

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

CONTINUATION OF MAY 14, 2002 MEETING
(Public Hearing)
June 5, 2002 - 3:00 p.m.

Agenda

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Approval of Agenda
 - A. Amendments
 - B. Tabled or Withdrawn Items
- V. Matters of Public Concern – Non-Action Items
- VI. Matters from the Commission
 - A. Resolution No. 2002 - A Resolution Supporting the Regulation of Water Wells in the Community College District
 - B. Discussion and Action on Funding Federal Lobbying Efforts *4-1 (Campus NO)*
- VII. Staff and Elected Officials Items
 - A. Land Use Department
 - 1. Request Approval of a Development Agreement Between Santa Fe County and Rancho Viejo de Santa Fe, Inc. for the Purposes of Combining and Compiling the Outstanding Obligations Agreed to by Rancho Viejo in Previous Development Agreements in Rancho Viejo Village Units I & II, and Windmill Ridge Unit 1 *Approved*
 - B. Matters from the County Manager, Estevan López
 - C. Matters from the County Attorney, Steven Kopelman
 - 1. Executive Session
 - a. Discussion of Pending or Threatened Litigation
 - b. Discussion of Possible Purchase, Acquisition or Disposal of Real Property or Water Rights
 - c. Limited Personnel Matters
- VIII. Public Hearings
 - A. Land Use Department
 - 1. CCDRC CASE #Z 01-5480 - San Cristobal Master Plan. State Land Office, Applicant, Requests Master Plan Approval for a Phased Mixed Use Development to Consist of Three Village Zones, Two New *Approved*

Community Centers, Five Neighborhood Centers and Non-Profit Uses on 1,818 Acres. The Development Includes: a Maximum of 7,957,323 sq. ft. of Commercial Uses (1,323,918 sq. ft. is Projected); Approximately 2,781 Residential Units; and 1,031 Acres of Open Space and Parks. The Property is Located East of State Road 14, North of the County Jail, Within Section 36, Township 16 North, Range 8 East and Sections 31 and 32, Township 16 North, Range 9 East (Commission District 5). Penny Ellis-Green

Approved

- 2. EZ CASE #S 01-4550 – Windmill Ridge at Rancho Viejo, Unit 2, Rancho Viejo de Santa Fe, Inc., Robert Taunton, Vice President, Applicant, is Requesting Final Plan/Development Approval for a Mixed Use Subdivision in Accordance With the Approved Master Plan, Consisting of 136 Residential Lots and Approximately 16,335 sq. ft. of Commercial Space on 84.5 Acres. The Property is Located off of Richards Avenue, Section 28, Township 16 North, Range 9 East (Commission District 5). Joe Catanach

Tabled

- 3. CCDRC CASE #MP 01-5570 - Thornburg Master Plan. Thornburg Enterprises Ltd., Applicant, Santa Fe Planning Group, Agent, Request Master Plan Approval for a Mixed Use Development to Consist of an Employment Center, Village Zone, and a New Community Center on 224 Acres. The Development Includes: Between 1,148,050 sq. ft. and 4,015,000 sq. ft. of Commercial Uses; Between 294 and 742 Residential Units; and Open Space and Parks. The Property is Located West and East of State Road 14, North of Vista Del Monte, Within Sections 24 and 25, Township 16 North, Range 8 East (Commission District 5). Penny Ellis-Green

Moved to June 11, 2002

- 4. CCDRC CASE #MP 02-5050 - Sonterra Master Plan. Richard Montoya, Applicant, and the Santa Fe Planning Group, Scott Hoeft, Agent, are Requesting Master Plan Approval of a Mixed Use Development in a Village Zone Consisting of 520 residential Units and 29,117 sq. ft. of Commercial Uses on 245 Acres. The Property is Located off of Vista Del Monte Road East of the Valle Lindo Subdivision, Section 30, Township 16 North, Range 9 East (Commission District 5). Joe Catanach

IX. ADJOURNMENT

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CONTINUATION OF THE
SANTA FE
BOARD OF COUNTY COMMISSIONERS
May 14, 2002 MEETING
June 5, 2002

Paul Duran, Chairman
 Jack Sullivan, Vice Chairman
 Paul Campos
 Marcos Trujillo
 Javier Gonzales



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 COUNTY OF SANTA FE } SS
 STATE OF NEW MEXICO }
 I hereby certify that this instrument was filed
 for record on the 16 day of Aug A.D.
 20 02 at 11:00 o'clock a.m.
 and was duly recorded in book 2188
 page 648-767 of the records of

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

 Deputy

2188651

CONTINUATION OF THE
SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
May 14, 2002 MEETING

June 5, 2002

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 3:15 p.m. by Chairman Paul Duran, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Following the Pledge of Allegiance, roll was called by County Clerk Bustamante and indicated the presence of a quorum as follows:

Members Present:

- Commissioner Paul Duran, Chairman
- Commissioner Marcos Trujillo
- Commissioner Javier Gonzales
- Commissioner Paul Campos
- Commissioner Jack Sullivan

Members Absent:

None

III. Invocation

An invocation was given by Pastor David Sims.

IV. Approval of the Agenda

- A. **Amendments**
- B. **Tabled or withdrawn items**

CHAIRMAN DURAN: Estevan, are there any amendments to the agenda?

ESTEVAN LOPEZ (County Manager): Mr. Chairman, there are no amendments that I recommend. We do have one late request for a tabling under the Public Hearings, VIII. A. 3, the Thornburg master plan. We've got a letter from the applicant requesting that that case be tabled and given that that letter was received after the agenda was passed out we ask that an agent for that applicant be here to explain their reasons if you feel like you need to inquire about that. Other than that there are no changes to that agenda.

CHAIRMAN DURAN: Well, I got a call from the applicant who explained to

me that—are you the agent for the applicant?

SCOTT HOEFT: Thornburg case? Yes.

CHAIRMAN DURAN: Okay, why don't you state your name for the record and let the recorder swear you in.

[Duly sworn, Scott Hoeft testified as follows:]

MR. HOEFT: Scott Hoeft, Santa Fe Planning group. Yes, we request table on the Thornburg case. We'd like additional time to work with the neighbors. We've had two neighborhood meetings so far and we feel that if we have additional meetings it would be beneficial for the project and for the people involved in the case.

CHAIRMAN DURAN: Any questions of the applicant? Okay. Thank you.

MR. HOEFT: Thank you.

CHAIRMAN DURAN: So the only amendment to the agenda is to table that item?

MR. LOPEZ: Mr. Chairman, that's correct.

CHAIRMAN DURAN: Any other amendments from the Commission?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Not an amendment, but an issue. I was under the impression we were going to start the meeting at 3:00, do some administrative items, then go to public hearing at 5:00. Is that right or wrong? We had talked about it last time.

MR. LOPEZ: Mr. Chairman, that was the intent.

COMMISSIONER CAMPOS: Public Hearing is at 5:00 then.

MR. LOPEZ: Mr. Chairman, that's correct.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just one clarification on the tabled item. Some of the residents, I think, who will be here and testifying about some of the proposed developments on Route 14 may have some comments about that development and I hope they won't be called out of order because, for example, one of the developments that's not tabled has to go through a portion—they're interconnected. You see what I'm saying? So there may be comments, there may be some comments that may deal with the Thornburg development just on the periphery as a part of the overall testimony. Because all three developments are interlocked there. So I just want to point that some of the testimony from the public may make reference to it but we realize that it's tabled and obviously won't take action until it comes back.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER TRUJILLO: I just wanted to recognize our new County Commissioner-elect from District 1, Mr. Harry Montoya who's in the audience getting ready to start learning. Congratulations, Harry.

CHAIRMAN DURAN: Why don't you come up and take my place for this meeting.

COMMISSIONER CAMPOS: Good idea.

CHAIRMAN DURAN: If there are no other amendments to the agenda, the Chair will entertain a motion to approve as amended.

COMMISSIONER CAMPOS: So moved.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: Any further discussion?

The motion to approve the agenda as amended passed by unanimous [5-0] voice vote.

V. Matters of Public Concern – Non-action Items

CHAIRMAN DURAN: Is there anyone out there from the public that would like to address the Commission concerning any particular issue. Becky.

REBECCA BUSTAMANTE (County Clerk): Mr. Chairman, members of the Commission, I feel I need to get some information on the record. I would like to start by saying that I believe that Estevan is a very good County Manager and he really works well with me and I appreciate all the help he gives and these comments are not at all intended toward him. However, as your election official, I have to bring up some concerns in running our election that I feel every election I am hampered with and I feel that I need to put them on the record.

As the County Clerk, I am responsible for putting on the election as you as County Commissioners are responsible in making sure that I have adequate funding and the facilities, etc. Yesterday and in November of last year you adopted the polling places and many of those polling places are County offices and yesterday we had the experience where one of the buildings didn't have any water. It wasn't cleaned. We sometimes don't have telephones. It just seems that every—on the election morning I'm having to deal with cleaning up some of our County buildings or getting phones activated and I just feel that I shouldn't have to be doing that every election.

So I would just like to go on the record that my staff works very, very hard and we just cannot, the last two days be having to get somebody out to clean buildings, to make sure that the lighting is there, that the parking is going to be okay. I feel very strongly and they do too that we need to get it on the public record. Thank you.

CHAIRMAN DURAN: Thank you. Becky, did you also want us to set a time tomorrow so you can do the canvassing?

MS. BUSTAMANTE: I would like very much to see if you could meet tomorrow at 3:30 for about five minutes to authorize the canvassing of the results. I believe it is an emergency meeting because we have to begin the canvassing within three days. And I would ask for legal counsel.

CHAIRMAN DURAN: I can make it at 3:30. Can anyone else? It's only like five minutes. Okay, good. We'll be here.

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MS. BUSTAMANTE: Thank you.

CHAIRMAN DURAN: Three thirty. Do you want to notice? Do you want to say 4:00? Is this adequate 24 hour notice? Anyone else out there that would like to address the Commission? I also would just like to say that if there are any of you out there that came for the public hearing, we won't be discussing those land use issues until 5:00.

COMMISSIONER SULLIVAN: Mr. Chairman, however, we are going to discuss the well resolution prior to that time, right? That's before the public hearing. And also the Rancho Viejo affordable housing agreement.

CHAIRMAN DURAN: Right.

COMMISSIONER SULLIVAN: So those two things will be discussed before 5:00 in case anyone wants to listen in on those.

CHAIRMAN DURAN: Right. Good. Thank you. Rebecca, please state your name for the record.

REBECCA FRENKEL : I will. I'm following my tocaya there. Rebecca Frenkel. Chairman Duran and Commissioners, first I want to congratulate Mr. Montoya if he's still here, and Mr. Anaya on their victories in yesterday's primaries. The campaigns, all of the candidates I think that were running for office, at least in the county, were running a positive campaign and I could see every candidate worked very hard, for those who won and those who didn't win.

The presentations you will hear this afternoon will be impressive. The creative work of the planners will be evident and the goals of the businessmen who are bringing these to you will be clear. Can we call this resulting development sprawl? We each have our own opinions. In a free market system, the role of the businessman is to be creative, to look for new investments and business opportunities. Is this evil? No. Is their primary goal to serve the common good? Probably not, or most of the developments being proposed would be at least 50 percent affordable housing. Protecting the public by serving the common good is the responsibility of government.

Elected officials do this by having policies which regulate business. When government fails to do this we have incidents like the Enron catastrophe and the public loses faith in the system. Proposed large developments will require thousands of gallons of water, millions of gallons. How will that effect David Lucero? I'm sure you all saw Mr. Lucero in the newspaper last week, who hopes to keep one rosebush alive. How will the many other residents south of the city be affected? I urge you to table the development proposals until you have a plan which, one, will meet the water needs of the current residents in Santa Fe County during times of water shortages.

And this is not only a paper plan, but a plan which you see activated. And also to see studies in place which give a realistic picture of how the water needs of current as well as the needs of future residences of new developments can be met during times of drought, not in times of average rainfall. Each time you as elected representatives of the common man, not the businessman, consider your vote, please ask yourself: Will this serve the common good? None of us want the David Luceros of Santa Fe County to go the way of the Anasazis because we

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failed to protect their water. Thank you.

CHAIRMAN DURAN: Thank you. Is there anyone else out there that would like to address the Commission on any matter? Okay. Please step to the podium, sir.

JOHN E. TORRES: My name is John E. Torres and I'm from 46 Vista del Monte, out there by that Thornburg property. And I'm kind of hard of hearing. I couldn't really tell if you said you're not going to discuss this or you're going to discuss this right now.

CHAIRMAN DURAN: No, the applicant has asked to table their application so that they can—and the reason for that as they stated was to work out some of the concerns that the neighbors have with their project.

MR. TORRES: Can I voice some of the concerns right now? I'm kind of hard of health and I just don't like coming back and forth to town that much.

CHAIRMAN DURAN: Sure. Go ahead.

MR. TORRES: Across the way from where I live, 46 Vista del Monte, the Thornburgs have a well there and we had a meeting. And Mr. Thornburg told us that that well was about 495 feet. That it wouldn't hurt the amount of water that would be drawn from our areas but a neighbor talked to Mike Boylan about increasing the depth of his well down to in case his well didn't have any water. And Mike Boylan told him that the water level was all the same level out there. What I'm concerned about is if this well, if Thornburg develops this well that he could put a tower up like Eluid Martinez was talking about. You just put a tower up and that just drains out all of the water from all of our area that we have out there as far as that goes is what I feel.

This could just really deplete our water supply and another thing, there's other areas like Valle Vista down below, Tres Campanas, they're short of water. The neighbors can't take showers. The town of Cerrillos, they use springs and they're having to haul water into their area. All around this area everybody's just completely short of water and we're just afraid, like we asked Thornburg if we could connect onto that County waterpipe that's along there and he says No, we haven't got any—can't get into there in case our wells go dry or anything else. What I'm worried about is that this well can take all of our water from there. We haven't got that much water much anyway. We're having to ration our water and I'm just worried that we'll be left high and dry out there. All of these other three subdivisions all around us will have the water since they're provided by County water supply and I just thought I'd just bring up these concerns for these areas for developing. I'm opposed to developing this, especially at this time with the extreme drought with the forest, the trees and stuff like that that are being burned off. That's not allowing recirculation of water into the area. And in my estimation it will be a long time before we really run out of this drought situation. You never can tell but El Niño and everything else that goes into it, it's going to be rough. So I just wanted to bring up my concerns about it for the people that are living out there and everything else it's going to be hard for us to cope out there because Thornburg was the one that divided us right there, subdivided our land right there.

Here's he's bringing in a new subdivision right next to us right there which could be with these apartments and everything else. He could really develop a big deal and he's leaving

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us without water. You also talked about a road which would come down and there's Vista del Sur that could come down. This is going to be south loop and everything else. And we came to all these meetings in the earlier years and I'm of the inclination there's terrorist activity. If you blow up these bridges, bypasses and everything else. If you have it designed the way they were going to do it a four-lane road right in front of our places on Vista del Monte, which Avenida del Sur would come down.

And I have kind of a proposition which I feel would make this where—because if you blow up one of these bridges or overpasses or everything, we're not going to get out of there. So what I'm proposing, and I've got here, drawn up here, is that if you go two ways this way and then come back around through Thornburgs, two ways the other way, where you're not going to congest the traffic. Otherwise we'd never be able to get out of our places. But this is just things that I have in my mind and I'm thinking about that would maybe help the community and help the development. And I'll just give you my ideas that I have right here on that road completion there.

Also, the culvert system that put in there to me weren't adequate. They were all, when they built that road right there they plugged up Mike Boylan's and George Boylan's down below. I installed my own culvert system. It's never plugged up. I also have on the bottom where I feel that this could have been done another way right there, where you could put trees inside the culverts, run pipe down to it and this would alleviate the runoff and right now, this jeopardizes all of our properties. The water with a big storm or something like that and you never can tell whether you're going to have a big storm or you're going to have a dry period. If you have a big storm I feel this was very poor construction at the time that it was constructed as far as that goes and it's just on the back side. I've just kind of given an idea of what I think could alleviate this problem that we have out there.

CHAIRMAN DURAN: Excuse me, sir. Could you just provide staff with the information that you want us to review?

MR. TORRES: Sure.

CHAIRMAN DURAN: Thank you very much. Is there anyone else out there that would like to address the Commission?

MR. LOPEZ: Mr. Chairman, I'm not sure if this is the appropriate time or perhaps I should wait until matters from the Commission, but I would like an opportunity to at least briefly reply to some of the issues brought up by the County Clerk.

CHAIRMAN DURAN: Why don't you go ahead. There's no one else out there that wants to address the Commission, is there? Okay.

PATTY BURKE: My name is Patty Burke. Okay, I just wanted a clarification on whether you will be allowing public input as far as regulating the water wells in the Community College District, item number A, Matters from the Commission. And also under VII. A. Land Use Department, concerning the Rancho Viejo obligation. Will you be allowing public input at that time during these cases?

CHAIRMAN DURAN: I'm not sure. We typically do not. Why don't we, when the item comes up why don't we make that decision then.

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COMMISSIONER SULLIVAN: I think Mr. Chairman, what's she's getting at is if you're not going to allow comment she would like to do it now under Matters from the Public.

CHAIRMAN DURAN: Why don't you go ahead and do it now. Let me answer you question a little bit better. These items are not typically dealt with, there is no public comment process involved in these items. That's not to say that we couldn't, but if you have some concerns I think the more appropriate place to do that is now.

MS. BURKE: Okay, then why don't we do it then.

CHAIRMAN DURAN: The floor is yours.

MS. BURKE: I live in Valle Lindo Subdivision and we are on a water well, just like 100 residents in that area. We're concerned about any future pumping of any other wells activated in this Community College District because we're concerned about the levels of our wells. We do believe that some of them are dropping. We have residents in the area that have had to drill further down in order to sustain their water pressure.

I also met with a hydrologist. Her name is Paige Morgan and she—I'm trying to understand a little bit more about our aquifer and what feeds our water well. It seems to me like what I'm hearing and understanding, I could be wrong but we're on the fringe area of the basin. The same aquifer that the Buckman wells are drilled at. The Buckman wells are drilling at 1000 feet and our wells are approximately 280 feet. I believe that if you kind of visualize a basin or a bathtub, the Buckman wells are down at the—they can get water and the 1000 level which is the deepest level, and then we, at Valle Lindo, our wells are way up at the top of the rim of a basin. So what I understand it to be the fringe of the basin.

My concern is that any future water wells, not pumping right now I think would deplete our resources faster and more intensely that I think we would need in order to safeguard our water. I just wanted to bring that up into the record.

Another thing, I don't know too much about this other issues on the outstanding obligations agreed to by Rancho Viejo in previous development agreements, but if it has anything to do with affordable housing and the approval process, the approval that they received in their master plan, if it has anything to do with them following through with what was approved on that master plan as far as the percentage of affordable housing that they were going to build, I would appreciate the County Commissioners to uphold those promises, those approvals that went along with that master plan. And that's all I wanted to say.

CHAIRMAN DURAN: I think that that goes without saying. Anyone else out there that would like to address the Commission? Estevan, why don't you go ahead and respond to Becky's comments.

MR. LOPEZ: Mr. Chairman, Commissioners, first of all, I agree with Becky that we work well together and I want to compliment her on her running these elections effectively, efficiently and I think she does an excellent job with that. But I think I would be remiss if I didn't somehow respond or at least leave the impression that I agree with the comments relative to some of the readiness of the facilities. Have we had problems? Yes we have. Have we been ready weeks in advance? No. On occasion we've been finishing up getting

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ready the day before. But I think that speaks at least in part to some of the—we're spread pretty thin.

Corky's department that deals with some of those issues is spread pretty thin and they're doing a lot of things and trying to keep a lot of balls in the air so to speak. I think they've been very responsive when these issues have been brought to light and relative to—there was a phone outage. I know that, and as you're well aware, we're in the process right now of moving into the new Public Safety Complex and I believe there were some coordination issues that nobody really anticipated those problems.

Where we've been able to anticipate the issues that have been brought to light I think we're trying to be as responsive as possibly can. When these issues come up, we're responding quickly. I commend Corky and his division, his department in terms of really turning things around quickly when things come to light. So that's all I really want to say. In my estimation, that group has done a good job of being responsive and of trying to anticipate problems. Where we have been able to anticipate problems we try to work with Becky to get things in line. So, no, things aren't perfect but I think that we are working effectively to make things run smoothly.

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER TRUJILLO: That being the case then, Estevan, can I conjecture that there might be a gap in communication? Because I can understand that we've got meatballs on the floor. Our plate is overflowing. But in that Becky has a job to do at a given time, couldn't we prioritize activities and work a little better? And that's not telling you what to do, but that's I think being sensitive to the needs of the other department heads and/or elected officials.

MR. LOPEZ: Mr. Chairman, Commissioner Trujillo, absolutely. To the extent that we can communicate better and coordinate our activities better, I agree. We need to try and do that. That has to be an ongoing effort at all levels. If we've dropped the ball in that regard, then we'll do our best to correct those issues. But I guess what I really want to say is that to the extent that we have communication on these issues I think we've tried to be responsive and we'll continue to try and improve the communication and try and be more responsive. I agree. During those times, during election times, those should be priorities. Corky and I have talked about it and we've made every effort to do that.

CHAIRMAN DURAN: Before we move on, Roman, could I ask you for the 5:00 session that you bring some large maps, one of the county and perhaps one that has the Community College District shown on that and maybe one of the Community College District. We just need something to relate to and point to in that meeting.

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VI. Matters from the Commission

A. Land Use Department

1. Resolution No. 2002-__. A resolution supporting the regulation of water wells in the Community College District

CHAIRMAN DURAN: I've read this and I'm wondering, Steve, how we can create an ordinance through resolution, because that's what it sure seems like to me. Why aren't we publishing for summary and general title?

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan had asked to put this on and I don't want to speak for Commissioner Sullivan but I think his intention was to get a consensus that this is something the Commission wanted to do and then move forward with drafting an ordinance. So this isn't the ordinance, it's just an expression. He's asking for the Commission to approve as an expression or intent to go forward and draft an ordinance and then bring that back for public hearing.

CHAIRMAN DURAN: How enforceable are the items that we would approve under this resolution? How do we enforce that without having an ordinance in place?

MR. KOPELMAN: Mr. Chairman, you couldn't. Again, it would just be kind of the starting point, then the next step would be authorization to publish title and general summary and then the public hearings on the ordinance itself. So it's really, as a resolution it's a statement of the intent of the Commission, but it's not a legally binding document in the sense that it doesn't implement any ordinance or anything along those lines.

CHAIRMAN DURAN: Okay. Commissioner Sullivan, did you want to comment on the resolution since you are the sponsor of it?

COMMISSIONER SULLIVAN: I can answer questions about it and I'll just summarize it briefly and then answer any questions that the Commissioners have. I feel that we've received a number on inquiries and concerns that as we move forward with massive amounts of development in the Community College District that we're avoiding the problem that exists over lack of water. On the other hand, the flip side of that issue is these are master plans. These are not building permits. These are—we need to plan and we don't want to stop planning while we solve the water crisis.

Both of those statements are essentially true. So how do we resolve that? How do we come to some kind of middle ground. The issue that I see and talking with a lot of people is that the concern is that we're planning without consideration for water. Although then the response is that when a specific development phase comes forward it must prove water. So we can go ahead and plan because we have that fall-back position. I think all of that works until we get to the point where we're looking at master plans and they only have enough water for the first one or two phases and we approve a master plan for the entire development and what the history has been is when they run out of County water or City water they then drill a well.

So I think to provide some comfort level to people who have concern about their wells in the areas, we need to put the emphasis and focus on the Community College District as an urban area. As you've said many times, it's where a great deal of the development in the next

20 years is going to occur in Santa Fe. And to support that development we need County water to support the kind of densities at 3.5 units per acre that this minimum density that this ordinance demands, this College District.

So in order to do that I think we need to make a policy decision that these developments need to be supplied by water and they need to be paced by the water availability, and they need to participate in our County water system, not drill their own wells, that we need to be, we, as the County and the elected officials, need to be the regional water planners and determine the regional water policy, not the individual developers. So the intent of this is to really put some teeth into our own County water utility company to create a common goal between those who are developing on the County water company and saying that if you want dense development you need to be served by County water, because we don't want to jeopardize the wells and the aquifer that might otherwise happen with private wells going on.

So what this says is you can move forward on County water but you can't drill wells to continue that development, that we want you to be on the County water system. Now, how will the County water system get water? It may drill wells. The County water utility system may need to drill wells. Those wells may need to be in the Community College District. I'm not saying they shouldn't be there. They may need to be. But I feel, and I would like that decision to be the County's, to be the public entity that's responsible to the people to make that decision based on the State Engineer's input, based on our regional water planning, how big a well it has to be, where it has to serve, all of those decisions I think should be made pro-actively by us not reactively to developer well drillings.

And I think that gives the developers enough time to put them on notice. For example, let's say the Oshara development which has enough water for the first two phases. What will it do after the first two phases? If there's no water, it will probably do what Rancho Viejo did; drill a well, another one. What will the Thornburg development do when it runs out? It has 10 acre-feet, barely enough for its first phase. What will it do when it runs out of water if there's not County water available at that time? It will drill a well. And on and on and on.

So I think what we're saying here is that's not a policy we want to support. We want our County water utility company to be the entity that provides water in this area and we don't want private wells drilled for that. The other thing it doesn't cover is there are certain areas in the Community College District that are designated as existing neighborhoods. Those neighborhoods have been platted for years and the only way people in those neighborhoods are going to get water is to drill domestic wells for the immediate future. So it wouldn't cover those areas. Those areas have no other option right now. Perhaps some time in the future we can get them connected up to municipal water. That would be a great thing. But for now, they've got to rely on domestic wells.

