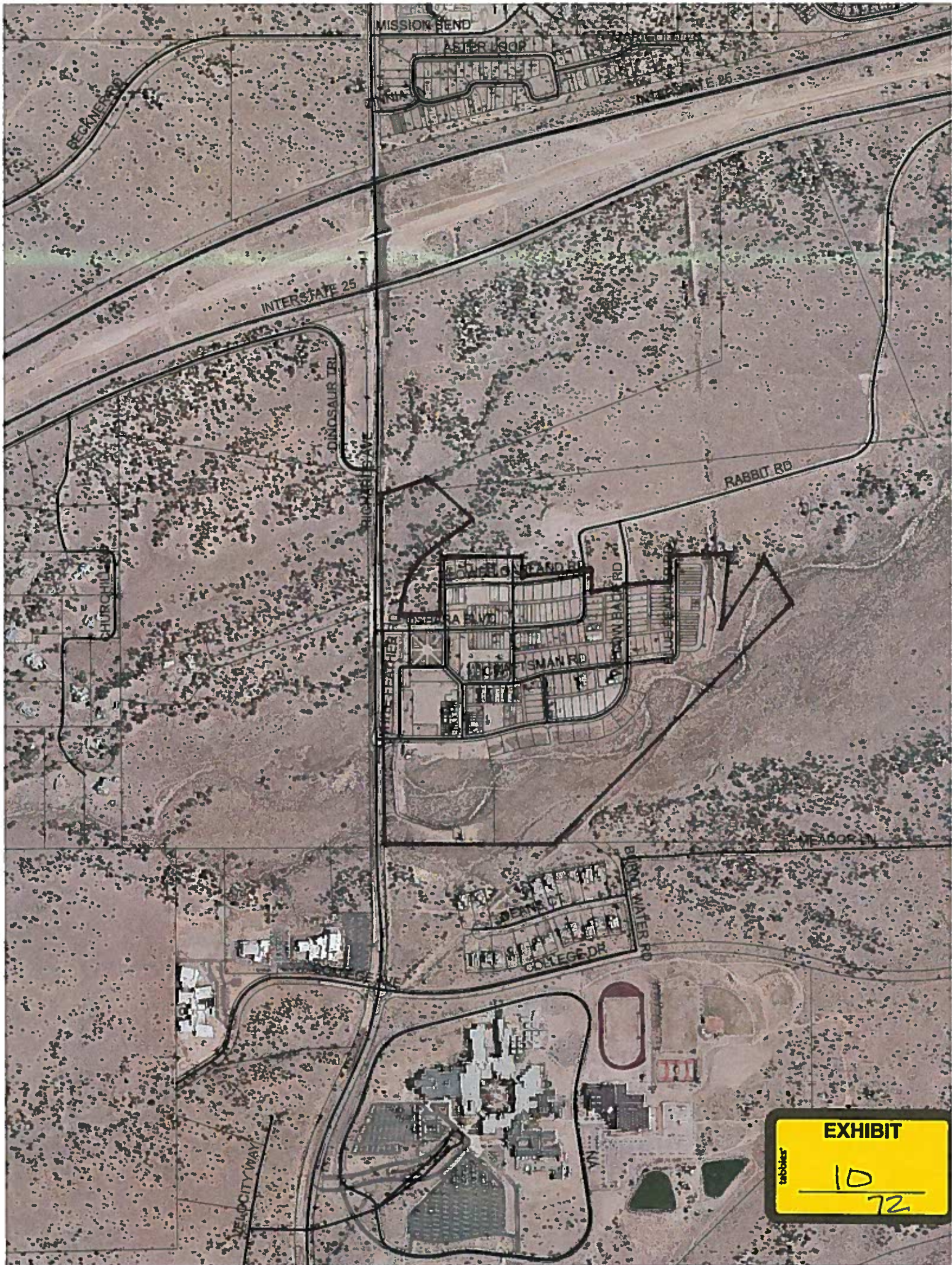
A comprehensive review of the Master Plan for Phase I & its affect on the Overall Master Plan would give a better result.

Please present these comments on the meeting on 15th August 2013 as I am unable to attend in person.

Sincerely,

C. Mitchell





EXHIBIT

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