So I think this is the policy statement that I'm hoping the Commission can make, that our planning is going to be based on dense development and that dense development needs municipal, County or City water. I can respond to any questions.

CHAIRMAN DURAN: Any questions?

COMMISSIONER GONZALES: Commissioner Sullivan, isn't the current

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situation where any permits that people request for wells have to get approval by the State Engineer's Office? The State Engineer's Office does a review to determine whether a well would not have a disparate impact on surrounding wells and surrounding communities? Because that's certainly what the State Engineer's Office has testified to us before when considering cases that would have an impact on the Eldorado Subdivision and the San Marcos communities. Is that true?

COMMISSIONER SULLIVAN: As far as I know that's correct and my hope is that we would be, we, the County, would be the applicants in that case for those wells. We would be taking it based on a regional water policy to the State Engineer, wherever those wells may be. They may be in the middle of the Community College District. They may be in the Buckman system.

COMMISSIONER GONZALES: But there is a process that could—there is a current process that is underway that minimizes or can minimize the concern of current owners of wells in terms of the further depletion of their wells or the wells going dry.

COMMISSIONER SULLIVAN: I think technically there is that process, just as happened in Rancho Viejo, but realistically, the fears of the residents are that once a developer sinks hundreds of thousands of dollars into a well then the pressure builds up to do something with that asset and to connect it in. So we as a Commission then become reactive, whereas what we as the Commission should be is pro-active and decide ourselves, based on the advice of our water planners where we want the wells, how we want the system to operate.

COMMISSIONER GONZALES: And I'm talking more towards the domestic wells as opposed to community, at least on the question that I'm having. For domestic wells—my point is this: what happens to families who want to do family transfers under your proposed ordinance? Would they be prohibited from doing a family transfer because they could not go out and get—

COMMISSIONER SULLIVAN: No, because if there were family transfers in the Community College District, they would occur in the existing neighborhood zones. That's where those would occur. Lot splits. And all of the existing neighborhood zones are served by wells. There's no public water. There are lots that of course aren't built on yet. It's the intent of this ordinance that this ordinance would not apply to those domestic wells if there were a lot split or a family transfer. If that were approved by the Commission, then either well sharing or another well drilling or whatever was determined would apply.

We're talking here about land, new subdivisions and land divisions and we can certainly clarify that to make sure that it doesn't apply to family transfers.

COMMISSIONER GONZALES: My next question is a question for staff. Roman, how many well permits do you know have been requested out of the Community College District over the last year? And then the next question is Commissioner Sullivan had indicated that Rancho Viejo is using wells right now and I didn't know that that was—

COMMISSIONER SULLIVAN: No, I said they've drilled a well.

COMMISSIONER GONZALES: They've drilled a well. But they're not using the wells to support development.

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COMMISSIONER SULLIVAN: Not yet. But there's a concern of course that they will because after we achieve, after we review this subdivision that's on the agenda tonight, they will run out of water. They've used up all of their 168 acre-feet of water rights with the Windmill Ridge II that comes forward tonight.

COMMISSIONER GONZALES: So who would give them the right to use the well water?

COMMISSIONER SULLIVAN: As you just said, it can be the State Engineer.

COMMISSIONER GONZALES: It would be the State Engineer? The County Commission wouldn't have any discretion over whether to approve?

COMMISSIONER SULLIVAN: I don't know. And that's one of the reasons I want to bring this forward so we can make the policy clearer how we want to address these issues in a pro-active rather than a reactive basis.

COMMISSIONER GONZALES: I was going to ask, how many well permits have been issued in the Community College District?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, I really couldn't say because those permits are issued by the State Engineer's Office.

COMMISSIONER GONZALES: How many building permits have been issued that are supported by domestic wells or community wells?

MR. ABEYTA: Mr. Chairman, in the Community College District, the only permits that have been issued other than within existing neighborhood zones would be the permits in Rancho Viejo, the approved phases of the subdivision.

COMMISSIONER GONZALES: That's on imported water? That's being supplied water through the City system?

MR. ABEYTA: Yes, Mr. Chairman, Commissioner Gonzales, that's correct.

COMMISSIONER GONZALES: So far as you know, there are no building permits that have been issued that are using domestic wells or a community well system in the Community College District?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, not to my knowledge, but again, that's excepting the existing lots within existing neighborhoods.

COMMISSIONER GONZALES: Right. As to the County's water policy, I understand that the County has a comprehensive water policy that talks about management of imported water, local groundwater and local surface water resources. I'm assuming when we talk about domestic wells or wells for community well systems, that's groundwater that we're talking about. Is that correct? Would that be part of that policy, Estevan?

MR. LOPEZ: Mr. Chairman, I guess to date we really don't have yet an approved comprehensive policy. I think probably the 40-year water plan might be—is basically is ready for that final approval. It might be that document once it's approved. We do have a line extension policy that talks about how individual entities or non-County entities might provide other water rights to the County, transfer them to us, and then we would in exchange provide service. I'm not sure if that's what you mean.

COMMISSIONER GONZALES: I'm actually reading from the district

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community plan under water infrastructure. It says, and this, I believe was adopted by ordinance. Is that right? The Community College District Ordinance? That we would manage our water resources to promote a sustainable water supply through a balanced aquifer strategy consisting of conjunctive management of imported water and local groundwater and local surface water resources.

MR. LOPEZ: Mr. Chairman, Commissioner Gonzales, I think that is correct. I think what you just stated is our policy with respect to the Community College District.

COMMISSIONER GONZALES: Okay. And I don't think that's different from what Commissioner Sullivan had indicated in terms of the County having ownership in determining maybe where the groundwater wells should go, if I understand what Commissioner Sullivan was stating. Is that right, Commissioner? You're not opposed to groundwater wells. You're just saying the County should be leading the efforts of determining where the groundwater wells go.

COMMISSIONER SULLIVAN: The County should be the entity, the sole entity other than these private wells that are still authorized within the existing neighborhood areas.

COMMISSIONER GONZALES: Are there current private wells that are authorized right now?

COMMISSIONER SULLIVAN: Oh, there's a number of them. There's 1440 residences in the Community College District.

COMMISSIONER GONZALES: So they're mostly individual residences.

COMMISSIONER SULLIVAN: Most of those are on either shared wells or individual wells, other than—let me back up. Not most of them because of those 1400 there's 400 and some live in Rancho Viejo so you'd have to subtract that out.

COMMISSIONER GONZALES: But the majority of them are residences. They're not so much—

COMMISSIONER SULLIVAN: They're individual residences. That's correct. And we're looking here not to regulate that but to set the policy for land subdivisions so that they know, if you want to do a land subdivision, we're not going to just throw in a big well or a bunch of little domestic wells and tie them all in together and call them a community system. We're going to go to the County water system. We're going to go to Doug Sayre and Mr. Roybal and we're going to say We need water service for our subdivision. And they're going to say, Okay. Here are the rules of the game. Here's how long you may have to wait, but aside from that, also here's what it would cost to bring the lines in. Very much the way the County system was developed in the first place.

COMMISSIONER GONZALES: Let me just go along those questions because I guess I'm getting a little confused. It was my understanding in the Community College District that any large-scale development or any type of development would have to come into the County and to be able to address the issues of imported water or groundwater at some point, that that would be required anyway. But they just don't have the wholesale ability to come in and say, Well, we're going to drop wells and there's not a thing that the County can do about

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it.

COMMISSIONER SULLIVAN: They can now, once they reach their development limit, drill a well.

COMMISSIONER GONZALES: They can?

COMMISSIONER SULLIVAN: Yes. And it's been done. And the question is the County should be in the forefront of that rather than at the tail end of that.

COMMISSIONER GONZALES: When they reach their limit, when you talked about that, if they can go forward can they just go forward and drill another well or do they actually have to go out and find water rights, first before being able to continue to grow?

COMMISSIONER SULLIVAN: Anyone, my understanding, and the staff can correct me, anyone who has over a five-unit subdivision, has got to come forward with the water rights. And I believe that's state law.

COMMISSIONER GONZALES: So then there's a process that they'd have to go through that would still protect the community.

COMMISSIONER SULLIVAN: Well, that's only water rights. What the community is concerned about is the depletion of their aquifer, the wet water.

COMMISSIONER GONZALES: Correct.

COMMISSIONER SULLIVAN: And the indiscriminate drilling by one or many that would impair their water. So I think the water rights issue we have a handle on, but the wet water issue we don't.

COMMISSIONER GONZALES: I guess I'm still confused because I thought that was the point of the State Engineer being involved in this process to make sure that the wet water that they were trying to prove up would not have a disparate impact on surrounding community wells or surrounding residences.

COMMISSIONER SULLIVAN: I think you can go that route. And what I'm proposing here is that we make it a policy in the Community College District that developments should be served by County water. I'm not saying that in the current situation, because I always thought in participating in some of the Community College meetings that that's how the Community College was going to develop. There was going to be County water serving these developments and I think that was your understanding as well. If we leave it as it is, then that private well option is open via the State Engineer.

What I'm saying is we should go one step beyond that and say to anyone developing in the Community College District, No, that option isn't available to you. Your well must conform to our County water plan. You must get your water from the County water system and then we will have to go to the State Engineer. We will have to get a permit from the State Engineer and we will have to prove that that doesn't impair existing owners. But I see that as a more public process. I see the residents being able to participate in that, not only at the State Engineer's level but at the County level. And I think that gives a comfort level and an information level to the community that we don't have through the current process where it's all the private developers' obligation to go out and make those initiatives. That's the difference.

COMMISSIONER GONZALES: I guess my last question would be, do you

agree that landowners in the Community College District and throughout the county should be responsible for finding and bringing forward water rights to support what they're asking the County to do, or should that be the County's responsibility?

COMMISSIONER SULLIVAN: I think they should bring the water rights forward and we should bring the water. They will give us the water rights, and I see this in many small and medium-sized municipal systems all over the state. The community has a water system and here comes a small development, maybe it's 20 units or something. They say, Okay, we're going to serve you with water, but you bring the water rights to the system that we need.

COMMISSIONER GONZALES: I think that's our current policy.

COMMISSIONER SULLIVAN: It's our current policy that they have to have water rights but it's not our current policy that we supply them with the wet water. They can develop community systems. They can actually go off domestic systems currently if they want to. I think we need to go that one step further.

COMMISSIONER GONZALES: So just to understand where you're going with this, you're stating then that if we do drill—I'm sorry, that if there is a proposed large-scale well or whatever type of well, whether to support a community water system or whatever, that there must be some, there has to be a process where that is connected or a part of the County water system, as opposed to being individual community water system out in the Community College District.

COMMISSIONER SULLIVAN: That's correct. That's correct. Because what that allows us to do is not only to make sure that is a part of our regional plan, it allows us to regulate the water use. If we get into a Stage 3 we can cut back on usage. If we have other issues, we can set rates. We can set rates at an inverted scale so that conservation is encouraged and water wasting is discouraged. So we have all of those advantages that is the reason that the Commission before my term on the Commission I'm sure started the County water system in the first place. They wanted some control over water in the area. And I think this is a logical step in the Community College District.

COMMISSIONER GONZALES: Let me just ask, I was under the assumption that's the way we operate, that the County will require a developer to either prove that they've got water rights. We look at the wet water that gets transferred into the system, and then the County actually delivers the water.

MR. LOPEZ: Mr. Chairman, Commissioner Gonzales, that is the policy that's in place for service from the County water system. I think perhaps what Commissioner Sullivan is getting at is that the Community College District Ordinance also allows that they can be served by any community water system. It doesn't necessarily have to be either a City or a County water system; they could potentially drill a well and create their own community water system. I'm not sure if that's exactly what you're getting at but that's kind of my understanding.

COMMISSIONER SULLIVAN: I think that's correct and I think in this kind of an urban environment we need the control. For example, and there's numerous examples, but

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one example is that those water rights that a developer would bring to a well, or could bring, could be acequia water rights. It could be traditional acequia water rights. There's no stipulation against that. Were the County to control it, the County could determine its own policy because it's the County well and we could determine a policy that we're not going to utilize acequia water rights for a County system. We again as the public representatives, elected representatives, have the call in this scenario rather than reacting to the developers' initiatives. And I think that control is needed, particularly as dense and as populated as the Community College District is going to become.

COMMISSIONER TRUJILLO: Mr. Chairman, Commissioner Sullivan, I don't mean to be facetious but help me understand why this resolution is not redundant with what we already have in place. Developers and people who are going to build already need to show availability of water, hydrologically and however. Checks and balances are already in place that I feel stifle depletion of the water table. And the Community College District, in and of itself is not the only place in the county that has a scarcity of water. We're mining the water table from one end of the county to another. And I feel that we already have checks and balances in place that prevent developers and/or individual property owners from mining the water table. And I think it is a responsibility of Santa Fe County, a local government to implement the appropriate infrastructure where a sustainable flow of water will happen from the Rio Grande or wherever. So I'm just asking how is this resolution not redundant with what we already have in place.

COMMISSIONER SULLIVAN: The only difference, Commissioner Trujillo, would be in the proof of that 100-year water supply, in the Community College District, because of its projected urban density, it would eliminate the option of proving that 100-year supply of the developer drilling wells to do it. As of right now, a developer can prove a 100-year water supply based on the formula that's used by the County Hydrologist, and if that formula, based on the acreage and so forth works out, then they can drill a well to do it. If that average works out, they can drill a well.

I think we would be considerably more comfortable with the County being the entity rather than a number of individual developers. So that I think is the difference. It's true. You have to come in and prove there's a 100-year water supply, but you don't have to hook on to the County water system to get that supply; you can drill your own well.

CHAIRMAN DURAN: Commissioner Sullivan, what's wrong with a scientific and educated decision relative to the aquifer being able to sustain whatever development might be proposed? We have the hydrologists here and we've used geo-hydrology and it's my understanding that a geo-hydrology report on a particular well takes all of your concerns and the concerns the community has into account relative to whether or not the well or the aquifer is adequate to sustain that particular project. So my question is what's wrong with having the scientific approach and educated answers and well thought out answers rather than the sky's falling approach to the issue?

COMMISSIONER SULLIVAN: Well, I wish the sky were falling, then we wouldn't have this problem. I think your question is a good one and I think the difference in the geo-hydrology analyses that we do at this point in time is number one, we rely primarily on

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geo-hydrology analyses paid for by the developer.

CHAIRMAN DURAN: But it's reviewed by—

COMMISSIONER SULLIVAN: And it's reviewed—

CHAIRMAN DURAN: By someone that's paid by taxpayers.

COMMISSIONER SULLIVAN: And it's reviewed by someone that's paid by us, namely Ms. Yuhas, our hydrologist. The other problem is that the terms of the impact on the overall aquifer and the regional aspects, the only thing that's considered in that analysis is is there impairment to immediate wells, right within a short distance that can be demonstrated. And we ran into that out in the South Fork situation where there were immediate wells in close proximity that were declining and were showing impairment. So that was brought into the equation.

Where we're in a raw area, where there's no other development and no other wells, you're not going to show any impairment. There are no wells there. Yet we're obviously going to be depleting the aquifer for the future. So our equations, our review procedures don't address that situation.

COMMISSIONER GONZALES: But Commissioner Sullivan, let me just clear that up real quick because this is an issue I asked Ms. Yuhas when we were talking about the Eldorado moratorium. And the question that I asked was if the moratorium were—it was an issue of wells that were reviewed by the State Engineer's Office in that area, would there be consideration taken amongst all the San Marcos communities. Because there were a lot a people from San Marcos that showed up that were extremely concerned about I believe it was the moratorium and the Eldorado issue. And the question was when well logs are provided, when they actually do their hydrology analysis, is it just for the area that's around there or does it actually go into cover more of a wider geographic area. And I may be wrong but I remember her saying that it covers all. Not all, but it covers an area that's certainly larger than the immediate area.

So I guess I'd like to get some clarification just so we understand really what—is it just an immediate area that these geo-hydros are covering or are they looking at what's happening to the overall aquifers in the area because I think that's the concern that we've been hearing from the State Engineer's Office within the San Marcos area is that from an overall standpoint that there are some concerns about the water in that area. So can you clarify that, Katherine?

KATHERINE YUHAS (County Hydrologist): Mr. Chairman, Commissioner Gonzales, when I get a geo-hydrologic report what I look at is impairment to existing wells, certainly, but if there aren't existing wells what we look at is the drawdown for say, a one mile radius around that well. What is it going to do to the aquifer? And frequently, what's run in the models is they run the model one time without that well, showing, say if there are ten wells that exist pumping in that one mile radius, what happens to the aquifer when those ten wells pump over the next 100 years at a given rate. And then they add in the new well and show what that well will do in addition to the ten that already exist.

So that's how it's taken into account. If there are already problems that exist in the area sometimes those are addressed and sometimes they are not. That's not explicitly called out for

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in the Code. So in an area that has a declining water table, for instance, they don't necessarily have to bring that information forward. Which is why the State Engineer's review is so important.

COMMISSIONER GONZALES: Can we change the process though where that would be required so that there's more information that's put into play with you?

MS. YUHAS: We could do that. That would be good.

COMMISSIONER GONZALES: Do you need Commission movement or that can be done administratively?

MS. YUHAS: Mr. Chairman, Commissioner Gonzales, I think it would probably be needed to be added to the list of requirements for what's submitted with the geo-hydrological report.

COMMISSIONER TRUJILLO: Mr. Chairman, what aquifer serves this area?

MS. YUHAS: Mr. Chairman, Commissioner Trujillo, are we speaking about the Community College District? Is that your question?

COMMISSIONER TRUJILLO: Yes.

MS. YUHAS: That area essentially is served by the same aquifer that serves the City of Santa Fe and the entire region.

COMMISSIONER TRUJILLO: And that extends beyond the Community College District. So if we stifle of stop from drilling wells in the district, and other wells continue to be drilled around the Community College District, we're still mining the water table, we're still sucking the aquifer. We're not solving anything.

MS. YUHAS: Mr. Chairman, Commissioner Trujillo, certainly all the wells in a given aquifer affect it, but within a given area, the radius of influence of a well is fairly constrained. A well that's up in the northern part of the basin probably doesn't affect water levels in the southern part of the basin very much. So if you have an area you're concerned about, you could conceivably stop drilling wells in that area and improve the quality of the water table. But I haven't seen this resolution and I don't at all mean to offer an opinion on it.

COMMISSIONER TRUJILLO: The wells in the Community College District, in that area, are affecting La Cienega, which is way downstream.

MS. YUHAS: Mr. Chairman, Commissioner Trujillo, I think in general that's probably the way it works. Yes.

COMMISSIONER TRUJILLO: So if we implement this resolution it should be implemented across the board from a holistic regional standpoint. Because we're affecting the water table. Any well is affecting the water table.

CHAIRMAN DURAN: If I could offer a solution maybe to this problem. I actually think that a resolution is the wrong document here. I think that we're all very much concerned about depleting the aquifer but I think that it's going to take more information than what we have available to us today. I think it's going to require public input. There should be a public hearing process and rather than approve a resolution, why don't we approve or give staff direction to publish for an ordinance so we can make a decision based on all the information that we need to do it.

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COMMISSIONER SULLIVAN: I think that will work fine too. More information is better.

COMMISSIONER GONZALES: Can I ask—and I agree with you. I was just going to make the same comment to Commissioner Sullivan, if in fact, because I think there is a lot of some anxiety that exists in the area about what we're doing to address the water situation there. My concern is do you actually approach it by saying we're going to stop all wells or can it be something that's more comprehensive. And I guess my question to you is Can we bring an ordinance back, whether it's an amendment to the Community College District plan or an amendment to whatever ordinance might be qualified, that would actually govern the role and how water is going to be tied to the development in that area so we can address issues like family transfers, which obviously I'm very concerned about. We can address issues of what happens when we are considering groundwater in the public process that needs to take place if a groundwater well is going to be proposed, and the role that the County will play in that, issues of imported water, whatever it might be.

Can we have more of a positive spin than just we're going to shut down wells and that's going to solve what's going on in terms of an amendment to the Community College District that would specifically address water and bring to fruition a lot of the concerns that you're bringing forth today and actually get it into an ordinance so that there is some type of road map that a landowner will follow when they're looking at their options of types of water that they would be able to propose as they go through that process.

COMMISSIONER SULLIVAN: Mr. Chairman, I'd love to see that. I'd be glad to work with you, Commissioner Gonzales, or if you have recommendations to the staff that you can do that. I think Commissioner Trujillo's concern is a good one as well and the reason, conceptually I limited this to the Community College District, it's certainly equally applicable in La Cienega if not more. But because of the proximity of where the County water system currently is, we realistically couldn't stop wells in La Cienega because we're not close enough to the County water system. We do have a line down a part of it. In the Community College District we have a County waterline going down Route 14. We have a County waterline going down Richards Avenue. We've got the district served physically quite well.

Now the question is Where do we get the water? Okay, then we work on the San Juan/Chama and conjunctive use. But I'd love to do a similar thing in La Cienega. Residents I think would be in total agreement but it doesn't seem like at the current time it would be practical because we couldn't give the developer an option of tying onto the system. It would be too far away to be economical.

COMMISSIONER GONZALES: Because it seems to me that we have to actually get into that public policy debate about the recharge efforts and issues were brought forward that some people have concern that could potentially play a role. I don't know. Maybe in the end we won't want to do it, but if it's appropriate for the Commission, I would rather see an ordinance come forward that really provides a mechanism for what types of water can be used, what happens on occasions where they're just bringing water rights, what happens on occasions where they're wanting to propose wells, all those things so that the public knows, so

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that the landowners know, the County knows, the Commissioners know exactly how water is going to play a role in the development of that Community College District.

COMMISSIONER SULLIVAN: Well, I think at some point that ordinance has to—you have to bite the bullet and you have to say that what depletes the aquifer is wells. And I don't know that we want to wrap reinjection and so forth into this process. I think we want to say how do we best protect that aquifer. I don't think, quite frankly, the language in the Community College District Ordinance is even achievable, to have a sustainable aquifer, meaning that it's not going to drop. I don't think it's even achievable unless you have no more houses out there. We all know the aquifer is going to drop. The question is what's a reasonable level over a period of time that won't impair existing homes and wells? So I'm willing to work with the staff to come up with something that I think at some point in time we're going to have to say the buck stops here and it's our responsibility to protect the aquifer and the wells.

COMMISSIONER GONZALES: I agree. We should have an ordinance though that outlines that, as opposed to just acting on each specific issue and moving into the reactive stage where you want to be.

COMMISSIONER SULLIVAN: We can do that. It's easy. I'm just kidding.

COMMISSIONER GONZALES: I also think that it ought to be done in a timely manner. The 40-year water plan has taken us a long time for us to bring forward. I wouldn't want to wait for that process. Maybe the 40-year water plan is the way that we address the community as a whole as Commissioner Trujillo has talked about, but if this particular issue that Commissioner Sullivan wants to bring up that addresses the Community College District, it should be in somewhat of a timely manner so that we have these rules and regulations in place to provide the guidance needed again not only to staff but to landowners and to the public. And we need to go through that public process.

COMMISSIONER SULLIVAN: I think I'm perfectly acceptable, Commissioner and Mr. Chairman, to a direction to the staff to publish title and general summary and in the next 30 days we'll work and try to come back with an ordinance that meets everyone's concerns, which I'm sure is—and I know your concern is that we view this as a moratorium or we view it as a negative issue as opposed to a positive issue. I would hope that the public and developers would know ahead of time what our expectations are in the system.

CHAIRMAN DURAN: And I guess if there are individuals out there in the audience or out in the community that would like to participate in drafting that ordinance they should get a hold of the Land Use Department. Steve.

MR. KOPELMAN: Mr. Chairman, members of the Commission, if it's the Commission's wished to go forward with authorization, we can have that on the next agenda because you need to formally do that. So that would have to be an agenda item. It's an action item, to authorize publication of title and general summary. We'd bring that forward at a future meeting if that's what the Commission wants.

CHAIRMAN DURAN: Well, I think this is an emergency situation. Why don't we do it tomorrow at 4:00?

MR. KOPELMAN: Okay, we'll have it drafted. But it does need to come

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forward as an action item.

COMMISSIONER SULLIVAN: Yes. You don't have an ordinance, you're just publishing title and general summary.

COMMISSIONER GONZALES: And the title though needs to be reflective of what we talked about.

MR. KOPELMAN: Mr. Chairman, I don't think we can put it on for tomorrow's meeting, but we can certainly—

CHAIRMAN DURAN: Don't we meet Tuesday?

MR. KOPELMAN: Yes. We can bring it forward. One of the questions is going to be the scope of the ordinance though. I'm not sure. That may take a little while. We're going to need to work on that.

CHAIRMAN DURAN: Well, why don't you make it as broad as possible. Just make it for the meeting and then we can fine-tune it.

MR. KOPELMAN: Okay, we can do that and add that for Tuesday's meeting.

COMMISSIONER SULLIVAN: Something to the effect, Mr. Chairman, of an ordinance relating to the management of water supply within the Community College District.

COMMISSIONER GONZALES: Excellent. Sounds good.

COMMISSIONER SULLIVAN: That's pretty broad.

COMMISSIONER GONZALES: Good job, Commissioner Sullivan. I appreciate you're bringing it up.

CHAIRMAN DURAN: So do we need to act on the resolution? Do we need to vote on that at all or can we just let it die.

MR. KOPELMAN: Mr. Chairman, there's no motion on the table and I think you can just move forward and not take action on it.

CHAIRMAN DURAN: Okay, we'll do that.

VI. B. Discussion and action on funding federal lobbying efforts

CHAIRMAN DURAN: Who's going to take the lead on that?

COMMISSIONER GONZALES: Commissioner Duran, here we go again. As I've done in the last few years, I guess I'm bringing for consideration to the Commission, we didn't talk about this during the budget process but I think it's something that should be considered by the Commission again, and that specifically relates to hiring of federal lobbyists to work on trying to bring in more federal funds to match the GRTs that have recently been approved. The County is going to be receiving, as you know, close to \$8 million a year. It seems to me that if we had a strategy that we would use those monies to leverage federal dollars that that money might go farther and I think by having a professional that's assisting the County and I think by having a professional that's assisting the County I think that would be all the better.

This request is only to provide direction to Estevan if so deemed by the Commission to

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one, find the money, and two, get from the Commissioners a scope that they'd want this firm to play and then there would obviously have to be a full RFP process that would have to take place and then consideration and recommendation brought forward to the Commission. We are currently participating with the City of Santa Fe in a very limited way with a federal lobbying firm to try and get money for the diversion project. But something that's near and dear to mine and Commissioner Sullivan's and Commissioner Trujillo's heart are roads and being that there's a limited amount of money that's going to be coming in for roads, there's a reauthorization that's taking place of the new transportation money that will be coming in next year and I think that the County will be in a perfect position to leverage the GRT monies for more money in the area of upgrading of rural roads that we have in this area so I think it would be money well spent and invested.

Every year that we've had a lobbyist in place they have exceeded money that's been brought back to the County so the County has never lost in cases like that. So it's definitely a minimal investment. What we had in the first year I think we got back I think it was something about \$4 million and the last year somewhere around \$2 million, somewhere around that area. So it's definitely not a waste of money.

CHAIRMAN DURAN: I think it's important. I don't know if you know this but the lobbyist that we share with the City was successful in getting Senator Domenici and Bingaman to get \$3 million to our community to redrill the Buckman wells. I got that word last week. And they played an important role in getting that money, lobbying our Washington delegation.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: My impression has been that the last two lobbyists, no one has been really happy with them. In fact last year you terminated the contract and I think you took a pledge of no more federal lobbyist.

COMMISSIONER GONZALES: No. Didn't take a pledge.

COMMISSIONER CAMPOS: Then last year, maybe you're changing your position then.

COMMISSIONER GONZALES: Didn't take a pledge, Commissioner Campos.

COMMISSIONER CAMPOS: I think there was consensus that they did not do very much and cost us \$12,000 a month or \$10,000.

COMMISSIONER GONZALES: The issue last year was that we had had some budgetary issues and we had to find money to cut was the issue. Not the issue that they weren't doing their job.

COMMISSIONER CAMPOS: That's not the way I remember it.

COMMISSIONER GONZALES: We can bring up the minutes. So I think we ought to clarify it because in fact the lobbyists that were hired last year brought in several, several times over what they were paid in that effort. So just for the effort, which I would hope you would want to keep straight, there were some budget cuts that the Commission made. We started with that lobbyist, not because they weren't doing a good job.

COMMISSIONER CAMPOS: That's not the way I remember it.

COMMISSIONER GONZALES: We'll be happy to provide you the minutes so you can see it.

COMMISSIONER CAMPOS: We can have a discussion of that.

CHAIRMAN DURAN: Okay, so what's the next step? Discussion and action on funding federal lobbying efforts.

COMMISSIONER GONZALES: I'd move for approval to grant the County Manager the ability to first see if there's money available for this effort, two, bring it back to the Commission for consideration. If the Commission at that point agrees to go ahead and fund it, then move forward for an RFP with the scope that would be approved by the Commission, so that the Commission is involved every step of the way through the process.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: For discussion. Commissioner.

COMMISSIONER SULLIVAN: My only concern and my recollection also from the former County Manager was that there was an issue of performance, not only budget in that. We can certainly look at the minutes and there's no use debating that until they're in front of us, but aside from that, I thought one of the weaknesses in that program was that we didn't home in on a specific item. We just said go out there and get us some money and we gave them a laundry list of projects and said, Do all you can do in these areas, particularly the areas that they specialized in. So I think if we have a specific target in mind, and we are short on money here. We're still negotiating with the Sheriff's Department, we're trying to do some equalization of salaries in that area. So we have to be careful what we do with our budget monies.

But if we can target a specific thing, whether it's the Buckman wells or whether it's the road projects, and I'd like to do that because then you either pass or fail. You either do it or you don't and you're going to know in a month or three whether this thing's going to work out. And then they come back and they say, You know, we're not going to make any headway on this road deal. And then we either charge them with a new project or we say, Okay, that's the end of the contract. And if we can identify and if this road initiative is one of them, and it looks—we get the information and it looks like we need to lobby to do that, because we do have elected representatives there too, and if the elected representatives think that would be useful, then I think it's worth looking at.

CHAIRMAN DURAN: I know the lobbyist that we had before that we terminated early, there were a lot of reasons for that, but the lobbyist that we share with the City has been very effective and had you gone to—did you go to Washington with us?

COMMISSIONER SULLIVAN: No.

CHAIRMAN DURAN: Well, when I was in Washington with the Mayor I was quite impressed with the lobbyist that was instrumental in getting us this money and he's still working for us to try and get additional funds for the diversion project.

COMMISSIONER SULLIVAN: I get to go to Phoenix in the summer.

CHAIRMAN DURAN: Well, why don't you go to Washington with us next

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month? We're going again.

COMMISSIONER SULLIVAN: Just kidding.

CHAIRMAN DURAN: I think I'd rather be in Phoenix. But we should—I think it's at least worth asking the Manager to investigate where we might be able to find the money, how effective it was in the past and make a decision when we have all the information. Any further discussion?

The motion to direct the County Manager to look into funding a federal lobbyist passed by unanimous [5-0] voice vote.

MR. LOPEZ: Mr. Chairman, then can I just get clarification? So I am to see if I can free up some money somewhere in the budget to fund something. Also to review the effectiveness of past lobbying efforts and to then bring that information to the Commission in terms of whether you want to further authorize us going out for an RFP? Is that correct?

COMMISSIONER GONZALES: Well, and I would also look into what Commissioner Sullivan indicated. If we were to go forward, what are some of the needs that would benefit from this program that would be able to be measured as Commissioner Sullivan indicated.

CHAIRMAN DURAN: Okay. Motion carries. I have one item. I was wondering if the Commission would be interested in planning a special meeting, and the dates are June 18th or 20th to invite some Arizona consultants to make a presentation to us. And these are the individuals that Commissioner Sullivan and I went to visit along with Estevan, relative to the wastewater injection and infiltration systems. And I met with Councilor Chavez last week. I'm on a committee called the Wastewater Reuse Authority, something like that. And their charge is to find new and exciting ways to use the effluent and they've been asked to attend the presentation and I also thought it would be a good idea to invite the public, the members of the RPA and the City Council to listen to the presentation because I think as we move forward in trying to address our water concerns that how we reuse our water is as important as how we use it.

So do you think those two dates work?

MR. LOPEZ: Mr. Chairman, I believe that the RPA meeting is on the 18th and that's, I believe that's one where the Agua Fria discussion is going to happen or something to that effect. Is that correct.

CHAIRMAN DURAN: Who gave me this memo? Did this come from you, Gary? About the dates?

GARY ROYBAL (Utilities Director): Mr. Chairman, yes. I've been in contact with this group and trying to coordinate this effort and we did get a confirmation for the 18th but I just realized and Steven advised me that that's when the RPA meeting is and I also attended that Wastewater Use Task Force meeting with you where the 18th didn't seem like it was going to work because the RPA had a pretty full agenda and this presentation would last, I imagine, anywhere from an hour to an hour and a half and then with questions we could go into probably

a two-hour presentation on this because it's a very—it will address technical, environmental and regulatory issues associated with this program and we're bringing in two people, Dr. Parks from ASU and Steven Brosch who works for the County, I believe it's Mariposa in Phoenix who regulate and oversee these types of programs in that area. So I imagine I could try and work something else like the 20th, which I believe might be a Thursday.

CHAIRMAN DURAN: Steve, what about the next RPA meeting, the July RPA meeting?

STEVE BURSTEIN (RPA Coordinator): Mr. Chairman, I think that that is a good possibility unless it's so timely that this should proceed ahead of time. I think it is such a relevant topic and our discussion at the RPA is going to continue to go more towards water and land use. So it seems viable to me.

CHAIRMAN DURAN: I agree. How about if we just did it then?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I think that would be fine. I would ask, however, that there be at least one other presenter that had some knowledge of the New Mexico hydrologic conditions because I think we can get, as we did in Phoenix, a very thorough presentation of the Phoenix situation, which is not at all like Santa Fe's situation. As you may know, as we learned, in Phoenix they have what's called a vadose zone in the upper 200 feet of their aquifer. And this is not, and this is where they inject their water into. This is not where they take their potable water from. They don't use the water that they pull from the vadose zone for potable use. They use it for irrigating golf courses, primarily, 200 of them.

So we have a different hydrologic situation. So I think to achieve a balanced presentation, we probably want to have someone, and I don't know who that would be but there's organizations here, whether it be the Sierra Club or 1000 Friends of someone that you could perhaps talk with that might have some ideas on who would have that expertise that could make a unified presentation because I think we need to take that information say is it applicable to what we have in Santa Fe and how could it be applicable? The other side of the equation, as it were.

CHAIRMAN DURAN: I think I agree with you but I'm not sure that the two organizations that you mentioned, with all due respect, would have the technical expertise to advise us on that. So my thought, why don't we get the State Engineer in here to do that, since my understanding, the only way we're going to get any infiltration or injection system approved is if the State Engineer changes his opinion or his policy relative to return flow credits, which is one of the reasons why we're investigating the infiltration and injection systems.

COMMISSIONER SULLIVAN: I think the State Engineer could recommend someone. That would be fine. They may or may not be in-house. They may not want to commit themselves because of pending cases. But I think the State Engineer has been fairly positive about that issue and investigating it. I'd just like to see a balanced presentation and I think the presentation in Phoenix was very good and it was all about what they're doing in Phoenix and I kept saying to myself, Now how would we do that in Santa Fe, and I couldn't

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make that connect.

CHAIRMAN DURAN: I agree that if you inject, if you're going to inject it into the same aquifer that you're drinking out of wouldn't work, but there is an aquifer on the north part of town that is 600 to 800 feet and maybe there's a way of injecting it up there and still get the return flow credits that we need.

COMMISSIONER SULLIVAN: Maybe. And that's why I say I think we need someone as a part of the presentation that had local knowledge, that was an independent, whether it was a professor or somebody. It wasn't somebody that was a hydrologist hired by a developer, that it was someone that could relate that and say how could we do that in Santa Fe.

CHAIRMAN DURAN: So why don't you and Steve find a date and let us know. I don't think this month is going to work though.

MR. ROYBAL: Mr. Chairman, if I may suggest, Dr. Parks and Mr. Brosch, my understanding they're very busy and they travel nationwide and they belong on several national committees and their schedule is pretty tight. What I would like to do is probably get some direction from the Board as to what days would work for you so that we could try and schedule this.

COMMISSIONER SULLIVAN: When's the next RPA meeting?

CHAIRMAN DURAN: We already tried that. The chairman of the RPA is opposed to the 18th.

MR. ROYBAL: The 18th, Mr. Chairman is the next RPA.

COMMISSIONER SULLIVAN: I'm talking about the following month.

CHAIRMAN DURAN: I think it's July 18th or something like that.

MR. ROYBAL: I believe I was told they meet once a month.

CHAIRMAN DURAN: So you don't think that would work for the people that are coming out here?

MR. ROYBAL: I could propose that to them and see if they could get out here on that date, and if not, some day close to that. The optimal would be to coordinate this with the RPA and other interested parties.

CHAIRMAN DURAN: I think it's too short a notice to try to get everybody lined up for the 20th, especially if we have RPA on the 18th. Why don't you try the July RPA and see where it goes. And then let us know on Tuesday.

MR. ROYBAL: And Mr. Chairman, would you want me to, as Commissioner Sullivan proposed, try and get someone from the State Engineer to give—

CHAIRMAN DURAN: Well, someone I guess that can give us an educated opposing view. Is that what you want?

COMMISSIONER SULLIVAN: A local view. Someone that's got expertise with local aquifers and how—for example, this is a potential that you just brought up that would be able to address that.

MR. ROYBAL: Mr. Chairman, I'll proceed with that direction.

CHAIRMAN DURAN: If you have problems finding someone why don't you let us know and we'll help you think about it.

MR. ROYBAL: I'll do that, Mr. Chairman.

CHAIRMAN DURAN: Okay. Any other items from the Commission?

VII. Staff and Elected Officials' Items

A. Land Use Department

- 1. Request approval of a development agreement between Santa Fe County and Rancho Viejo de Santa Fe, Inc. for the purposes of combining and compiling the outstanding obligations agreed to by Rancho Viejo in previous development agreements in Rancho Viejo Village Units I and II, and Windmill Ridge Unit I**

COMMISSIONER CAMPOS: Just a question for legal. Do you feel that this is adequate notice as stated? There's no mention of affordable housing in the topic.

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, I think that originally it started out as a little broader, although it always included the affordable housing component and it's actually been pared back so that the document in front of you is only dealing with the affordable housing component of the development agreement. So I think it's probably, from a legal standpoint, I do believe the notice is adequate.

COMMISSIONER CAMPOS: Okay.

CHAIRMAN DURAN: I would just like for the public to know that if you're here to listen to the Thornburg proposal it has been tabled. But there might be some discussion on the other projects that relate to that project. Just so that you know. Roman.

MR. ABEYTA: Thank you, Mr. Chairman. The development agreement outlined requirements for the completion of affordable housing units in Rancho Viejo Village I and II, and Windmill Ridge I and II. In previous development agreements Rancho Viejo agreed to provide 25 affordable housing units in Village I, 25 units in Village II, 28 units in Windmill Ridge Unit I and 21 units in Windmill Ridge II for a total of 99 affordable housing units.

The following is a detailed summary of each phase. In the Village I and II, Rancho Viejo has sold 37 affordable housing units in Village I and II that can be construed to meet the requirement and obligation of the original development agreement and to satisfy the 1997-10 ordinance definition of eligible affordable housing units. The proposed development agreement offers options A and B for making up the 13 unit shortfall. Staff has suggested an additional option C. The options are as follows:

Option A, seven units in the income range 2 to be located in the Village and 6 units in income range 1 to be located in Windmill Ridge Unit III.

Option B, 13 units in the income range 2 to be located in the Village.

Option C, seven units in the income range 2 to be located in the Village and six units in income range 1 to be located in the Village.

Staff's response: the BCC needs to consider one of the three options. Staff recommends option B. The original agreements did not require the affordable housing units to meet a specific

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income range. Range 2 is the middle range and all of the units will be located in the Village. Windmill Ridge I, the original development agreement for Windmill Ridge I, which is 180 units, required Rancho Viejo to meet the 15 percent affordable housing requirement in the Community College District Ordinance which is 28 units. The ordinance requires five percent of the units to be in income range 1, five percent in 2, and five percent in income range 3. Rancho Viejo has sold 18 units in the highest eligible price category. Therefore only ten units can be applied towards the 28 unit requirement. The proposed development agreement states that four units will be credited towards future affordable housing requirements in Windmill Ridge II.

Rancho Viejo agrees to provide three units in income range 2 in Windmill Ridge Unit II, six units in income range 2 in Windmill Ridge Unit III, and nine units in income range 1 in Windmill Ridge Unit III. Staff's response: the Board needs to consider whether 15 units should be made up in Windmill Ridge Unit III. Unit III does not have master plan approval at this time. Therefore Rancho Viejo is proposing to provide a financial guarantee for these homes should Unit III not be developed.

Windmill Ridge II, the requirement in Windmill Ridge II is 21 affordable homes. Rancho Viejo is proposing to construct these homes within Windmill Ridge II and to comply with the Community College District Ordinance requirements. Seven units will be in income range 1; ten units will be income range 2; and seven units will be in income range 3. Three of these units though will actually be built in range 3 because the four unit credit in Windmill Ridge I is being applied.

Staff's response: the proposal for Windmill Ridge II meets the requirements of the Community College District Ordinance. Requested action: the BCC should review the proposed development agreement and approve, deny or modify provisions based on the staff recommendations and testimony given at the public hearing.

Recommendation: County staff believes it is in the County's best interest to resolve this ongoing issue and to move things forward. This is especially true in light of the fact that there is some uncertainty as to what happened several years ago regarding qualifying eligible buyers for affordable housing units. It appears, however, that actions taken by both the County and Rancho Viejo can be questioned. Staff supports the proposed development agreement but it is ultimately the Commission's decision as to whether to proceed. Thank you, Mr. Chairman.

CHAIRMAN DURAN: Commissioner Gonzales, you had a question?

COMMISSIONER GONZALES: Roman, I just need your help in walking me through this process real briefly. You've already read this into the record. But this has come forward as a result of some agreement in the past between the County and Rancho Viejo? Is that right?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, yes. When the original master plan for Rancho Viejo was approved, there was a requirement that Rancho Viejo provide affordable housing units.

COMMISSIONER GONZALES: How did the County come to—how did the County and Rancho Viejo come up with the proposed recommendations that you're coming

forward with?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, we had several meetings, myself, Robert Anaya attended a few, Steve Kopelman and Rancho Viejo. We met, we discussed, we looked at the original development agreements, we discussed what they've done to address those and we just came up with something that we felt we both could live with, with exception to a few items.

COMMISSIONER GONZALES: Which ones?

MR. ABEYTA: I think that the main thing that the Board needs to decide on is whether or not the Board will allow Rancho Viejo to make up any units in Windmill Ridge Unit III because that does not have master plan approval yet.

COMMISSIONER GONZALES: For which they're willing to put up a financial guarantee if that's not approved.

MR. ABEYTA: Yes.

COMMISSIONER GONZALES: How does that work?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, we would sit down with Robert Anaya and Rancho Viejo and we would come up with, we would negotiate a price per unit and an amount that we want them to bond for.

COMMISSIONER GONZALES: So assuming that development isn't approved then that financial guarantee would be cashed in and the County would use that money for affordable housing projects somewhere else?

MR. ABEYTA: Yes.

COMMISSIONER GONZALES: As you went through this process, did we consult with any housing authority experts as well. I know that Mr. Anaya comes from—he's a housing authority expert per se because that's the field that he comes from but did we get the Community Housing Trust or Santa Fe—

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, Mike Loftin was involved in some of these discussions.

COMMISSIONER GONZALES: Did he participate in any of the recommendations or does he feel fairly comfortable with what in his expert opinion that what's being proposed here is reasonable?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, it's my understanding that he is but I don't know if he's available to answer that or not.

COMMISSIONER GONZALES: Do you feel comfortable enough speaking for Mike Loftin?

ROBERT ANAYA (CHDD Director): Mr. Chairman, Commissioner Gonzales, Mr. Loftin provided us some advice pertaining to mostly the regulations aspect of the Community College District Ordinance which we worked cooperatively with him and the developers in the development. But specifically on the agreement issue, I think it's more of an internal issue relative to past agreements and what direction the Commission wants to head.

COMMISSIONER GONZALES: If this agreement is approved by the Commission, how is the administration going to actually work? Is it going to happen in your

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shop or will it happen in the Land Use shop in making sure that the agreement is complied with and that houses are actually put up, that there are actually buyers who meet these income ranges? Who's actually going to do that?

MR. ANAYA: Mr. Chairman, Commissioner Gonzales, we're going to work, myself and my staff is going to work cooperatively with legal and Land Use to work on that and there is also a possibility that we may come back to this Commission and request that maybe we get some external help as well. Maybe Community Housing Trust or Neighborhood Housing Services to assist with that. But we will do it as a joint cooperative effort.

COMMISSIONER GONZALES: Does this agreement speak specifically to the 99 affordable housing units that were committed by Rancho Viejo? Or will this agreement be in place and govern what happens in future developments that are proposed by Rancho Viejo?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, this agreement will only address the 99 affordable housing units. Any future phases of development will have to comply with the Community College District Ordinance and regulations.

COMMISSIONER TRUJILLO: Mr. Chairman, Roman, the 99 units represent what percentage of the total development?

MR. ABEYTA: Mr. Chairman, Commissioner Trujillo, I believe it represents between 10 and 15 percent.

COMMISSIONER TRUJILLO: So that's dedicated to affordable housing.

MR. ABEYTA: Yes.

COMMISSIONER GONZALES: Can you tell me what the City's requirement is for affordable housing? What percentage?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, I know the City has a Housing Opportunity Program which kicks in based on the cost or the price of homes you're proposing in your development. I think the percentage—I really couldn't say. I'm not familiar enough with it.

COMMISSIONER GONZALES: It's better not to say if you don't have the answer. So, the 10 to 15 percent range, is that better than what we've done? Have we been able to do that much in any other subdivision that the County's approved?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, not to my knowledge unless it was a project that was strictly dedicated for affordable.

COMMISSIONER GONZALES: So is this really basically the first time the County has ever mandated through some development process that there would be a certain amount of affordable housing put up?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, this is the first one, I believe that the County has done. We had an agreement with Las Campanas in which they contributed a certain amount of money to the County in exchange and I believe also the Aldea project was required to do affordable housing. But it wasn't as much. It wasn't 10 to 15 percent in that project.

COMMISSIONER GONZALES: So just the final question I have for you. The way the staff has proposed in your recommendation, it appears that your recommendation will

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actually spread the affordable housing throughout the different villages within Rancho Viejo. Is that correct?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, that's correct. We would need the Commission's direction on one of the options for the village. There's three options outlined in the staff report that would require some in the village and some in Windmill Ridge or all in the Village. And then the proposals for Windmill Ridge I would include or would allow for homes to be made up in Windmill Ridge III.

COMMISSIONER GONZALES: So I'm assuming that you're supporting this effort so that you see that these affordable housing units are moving throughout the entire development as opposed to just pocketed maybe in one village and then the rest of the village does not have to have the same requirement. Was that part of the intent?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, that is part of the intent and that's the intent of the Community College District Ordinance.

COMMISSIONER GONZALES: Is to have affordable housing integrated with the rest of the community housing, as opposed to segregated.

MR. ABEYTA: Yes.

COMMISSIONER TRUJILLO: Mr. Chairman, I heard the number 50 percent affordable housing earlier. How is the 10 to 15 percent arrived at for this development?

MR. ABEYTA: Mr. Chairman, Commissioner Trujillo, I believe in Rancho Viejo Village I and II, the 50 units was negotiated between the County and the developer at the time. Right now, the current Community College District Ordinance sets the number at 15 percent.

COMMISSIONER TRUJILLO: That's from the ordinance.

MR. ABEYTA: That is the new ordinance number.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Roman, the ordinance, what does the Community College District Ordinance say with regard to affordable housing units within the development and the ability to shift them around between phases?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, the ordinance states that if any development in the Community College District which has a recorded plat as of the effective date of this ordinance, which is subject to the requirements of this ordinance, then such development will be permitted to include any shortfall in the number of affordable housing units in future phases of the development or any undeveloped tracts or lots in any previously recorded phases of development.

COMMISSIONER SULLIVAN: So the issue, I guess my question is what is the development? What are we talking about as the development here?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, I believe that that's open to interpretation from the Board. There's one interpretation that development would mean the one master plan they have approval of which is Village I, Village II, Windmill Ridge I and Windmill Ridge II, but we do have an application in for another master plan which covers

Windmill Ridge III and IV and whether or not the Board would want to consider that as part of the overall development is up to the Board.

COMMISSIONER SULLIVAN: So we don't have a master plan yet from Rancho Viejo that goes beyond Windmill Ridge II.

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, no. We have an application in, but nothing—

COMMISSIONER SULLIVAN: No master plan. So currently it's just kind of a gleam in their eye until it goes through the process and it may be amended. It may be rejected. And now also with the application today for Windmill Ridge II, what's Rancho Viejo's water situation?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, Rancho Viejo in order to have enough water to support Windmill Ridge II, they're having to eliminate lots in Windmill Ridge I to meet that total number. So they do have water available still for Windmill Ridge II but in order to reach the number that they want they'll have to eliminate some lots in Windmill Ridge I.

COMMISSIONER SULLIVAN: And do they have water for Windmill Ridge III?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, not at this time, no.

COMMISSIONER SULLIVAN: So what we would be doing here is in this one situation of allowing them to move units into Windmill Ridge III, number one, we'd be doubling up on them. They would be agreeing to provide the 15 percent that Windmill Ridge III would be required, but we'd also be moving the additional units into Windmill Ridge III. That's my first question. Is that the concept?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, for Windmill Ridge I, yes.

COMMISSIONER SULLIVAN: Moving into Windmill Ridge III. So we'd be doubling up in Windmill Ridge III. And then the second question is, we'd be putting all of this affordable housing in a section that hasn't even been approved yet and that doesn't have water.

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, all the affordable housing required for Windmill Ridge Unit I we would be—and I don't know if it's all for Windmill Ridge I but I know this option only applies to Windmill Ridge Unit I. Windmill Ridge Unit I, they have provided some affordable housing in Windmill Ridge Unit I and we give them—they claim they've provided 18. We said we would apply ten and then we'd give them a credit of four for them to use in Windmill Ridge II.

COMMISSIONER SULLIVAN: So ten subtracted from 28 leaves 18, which they'd be moving into Windmill Ridge III.

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, yes.

COMMISSIONER SULLIVAN: Which has no water.

MR. ABEYTA: Right.

COMMISSIONER SULLIVAN: Obviously my concern here is that a) We're not equally distributing the affordable housing; we're concentrating it in Unit II, and b) Unit III

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doesn't exist. It's vaporware. It's in the process somewhere and even that could, we could think about that because we know it's moving forward. It's not a part of the master plan. But not only it's not a part of the master plan for Rancho Viejo that's been approved by this Commission, it has no water. And the response to that is, Well, if all this doesn't work out we'll give you a bond and we'll give you some money. I don't think we want money. I think what we want is affordable housing. I think we want affordable housing in equal amounts throughout the whole subdivision.

So I think Unit I of Windmill Ridge and Unit II come under the Community College District Ordinance. Is that correct, Mr. Abeyta?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, Windmill Ridge I and II come under the Community College District Ordinance.

COMMISSIONER SULLIVAN: So there's not the discussion about did the former agreements require these income levels and that kind of thing. We're now dealing with 15 percent, 15 percent. We have in two units. We have a master plan. It only goes that far. Rancho Viejo hasn't allowed us to be privileged to what their future master plan is going to be. So we're not at Unit II. So it seems like they should be 15 percent in Unit I and 15 percent in Windmill II, just like the ordinance says. Now, if they want to adjust that a little bit, one house here or one house there between the two units, the ordinance provides that. I don't think the ordinance provides—and it is an ordinance, not a regulation or a master plan. It is an ordinance. The ordinance doesn't provide for us to go into new units that don't even exist yet and in which water supply is questionable.

So my comment on the Windmill I portion of it would be that what the staff has negotiated for Windmill I be built in Windmill I. And what they've negotiated for Windmill II be built in Windmill II. Now, my understanding and correct me if I'm wrong, Roman, is that you're okay with Windmill II.

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, yes. We're okay with Windmill II.

COMMISSIONER SULLIVAN: So we've got seven and seven—

MR. ABEYTA: If I may add, I need to include though that Windmill Ridge II, they are providing some from I in the two so the total number isn't 18 that would be deferred to III, but 15 units would be deferred to III.

COMMISSIONER SULLIVAN: Okay. But Windmill II looks like it's standing on its own in terms of affordable housing.

MR. ABEYTA: Yes.

COMMISSIONER SULLIVAN: Our only problem is Windmill Ridge I is being shifted to Windmill Ridge III. So Mr. Chairman, my comment there would be, and I had some other comments but I want to get that issue discussed because I think that's an important one when we talk about phasing affordable housing, we don't aggregate it in any one area. We don't double up. We can certainly make minor adjustments, a unit here, a unit there but to put that many units into a future phase I think doesn't do what we want to do which is keep it spread through the community.

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COMMISSIONER GONZALES: I guess my question to that Roman is why are we even again, why are we even at this point? Was there some confusion in the past as to what the agreement should be?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, I don't know if there's confusion regarding what the agreement should be. I think the confusion came in with qualifying buyers and I think that's where the problem started.

COMMISSIONER GONZALES: So somewhere in the process there was something that took this whole effort of getting 99 affordable housing units off track, whether it was in qualifying the buyers or whatever.

MR. ABEYTA: Right.

COMMISSIONER GONZALES: This is an attempt to get back on track. Is that right?

MR. ABEYTA: Yes.

COMMISSIONER GONZALES: Was the primary intent, and I'm going on the intents as you stated earlier was to spread the affordable housing amongst the different areas.

MR. ABEYTA: Yes.

COMMISSIONER GONZALES: Was another intent or was the thing that was leading the intent to get 99 affordable housing units up?

MR. ABEYTA: Mr. Chairman, that was another intent to get the units.

COMMISSIONER GONZALES: Ninety-nine units that Rancho Viejo would contribute through their participation in the development process, 99 units.

MR. ABEYTA: Yes.

COMMISSIONER GONZALES: So as to the issue of the 15 units that are being proposed to go into some future development phase, the financial guarantee that has been talked about, is there a time line in that effort by which in that effort if Windmill Ridge III is not approved or we cannot address the water situation in a timely manner that the financial guarantee would be executed and affordable housing units would come on line.

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, the development agreement doesn't go into that level of detail. What it says is that Rancho Viejo will bond for these units and we will hold onto the bond until Unit III gets approved.

COMMISSIONER GONZALES: Is there a stipulation in the event that it does not get approved or the timing is such that it's just been too long and we need to execute?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, there's not, but that's something the Board could certainly add to that.

COMMISSIONER GONZALES: So in providing direction, if the Board were to chose to go the route that the staff has recommended in this effort, then it would be to, we could put in that there would have to be some type of time line from the time that the bond is posted, some reasonable time line that either they had to start the process or they would have to be in the approval or it would have to be approved. So in other words, this money just isn't sitting out in perpetuity, but would actually be used to reach the intent of this original agreement, which was for 99 affordable housing units that they could be, that the bonds could

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be cashed in and houses actually constructed.

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, we would ask for that direction or that addition to the development agreement.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I think that Commissioner Gonzales brings up a good issue. Why are we even discussing Windmill Ridge I and II. Where the areas of confusion were were over the Village, the first 50 units that were done before the Community College Housing Ordinance. I think that the direction of the Commission is that we're not going to jump phases, jump into a future master plan phase. The staff has through the ordinance the authorization and the direction to be sure that we have 15 percent affordable housing in Windmill I and Windmill II. The only reason they're coming here for our authorization is to move it into this future phase III. Otherwise, they've got all the authorization they need for that.

Then there's the issue of the Villages I and II in the original group. So I think that point you bring up is a valid one. We should move, not set a precedent of going into future phases that don't even exist yet for affordable housing and allowing them to bank on it. We should instead say, I or II, fine. But to allow going into future phases, then the staff is fully empowered to handle the affordable housing in I and II meeting the total requirements. And that wouldn't of course be 99, it would be 49 units there. The issue on the other side in the Villages is a little different.

So my recommendation is that we do not allow the moving of units into Windmill Ridge III, that we give the staff the authorization to come up with a plan in Windmill I and II that meets those requirements, and that settles that piece of the issue. Then the only thing that's left is what you do in the Villages, and you have that A, B, and C choice and I do want to make a clarification that there is a—two clarifications. One is there was a comment that there originally weren't any income guidelines, but the Santa Fe County Ordinance had income guidelines and it had housing level guidelines and family level guidelines. So it wasn't wide open. There were family sizes and home cost limits that matched those. So there was some pretty good guidance in that ordinance.

The other thing is, and I was reading some of the minutes where comments from Rancho Viejo personnel that there was no mechanism to certify people and that's what brought this up at the beginning. And I just want to pass down to you the certifications that were done. Just look at them, that were done for the Villages. And these were done by Neighborhood Housing Services. These are 11 certifications that certify—pass them down so you can take a look at them. And pass them back because they're confidential; they have individual names on them and so forth. That process was gone through. The certifications were prepared and they were in a variety of income categories. They were certified in three different income categories. And also they conducted training for, homeownership training was conducted as well. So it was a pretty good program. And that all occurred in the first Village, the first 50 units. And then it was dropped for some reason.

So we actually had 11 of the 50 that we got certifications on, what their income range is and everything. So there was a process in place and it was dropped. So my personal feeling is that Rancho Viejo owes us 39 units now total. Now staff's negotiation on this issue, and you heard the comments that there was some ambiguity, are that we will allow a total of 37 units. In other words, the 11 plus 16 more. Am I adding right? Eleven plus 26 more on the basis that the homes were sold at those levels, all of them being in the upper level, but there were no certifications.

And that's a compromise which my understanding is that several of the Commission members agree with. So I think, and there's already been articles in the paper about it. So I think we need to move forward from that point. But I do just want everyone to see that there are physical certifications there, the process was in place and it was then dropped. But if the Commission feels that Rancho Viejo doesn't owe us 39 houses, that they completed all but 13, which is the 37 from 50, then so be it and we just select where you want those remaining units to be, those 13 units. Do you want them to be in the Villages or where do you want to put them?

So my recommendation on that part would be option C. Option C says that seven units would be located in the midrange, the 61 to 80 percent of affordable housing range, and 6 units would be located in the 60 percent and below range, bearing in mind that 80 percent is the level that the federal government calls affordable housing. Above 80 percent is not considered affordable housing. We in the County consider 80 to 100 as affordable housing. That's just how our ordinance reads. So my—I'm not going to beat to death the issue on the Villages, but my recommendation in that regard would be C.

CHAIRMAN DURAN: Commissioner Campos, do you have any questions?

COMMISSIONER CAMPOS: Not at this time.

CHAIRMAN DURAN: What's the pleasure of the Board?

MR. KOPELMAN: Excuse me, Mr. Chairman. I just wanted to bring up one point as one of the people who did the negotiating that Windmill Ridge I, one fact is that Rancho Viejo agreed to comply with the ordinance but Windmill Ridge I actually got final approval in March of 2000 and the ordinance was not finalized until December of 2000. So that was one of the reasons why we negotiated this. It wasn't as clear as we would have like it to have been. If the ordinance was in place at the time they got final approval then there's no question that they should have done everything under that ordinance. But the ordinance didn't take effect until almost a year afterwards and that's why as staff we came up with these middle ground resolutions or proposed resolutions. So I just wanted to make that clear. We weren't taking a situation and saying, Well, you don't have to comply with the ordinance and we're okay coming in and providing this proposed agreement to the Commission. But we took into account the fact that the final development came in March of 2000 and the ordinance wasn't finalized until December of 2000. So that was why we came up with this proposal.

Again, it's the Commission's decision whether to accept it or not, to change it. And obviously, Rancho Viejo would have to agree or we don't have an agreement. But I just want to bring that point up because I think it's important. Just in defense of staff in this matter.

COMMISSIONER SULLIVAN: Mr. Chairman, one clarification though. The master plan, or the approval for Windmill Ridge I, did it not say as a condition of approval that the development would comply with the Community College District affordable housing Ordinance?

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, it did, but you have a situation that really is ambiguous and you can go to court and you can fight it out and again, I don't think this is the place to deal with that issue. But when you've got an agreement that says you have to comply with an ordinance and the ordinance isn't in place, it presents an issue. That's all I'm saying. And it's subject to different interpretations, but that's why staff felt that this type of negotiation was not unreasonable. That's the only point I'm trying to make.

CHAIRMAN DURAN: When this issue came out, or came before us and there was some concern that Rancho Viejo wasn't meeting the affordable housing requirement, we recognized that there was some problems that needed to be dealt with and we gave staff direction to go and negotiate a reasonable solution to the problem. I think that staff has worked hard in that effort and at some point we have to believe that they have worked this out in the best interest of the community. They've done it by themselves. I haven't been involved in any of the discussions relative to their negotiating a reasonable solution to the problem. I don't think any of us have. And at some point we have to believe that they have done a good job and I think that's where we are.

COMMISSIONER GONZALES: Mr. Chairman, with that, I agree. I think it's a complicated issue. It seems ambiguous to me. In the end though, we actually achieve the intended result which is 99 affordable housing units in this county and hopefully, they'll all be spread over the Rancho Viejo development. If not, I think the financial bond that Rancho Viejo will have to set according to this agreement will in the end provide that the 99 units go up somewhere.

So with that I'd like to move for approval of the development agreement as presented with Option B, the 13 units of income range 2 to be located in the Village I and II, and to accept the recommendation that the financial guarantee be posted with some type of reasonable time line by which the development would need to take place. If it does not, there needs to be a time line established where those bonds would be cashed in and then used to actually construct or move towards affordable housing, to be negotiated between the staff and Rancho Viejo, is what I would allow for, that type of negotiation to take place.

COMMISSIONER TRUJILLO: Second, Mr. Chairman, for discussion.

CHAIRMAN DURAN: For discussion.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Point one I would put into the record is that I believe this motion is amending an ordinance. The ordinance is very clear that we have only one development here which is Rancho Viejo as approved in its master plan and we can only shift units within that development. So I think here, we're taking action that is not appropriate because we're amending an ordinance by virtue of executing this agreement. And secondly,

just count up the amount of affordable housing we get. I think it's bad policy to keep pushing it to the back. At some point we've got to draw a line and say, Build what you said you were going to build. We only got 11 units out of the 50 in the first two phases. We only got 10 units out of the 28 in Windmill Ridge I. We're not doing too well here. And I appreciate that staff has done the best that they could with this and they've given us some options. They haven't recommended that we go to Phase III, that we go to Windmill Ridge III. That is not a staff recommendation. I want to be clear about that.

COMMISSIONER GONZALES: And I didn't see that in there. But I would also note for the record that there are 84 units that have been or will be constructed and that's nothing to sneeze at.

COMMISSIONER SULLIVAN: No.

COMMISSIONER GONZALES: There's not?

COMMISSIONER SULLIVAN: Okay, you're subtracting, you're taking 15 from the 99. The 15 may never be built.

COMMISSIONER GONZALES: No, they will be built because there's going to be a financial guarantee that's going to be put up that will be cashed in.

COMMISSIONER SULLIVAN: Where are they going to be built? If Windmill Ridge I, II, and III is all built out, where would they be built?

COMMISSIONER GONZALES: They could be built anywhere in the city. They could be a part of the—

COMMISSIONER SULLIVAN: Oh, okay. Somewhere else.

CHAIRMAN DURAN: What does it matter where they're built? As long as the money's there to build them?

COMMISSIONER SULLIVAN: Because we want equal amounts of affordable housing in all areas. We want Rancho Viejo to assume and shoulder its responsibility, not to shuffle it off to some other place in the county.

CHAIRMAN DURAN: You should be happy that your district isn't getting 15 more units.

COMMISSIONER SULLIVAN: No, I'm happy when my district is getting its fair share of affordable housing. That's what the whole program is about. I don't want to shuffle it off to Pojoaque or Edgewood or anywhere else. I want it to be right where it's supposed to be built, and I want it to be integrated in the community. I think it's a wonderful plan. It's a wonderful ordinance. I think we should stick to it.

CHAIRMAN DURAN: Any further comments?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Question for Commissioner Gonzales. How do you differentiate between option—why do you think option 2 is better than option 3? Option 3 gives you some range 1 housing and option 2 is all in range 2. Why is that better?

COMMISSIONER GONZALES: I think from my standpoint, this is clearly something, whether it's zero to 60 percent or 61 to 80 percent it's going to provide a need. And

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there are just as many people in that option range 2 as in option range 1 that need access to affordable housing.

COMMISSIONER CAMPOS: I agree but—

COMMISSIONER GONZALES: So I just think that that's the area we should be targeting to move into this area. That's my personal feeling on that.

COMMISSIONER CAMPOS: The third option gives six units to range 1, which is zero to 60, and seven units to range 2, which is 61 to 80 percent. So it seems to be more equitably divided and the concept of the College plan as far as affordable housing is to give each of these ranges an equal number of houses, but you're just going to one. This seems more of an advantage to the developer because they're having a harder time marketing the lower end, the range 1 product.

COMMISSIONER GONZALES: I think range 2 is more towards the working people here in Santa Fe.

COMMISSIONER CAMPOS: What about range 1?

COMMISSIONER GONZALES: As far as median incomes at that level that need access to housing.

COMMISSIONER CAMPOS: What about range 1? People need in range 1.

COMMISSIONER GONZALES: Absolutely. But there's range 1 that's involved in other parts of that district.

CHAIRMAN DURAN: Any other comments? Questions?

The motion to approve the development agreement passed by majority [3-2] voice vote, with Commissioners Sullivan and Campos voting against.

VII. Matters from the County Manager

CHAIRMAN DURAN: Estevan, hopefully you don't have too much.

MR. LOPEZ: Mr. Chairman, I don't have anything.

CHAIRMAN DURAN: Oh, that's even better. Do we all want to go into executive session now? How long will executive session take, Steve?

MR. KOPELMAN: Mr. Chairman, we can probably do it in about 15 or 20 minutes.

CHAIRMAN DURAN: Why don't we do that. We'll be back here at 15 till.

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- VII. C. Matters from the County Attorney**
1. Executive session
a. Discussion of pending or threatened litigation
b. Discussion of possible purchase, acquisition or disposal of real property or water rights
c. Limited personnel matters

Commissioner Trujillo moved to go into executive session pursuant to NMSA Section 10-15-1 (2, 7 and 8) to discuss the matters delineated above. Commissioner Gonzales seconded the motion which passed upon unanimous roll call vote with Chairman Duran and Commissioners Campos, Trujillo, Gonzales and Sullivan all voting in the affirmative.

[The Commission met in executive session from 5:30 to 6:00.]

Commissioner Campos moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Trujillo seconded. The motion passed by unanimous voice vote.

CHAIRMAN DURAN: There's been some discussion about possibly bringing the last case up for reconsideration to discuss the option that we agreed to approve in that motion, but in order to do that we would need someone who voted in the affirmative to make a motion to reconsider.

COMMISSIONER TRUJILLO: So moved, Mr. Chairman.

CHAIRMAN DURAN: Okay, there's a motion. I'll second that. And I would like to say that Mr. Taunton, if you would like to address the Commission after we've had some further discussion and before we vote on it you're welcome to do so.

COMMISSIONER GONZALES: Mr. Chairman, I guess my point would go directly to, on the staff response, the recommendation by the staff that they recommend option B for consideration. If you can go over some of the reasons why the staff felt that that was a better option than any of the others as presented.

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, it was staff's— staff looked back at the original development agreements. The original development agreements referred to Ordinance 1997-10, which had five income ranges. But the development agreement was silent on which income range they needed to actually comply with. So staff thought as middle ground, since the original development agreement did not require a specific income range, range 2 was in the middle, plus all the units would still be in the Village where they had originally agreed to put them.

COMMISSIONER GONZALES: Is there a specific, in the ordinance itself, or what was being worked on, was there a target for each range to have the number of housing for each range, like one, two, three, four and five? How many we wanted from

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each one of them?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, are you referring to the current ordinance or the 1997 ordinance?

COMMISSIONER GONZALES: Maybe the current ordinance probably.

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, the current ordinance requires five percent in each range, so of the 15 percent you do five in 1, five in 2, and five in range 3.

COMMISSIONER GONZALES: Okay. So the 99 that are being proposed, what are the percentages in each of the income, the aggregate?

MR. ABEYTA: Mr. Chairman, I believe that most of them would be in—and maybe Steve Kopelman could help me with this—but I believe most of them would be in the upper range.

COMMISSIONER GONZALES: Which is the upper range?

MR. ABEYTA: Range 3, which is 81 to 100 percent, but again, I might be wrong. I know there were some—the reason why I say it is all I'm familiar with is the 11 that were actually certified. I don't know. Steve's office did research into the other 37. Maybe he can tell you what ranges they're in.

MR. KOPELMAN: Mr. Chairman, members of the Commission, I think the issue of the options, I think staff had discussed both options B and C and one of the reasons that we liked C as well as B is that this is kind of a—it's meeting half way with Rancho Viejo. In other words, we're agreeing in this document that 27 of the units are affordable units because they were sold at an affordable price. But there was no verification of the income of the purchaser. So this is I think meeting half way saying that we need to have at least, these 13 units need to be either all the zero to 60 percent and 61 to 80 percent.

It's really just a negotiation on what's equitable and what's fair, and insuring that people who really qualify and are eligible in these lower income brackets get these houses. Staff thinks both B and C are viable and it's really the Commission's call as to which one you prefer.

CHAIRMAN DURAN: Mr. Taunton, would you like to address the Commission?

[Duly sworn, Bob Taunton testified as follows:]

BOB TAUNTON: My name is Bob Taunton. I'm general manager for Rancho Viejo. I just want to remind everybody that with the affordable housing that was constructed in the Village, we started doing that under the previous ordinance, which, because we weren't attempting to take any affordable housing bonus densities, we undertook to do that in the higher range. When we were talking with staff about how we might handle the remaining units, we have 34 units that are yet to be constructed developed in the Village, both Unit I and Unit II combined, I mentioned to Steve Kopelman that I kind am in a bit of a conflict situation.

I wear a hat as the general manager of the development company, but I'm also the

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president of the homeowners association. Last summer, we had attempted to introduce some additional housing in the immediate Village center area that was our Plaza series, and that was the housing that we had most recently completed meeting the 80 to 100 percent affordable range. Significant opposition from the community that contacted Commissioner Sullivan. We had made an application. We had a community meeting. Commissioner Sullivan was there, and based on the response of the community we decided to withdraw that application.

There was a very strong sentiment from the residents in the community that they thought this was low income housing, even though some of the people opposing it were in last year's affordable housing, if you like. So when we started to talk about what would be appropriate for the village, initially we felt we would like to do the remaining units in the top category, the 80 to 100 percent because that would be consistent with what had been out there. You always run into problems when you're applying a new ordinance in a development that is already very well established and very well built out.

Having been in the business a long time, I know that it's very rare in development agreements to have a council or a county commission agree to not have a requirement that if the ordinance changed that those ordinances wouldn't be applying to that particular development. So, I'm realistic. I certainly understand that we have a new ordinance and that we'll do whatever the will of the Commission is. But I really felt that some consideration needed to be taken place in the Village because we were so substantially built out and there was opposition from the residents about introducing more affordable housing in the Village.

Now I think that they would probably find the 80 to 100 percent acceptable. We're willing to do the 60 to 80, but we felt that certainly the lowest range in a built-out situation around the center of this community might be, would probably be very unpopular. But as I say, we'll do whatever the Commission wants us to do. But that was the reason for some of the discussions that we had with the staff.

CHAIRMAN DURAN: Any questions of Mr. Taunton?

COMMISSIONER GONZALES: Mr. Taunton, how many current zero to 60 do you have out there? Or do you plan—are there any?

MR. TAUNTON: Well, there aren't any right now. Windmill Ridge, as you know, was the other project that we'd developed and when we developed that, platted it and developed, we were operating under the prior ordinance. So we had anticipated that we would be meeting all of the 15 percent requirement at Windmill Ridge Unit I in the 80 to 100 percent. But then the new ordinance came in with the different ranges and there was a provision in the agreement that we would be doing, making up for a shortfall because we couldn't go back and undo the development and change the plat. We had it all designed. The product was all figured out. We weren't in a position to respond to that not having known it at the point where we were getting design approvals and final plat approvals.

So we're going to be doing in Windmill Ridge Unit II, we're doing seven units in the zero to 60, and then we will make up the balance in Windmill Ridge Unit III. One of

the options in the Village was that the zero to 60 would also be done in Unit III and we'd be willing to do that, do some number in the middle range in the Village, and then have the zero to 60 appear in Windmill Ridge Unit III. Again, Unit II is designed, so we're really not in a position to be able to go back and start all over again and redesign the product.

COMMISSIONER GONZALES: So where are you saying that you could accommodate the six units of zero to 60?

MR. TAUTON: We would do that in Windmill Ridge Unit III. That's one of the options under the Village options.

COMMISSIONER GONZALES: That's the one that you're bonding for?

MR. TAUTON: Yes, we would bond for those units. That's correct.

COMMISSIONER GONZALES: Because they have not been approved. Windmill Ridge III has not been approved.

MR. TAUTON: No, it has not. That's correct.

COMMISSIONER GONZALES: So you'd have to bond for that.

MR. TAUTON: Yes, we would.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Oh, I just wanted to clarify that I did attend a meeting out at Rancho Viejo that the residents were bringing up issues with regard to the Village. I don't recall any discussion about affordable housing at that meeting. The issues that I recall the residents bringing up were that there was a proposal to build homes facing on the plaza and I didn't hear anything about what level of income those would be and I don't think there was any discussion of it because there didn't have to be because no one was enforcing the housing agreement.

And people were concerned that it would block their views. That was the one issue. And that they had been told that they would have views there and that was one big issue, and another one was a concern that they had been told that there would be a community facility, a park, a playground or something of that sort and that wasn't there. And those were the issues that I remember being discussed. I don't recall anyone speaking out against affordable housing in any income category.

MR. TAUTON: Mr. Chairman, if I may, there were several additional meetings where that perspective was very clearly communicated to me. It may not have been at that specific meeting but clearly it was expressed to me as the sentiment of many of the residents.

COMMISSIONER GONZALES: Mr. Chairman, in an effort just to move this on, if Mr. Taunton is willing to provide the zero to 60 and bond for it, I'd move that we reconsider the motion to allow for C to take place, but have the six units to be constructed in Village III and that Rancho Viejo would have to provide the bonding for the construction of those units if in the event Village III is not approved, that they would have to pay for affordable units somewhere in this community that would fit within that price range.

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COMMISSIONER TRUJILLO: Second.

CHAIRMAN DURAN: For discussion.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I think we're going backwards here. I think that if you're going to select between A and B that B is the better option. I think if we do what you suggest here, we're taking the six zero to 60 percent median income units and we're pushing them into Unit III, in addition to all the others we've put in there. So I really think that option C is the appropriate one, but if you don't feel comfortable with that then take B. But what you're doing is taking A and even reducing further the amount of actual buildable or built or constructed affordable housing.

COMMISSIONER GONZALES: Mr. Chairman, the frustration here, Commissioner Sullivan, is the frustration we're all—is there's a lot of ambiguity. The County didn't do its part, or Rancho Viejo didn't do its part, but whatever the reason is, they're not solid agreements that stipulate after the fact, after these villages have been planned, what needs to go in there. So now we're trying to go back in and clean up some effort. And I think it's different going forward. I don't think we're going backwards. The ordinance calls for five percent affordable housing to be held in each of these ranges as we go forward. This seems to me like we're trying to do some clean-up work. And however the numbers work they need to work to me in the end we have to have 99 units. That has not changed. That has not been reduced. Ninety-nine units of commitment by Rancho Viejo to come into this community.

Now, ideally, it would be great to have them in Rancho Viejo. If in fact there's no future water supply that's taken out to the Community College District, and everything stops, they need to deliver on the commitment that this agreement makes them deliver on and that it to provide bonding sufficient to allow for more housing units to be put into place somewhere else. But to ask them to go back into—go backwards, redesign phases and then come back forward to accommodate something after the fact. Why are we even nitpicking in these ranges right now when if the objective is to get 99 units and that there be some level between 1, 2 and 3 price ranges, let's do it and create the mechanisms to make sure that that type of housing is provided in this community.

COMMISSIONER SULLIVAN: Mr. Chairman, because, specifically for the reason that Mr. Taunton just testified to and that is that they do not have a single affordable unit out there in the zero to 60 percent range. If we pushed that off into Village III I don't think we're doing a service to the community. I don't think we're having to redesign. They have 34 units left in the Village area and all we're asking them to do is accommodate 13 units, six of those would be in the zero to 60 percent median income range and seven would be in the 61 to 80 percent. They've got 34 units of space there and I think that's a reasonable request.

COMMISSIONER TRUJILLO: Mr. Chairman, Commissioner Sullivan, isn't this motion consistent with the first option here that ostensibly provides a diversified

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affordable housing—

COMMISSIONER SULLIVAN: That motion is, Mr. Chairman—

COMMISSIONER TRUJILLO: Consistent with that first option.

COMMISSIONER SULLIVAN: That's not the one the staff recommended.

The staff recommended B or C.

COMMISSIONER TRUJILLO: I understood from Commissioner Campos that he was talking about the first option.

COMMISSIONER SULLIVAN: The third option.

COMMISSIONER CAMPOS: The third option provides affordable housing now, not in the indefinite future. It gives it in range 1 and 2 which is more equitable and that's what I would suggest as the appropriate option.

CHAIRMAN DURAN: We can either stay with the decision that we made before or someone can make a motion. Or there is a motion.

COMMISSIONER TRUJILLO: I think that staff is comfortable with the third option, from what I understand, and that's an option that would be viable. I wouldn't have any problem in supporting the third option. That's one of the options that staff would be comfortable with. Am I correct in saying that?

MR. KOPELMAN: Mr. Chairman, Commissioner Trujillo, staff thinks the third option is probably the best because it gives you the range 1 and range 2 and it gets them done quicker. The second option is also acceptable. You don't get the lower ranges in option 2 though. And option 1, which I don't think staff felt as comfortable with, gives you seven in the middle income range but then defers the six in the lower until Windmill Ridge III, so that's why we thought B and C gives you the affordable units much quicker, and that was our rationale behind B and C.

COMMISSIONER GONZALES: So what was your motion, Commissioner?
A?

COMMISSIONER SULLIVAN: I think Commissioner Trujillo has a motion for C.

COMMISSIONER TRUJILLO: There was a motion already on the floor by Commissioner Gonzales.

COMMISSIONER GONZALES: I don't know if there was a second to it.

COMMISSIONER TRUJILLO: I make a motion for the third option.

COMMISSIONER SULLIVAN: Second.

The motion to approve option C passed by unanimous [5-0] voice vote.

CHAIRMAN DURAN: So it's been amended. Okay, I'd like to welcome Commissioner Ray Powell to the chambers. Is he still here? Great. Nice to see you, Commissioner.

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VIII. Public Hearings

A. Land Use Department

- 1. CCDRC CASE #Z 01-5480. San Cristobal Master Plan. State Land Office, applicant, requests master plan approval for a phased mixed-use development to consist of three village zones, two new community centers, five neighborhood centers and non-profit uses on 1,818 acres. The development includes a maximum of 7,957,323 square feet of commercial uses (1,323,918 square feet is projected) approximately 2,781 residential units and 1,031 acres of open space and parks. The property is located east of SR 14, north of the County Jail, within Sections 31 and 32, Township 16 North, Range 9 East
[Letter from Jim Klemmer attached at Exhibit 1]**

CHAIRMAN DURAN: If you wouldn't mind, Commissioner, we need to let staff make their presentation and then I'll turn it over to you.

MR. ABEYTA: Thank you, Mr. Chairman. On April 4, 2002, the Community College District Development Review Committee met and acted upon this case. The applicant's request is for master plan approval for a mixed-use development and to define the boundaries of landscape types. The development consists of three village zones, two new community centers, five neighborhood centers and open space on 1,818 acres to be done in 11 phases as follows:

Phase 1 projected for the year 2003 - 242 dwelling units and 100,000 square feet of commercial space proposed within a portion of the western new community center, 6.7 acres; a neighborhood center, which is 3.4 acres; residential neighborhood, 28 acres, non-profit uses, 17 acres; uses and park of 2.5 acres.

Phase 2: Year 2005 - 216 dwelling units and 100,000 square feet of commercial proposed to be located within an addition to the western new community center, neighborhood center, neighborhood residential, and a park.

Phase 3: Year 2006 - 289 dwelling units and 100,000 square feet of commercial proposed to be located within an addition to the western new community center, a second neighborhood center, two residential neighborhoods, non-profit and parks.

Phase 4: Year 2008 - 344 dwelling units and 300,000 square feet of commercial to be located within an addition to the western new community center, a neighborhood center, 0.7 acres; a neighborhood, non-profit uses and parks.

Phase 5: Year 2011 - 238 dwelling units and 200,000 square feet of commercial proposed with the completion of the first village zone including the new community center, neighborhood, non-profit and parks.

Phase 6: Year 2013 - 273 dwelling units and 100,000 square feet of commercial proposed within the start of the second village zone to include a neighborhood center, neighborhood, non-profit uses and parks.

Phase 7: Year 2015 - 322 dwelling units and 100,000 square feet of commercial proposed within an addition to the neighborhood center, neighborhood, non-profit uses and

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parks.

Phase 8: Year 2018 – 153 dwelling units and 300,000 square feet of commercial proposed within the majority of the second new community center. There's a neighborhood and a park.

Phase 9: Year 2019 – 233 dwelling units and 50,000 square feet of commercial proposed within the remainder of the second new community center, neighborhood and non-profit.

Phase 10: Year 2021 – 237 dwelling units and 100,000 square feet of commercial proposed within the start of the third village zone to include a neighborhood center, neighborhood, non-profit uses and park.

Phase 11: Year 2022 – 233 dwelling units and 100,000 square feet of commercial proposed within the completion of the village zone to include a neighborhood center and neighborhood.

Time frame and units per phase, the applicant states that residential units will include single family, multi-family, live-work units, patio homes, compound houses, row houses and second story apartments.

Boundaries of landscape types/locations of zones. The applicant has provided a slope analysis and identified slopes of zero to five, five to ten, ten to fifteen and fifteen-plus. From this slope analysis, the applicant has defined the land use types. The locations of zones in the Community College District is based on the land types shown in the land systems map. The applicant is required to provide a slope analysis to refine and adjust the land systems map and therefore define the locations of the zones. The Community College District land zoning map is attached as Exhibit B. The slope analysis and updated land zoning map are attached as Exhibit C.

Zoning allowances. The applicant proposes a range of densities for commercial square footage and residential units. These comply with the requirement of 3.5 dwelling units per acre in the village zone and the ratio of commercial and residential in the new community center and the neighborhood center. The proposed floor area ratios are .5 to 3.0 in the new community centers and from .33 to 2.0 in the neighborhood centers. These comply with the ordinance.

Land use types. The applicant proposes to develop in accordance with the uses allowed in the land use table in the ordinance.

Market analysis and fiscal impacts. The applicant has submitted a market analysis and a community and fiscal impact statement, which is in your packet as Exhibit G. The location of this property is believed to benefit its development as it is close to State Road 14 and there are a number of existing residential areas south of the development. The applicant states that each phase will have a variety of housing types. It is estimated that approximately 24,000 square feet of commercial space and 140 dwelling units per year will be sold or leased.

The fiscal impact report states that significant revenues will be provided through gross receipts from sales and property taxes and the cost of utility and road construction

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will be borne by the developer.

Affordable housing plan. The applicant states that they will meet and exceed the requirement of 15 percent affordable housing and will distribute this housing throughout the development. A detailed affordable housing plan will be submitted with each phase of development. Staff is in the process of amending the ordinance to clarify that affordable housing units shall be based upon the total number of dwelling units proposed and may include a mix of housing types.

Infrastructure improvements plan. The applicant states that all infrastructure improvements will be the responsibility of the developer. At this time no maintenance plan has been reviewed or approved by the County. A detailed maintenance plan is required with the preliminary development plan or plat submittal.

Adjacent property. To the south of the property is the County Detention Facility and vacant land. To the west is State Road 14, and to the north is the Valle Lindo Subdivision and Sonterra.

Access will be from State Road 14. State Road 14 runs through the property. Three access points are proposed onto State Road 14. The third access road goes through the County Business Park. The proposed alignment does not conform to the plat of access for the County development. This shall be addressed by the applicant. A connection to the Sonterra development is proposed and several future connections to the south area identified.

The applicant has submitted a traffic impact report, which states that the middle and southern access roads are proposed to be the main access points to this development and will be signalized intersections. The northern access road will not be signalized but will have an acceleration lane.

Terrain management. The applicant has submitted a slope analysis to determine the landscape types. The La Cienega Creek and Bonanza Creek drainageways run through the property. A series of ponds are proposed to handle stormwater flows. Detailed drainage and grading plans are required with the development plan and plat submittal.

For water the project will be served by the County water utility. This water supply plan complies with the requirements for master plans in the Community College District. The total water demand for full build-out is estimated at 340 acre-feet per year based upon water conservation covenants. The developer currently has a water supply contract for 22 acre-feet and is seeking to acquire additional water rights that could be transferred to the County water utility for use by this development. The water budget is required to be updated with the preliminary development plan and plat submittal.

Fire protection. The development will be served by the County water utility. The applicant proposes to locate fire hydrants throughout the development.

Liquid and solid waste. The applicant proposed to utilize a constructed wetlands system with pretreatment tanks on each lots for the majority of the development. The initial new community center would connect to the Santa Fe County wastewater treatment plant located at the State Prison. Details of the systems and a commitment letter from the County

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are required with the preliminary development plan and plat submittal.

School impact. The Community College District Ordinance identifies three school sites on this property. The applicant has identified a total of 63 acres as non-profit uses, which include school uses.

Landscaping/Open space/Trails. The applicant proposes 57 percent of the project will be open space. This exceeds the requirements of the ordinance. District trail systems are located along the La Cienega Creek and Bonanza Creek drainageways. The Community College District Ordinance identifies these trails as connecting to State Road 14. These connections will be a requirement of this development. Plazas are located within the new community center and the neighborhood centers. Parks are proposed within neighborhoods. A community park is required within the third village.

Required action. The BCC should review the attached material and consider the recommendation of the Community College District Development Review Committee, take action to approve, deny, approve with conditions or table for further analysis of this request. The criteria for master plan approval was set forth in Article XV, Section 4.B.3 of the Land Development Code as follows:

- a. Conformance to the Santa Fe County Growth Management Plan as amended by the Community College District plan;
- b. Viability of the proposed phases of the project to function as complete developments in the case that subsequent phases of the project are not approved or completed;
- c. Conformance to 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. Impacts to schools, adjacent lands or the County in general.

Recommendation: Article XV, Section 4.B of the Code states, All lands within the Community College District are zoned for the uses allowed in the land use table. The purpose of the master plan is to establish the extent and scope of the project, including without limitation, the uses for the project, the site-specific information to determine the relationship between the landscape types, the zones and the project, and the relationship of its phases and multiple components with the adjacent environment and with its overall needs for services and infrastructure."

The decision of the Community College District Development Review Committee was to recommend approval of the project subject to twenty conditions. Mr. Chairman, would you like me to read those conditions or enter them into the record?

CHAIRMAN DURAN: Enter them into the record.

[The conditions are as follows:]

1. Compliance with the applicable review comments from the following
 - a. State Engineer Office
 - b. State Environment Department

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- c. State Highway Department
 - d. County Fire Marshal
 - e. County Public Works
 - f. Development Review Division Director
 - g. Soil and Water District
 - h. County Hydrologist
 - i. Santa Fe Public School District
 - j. County Water Utility
2. All redline comments will be addressed; original redlines will be returned.
 3. The road connection to Sonterra shall be constructed as part of Phase 1.
 4. The applicant shall submit approved driveway permits from the State Highway Department for all roads accessing SR 14 with the preliminary plan/plat for each phase.
 5. The applicant shall address the road connection to the County Business Park.
 6. The applicant shall comply with future amendments of the affordable housing requirements.
 7. The applicant shall provide a community park within the third Village and shall identify which is the community park in all neighborhoods.
 8. The district trails shall be constructed within Phase 1 and shall provide connection to SR 14 as identified in the Community College District Ordinance.
 9. A maintenance agreement to include roads, utilities, trails, open space, etc., shall be provided with the preliminary development plan/plat submittal.
 10. Only roads shown on the Community College District Circulation map shall be conditionally dedicated to the County.
 11. The applicant shall submit an archeological report with the preliminary development plan/plat.
 12. Block perimeters not to exceed 2,000 feet.
 13. Reservation of property for school sites shall be identified with the preliminary plan/plat submittal. These sites may include private schools or appropriate institutional, civic, community uses if reservation is not accepted by the Public School District.
 14. Submit updated detailed traffic impact analysis, market study, economic and fiscal impact analysis with the development plan/plat for each phase.
 15. Identify private open space with the preliminary development plan/plat submittal.
 16. Provide sewer details for connection to the County Waste Water Treatment Facility and the proposed wetlands system and commitment letter from the County with the preliminary development plan/plat submittal.
 17. Provide a detailed water budget and water contract with the preliminary development plan/plat submittal.
 18. The applicant shall participate in the Community College District-wide assessment district for infrastructure improvements, operations and maintenance.

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19. Applicant is a public agency that cannot develop San Cristobal by itself and intends to select a developer to implement the master plan. A developer selected by the applicant to implement the San Cristobal master plan and to develop this property will be bound by these conditions.
20. The applicant must provide at least 50 percent open space at each phase.

MR. ABEYTA: Thank you. That concludes staff's report.

CHAIRMAN DURAN: Are there any questions of staff?

COMMISSIONER TRUJILLO: I don't know if this is appropriate. It's just a question that I'm interested in. Is this a for-profit endeavor by the State Land Office?

MR. ABEYTA: Mr. Chairman, Commissioner Trujillo, I would prefer that the State answer that question. I'm not sure.

CHAIRMAN DURAN: I have a question. Condition number three is the Road connection to Sonterra shall be constructed as part of phase 1. And I have a letter here from the Commissioner, who has asked that we replace condition number 3 with their number 3. Have you had an opportunity to look at that?

MR. ABEYTA: Mr. Chairman, I have and staff is—we looked at this letter. We met with the applicant and staff does not object to condition number three. However, we feel that the Board should make the decision as to whether or not they want the road connection as part of phase 1 or if they want to replace that condition with three.

CHAIRMAN DURAN: And then how about condition number 8? Have you had the opportunity to look at that?

MR. ABEYTA: Mr. Chairman, we looked at condition number 8 and we are okay with their proposed number 8. Any other—

COMMISSIONER GONZALES: Roman, help me real quick to understand again the fact that there are several processes that have to go underway prior to an actual building permit being issued, is that correct?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, yes. This is just the master plan. There still needs to be a preliminary development plan and plat and then a final development plan and plat for just the first phase.

COMMISSIONER GONZALES: So most people who don't follow the County process which I never did prior to coming in feel like any type of even master plan approval or any approval of a subdivision equates to the automatic right to have that development happen. In master plans do they have a vested right? And if so, what happens in the event that they can't meet all the conditions? Does that right go away?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, the purpose of a master plan is to give you an idea or to show you the whole picture of the development. What it really is is it's a concept approval. That's the purpose of a master plan in the County. In the Community College District it's a little different in that the lands in the Community College District have already been zoned for these uses and what you're doing in addition to approving the concept is you're fine-tuning the map. You're actually designating where these zoned uses

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are actually going.

COMMISSIONER GONZALES: So when you talk about a conceptual approval, what's the current concept that exists today prior to approval of this on this specific piece of land that the State Land Office is asking us to consider?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, I'll go ahead and allow the planning staff to answer that question.

COMMISSIONER GONZALES: And Chairman Duran asked that we bring out these maps. Maybe you can point to it. But my question is, right now, prior to this approval, what's conceptually happening out in this area? And just real briefly for the history, conceptually, what was happening in this area prior to the Community College District? So you can just help lead the way in the transformation.

JUDY MCGOWAN (Senior Planner): I'll attempt to answer that question or several questions. I'm not really sure. Prior to the master plan being approved, as Roman stated, there is zoning on the property now.

COMMISSIONER GONZALES: What is it currently zoned for?

MS. MCGOWAN: It is currently zoned for the uses that you see on the land use zoning map.

COMMISSIONER GONZALES: Can you tell me what those are?

MS. MCGOWAN: What is pale yellow on this map is village zone.

COMMISSIONER GONZALES: Which is—

MS. MCGOWAN: Which can be composed of neighborhoods.

COMMISSIONER GONZALES: Are we talking about residential and retail?

MS. MCGOWAN: Predominantly residential but it also can have other kinds of uses mixed in. And it has a minimum zoning of an average of 3.5 DU's to the acre. The red area here is a new community center and that's intended to be the major kind of retail and civic area. This red area is also a much smaller new community center. The lavender which you probably can't see from up there is the business park, which is zoned employment center zone. And there are—I'm trying to see where the property line goes. There are three potential school sites on this property.

The green areas are open space, village separators, and also there's I believe it's a 1000-foot buffer from State Route 14. And what the applicant is required to do as part of the master plan is once again look at the landscape types and determine whether these locations fit exactly and refine those locations for the different zones. There does not appear to be much fringe zone on this particular piece of property. In other words—

COMMISSIONER GONZALES: What does fringe zone mean?

MS. MCGOWAN: Fringe zone is related to slope, and so it's the steeper slopes at the edge of arroyos, etc. and that has lower densities than the village areas. And this property is really flat.

COMMISSIONER GONZALES: So prior to the Community College District plan being in place, what was the State Land Office, what could they have done under the Code and I'm going to go to the question of the State Land Office even being obligated to come in in

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the first place. But assuming that the Commissioner had chosen at that time, prior to the Community College District, to come in for development plan, what would we have seen happen in this area?

MS. MCGOWAN: I believe that this area is in the Basin Hydrologic Zone, so they would have been eligible to come in with 2.5-acre lots. And I should point out also that under the existing zoning, the average density in this area, when you average in the open space at 50 percent, the village areas and fringe, the average density is between 1 and 1.75 DU's to the acre. I think there's some confusion about that.

COMMISSIONER GONZALES: Does the density actually increase then?

MS. MCGOWAN: The density increased slightly. The density did increase in exchange for, through the planning process, what we were trying to achieve with this growth area was achieve locations where you could get adequate open space to separate developments and to allow access with trails, which doesn't exist if you have the 2.5-acre pattern. We were trying to get concentrations of growth where you could provide jobs and moderately priced housing as well as affordable housing so that these would be real areas for locals to live as opposed to high end. And we were also trying to achieve some compactness that would allow for people to walk in order to reduce traffic and car use and also allow the opportunity for extension of a transit system in the future, which would further reduce use of the automobile.

COMMISSIONER GONZALES: So after the Community College District plan went into effect, basically then the Land Office came in and developed this conceptual plan that's here before us tonight.

MS. MCGOWAN: I believe for the whole Community College District, the property owners have been developing plans before we actually worked with them and with the neighborhood for the Community College District plan. And the Commission tabled those developments and directed those property owners to work with staff to come up with the Community College District plan.

COMMISSIONER GONZALES: Is the Commissioner under any obligation to come before the County?

MR. KOPELMAN: The County would have no jurisdiction at all over state land unless the state, as they did in this case, willingly and voluntarily agreed to submit to the jurisdiction. Technically and legally, the County would otherwise have no jurisdiction over this land because it is owned by the state.

COMMISSIONER GONZALES: So is it far to say that tonight's action on this master plan is purely another component of planning, more so than it is an actual movement towards a physical development taking place. It seems like there's a huge number of factors that need to come into play prior to a physical development taking place. And I guess I get confused sometimes in what do we mean at a master plan level? What do we mean at preliminary and what do we mean at development? But here tonight, we're not considering actual physical where roadways are going. We're not considering the amount of water that's going to be needed. Not considering where the schools are going to go in and what the houses are going to look like and everything like that. It's just another planning component and not an actual

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development component or is it one and the same?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, again, the property's been zoned. What this is is just refining that zoning. So it's just an extension of the planning. Before any phase comes in, each phase still has to come back with an actual development plan which demonstrates they have water, they have sewer, they have roads, they have everything they need for that one phase. So it's our opinion that again, you're refining the zoning that's already been approved there.

COMMISSIONER GONZALES: The area of water, the project will be served by the County water utility? So is that basically an amendment that would be binding to the State Land Office that they couldn't drop wells, that they can only be served by the County water system?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, that's right. In order to change the plan for water use they would have to come back to the Board and ask for an amendment to the master plan to change from County water to community water.

COMMISSIONER GONZALES: So right now, the developments, the planned communities, the communities that exist around this area that are on wells, that are reliant on wells to provide their water, are they in any—is there any chance that this development will have a negative impact on those water wells if they're using the County water system?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, I'm not a water expert but they'd be on County water. They wouldn't be on wells out here. The water would come from the County system in the district.

COMMISSIONER GONZALES: Thank you.

CHAIRMAN DURAN: Jack, I have a question for you. Is there anyway of being able to incorporate a TDR program for this project. I know that when we developed out TDR program we wanted to limit the area of where the TDR program would apply so that we could perfect it. But it seems to me that there might be some density issues here that the community has that if we had a TDR program incorporated into this thing or there was a condition that they would agree to become a sending area, that we might be able to deal, or address the sprawl issues that come up with this particular project.

I've had some people talk to me about the sprawl issue that this represents. I know that we used our general plan in developing this project where we actually tried to address sprawl by approving compact development and using that as one of the bases for bringing this thing forward. But it is pretty intense. The density is pretty high and I'm wondering if in the process that we're going to go through the next year or two, do you think we could incorporate a TDR program into this?

JACK KOLKMEYER (Planning Director): Mr. Chairman, that was a long question with no punctuation. So let me try and take it apart and answer the pieces for you. First of all, for those that don't know what TDR means, it means transfer of development rights, and it essentially is a program that allows you to shift development from one place to another and by doing so, allowing the development to increase when you shift it to some place, but where you shift it from, give something up.

The TDR program that we did for the Highway Corridor Plan was completed before the Community College District Ordinance. And we deliberated TDRs quite a bit during the process of the Community College District plan. And it was decided that a better way to do it at that point was to increase the densities to the points where they started to make sense for eliminating sprawl. I'll get to sprawl in a second. But by doing so, by allowing the developments to increase their density they would be obliged to do certain things. Affordable housing, because that's one reason that you use TDRs. We built into the ordinance that 15 percent would be required. So therefore there really wouldn't be the reason to use TDRs for that.

Secondly, TDRs are also frequently used to acquire open space, but the Community College District plan requires 50 percent open space. So that was built in. Trails is another issue. So at the end we felt like we were accomplishing everything that we would need to use a TDR program for in requiring it in the ordinance.

If you wanted to change that you would have to go back and change both the Community College District Ordinance and the transfer of development rights ordinance. That would of course be a possibility but then you'd probably be back to, Well, then what would you then be getting back up and gaining again. And then there's the issue of whether it's a sending area or it's a receiving area and whether that's internal in the Community College District.

CHAIRMAN DURAN: Well, my thought is that it would be a sending area.

MR. KOLKMEYER: Where would you send the density to?

CHAIRMAN DURAN: We would send it to some place in the city. This would require some cooperation from the City. So if the community truly wants to do something about sprawl, this is kind of a come to Jesus meeting we have here tonight. They're going to have to realize that in order to prevent sprawl, we're going to have to have infill. So that we don't have major traffic problems. So that the sprawl issue is really dealt with. And the only way we can do that is with the City's cooperation.

So I'm not asking to change much of anything here except that if this thing moves forward, I really think we need to incorporate some condition that would require the development to work with the City and the County, with this community in incorporating some kind of TDR program into this project so that the densities could possibly be transferred to the city.

MR. KOLKMEYER: Mr. Chairman, as you know, I brought that up at the last RPA meeting too that the TDR program that we actually worked out for the Highway Corridor Plan was in fact first recommended by the City and the City has not bought into the program with us, nor has the Regional Planning Authority, for that matter. And I think that you bring up a really good point. If we wanted to do that we'd have to do a little bit of maneuvering but I think the bottom line really is what densities do you want, and when you have achieved certain densities that start to make sense for projects and for the community, then what are you going to get out of that? And part of it again goes back to I think the discussion that Commissioner Sullivan started earlier in the evening, because again it's very, very germane about water and

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how does water relate to all this. And there may be a relationship to that.

I want to make a point about the water too. The reason for shifting to the new zones that Judy pointed out, and I think this is really important, particularly for all those people from Valle Lindo who are here this evening is that if you didn't do the Community College District plan, or if we didn't pursue it this way, you'd be surrounded by approximately 800 wells and septic tanks. Because they would have the right to do that according to the question that you asked, Commissioner Gonzales. Those would all be individual wells and septic tanks.

Now, the question is, is that what you want surrounding your neighborhood? Or do you want something different. So then we get into, well, this is the different thing that we've provided and we're still confronted with the problem then, is it in fact going to be on Santa Fe County water system. Because the issue of sprawl, people that have said, well, the Community College District Ordinance and the planning they're proposing is major sprawl. Is that major sprawl? Or is having 800 houses around you on sewer and septic tanks major sprawl? And we get into some kind of nitpicking here, but I think that the basic principle that we have proposed here is that a different way to do it is make it more compact, guarantee open space, guarantee trails and connections among all the new settlement patterns that are built and then you have an economy of scale with roads and water that you need to work out.

There are still some unanswered elements particularly about the water piece. How transfer of development rights would work into that would still be kind of shuffling the cards and revealing them in a way and it was our conclusion at the end of our deliberations that the best way in this situation—now this wouldn't be true for the Airport Development District or some of the other things—let's get everything we can up front, because then it's clear. But we've already seen when we asked for 15 percent affordable housing that got a little confused. So these kinds of discussions and deliberations, the real answers are in going over each and every one of these projects individually and over and over again, asking these questions and making sure that it's clear what we're getting.

So TDRs may or may not do that right now but I think it's something that's come up a lot. Let's just make sure that we take note of that and if that seems to be a better way to get the densities then we could certainly discuss it again.

CHAIRMAN DURAN: I think there is a thought out there or a concern that the densities that are being proposed out in the Community College District are too intense. The only way that we can actually deal with them where we don't run into some legal problems is by incorporating the TDR program and getting the City to cooperate with us and get the Land Use Resource Center and 1000 Friends of New Mexico behind the effort, who are very much concerned about the sprawl issue. So I just, I think the short answer is, Yes, I think it might work if we put some thought behind it.

MR. KOLKMEYER: Mr. Chairman, there's still a concern. Because if let's say those densities, if somebody didn't like them or they're debated, then what happens out there? Nothing? You can't tell the State Land Office, for example, they can't do anything. Or then do you revert back to 2.5-acre lots? And then you have 800 2.5-acre lots all around you.

CHAIRMAN DURAN: No, this is master plan approval, Jack, this isn't final.

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So when it comes up for final hopefully we would have been able to incorporate some TDR program into it.

MR. KOLKMEYER: Well, I still think that you raise a really great point. What's the correct density? How do we know that? And I think that's part of why public meetings and these kind of presentations are really helpful because they allow us to get feedback from not only the people who live there but the people that are proposing this, because we have to be able to get a handle on that kind of question. Is it all economic? Or is it social? We've talked about the Community College District, one of its real intentions is creating a new community. So what is an appropriate density for a new community and how do we arrive at that. I think you raise a good question.

CHAIRMAN DURAN: Well, I think it can be done. Commissioner Powell, would you like to say a few words?

COMMISSIONER RAY POWELL: Mr. Chairman and members of the Commission, I appreciate the opportunity to visit with you here this evening. I know you have a long and arduous schedule this evening so I'm going to keep my comments very brief. And I'd like to ask Harry Relkin of our staff, our assistant commissioner to fill in with any bullets that I might miss and I think Mr. Lorn Tryk is going to give the technical presentation.

But I think the most salient thing I can say to this Commission and to the expert professional staff that you have in the County is that through the beginning of this process you have set the standard for the rest of the state, because I was approached about seven years ago with the real question. You're the State Land Office. You don't have to meet any zoning requirements. We have some real serious issues and problems. Will you work with us to find solutions to those problems versus ignoring it and going on your own way, or compounding that.

Thanks to the leadership of this Commission and the professional staff, again I think we're setting the standard not only for New Mexico but any place in the western United States where you live in an arid environment. And I commend you and thank you for that. To answer specifically, Mr. Chairman, Commissioner Trujillo's question, the Land Office's responsibility for 13 million acres for State Trust land is to generate revenues for our public schools, universities and hospitals. Last year we generated about \$340 million that we as taxpayers didn't have to pay to the support of those important public institutions. \$30 million of those dollars came to here in Santa Fe for the public schools and the school for the deaf.

The reason for this project is again, to optimize revenues, but over and above that, to really try and help solve some issues for New Mexicans. What this Commission helped me understand was that nearly 57 percent of the growth in New Mexico comes from our own kids and grandkids. We educate those children and altogether too often we turn them into economic refugees, where they actually have to leave their community and leave their state in order to prosper and raise their families. This project is a direct outgrowth of the meetings that we had seven years ago.

To date, and the first memorandum of understanding signed with the Land Office was with this Commission, the Santa Fe Commission to begin this partnership. We are now doing

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affordable housing, master planned communities, recreational facilities, teen centers, with our 103 communities throughout the state, to ensure that each of those communities is treated uniquely and that we allow them to prosper and grow instead of sending them either out of the state or to Albuquerque. Because the reality is 82 percent of the growth in Albuquerque is from economic refugees from other parts of the state. That's a horrible, in my opinion, a horrible return of our educational investment. It tears our families apart. It tears our communities apart.

And just very briefly, this particular project began, we, as has been mentioned, didn't have to come to this council and this Commission. But we would have been wrong if we hadn't. And thanks to the guidance and leadership of this Commission we realized that the project would be much better. We have gone through nearly 75 public meetings about this project over the last several years. And that we don't see as a burden. We see that as a real opportunity and one that we are very enthusiastically embracing, because the feeling that I have is that the more sunlight, the more daylight, the more participation, the better the project. And we'd much rather do that than have something that completely falls apart at the end.

So thank you for giving us that opportunity. I made the commitment early on, being a native New Mexican and a person that wants to live here the rest of my life that we're not going to drill wells out in that site. That we're not going to have 800 pipes going into the ground and pipes coming out of the ground where people take their water and dump their sewage in the same place. That's a bad policy decision. So that by connecting with the County water system, if there's no water, there's no growth. There is absolutely no development. That is the vow, right there.

So we've made that commitment. What I'd like to mention is that I'm there for seven more months. I'm term-limited out. And if we aren't able to come to some sort of agreement and some sort of relationship here, the next Land Commissioner has the authority and the autonomy to sell the land, to lease the land or to trade the land really without anybody else's involvement. And I think it's incumbent on all of us as elected officials and professional public servants to try and really serve out community in the best manner that we can and solve problems rather than create time bombs for the future.

And I think I'll end my remarks right here and certainly be open to any questions or comments. But again, I would like to salute this body and this professional staff because you have set the standard for the rest of the state, the 33 counties and we would not be here trying to work through this issue if it hadn't been for the leadership of this Commission. And I thank you very much for that. Mr. Relkin, with the indulgence of the Commission, anything that you'd like to add? Mr. Tryk would like to give our technical presentation if that's appropriate.

CHAIRMAN DURAN: I'd just like to say one thing, Commissioner. I think that it's state of the art thinking. I think that working with the private sector in developing new and innovative ways to generate revenues for the educational system of our state, you need to be commended on that. The only problem I have with this particular project is the densities. And at the time that we were discussing this new concept and this program, there really wasn't as much awareness relative to our water. And I know that we're using imported water. We're not suggesting that you do wells.

But even the water that we're trying to acquire and import to provide to the outer lying areas of the Community College District is going to be limited and this is a very large project and it would seem to me that the state would be willing to work with the County and this community in reviewing the densities that are proposed and I would ask that you consider doing something like that. And there might be a way if you were to gain approval that we could incorporate some kind of condition that would allow us to do that prior to a final development plan. Or maybe it would occur in different phases. But I definitely think that at this point in time that with the concern that our community has relative to the water and the distribution of the new water that we're going to get that we owe it to the community to at least have that dialogue. And I'm sure that you're aware of those problems.

COMMISSIONER POWELL: Mr. Chairman, members of the Commission, I think you've really hit the bottom line. Because without water there is no life in New Mexico. Period. And if we are going to ensure that future generations have the same quality of life and opportunities that we've all enjoyed, we would be remiss. I almost think it would be criminal if we did not really look to the future. And that addresses a comment that members of this Commission past and present made to me. We could have planned this in a staged manner, which really would have been politically much easier and it kind of hides the ball. We chose to make sure that all 1800 acres were on the table and were planned so that we were really looking at the future as well as the present.

The first stage is coming on line. Obviously, it doesn't happen overnight. It's a 25 year or longer project. But if we are unwilling as public elected officials to do the hard work, and that's really looking at what resources are available for future generations, then we've failed those future generations. And I think that has been our motivation from the beginning. How do we optimize revenues for our school kids? But how do we ensure that 100 years from now or 200 years from now there are people that can say I live in Santa Fe and I'm very proud of it and I'm prospering there. That's a long-winded answer to your question but I think again, it is absolutely imperative for each and every one of us to take the water issue seriously and to deal with it honestly, openly, and in a concrete manner.

CHAIRMAN DURAN: I know for myself that I want to work with you so that we have a morally and socially responsible development that generates revenues for the educational process in New Mexico.

COMMISSIONER POWELL: Thank you, sir.

COMMISSIONER SULLIVAN: Mr. Chairman, since we have three things going here, do we have a time allocation here that we're going to do for the presentation? Since we've got a lot of people that want to speak and we have two other master plans.

CHAIRMAN DURAN: Yes. And the game's on too. Lorn, how much time do you think you need to make your presentation?

LORN TRYK: Fifteen minutes. Do you want me to make it less? The short version?

CHAIRMAN DURAN: Well, give us the short version.

MR. TRYK: You can always fill in with questions.

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CHAIRMAN DURAN: That's fine.

COMMISSIONER SULLIVAN: I think interactive questioning is a good way. Once he gives a short presentation it's always useful if someone comes up and you see a question repeated several times, maybe have him pop back up and respond to it.

CHAIRMAN DURAN: Okay, so we'll let him make his presentation—

COMMISSIONER SULLIVAN: I'm saying go ahead and make his presentation but then if you see a number of the same issues coming up from people commenting then ask him to come back up again and respond to those issues as we go along. See what I'm saying? That helps me a lot because by the time we get to the end of this thing an hour later I forget what questions were out there.

CHAIRMAN DURAN: I'll defer to you on this thing. Whatever time you need—

COMMISSIONER SULLIVAN: We just have a lot of people that have concerns about this and other developments and I'd like to get them up here before the day turns into the 6th.

CHAIRMAN DURAN: I agree. Now bear in mind that all these projects are on the community water system. Is that correct?

COMMISSIONER SULLIVAN: Well, it's not clear.

CHAIRMAN DURAN: Or the proposed water is from the County system.

COMMISSIONER SULLIVAN: That's not clear to me so that's a good point to bring up as we get to them.

[Duly sworn, Lorn Tryk testified as follows:]

MR. TRYK: Well, we'll keep it short for you, give you an opportunity to fill in with questions and answers. Go back to what Roman was talking about in terms of this master plan approval. It is a refinement of the zoning. The upper drawing that you see is the current Community College District Ordinance zoning map. The drawing below is an enlargement of that so that the San Cristobal Village is this area down here. You see the two new community centers and the three school sites. And basically, to make a long story short, our plan is very, very similar to that.

Originally the plan was somewhat different but after going through the Community College District Ordinance and getting this map in place we've made major revisions to the plan. What you see now in the plan are two discrete villages and a portion of a third which will be attached to land in Rancho Viejo, a new community center in the middle of the first village, a smaller one in the middle of the second village. It is a neighborhood center in the third. It is a clustered development. We've talked before about the 1000-plus acres or 57 percent of open space, basically with higher density in the middle, transitioning out to lower density at the edges and making a transition to our only existing neighborhood neighbors who are right here in Valle Lindo Subdivision.

We've worked with the neighbors to create a buffer along here and that buffer has recently been increased. We're committed to increasing that, reducing the number of houses along there, along their boundary. Within each one of these neighborhood clusters that you see

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are higher density housing, surrounding park, some mixed use in the way of live-work units and transitioning down to one-story buildings at the edge. And in the new community center a mixture of commercial and residential represented by this street scene, which are largely two story, some elements of three story with residences above stores and offices in relatively narrow, pedestrian-oriented streetscapes.

The Community College District Ordinance has special street standards for this area. They are somewhat narrower than the county. They do allow, for the most part, on-street parking, mandate buildings address the street, have openings along them, that sort of thing. More reminiscent of traditional Santa Fe.

We mentioned permanent set-up of free school sites, 64 acres of non-profit space and that's different from what you're used to seeing on developments prior to this where developers will propose to offer acreage to the schools but if they don't take it it reverts to for-profit development. In this case that land is preserved now and forever for non-profit uses. We've talked in the past about our stormwater management plan and I think it's a key element. We have these broad drainageways, La Cienega Creek and the Bonanza Creek that are running through the plan and they provide opportunities for a great deal of stormwater management over and above what the Code requires.

And what we've done, we've done that in a rather unique way by creating these broad, very shallow detention basins in a frequency that allows us to detain water volumes far in excess of the requirement of the Code but also to convey the water in and out of detention basins in a way that does not create erosion, and on the other hand, does a much better job of aquifer recharge.

The net result for not only the neighbors within the development but outside of the development is substantial improvement of open space, the quality of open space, substantial reduction in the amount of stormwater impact on the neighbors downstream and really a much more sustainable approach to dealing with stormwater in general.

Sustainability is quite a buzz word these days but I think this plan, the goal was for it to be a model of sustainability. Today that is typically in the form of lower energy building materials. That seems to be—put more insulation in, or use recycled lumber or steel. Certainly we have a very strict code requiring that, but the stormwater management plan, our plan for reuse of treated effluent throughout the project for watering landscape, just basically the cluster of development or a reduction in the amount of infrastructure required for dwelling compared to typical low-density development. A very broad range of housing types and building types, which allows people to move up without moving out. It allows people to shop and work within their development especially for elderly and the young people, not rely so much on the use of automobiles. These are key elements of sustainability that often have far more impact than how much insulation you put in a given house.

So I think the sustainability has been a key element of this plan from day one for the State Land Office. Now to talk about traffic and fiscal impact. You've been provided with reports for those. Traffic impact is often an issue discussed when there's any kind of density at all. One thing I would like to point out to you. This was sort of a surprise to people in Santa Fe

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when it developed. They thought that if you developed lower density—here's downtown Santa Fe. Here we are down here. Originally Santa Fe was a tight, relatively high density mixed use community. As we developed, we developed at decreasing densities. People felt that if we developed at lower densities, the traffic impact would be less, and that's frequently what we hear at San Cristobal. Why build at as high density? We're going to have more traffic impact on us.

Let me tell you, the people living directly to the north of us, the impact is the same whether we put 2800 homes here or 2800 homes from here to here, because they still have to drive right by Valle Lindo to get into town. What we have found is with lower density, we don't get lower traffic counts, we get longer traffic trips. And what that means is more pollution. What has happened in Santa Fe, and what has happened nationwide is in the last 50 years the use of the automobile, vehicle-miles traveled per person has grown six times faster than the population.

Now, while I'm on that startling fact, let's go back to the issue of density. Chairman Duran, you brought up the issue of density and whether or not we should be building to this high density, which is in fact somewhere between the urban density of Santa Fe and the rural density of Santa Fe County. It's sort of a half-way in between point. And again every time I enter a planning process meeting with neighborhood groups people talk about density and water and people say, Well, jeez, we don't have very much water, why are we building to this high density?

What we find as planners is that building to a lower density is consuming open space at an alarming rate. If we limit development by the amount of water available rather than the old County approach which was to say, Well, we don't have much water so let's build to low density, what we do is we do a much better job of preserving open space. So we are proposing a development that is medium density. It is in fact fairly close to the minimums required in the Community College District Ordinance but does a very, very good job of preserving open space. So I think that's an important distinction.

The fiscal analysis you also have a copy of and I have heard varying reactions to fiscal analysis in today's day and age, but let me just summarize it by saying that typically, commercial creates tax base and residential takes it away. I know that's a great simplification but in fact it's quite true. Mixed-use developments do a heck of a lot better job of paying for their own services, whether that's police, fire or social services or parks or road maintenance. And when you get into basically single use residential low density development, which the County is largely in the business of, basically all you can afford to do is pay for road maintenance and barely that.

So what you'll find in out fiscal analysis for San Cristobal Village is that it creates a significant tax base because of its commercial element and is able pay not only for all of its own services but provides a significant positive impact in terms of job creation, gross receipts tax, positive impact during construction activities.

The affordability we talked about before. The State Land Office remains committed to creating an affordable community, as opposed to simply affordable housing. We do that by

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creating a development where one doesn't need as many automobiles to live, where the amount of money being spent on infrastructure is less because the development is clustered, where there is a broad range of housing types and levels of affordability and there's a lot of choice. But the bottom line is we are committed to meeting the County standards and exceeding them in terms of providing affordable housing.

Finally, I wanted to talk briefly about impact of the development. The Community College District Ordinance has set up various different zones—village zones, and within those neighborhood center zones and new community center zones, which allow for higher densities and higher height buildings. I said once before and I'd like to repeat that those have been carefully located in the centers of villages so that they create the most impact to the centers and the least impact to the edges, the least impact to neighbors, to open space, and particularly to State Road 14, which is a scenic byway.

Our commitment has not only been to keep development away from State Road 14 by creating this buffer, but also creating a fairly densely planted landscape zone along the edge of the development to further buffer the development from the highway. Now, I know we've gone into great detail in the past. Most of you all have seen the details of the plan before, so I think I'd rather stop there and let you ask questions of us. If you need to ask questions of the Land Office, they're still available. We also have the traffic engineer to answer questions if need be. Thank you.

CHAIRMAN DURAN: Any questions of the applicant?

COMMISSIONER GONZALES: Can I just ask a quick question. This relates to water. I'm assuming that in fact this would be the same way as past or other landowners that you'll be responsible for bringing in, going out and acquiring water rights and going through the transfer system and getting to a system that can actually deliver the water to the district. Is that correct?

MR. TRYK: That's very important. The fact that we say we're connecting to the County water system does not mean we're expecting the County to deliver us water. The State Land Office and its land development partners will be required to purchase the water rights, bring them to the site and not rely on onsite wells. So that it will be at no cost to the County.

COMMISSIONER GONZALES: So the Land Office and the land partners will go through the process of acquiring the water rights that will be coming through the pipes.

MR. TRYK: That's correct.

COMMISSIONER GONZALES: And go through the transfer process.

MR. TRYK: Right.

COMMISSIONER GONZALES: Quick question for the staff. I know that there's a time line of five years for master plan approval. Is that right?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, that's correct. There's five years but the master plan gets automatically extended if a phase comes in within five years.

COMMISSIONER GONZALES: For another five years?

MR. ABEYTA: Right.

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COMMISSIONER GONZALES: Okay. So if they don't show anything happening on this property for the next five years the master plan is basically expired?

MR. ABEYTA: Mr. Chairman, yes, that's correct. But again, their first phase they're saying will be 2003.

COMMISSIONER GONZALES: Thank you.

CHAIRMAN DURAN: I have a question. Is the Land Office going to maintain ownership in this thing after it's developed or will it be eventually sold?

MR. TRYK: I'm going to let you answer that since you're so eloquent at that.

HARRY RELKIN: Mr. Chairman, the plan is to sell all the single family residential lots. The commercial will have a mixture of fee ownership and long-term leases, not dissimilar from the Santa Fe County Business Park.

CHAIRMAN DURAN: So there would be some revenues—you're not getting one lump sum of money. Over the years you'll be receiving revenues.

MR. RELKIN: That's correct. Commissioner Powell's policy is to try to do as much rental as we can because the schools then, instead of getting the one lump sum and going into the permanent fund and only the interest coming off, gets a check every year for the rentals and it goes directly to the school system. So that's been the motivation and the attempt. Obviously, people want to own their own homes so the single-family residential we recognize that that's part of the dream to own your own home and your land.

CHAIRMAN DURAN: So the residential probably will be sold and the other uses you would maintain some ownership.

MR. RELKIN: That's correct.

CHAIRMAN DURAN: Percentage-wise, do you know how much would be sold and how much would be retained?

MR. RELKIN: Well, with the open space retained, that's 57 percent.

CHAIRMAN DURAN: But that's not generating revenues, right?

MR. RELKIN: Right. I think, and let me ask—do you have those numbers?

CHAIRMAN DURAN: It might be a hard question to answer.

MR. RELKIN: Lorn, can you help on that. I think we have too many calculations, Mr. Chairman, over there to come up with that.

CHAIRMAN DURAN: Have you projected out how much revenue at build-out it might generate?

MR. RELKIN: We have some revenue projections for the State Land Office. Do you have those Linda?

CHAIRMAN DURAN: Maybe you can answer later. I don't think it's that important. I just was curious. I think we need to move into the public hearing.

MR. RELKIN: What we did was we went through an economic analysis to make sure that going through this type of partnership better serves the school system than did just selling this land outright. And we went through a fairly detailed economic modeling on that to be sure that we were doing the right things. And in order to get you those details we'd have to pull those numbers out, Mr. Chairman.

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CHAIRMAN DURAN: So the property that you would retain, the non-residential portions, it would be some kind of joint ownership or under a lease arrangement?

MR. RELKIN: A long-term lease. The lessee would own the improvements on the land and we would own the underlying ground, much like most ground leases that I think many are familiar with.

CHAIRMAN DURAN: And you would receive some revenues based on a percentage of the income derived on that particular property?

MR. RELKIN: That's correct, based upon land value. And the land value increased, the schools would generate more revenues. So it would be over a long, long time. As land values increase and as that land was more productive and able to earn more money, the schools would earn more money. That's the idea. In the past for example, the lands in this area that I think people are fairly familiar with, Las Campanas was sold many, many years ago from the State Trust land and we hit the—the schools got a one-time hit, one-time benefit. Did not get any share of the increase in value of that land and under this scenario, we will share not only in the—we will keep all the raw land value but also share in the increase in value to the property.

CHAIRMAN DURAN: So shall we go into the public hearing.

COMMISSIONER SULLIVAN: I have one question, Mr. Chairman. Since you're there. It indicates that the infrastructure and improvements, the waterlines and so forth, the cost of that will be borne by the developer. Is the intent to create a special assessment district that would then place the cost of those developments on to the home buyer, or will those costs be borne up front by the developer?

MR. RELKIN: Mr. Chairman, Commissioner Sullivan, that strategic decision has not been reached because once and if this plan is approved we will be going to bid for a private sector developer in which the public is invited to bid and participate in that. And at that time that strategy will be developed. As I'm sure you're aware, on the lease land SADs may be difficult to achieve under the recent state legislation on public improvement districts. But that option would be explored. In either event, that cost gets passed to the end user, whether it's an up front cost that the developer goes and borrows the money or has as their own cost of money, that gets passed onto the end user, or through an SAD or PID, through assessments or taxes.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN DURAN: This is a public hearing. Is there anyone out there that would like to address the Commission concerning this matter? Please step forward, state your name for the record, let the recorder swear you in.

[Duly sworn, Evelyn Bemis testified as follows:]

EVELYN BEMIS: My name is Evelyn Bemis, 21 Leaping Powder Road, Santa Fe, which is in Arroyo Hondo, I've lived out there for about 20 plus years, and I'm also the long-time president of the neighborhood association, by dint of no one else wanting the job. But we have had a lot of discussion about water, we've been talking about it for the past year quite a bit and trying to be pro-active in what our options are and how the County is managing this for everyone's long term use.

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I didn't come tonight with a prepared speech, and I'm glad, because I've had a lot of different thoughts in listening to the evening's presentations, and I'm grateful because I've learned a lot from what everybody said. I also want to add some of the kudos I've heard for the staff and for the effort that's gone into the Community College District. I haven't opposed it in the past because I think it's incumbent upon us to recognize there will be development, and let's do it in a really better fashion and with controls and so on. So I really am not here to oppose that, which is already long established. But I feel a little bit like the kid at the parade for the emperor, and everybody talking about his new clothes and how groovy it is, because no one wants to say that we may be taking orders for a product we can't deliver. That is what is very frightening to us.

When the Code was passed in '81, it was based on a projected 40 year, in most places that were close to the city, plan of running out of water, and by then there might be something figured, municipal hookups or—and then in the outlying areas it was 100 years. And we're more than 20 years into that, and we still don't really know where that ship is headed at all, and how we're going to continue to ensure that when you turn on the tap, water comes out. All of this talk is great about these developers not using wells; I'm so happy to hear that. But where's the water going to come into the system to supply the County utility, and where are these water rights coming from? That's not an easy thing to acquire, to transfer, to have approved. What are the impacts in all those communities where those water rights are coming from? So I still feel like a little bit this is the cart before the horse.

The Planning Commission for the City the other day passed, I'm not sure if it was an ordinance or they recommended an ordinance to have a moratorium until the end of this September so they can continue all their water budget discussions. I feel that that would truly be the responsible thing to do. I'd like to see the existing ordinances that govern densities in our county that are based on water zones be enforced. We right now all of these lots that are split on the base of water restrictive covenants. They're not enforced. There's nobody checking if meters are in place, there's nobody in the county that you can give your meter readings to if you were such a good citizen that you wanted to do that.

So I think like a business, we need to be a lot more prudent about thinking "This is our inventory, this is our product and we can deliver it," and "This is the manner in which we want to allocate it." And then I'd say, I would love to see all this happening, because I think these are beautiful plans, and I hope it can work. But I'd sure like to know where the water's coming from before it goes forward. Thank you.

COMMISSIONER GONZALES: Mr. Chairman, can I ask a question, because I think she brought up some good points. When you talked about putting the cart before the horse, and kind of where we're going, have you followed the Community College District planning process that talked about the creation of villages and sustainable communities and the idea there would be this correlation between work centers and places of affordable housing and residential—

MS. BEMIS: I love it. I think it's fabulous. That's not my beef. I think it's fantastic.

COMMISSIONER GONZALES: The only other issue, and I appreciate everything you said because as you were talking I was trying to check off the list in my mind as to what the County's tried to do to address concerns that you brought forward. And one of the issues that I guess I would say the difference that's important to remember between the City and the County in terms of the water system is that the City I think, to a large degree, is obligated to serve people within the city boundaries with their City water system, where the County and the County water system cannot and will not serve a development.

They're not obligated to serve a development, unless that development brings water rights, and the physical wet water first. More specific to a point, where does the water come from, the City and the County are currently working on the San Juan diversion Chama rights. That's just a limited amount, it's not necessarily going to solve the problems as a reason that we have in this area in terms of where we deal water, but you described a very important process that takes place, to actually transfer the water, to make it happen, where it actually goes to a diversion point in that Rio Grande diversion can actually come in a is a huge process that takes into account huge impacts, not only here in Santa Fe but what's happening downstream at the Rio Grande. If a developer or if the State Land Office is able to go through that whole process, which they have to go through first, and not until they go through that process successfully will they be allowed to even begin to think about moving any type of dirt on this property.

MS. BEMIS: I feel very much more optimistic after hearing all the discussion tonight, because if in fact they have to have at least on paper the water rights before they can put a spade in the ground, that's a step in the right direction.

COMMISSIONER GONZALES: By a spade, are you talking about a well, because that's what—

MS. BEMIS: No, no, I'm just talking about before they start a project. But I almost didn't speak because I thought "Well, ok, maybe there's more assurance then, and we're not just creating this looming monster that's going to oppress you and you have to go forward because you've—so really my point speaking tonight, and this applies to all the developments and everything is to say You have a duty to keep looking at not just how are you going to fund with water these projects you're fixing to approve, but to look at the whole county and start saying, You know, it's not okay that because we're on wells we think we can just spend the water any way we want and that it's okay to approve lot splits without checking up on are we really making sure people can comply with those water restrictive covenants, and all of that stuff so they go hand in hand. So I'm really kind of charging you with the larger duty you have here tonight, and just hoping that you—it's a big burden, but it's vital and—I voted for that gross receipts tax because I want us to have more money for the County to start doing all those things.

COMMISSIONER GONZALES: And the only other thing for you to remember also is that the developers or the land owners are required to fund this through their own mechanisms. Whether they create the special assessment districts or they pay for

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it, that's not taxpayer money that we're proposing would be used to acquire the water, to support it.

MS. BEMIS: Yeah, maybe the answer is, we'll all have to move out of our existing neighborhoods and down here when our wells go dry. At least they'll have figured that out. Anyway, I've taken enough of your time, thank you.

COMMISSIONER SULLIVAN: Mr. Chairman?

CHAIRMAN DURAN: Yes?

COMMISSIONER SULLIVAN: I think, just to follow up on what Ms. Bemis said, I was reading a while back one of the comments that Mr. Tryk, when he made a presentation to the Community College District board. And he said in his comments that progressive counties with good planning departments do planning in advance of growth, whether or not the growth is there due to market demand or lack of resources including water, which I think is what Commissioner Gonzales is saying and others. And I would just add to that, and I think this is what she is saying, that no one disputes the need for good planning in advance of growth, but particularly in Santa Fe, water has to be a part of that planning. And that's where we've been having our problems. I just wanted to add that. Thank you.

CHAIRMAN DURAN: Please state your name and address for the record.

[Duly sworn, Ben Martinez testified as follows:]

BEN MARTINEZ: I'm Ben Martinez, and I'm with the Santa Fe Community Housing Trust, a non-profit affordable housing group. A couple of things I wanted to bring out is, the Santa Fe Community Housing Trust has been an initial part of this development, and I want to thank the State Land Office for including us. So affordable housing has been seen as a necessary and non-profits have been involved in this whole planning. One thing I'd like to clarify is affordable housing means purchase. We have worked with over 1000 working class families to achieve the American dream of owning a home.

And affordable housing participants are your brothers, your sisters, County, City workers, these are people who have the need for housing. A lot of them are long-term residents and long-time residents. One other thing I would like to mention is when we do go into a development, we do our initial marketing to existing residents and their families. So if you have a cousin, a brother or a sister who is out there, we're going to try and make our initial marketing so they stay within the area they were raised at. Same with the children being able to stay within the school district.

One other thing I would like to say is that this is a very innovative, far-reaching and very daunting project, but I believe it does address a lot of the needs that are here and again, going back to the water issue, as I have been assured by Mr. Tryk and by the State Land Office, this development doesn't go if they don't get the water, so you are putting the cart and the horse in the right order. Thank you.

CHAIRMAN DURAN: Thank you, Ben. Next speaker please.

[Duly sworn, Robert Garcia testified as follows]

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ROBERT GARCIA: Robert Garcia, 8 Spirit Run Place, Santa Fe. Good evening, Mr. Chairman and Commissioners. I do live at Spirit Run Place in Rancho Viejo, which is part of the Community College District. I'm also the chair of the Community College District Local Development Review Committee, so these projects that are before you tonight—excuse me, I'm recovering from a cold—have gone through the committee.

My comments tonight are sort of a general nature, relating to all of these projects, and they are my comments, not the committee's comments. The local development review committee is the committee referred to in the May 26 *New Mexican* article, which you probably all read, which stated that Scott Hoeft also pointed out that the new subdivisions have all been approved by a review committee for the Community College planning district. It's true we have approved the master plans, but not without concerns. Water, of course, was the biggest concern. We have been told by County staff that water is not required for master plan approval, it only needed to be shown to be adequate at preliminary development approval.

Nonetheless, the committee changed the wording of the staff recommended condition regarding water, a condition which talked about water budgets and water contracts. We utilized some of the staff's own wording, changed the condition so that it said: "Without a detailed water budget and water contract, the application is deemed incomplete and will not be accepted."

Now, there may be no legal difference between this wording and the language of the staff-recommended condition, but at least it seemed a more straightforward statement. We're due to also use some new, more precise language that clearly states that preliminary development applications will not even be accepted by the County unless an adequate supply of water is demonstrated. I think that will go some ways towards reassuring the community that we really mean it when we say: "If there's no water, there won't be development."

Additional concerns regarding water remain. One is the potential drilling of additional wells in the district, and I know you've already discussed that quite a bit tonight. During numerous meetings regarding the Community College District plan, it was stated that one of the benefits of the plan would be to get a better handle on the water situation by getting new developments hooked up to the County water system rather than drilling new wells. It turns out that the plan does not prohibit new wells, but it does say the following, in various places on page 40 and 41 of the plan, quote: "The plan limits development on domestic, commercial and industrial wells in order to protect the quality of the aquifer and its use for storage and recharge for the future. The first phases of development in the district have water through the County and City water systems, balancing water taken out of the aquifer with artificial recharge. To lower consumptive use of water from all sources is integral to sustainability. Main trunk lines and storage facilities are in place to provide needed infrastructure for portions of the district which may develop over the next 20 years. The initial phase of district development is entirely within the County's service area."

So while the plan does not prohibit wells, it seems to state that water should be taken out of the aquifer only equal to the amount put back in through recharge. Further, the plan

clearly anticipates that the initial phases of the development are all in the County's service area, and that facilities are in place to provide needed infrastructure for developments over the next 20 years. So we should not be seeing applications at this time for master plan approval that include wells. And yet some of these proposals before you do include wells.

Now in general, in the present situation looking at what you have before you tonight plus the Thornburg project, which has been withdrawn tonight, or tabled, it doesn't seem that there will likely be enough water for all the phases of all of those projects to actually happen. Nor does it really seem that there's going to be enough demand for the maximum amount of commercial space that you're being asked to approve. So, if all these projects meet the minimum standards, and therefore they all receive master plan approval, this must mean that since none of them have enough water for all the phases, that means whichever one happens to get water first gets to be built.

And what that means is there's no opportunity down the road for the community or for you, our elected officials, to say You know what? We've had these five master plans approved, but out of the five, this is the one that's actually the best one. This is the one that we most want to have built. Whether that's because it has the highest percentage of affordable housing or the best transportation infrastructure, for whatever reason, there doesn't seem to be an opportunity to say: Out of the ones that qualify, this is the one that's best, and this is the one that we want.

So my suggestions for you in general are, one, it's been about a year and a half since the Community College District plan was approved, and at that time there was a commitment to review that entire plan. It was going to be a public process, and it was to come back to you, I believe, in a year. And now it's been about a year and half and is not back to you yet. And I think that process really needs to come out into the open more, include the community, and there needs to be a commitment to get those revisions to you, because that's the community's chance to really look at this plan.

And I want to be real clear about this. I've heard a number of times the question, if you will: Well, if we don't support the Community College district plan, what's the alternative? Do we go back to the way it was before? In my opinion, no. Absolutely not. That plan is a great plan, it's about 90% there. But it can be improved. The alternative to the plan you have now is not to go back to the way it was before, but to have a better plan. And the way you make the plan better is to include the public, get those revisions in front of you, and use the year and a half of experience you have now in reviewing projects, master plans, etc, to refine the plan so that it more clearly meets the needs of the community and addresses some of these issues such as water.

I think a second thing—and for example the issue of density. I get the sense that there's a lot of confusion regarding density. Sometimes I think when people say "density," they mean the total amount of development, sometimes they really do mean density. Sometimes people think the Community College District is supposed to be the country, which according to the plan it's really not, it is the place where the major amount of development is going to be. My personal opinion is that the total amount of development that is envisioned, or possible, is

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creating some significant problems. But density can just as well be the solution to those problems. Density is not the problem itself, it's the total amount of development.

I wonder if it's possible to create a new step in the approval process. Right now, if I understand it correctly, there's master plan approval, then there's preliminary development approval, then there's final development approval. And each of these master plans that you'll be reviewing, the major master plans for the Community College District all have phases, and sometimes the last phase isn't anticipated to be for 20 or 30 years. It seems to be there should be a step 1 ½, if you will, or a new step 2, which is if a plan meets the basic requirements of the Community College district plan, give it master plan approval, but make it clear that there then has to be final plan approval for each phase as that phase is ready to come forward, and is part of that phasing to demonstrate water.

That way you don't go just from planning to development, because by the time a third or fourth or fifth phase comes along ten years from now, conditions could be totally different, and the community and the elected decision makers need to have an opportunity to say: You know what, we don't want to be held by that master plan approval which was given 5 years ago or 10 years ago. Conditions have changed, we need to look at this in new light.

Having said that, I'll just add my personal opinion, which is out of all of the proposals for master plan approval that we've seen come before our committee so far, I think this particular one most closely meets the intent of the plan. Thank you.

CHAIRMAN DURAN: Next speaker please.

[Duly sworn, Sharron Welsh testified as follows:]

SHARRON WELSH: Sharron Welsh, 500 West San Francisco, Santa Fe Community Housing Trust. I don't want to take much of your time. What I'd like to do, you've—you're aware of the plan and the proposal for the affordability component of the plan. What I'd like to do is to tell you a little bit about the Santa Fe Community Housing Trust that we intend to be a bidder, if the project goes through, to develop affordable housing. We've developed about 220 units in Santa Fe, mostly in the north and east parts of Santa Fe, not in the southwest, where most of it has been done. And we've developed very high quality housing. The housing trust is 10 years old. We are directed by a non-profit board of directors. Right now there are 15 who are just regular citizens, bankers, a realtor, and lawyers, and an author and an artist.

We are prepared to start on the project, we have funds set aside for this purpose, for the start-up anyway, and we can assure you that the people that we qualify to reside in our houses will be good members of the community, well trained in how to sustain themselves in their homes, and to contribute to the community to large. If you have any questions about the affordable housing component that we might be a part of, I'd be happy to answer them.

CHAIRMAN DURAN: Any questions? Thank you very much. Next speaker please. Please state your name and address for the record.

[Duly sworn, Wendell Harris testified as follows:]

WENDELL HARRIS: Wendell Harris, 1208 Vista Verde Court, Santa Fe. I have a very simple point to make, and one which you all know already, but I think it should be

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read into the record, that there's a great deal of difference between water and water rights, as we've discovered in this time of drought. Having the water rights has not proved, for many farmers and for some of the communities, to have the ability to finally get the water, as we know in this struggle between, for instance, areas in Las Cruces and the farmers there. So I would be that the kind of language which is finally approved here would allow for the commission to look each time that a phase is to be approved, not simply at paper water rights, but whether the water can be delivered, even in times, maybe not of extreme drought, but of a prolonged period of substandard amount of rain and snow. Just having the water rights is not going to guarantee you that anybody's going to have water coming out of their taps.

COMMISSIONER GONZALES: Mr. Chairman, can I just ask a question, because I think that's an excellent point. How is the actual process of moving water rights into the system, how does that relate to actual physical wet water for a long duration of time?

MR. KOPELMAN: Mr. Chairman, there's several aspects to the process, but part of it is the—the moving of the water rights goes through the State Engineers Office. But the ability to serve and the County water utility committing to serve is—a requisite of that is that the water is there, that we're able to deliver that water, physically, so it's two pronged: the water rights on one hand and then the ability to serve has to be there.

COMMISSIONER GONZALES: So under our current process or the process that will be moving forward, will we ever have water rights and accept those water rights without the ability to deliver as this gentleman indicated?

MR. KOPELMAN: Mr. Chairman, Commissioner, development should not be approved unless the ability to provide that water is there also. We would not provide service in that case.

COMMISSIONER SULLIVAN: So we would not provide service if there isn't a physical ability to deliver the water, then?

MR. KOPELMAN: Mr. Chairman, Commissioner, that's correct.

COMMISSIONER SULLIVAN: Mr. Chairman?

CHAIRMAN DURAN: Commissioner.

COMMISSIONER SULLIVAN: A question, follow up to Steve. If this developer, or any of the developers who are bringing master plans forward were to, at this point in time, provide the County with, let's say, 100 acre-feet of water rights. Could we deliver any wet water to that development?

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, at this moment, now, the answer is probably not.

COMMISSIONER SULLIVAN: And why not?

MR. KOPELMAN: Because we're hooked up with the City water system, and right now the City water system is in a Stage 3. They are bringing more wells on line, but at this point, right now, today, I think that the answer to this question is no.

COMMISSIONER SULLIVAN: And even if there were no Stage 3, let's surmise, could we take that 100 feet of water and, within a reasonable period of time, the next 6 months, provide any wet water to that development?

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, the issue is capacity of the system. The system at this point doesn't have the capacity of producing more water. That's why additional wells are needed and ultimately the diversion project. But ultimately, at this point, the City system is pretty much tapped out because of the capacity issue.

COMMISSIONER SULLIVAN: And the County has how much currently in its agreement with the city to obtain water?

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, 500 acre-feet.

COMMISSIONER SULLIVAN: And is that all committed?

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, the answer is yes it is all committed.

COMMISSIONER SULLIVAN: So if I give you 100 acre-feet, no matter what its provisions are, at this point in time, the County can't make good on it in terms of delivering to me any wet water?

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, the water rights are committed, the water is not all committed. And so it—but the rights are committed, so there are no water rights, and at this point, the City's system capacity is tapped out.

COMMISSIONER SULLIVAN: Okay, I just want to be clear in my understanding that our water system relies on our agreements with the City, and at this current point in time that agreement is to provide our system 500 acre-feet of water. We're only using somewhat over 100, I believe, currently, but the balance is all committed, to other developers and some to the County of Santa Fe as well for future development.

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, that's correct. I think it's about 200 acre-feet that's being used.

COMMISSIONER SULLIVAN: 200 acre-feet. Okay, so the 300 we're not physically using, but it's committed to other developers. So I think the issue when we talk about water, beyond whatever commitments these developers bring to the first phases, is how can we provide water in future phases? And we don't have that backlog now, and it doesn't look like we'll get any more ability until the San Juan-Chama diversion is in operation. And we're aggressively moving forward on that, but the best estimate I've heard is that that's 3-5 years away.

So I think we have to begin to think on these master plans how specific we are on our commitments when we make a master plan commitment. Because bringing up the issue that we discussed earlier, and I won't go into detail on that, if we can't commit and can't provide that wet water, even though the developer comes to us and says: Here's 100 acre-feet, then it would seem logical, because we can't make good on our part of the bargain, that the developer can then say: Okay, then I should be allowed to drill a well, because there is water down there, and I can get it. And I've got the water rights for it, and the State Engineer will approve it, and so I should be able to do that. And that's my dilemma, is how we work in that gap, to say: No, we don't want you to do that, we want you to connect on to the water system, but on the other hand, we can't guarantee you any water for three to five years, if then, because there's others in

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front of you.

So I just want to be sure that we're clear here that it's not quite as simplistic a solution as saying: Nothing can happen until you prove water, because one way you prove is you get water rights and you drill a well. And that's what we're trying to wean ourselves away from. At least, I would like us to.

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, I think also, this particular development is committed to using the County water system, that's condition of approval.

COMMISSIONER SULLIVAN: Yes, and I want to emphasize that as an extremely strong point of this development, and a precedent, I think, that we want to encourage, if not require, because that make this commitment and this development pace itself, as I believe was said by Mr. Powell right at the beginning, to development—water and resource development within Santa Fe itself. I find that to be a very compelling part of this master plan.

COMMISSIONER GONZALES: Mr. Chairman, just along those lines, because I do believe that in some degree it is almost as simplistic as saying: After master plan, if you don't have the physical wet water and you have the water rights, it's just not going to come forward. If someone comes forward with water rights that are proved up, or not proved up, I'm sorry, just water rights in their hand, and we don't have the capacity to deliver it, which is the state right now, I don't see where the staff is going to come forward with a recommendation or any type, that they can't even come forward to preliminary final to be served.

The other thing that I would keep in mind is that the Commission maintains the right under our Code to deny that developer or land owner the use of a well. There's nothing that compels us or commits us to approving the use of a well just because a developer brings 100 acre-feet of water. So I think it's important that we keep that record straight, that there are commitments that are being made here and if they come forward and we can't deliver on our commitment, then they'll have an automatic right to go ahead and drill wells. That's not the case. But the Commission maintains the prerogative.

The other thing that I would say is we need to see where the commitments are coming from. The way I see it tonight, we're getting commitments from the Land Commissioner as to what he's going to do on that property. There's not commitments that the Commission is giving to him. If this is approved tonight, he's got to follow through on the commitments that he's committed publicly through 75 meetings and through the Code that comes here tonight. That until conditions are met and the Code is required, he's got to live up to those commitments before anything can move.

So I want to be careful on how we frame it, that it's not like we're committing to him that he's going to automatically get the right to do this come tomorrow morning, just because he comes in with 100 acre-feet of paper water that can't make it through our system. Because I don't want to send out that wrong message either. I think this Commission will always have the right to determine on the Community College District where they want to accept the use of a well or require them to come through the County water system. Hopefully, through the amendment that we're going to be providing the water ordinance will be able to govern that.

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COMMISSIONER SULLIVAN: So let me just be clear then, what you're saying is that you think it is straightforward, so in a case that that would be happen, your commitment would be that the developer would not be allowed to drill a well.

COMMISSIONER GONZALES: My commitment would be that they would have to come back to the Commission, and the Commission would determine whether it's in the best—

COMMISSIONER SULLIVAN: I'm not asking your commitment. Your personal commitment.

COMMISSIONER GONZALES: That's what I'm telling you. My personal commitment is that the Commission maintains the right to determine that.

COMMISSIONER SULLIVAN: That we would vote for a well.

COMMISSIONER GONZALES: I'm not going to say I'm going to vote on a future commitment or future development or not. I think that through the management of the—through the water management ordinance that we're going to bring forward, that will determine how we address these situations. That's going to come forward sooner than later.

COMMISSIONER SULLIVAN: I believe Commissioner Campos had a question.

COMMISSIONER CAMPOS: I have a question for Mr. Kopelman. Let's say someone comes in with 100 acre-feet, they give you the paperwork. How do you determine that this is good enough paper for you to accept for this particular development, let's say at the diversion of the Buckman diversion. How do you know? What criteria do you have?

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, the State Engineer actually makes that determination. That would have to go through the State Engineer process, which includes public hearing. And the State Engineer makes the ultimate determination. Or a court may make the ultimate determination.

COMMISSIONER CAMPOS: That's not the question I'm asking. I think the question is, all water rights on paper aren't created equal. Some are better than others. Now, do you have criteria for priority dates for areas where they're coming from? How are you analyzing this issue?

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, that issue, we work on that issue. We would do a preliminary evaluation, legal staff, the Utilities Department. We might use our outside attorney, our water expert also. We do a preliminary evaluation to see whether this is even something worth bringing forward to the State Engineer. If it looks like, based on the analysis, that these water rights have a early priority date, that they're been used continually, and they comply with all the requirements under New Mexico state law, at that point the property owner then might get a green light to take it forward through the State Engineer process. So we would do that preliminary evaluation before anything else would happen.

COMMISSIONER CAMPOS: Do we have any written criteria, or is it just a case by case assessment?

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, there are legal

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criteria, really. We would follow what's set forth in case law, the State Engineer's requirements. There are criteria. I don't think we have in our water system those criteria set forth, but in terms of analyzing the validity of a water right, we would use state law criteria set forth in case law.

COMMISSIONER CAMPOS: But as far as evaluating priority dates, things like that? Do you have anything right now you've thought about that?

MR. KOPELMAN: Mr. Chairman, Commissioner, we think about it a lot, and anytime we have a water right transfer that comes forward, we do that evaluation. And so we do and we work with the State Engineer very closely. The State Engineer are the experts in the area, the ones that make the determination, and so we work with them, we use their criteria. The criteria is the same, basically. And we wouldn't take anything forward and the State Engineer wouldn't give us a green light unless through the public process, through the process of transferring the water rights and proving them up they end up—it's demonstrated that there is full compliance with the state law, that the priority dates check out, etc. So there is a process, and it probably would make sense, what I can do is actually put that in writing for you, for the Commission so you understand how we work, and how the State Engineer works in that regard.

COMMISSIONER CAMPOS: What are the risks of the County, let's say we have a dry river, we can't divert anything? I mean right now San Juan-Chama is not being released, and this happened in May. So San Juan-Chama's not as reliable as some people think for—depending on weather conditions. Who bears the risk if there isn't water to draw to actually transport to the project?

MR. KOPELMAN: Mr. Chairman, Commissioner, it would be the property owner. That's part of the water delivery contract. It deals with shortages, if those occur.

COMMISSIONER CAMPOS: Okay. Thank you.

CHAIRMAN DURAN: Was there anyone else out there in the public? Please step forward and state your name for the record.

[Duly sworn, Joe Ortiz testified as follows:]

JOE ORTIZ: Mr. Chairman, Commissioners, my name is Joe Ortiz, I live at 99 San Marcos Loop, Rancho San Marcos. I wanted to address—first of all commend the Commission for the passage of the recent bond to address those long term water issues and build the necessary delivery systems for the water. I'm a member of the National Homebuilders, and over the last 2 ½ years, I have had the privilege of being one of the pilot project homes for the National Homebuilders called "Progressive Alternatives for Technologies and Housing." The home was actually built by Mike Chapman, who is the chairman of the national board which has a \$6 million fund to build a better house. I've had the pleasure of harvesting water and doing the graywater system, and really seeing it all work in my garden and in my fountain and all the little things that occur by being a prudent steward of our rain and of our community.

When I started reviewing what Mr. Tryk has done in terms of addressing the design criteria for the development and all of the water harvesting that is going on with the project, it

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really, really came home to me on how important it is to utilize all the new technologies that are available to us to reduce our water uses and to increase our harvesting. I really look forward to seeing those projects being implemented in new housing. I think that's really a key component of this master plan. I would say that it's probably its greatest asset. There are some 63 acre-feet of water rights that will be credited by the State Engineer's office to this water harvesting effort, and the recycling and use. I think that's a major component of the master plan that is just tremendous, and it will be a national model for all of us, we can all be very proud of it.

Secondly, I'd like to address something that the Commissioner had talked about in orphaning, and I think I often feel so privileged and lucky that I've managed to stay and live in Santa Fe and make a decent living and have a job. There are so many orphans out there that go from Albuquerque and the commutes are vicious on our I-25, and I think addressing the job creations that the master plan has done and just the bonding and the community effort that's gone into the high-densities that are being proposed in the village concepts and the cradle to the grave kind of thinking that goes into some progressive housing are just wonderful components of the master plan.

Lastly, I would like to speak to the children of New Mexico, and the fact that this is a unique opportunity for the Commission to embrace the educational system in the state of New Mexico, and how it will be greatly enhanced by the continued long-term revenues that the San Cristobal village will create. Thank you.

CHAIRMAN DURAN: Next speaker please.

REBECCA FRENKEL: I'm sure you'd hoped you wouldn't see me again this evening

MS. FRENKEL: I have two things here. One, Ed Archuleta was unable to stay, and he has a letter that he would like entered into the record. Would you like for me just to give it to you, or to read it to you? How would you like to handle that? [Exhibit 2]

CHAIRMAN DURAN: How long is it?

MS. FRENKEL: Not that long.

CHAIRMAN DURAN: Go ahead and read it, and then give it to the recorder for the record.

MS. FRENKEL: Okay. "Dear Mr. Chairman and county Commissioners: A Thousand Friends of New Mexico would like to go on record as being opposed to all these developments being heard tonight." Remember, this is Ed's words, not mine. "Our reasons are twofold; first is the enormous water crisis we are facing, and secondly, these are just more sprawl developments being proposed. On the first issue, how can we possibly justify over 4,000 new houses and over 8 million square feet of commercial development when we're in one of the worst droughts ever seen in New Mexico, and rivers and wells throughout the area are going dry? It doesn't make any sense.

"And who is to say that just because the developers have paper water rights for these developments that they will have the actual water when the time comes? Communities throughout the state are going to be fighting over the same limited resources. Further, the developers say that development will alleviate the affordable housing problem in Santa Fe, but

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at what cost? Homes are not affordable if they're sprawl. People who have to drive further, making their transportation costs outweigh any savings on their mortgages, not to mention the cost we as taxpayers incur for new infrastructure.

"A Thousand Friends begs this Commission to carefully weigh the benefits of these developments versus cost. This Commission has done too much good in the area of sensible land use planning and growth development to leave this as your legacy. We ask that these developments be denied tonight. Thank you for your attention, sincerely Edward Archuleta." And I would just like to make a few comments.

[Duly sworn, Ms. Frenkel testified as follows:]

Rebecca Frenkel, 1252 Vallecita Drive Santa Fe. I would like to just make a couple of comments. As you know, I think I've been coming to these meetings now for about 5 years. I've heard a lot of requests for your assistance come at that time. I want to say first, the City has already committed itself to 600 acre-feet of water for development in the County. That's in addition to what you are looking at this evening. Jack mentioned—I'm sorry, Mr. Kolkmeier mentioned that if they did not use the village concept as proposed, that there would be 800 homes on wells and septic.

When I first started listening, in 1998, to your proposal for your growth management plan, I think we were all excited about the village concept. What you're being asked to consider is not a village. You're being asked to consider a city. 800 homes versus 2,500 - there's a significant difference. Another thing I would like to mention is that I would urge you to just approve the first phase of each of these developments, not the whole master plan, but the first phase.

Oshara came in with theirs, they have water for the first phase, not for the whole thing. The San Cristobal has rights for some water, maybe enough for their first phase. And so I would urge you to consider approving these in phases. You do not have to. Once the train gets on the tracks, it's really hard to get it off of the tracks.

Commissioner Gonzales, you've spoken numerous times to that. This is just approval of a master plan, that the approval will come down the road for when they have the water. And I just want to say again, you've got it started. Why don't you just approve the first phase, not the whole master plan. Then you have a much—it'll be much easier for you to approve those new master plans for the next phases when they show you that they really have, not the water on paper, but they have the wet water. Thanks.

CHAIRMAN DURAN: Thank you. Is there anyone else out there that would like to address the Commission?

[Duly sworn, Patty Burke testified as follows:]

PATTY BURKE: My name is Patty Burke, I'm a resident of Valle Lindo on Vista del Monte. I would first like to present a plat, just so that you'll understand what we're dealing with here in Valle Lindo. As you can see, the purple part is Valle Lindo, and everything in yellow is three major developments that are slated for your approval. It seems like a luxury tonight to talk about anything but water, so I'm going to start with water.

I wanted to remind you that the City of Española is under a moratorium for

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development. We're hearing about the village of Cerrillos and the village of La Cañada de los Alamos that are out of water. I've been to some meetings at the Cerrillos community, where they rely on the surface water, and the surface water is not supporting them right now. So the same thing goes with Cañada de los Alamos, and those two communities are looking towards pumping a well, activating a well, which I totally agree that we need to take our of the existing current residents right now.

This is the most important thing. And to try to have you understand that it seems so ridiculous that we're having to discuss over the last three months these developers and their plans, the incredible far-reaching densities that they're asking for, it just seems like we need to take a step back and see what we're going through. We're going through some serious struggles right now with a water situation. So I just wanted to point out to you that it's not only the little villages around Santa Fe that are drying and are going to need to activate a pump in order to get their water, but it's also the County water system.

The way I understand it, the County water system comes from the City mains—the City water system. It's the same source, it's pumping water out of the Buckman wells, the Buckman wells is the aquifer that feeds our wells in the Community College District. When I see the densities that these plans impose, I'm thinking: Why are we not taking care of what's here currently, now? Why are we talking about possible approvals of these plans for people who—where are these people that are going to live in these housing units? Is this something that we're going to open up to the world, saying: Look, we have so many units available for you, come on in? But at the same, you've got the City residents that can't even keep up their yards, and they're having to lose them?

This return-flow credit thing, it doesn't make sense to me, because they're asking for 68 acre-feet of credit for catchment, or that sort of thing. That is depending on the rain, the physical rain that we have not seen. How much longer are we going to be in a drought? I've been talking to experts, they say, historically a drought will be 20 years. So do we need to be planning for drought, or do we need to be planning for the opposite right now?

I wanted to bring up the fact that yes, we are getting familiar with these Community College District plans, and it's not the greatest thing since sliced bread the way people would lead you to believe. There's been a great effort, but all of the planning meetings were held when regular working people cannot attend, from 3 to 5. I tried to make as many as I could. That was three. I'm the only neighbor, the only resident off Highway 14 that is listed on the very first page of participants. The rest of them are the developers. So what we're seeing here tonight is customized, tailored plans that the planners for these developers have been attending these meetings, and rightly so.

Rightly so, I think that's great, more power to them, but they were also probably getting paid to be there at these planning meetings. And it's putting in their input. It would have taken something like annual leave for a working person in Valle Lindo. Where I come from, they would have to take their annual leave to go to these meetings. So I'm glad that Mr. Garcia brought up the fact that yes, maybe it isn't a cut and dried thing, maybe there's some more input that we can allow to make it a better plan. So that's another issue that I had.

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We've been meeting with the developers, with their planners, and there's been a great response in Valle Lindo. The residents are very concerned. We've done a lot of legwork that you haven't seen. And we've gone through the San Cristobal plan, and I'm going to go through a few of these issues with you.

CHAIRMAN DURAN: Ma'am, I'm going to have to limit you to another three minutes, and then for every speaker after you, you're going to be limited to five minutes.

MS. BURKE: Okay. The first and probably most important thing that I've noticed on this plan, just sitting with the developers, is they have accommodated us and they've heard us, but they have not conceded much. State Land Office has allowed something at the border with Valle Lindo to the north. They have conceded 100 more feet of buffer than when they first presented their plan to us, which was 50 feet. It was right on the property line. And I didn't feel that was good enough.

I really honestly feel like I want to be able to protect our investments in Valle Lindo, I want to be able to protect the open spaces that we've been enjoying. So I found out that there was an open space percentage, of 50 percent open space in each phase that they had to accommodate in each phase. And we asked at the CCDRC level for them to insert 50 percent on each phase, and I don't believe they're doing that. I might be able to hear something else tonight, but I don't believe they're doing that. All they conceded to us, right next to Valle Lindo is 150 feet, and that's half the length of a football field. And then you're going to see the densities that they've built out.

The most density that they have built out is right here in this first section, and that is the full length of Valle Lindo. So they have not allowed us any village separators, and I did learn from the district plan, the Community College District, that they are required to give a village separator between villages. I missed the meeting where Valle Lindo was somehow zoned as a village center, which includes the mixed uses. That's a rural area out there, we've got 2 1/2 acres, yes, and we have a well. It's a country setting. But with these kinds of densities in this first section to the left, which abuts Valle Lindo, it's not appropriate, and according to the plan, they need to create a thousand-foot village separator there. So that was very important to point that out.

CHAIRMAN DURAN: You have one minute, ma'am, to wrap it up.

MS. BURKE: One more thing about jobs. I want my sons and daughter to stay here and be able to live here, and maybe build or buy a house in something similar to this, but I don't think that's the issue. The issue is jobs. What kind of jobs is this development going to bring? Is it going to bring minimum wage jobs? I don't know. We need to ask them. What kind of good paying jobs are going to make it worthwhile for our young people to stay here? According to their plans, it says it's Main Street, sort of village Ma and Pa. Maybe a Wal-Mart, since they don't want us to leave our area, they want us to just shop there. They're talking about major scale Wal-Marts or something—those jobs don't pay. I think I'll leave it there. I appreciate your time though, and the only reason that we are here is to give you another view.

CHAIRMAN DURAN: Thank you. We appreciate you coming this evening.

How many more speakers are there? I'm sorry, could you raise your hands one more time.
Ok, I'm going to—

JANE PETCHESKY: Mine's very short.

CHAIRMAN DURAN: Okay. Go ahead.

[Duly sworn, Jane Petchesky testified as follows:]

MS. PETCHESKY: Jane Petchesky, 5430 Richards Avenue. I wanted to talk about traffic, for a change. Richards Avenue is already impacted by traffic because everything is growing all around the college, and people are using our road more and more. And I wanted to mention that on June 14th, that is the deadline for the whole complete traffic study that Al Pitts has been working on for a long, long time for the County, and so it seems a little premature to talk about many major developments when you don't have that traffic report before you. He gave me a couple of previews. One is that if all of the developments are built out, both Richards Avenue and Turquoise Trail will be seriously impacted, and Richards would probably have to go to four lanes. He does also have some plans to be sure that there are right-of-ways for other roads. Thank you.

CHAIRMAN DURAN: Thank you. Next speaker please.

COMMISSIONER SULLIVAN: Mr. Chairman?

CHAIRMAN DURAN: Yes?

COMMISSIONER SULLIVAN: While he's coming up, perhaps I could ask the staff if they could respond to the comment, or Judy or Jack, about—do we have a community center there at Valle Lindo? Is that a red dot there? And if so, is this plan then subject to the thousand-foot separator between? Because I know within the plan they have the separators between community centers. I've seen that—there's three centers. But the question was raised, do they have it, in essence, off-site, yet still within the Community College district?

MR. KOLKMEYER: Commissioner Sullivan, Valle Lindo on the map is an existing neighborhood, if I'm not mistaken, not a village center. I'm not sure whether that's exactly how Patty was trying to state that, but it's listed as an existing neighborhood.

COMMISSIONER SULLIVAN: The red dot, isn't the red dot a—

MR. KOLKMEYER: The red dot is Thornburg.

COMMISSIONER SULLIVAN: Right, and it's right down the road.

MR. KOLKMEYER: Right. And regarding a separator, she's correct about that. And Judy and I talked about that this morning, because it is absent between the State Land Office and Valle Lindo, that's true. When we went back and looked at it, we think that where that occurred is that the other separators are actually separators between the new proposed village centers that are located on the map. And that's probably a fault at this point. There probably should be some kind of separation between the State Land Office on one side and Thornburg on the other. And probably that ought to be discussed further.

COMMISSIONER SULLIVAN: Thank you.

[Duly sworn, Hugh Nazor testified as follows:]

HUGH NAZOR: 263 Camino Los Abuelos. The San Marcos Association is here this evening in support of our friends in Valle Lindo. Everything Patty said is accurate.

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This, while it's a very, very good plan in many ways, certainly is not a community plan in that it was not drawn by the people living in the community. They have been short-changed in a couple of ways. One has to do with the separators, the other I think has to do with traffic flow. If you're pardon me for leaving the microphone for a second.

CHAIRMAN DURAN: Sir, you must take the microphone.

MR. NAZOR: Will do. I'm sorry, I forgot the record. This is very important.

Two potential interchange at Bateman Road and I-25. Traffic flow up here is going to become impossible, not only for the current residents, but for all of those of us in the San Marcos area south of here, unless there is a way before the three planned additional stoplights to get over to I-25. The road studies are critical. The other way in which the residents have a hard time is simply visual. She's right. They have a 2 1/2-acre area, very nice homes, they can do what they want to on their land, their major view is to the south, it is across San Cristobal. The 50 tends open space tends to be even though in very rolling, not deep, but in arroyos. So what they will see are the houses up on the high points.

They will not see the open space. So the visual effect on these people is one of living in Queens. Third acre lots, attached houses, apartments, etc. This is very different from what they've had. And they did not have an effective part in the planning. Some consideration ought to be given there.

My major concern, in addition to my concern for our neighbors, is the water. We've dealt with a lot of it, Commissioner Sullivan's suggestions, modified by Commissioner Gonzales, I think as they're carried through will deal with it. But the 1994 County water study, of which this is an excerpt from one of the maps of water flow from the Sangres says it all. Coming right through the Community College District is the recharge area for La Cienega, Commissioner Trujillo was right when he mentioned that earlier this evening, from the Sangres right through Community College, and every level to the moist area in La Cienega.

You start building wells there, and La Cienega dries up. Now, the other thing which you've heard before, because I've been here when you heard it, is that the differential permeability from horizontal to vertical in this kind of layered land is something like 20 to 1. Things flow much more easily horizontally than they do vertically, through the various clay and other compacted layers, so that when you go down the water boundary layers, these vertical layers, and you just start drilling wells here, you dry up everything to the south. That is the San Marcos neighborhood, friends, and that's me, and that's my community. I don't care if your well is at 2,000 feet or 500 feet, that's the effect you're going to have. So I think your solution of County control and surface water or very, very good thoughts about an aquifer that we're already mining far in advance of its recharge rate is something we need to have done.

CHAIRMAN DURAN: Are you through, sir? Thank you. Next speaker please.

[Duly sworn, Brad Holian testified as follows:]

BRAD HOLIAN: I'm Brad Holian, from a little bit to the east of Seaton Village, 4 Camino Cielo Azul. I'd like to address to the Commissioners a question. And that is that the development that is before you, the San Cristobal, is really a very well-thought out,

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beautiful plan for Europe. And I'd like you to understand that when I speak, I speak as a resident of Sunlit Hills. I've been in New Mexico for 30 years, so I'm not just off the bus. I believe that the plan is really well-thought out, and it addresses now a question to Chairman Duran, who spoke earlier tonight about where should this well-thought out development be located.

It seems that if it were located as an in-fill, in closer to the City of Santa Fe, it would be more defensible. I've ridden my horse in the Rancho Viejo area. It's very dry, it's very beautiful, and it's really sad to see areas like that filled in, even if they're filled in with intelligent, European-style villages.

CHAIRMAN DURAN: Excuse me, sir, I didn't say this wasn't an appropriate place for this development. What I said was there might be some more appropriate areas that accommodate some of the densities that are proposed in there.

MR. HOLIAN: That's what I'm saying.

CHAIRMAN DURAN: That's not what you said I said. I just wanted to make sure for the record.

MR. HOLIAN: Right, I'm carrying your words maybe a little further to the point that this would make more sense if the development were located inside a region in Santa Fe where it would be more appropriate. There is one by the by-pass that is of that style. I guess I would say that having seen this area from the back of a horse, it doesn't seem appropriate to me at all to stop and say: Do we even need any in-fill in a wild area like that.

CHAIRMAN DURAN: Thank you, sir. Next speaker please. I would just like to remind you, sir, that I'm limiting you to five minutes.

[Duly sworn, John Torres testified as follows:]

JOHN TORRES: 46 Vista del Monte. I just want to make an additional comment. Commissioner Gonzales, in a way I feel that if you put a well in, or something like that, and then you put a big tower and all that kind of stuff, that you drain out—since the water is all at the same level—that you can drain out the water from the existing community, as far as that goes. And it depends on how big—just one big well like this and you can do this in several different communities, like the Rancho Viejo well that they were talking about, and activating it.

And you guys can either vote one way or another whether to let a well come in, and if the residents are needing this water, you can go ahead and vote and let them go ahead and have this well, as far as that goes. And then that just drains off the water from the existing community. I'm just concerned that our community, we could have all the water drained out, there's no way of tapping into the community water system. Like Thornburg could put up a big tower, this well is just located about 100 feet from my property, and he could put up a great big tower right there, and he could drain off our water from underneath. I just wanted to bring this out.

CHAIRMAN DURAN: Thank you, sir. Is there anyone else out there that would like to address the Commission? Ok, what's the pleasure of the board?

COMMISSIONER GONZALES: Mr. Chairman?

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: I'd just like to see if we could carry this conversation just a little bit further, I know that the night is late, we have more issues before us.

Clearly, in all the best efforts that have gone forward in trying to create this plan, and I, as a firm supporter of it, believe in the fact that until we start striving to create sustainable communities, areas where people can live and work and send their children to school and enjoy a good quality of life, that we'll just continue to have the types of development that we've had in the past, which is sprawl at its worst. And the type of planning that's gone in this county for the last 20 years has been the wrong type of planning.

What we asked our staff to do over four years ago was to change the direction of how we considered development plans, and to meet the objectives, and those objectives were very clear: we wanted to see compact development, we wanted to see some mixed use, we wanted to see connectivity between the developments that occurred in the Community College District. Those are mandates that were given by the Commission, by the public policy board, not by the developers. And so I think that it's important to state that. But in all of our best efforts, it seems that now, as we've finally come to the point of reality, of having to consider the actual developments that are taking place, that there is a huge—at least in the community itself—misconception of the intent of what's to accomplished in this area.

It seems to me for all that we've said today, there still is a belief that by approving 1800 acres of development with a million-three in commercial and 2700 residential units, that if the Commission were to approve this today, that tomorrow that's what the Commissioner of land was going to do, he's going to start moving in grading to make happen. And that's the farthest thing from what's going to happen. This master plan process has always been about the planning process, it's about taking a look at conceptual ideas. Taking an idea and putting it on paper, and then providing a set of requirements to make that idea come into fruition.

And I guess what I have heard over the last couple of weeks from members of the Valle Lindo subdivision is that there's a lot of concern as to how this is going to impact their development. They should be rightly be concerned. I think anyone who lives next to a large scale development would be concerned. We see it all over this county. But I think it's prudent that we as policy holders try and balance the needs or the concerns of those neighborhoods with the needs of the overall objectives of our county, which is to create accessible, affordable housing, sustainable communities.

That in fact cannot become a reality unless in fact we have proven that there is a deliverable source of water, which is very different, as was stated tonight, from water rights. It's got to be a deliverable source of water. If, in the event that we can't actually have wet water, if we don't have the capacity, this does not happen. The Commissioner of Public Lands, Commissioner Powell, has been enormously generous with this County in terms of holding out and waiting to follow and comply with some type of planning process. He could have, seven years ago when they first started talking about this, put out an RFP, selected a developer and they would have been on their way. And I thank you, Commissioner Powell,

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for your commitment that you made to us seven years ago, that you weren't going to do that. And tonight, you're honoring that commitment by coming forward, and I only hope that regardless of what we do tonight, whoever succeeds you will continue to honor that commitment. Who knows? That's the hard thing to determine at this point.

I guess where I'm going with all this is to see if there can be a discussion where conceptually, we've already talked about the types of land uses that are going to be occurring in this Community College District. It seems that there is a lot where I'm feeling the huge concern that just continues to come up is the issue of water, which I think all of us have concerns about. How do we manage to maintain the integrity of this Community College plan? What it's been calling for, manage that integrity with also being able to meet some of the concerns that have been expressed by the community in terms of water issues.

We know, based on the way our process is, that right now, in effect there's basically a de facto moratorium. Unless you have access to the current 500 acre-feet of water, which, as Commissioner Sullivan indicated is already tapped out, then—and I believe that the State Land Office has 22 acre-feet of that 500 acre-feet—there's a moratorium that exists. You cannot come in and proceed any further with any other type of development in this Community College District. Is that correct?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, that's correct, plus there is condition number 17 that states that a provided, detailed water budget, including a per-phase water budget and a water contract with the preliminary development plan/plat submittal, and no application for a development plan that will be deemed complete until such documentation is provided.

COMMISSIONER GONZALES: So right now, we could go through the process of putting a moratorium, but would it do anymore than what's already in place, in terms of making sure that we actually had the water to support development.

MR. ABEYTA: No.

COMMISSIONER GONZALES: So then my next question to when we went through this process we said that we were going to plan 17,000 acres. Is that right? 8,500 of those acres were going to be developed. We had taken a 20-year projection of where we were going to be over the next 20 years. And one of the things we learned and this was brought up tonight by one of the individuals. In the nineties we learned that the majority of the growth that's occurring in this county is happening from within this county, whereas in the eighties and the seventies it was happening from outside this county.

So no, to whoever said are we going to plan this and open up the doors for the world to come in. No. This is about planning and opening up the doors for children that are being raised in this community to have an opportunity to live in this community. But there are restrictions that need to be put into place to make sure that the balance, that the natural resources that are needed to support the vibrancy of this community remain intact.

But I can't find my way to communicating that or how we communicate that to people in the area. It's something that I think, I don't know if we've done as good a job communicating or not but here tonight we're seeing a conceptual plan. It's not necessarily a

plan that's going to actually come into play unless there's water that's proven up. So I'm going to get to a point here. So the point to the staff is, knowing that there are concerns within the community, knowing that we want to keep the integrity of this conceptual plan in place, what are your recommendations on to how we can proceed forward to address both the community's concerns—because I think Commissioner Powell wants to make sure that they feel like they were addressed, and still be able to honor the commitments that we made to the county as a whole that we were going to plan an area that was going to incorporate all these areas with the vision that we talked about.

Any ideas? Jack?

CHAIRMAN DURAN: I have an idea. Go ahead, Roman.

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, there's a couple of options. One is you can recommend changes to it, for example, a large buffer between Valle Lindo and the village zone. Also, the ordinance states that the minimum area which must be included within a master plan shall be an entire village zone, employment center zone, or institutional campus zone. The Commission doesn't have to approve the entire master plan this evening. You can approve zones at a time. You can approve one zone, two zones. There's three zones in this master plan. So that's another option available to you.

COMMISSIONER GONZALES: So we can proceed forward but limit the approval of the master plan by giving up to the Land Office where they can proceed forward in their efforts of going out for a contractual—and I guess, Mr. Chairman, if you indulge that, I guess I'd like to ask the Land Office, does this compromise your efforts to find a quality private partner if—we're not scaling down the size of the master plan. It's just that there's—if the Commission only approved certain zones or certain phases of the master plan.

CHAIRMAN DURAN: Could I just comment on that for a second. I think that if we piecemeal the approval of this project that it undermines the entire project. The whole idea is to create community and I think if you piecemeal it it destroys the integrity of the whole plan. That's just my thought.

COMMISSIONER GONZALES: I'm throwing that out for just discussion on how we achieve these objectives.

COMMISSIONER TRUJILLO: And I agree, especially in the past, in light that the State Land Office is trying to do the right thing. They don't have to comply with the process. They're trying to give impetus to the appropriate development that is linked to a sustainable wet water source with the appropriate traffic studies and addressing these quality of life issues. They're doing that because they're sensitive to the needs of the community. And I agree with you. To piecemeal it would not be the right thing to do.

CHAIRMAN DURAN: I think in the last 40 years this community has had no planning to guide development or to manage growth. And this appears to me to be a 20-year plan that is based on water availability. We're planning. We're managing growth, and it's all based on water. I think that those who believe that approving this master plan is going to direct water that this community needs perhaps to other areas is so wrong. We're not doing that at all. You may never get the water for this. We may never get that water.

And if we don't, then you'll have to come back for master plan amendments that are more appropriate based on what's happening in the community, the resources that are available. I just see this as a 20-year plan that will guide development. It's a growth management tool, and it's all water-based. I don't understand why it's so hard to comprehend.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Are you ready for a motion?

CHAIRMAN DURAN: Sure.

COMMISSIONER CAMPOS: Okay. I'd like to make a motion to approve the master plan subject to the conditions stated by staff, amending 3 and 8 as recommended by the Land Office and subject to some other conditions. One, that a fiscal impact statement be done and no preliminary approval be made until that fiscal impact statement is done. Two, that the County, before we grant preliminary, that the County address the sprawl problem in the rest of the County. It seems to me, and we've discussed this that having a growth area and sprawl everywhere else isn't the solution. We have to deal with the whole county and we haven't done that for two or three years.

I think if we commit ourselves tonight to address the sprawl problems in the rest of the county, I would feel more comfortable. I think we need to reduce the commercial and I think the State Land Office has agreed to do that. Another condition would be no wells. Essentially this would be developed strictly on imported water. Affordable housing, I think we need to reconsider that issue and that would be another condition that the Board of County Commissioners, before preliminary approval reconsider the 15 percent. I think it should be higher. I think if we're going to deal with sprawl effectively and sprawl is driven by economics, I think we have to reconsider the percent. Maybe 25 or 30 percent.

The next condition would be a setback of 1000 feet from the Valle Lindo Subdivision. I'm concerned that—I would say before preliminary also the traffic studies would have to be done. Right now, we're lacking that. I would like to see a community wastewater system and I think Commissioner Sullivan wants to address that. I would be comfortable if we could do that because we're solving the problem in the big picture way and we have to go beyond the Community College. We have to go to the whole county. And I think we have five Commissioners with enough experience right now where we could go out and actually do a very good job in shaping an ordinance within the next six months. I'm confident that we could do that. So that's my motion.

COMMISSIONER GONZALES: I'm sorry. Could you just repeat one and two real quick.

COMMISSIONER CAMPOS: That's too long.

COMMISSIONER GONZALES: No, you don't have to repeat it. I want you to repeat the first one, prior to the County sprawl issue.

COMMISSIONER CAMPOS: Fiscal impact before preliminary.

COMMISSIONER GONZALES: So on the fiscal impact, are you talking about the fiscal impact of the costs to the County or the fiscal impact in terms of a market analysis?

COMMISSIONER CAMPOS: Fiscal impact in the costs, potential costs to the County. We're in the process of doing a fiscal impact statement now. We're about to RFP it. So hopefully we could do that quickly.

COMMISSIONER GONZALES: Well, wouldn't we require that or change the ordinance or approval process to require that on every, as opposed to just this one?

COMMISSIONER CAMPOS: We should. I say we do it now because they're here now.

COMMISSIONER GONZALES: I know there's a motion. I like where you're going with this. I just have one concern and I hate to nitpick on this issue but the issue of county sprawl. Commissioner Campos, we have engaged in massive amounts of planning around this county to prevent that. We're underway in the Airport Redevelopment District. We have several county community plans that are underway. I think it's unfair to the State Land Office to say until the County gets its act together, you're going to be held up, from proceeding forward from preliminary.

I'm willing to take on what you're saying; in the next six months lets get something forward in a very comprehensive, countywide solution we address sprawl and I'll commit to that, but I think it's unfair to hold one individual down until we do that when they're not contributing to sprawl in this area at all.

COMMISSIONER CAMPOS: I understand.

COMMISSIONER GONZALES: I can support where you're going except for that issue.

COMMISSIONER CAMPOS: I'd like to have that as a condition for all the master plans that are coming forward in the Community College District.

COMMISSIONER TRUJILLO: I don't agree with that. I don't think that we can hold, irrespective, an applicant or a developer hostage on the basis of a plan that is countywide, when that is our responsibility to address the sprawl issue or perceived aberrations that exist out there. But to require, or to hold hostage an individual development until we get that done, I don't think is the right thing to do.

COMMISSIONER CAMPOS: I'd be willing to withdraw that if the Commission is willing to commit that we do something within the next six months.

COMMISSIONER GONZALES: Absolutely.

COMMISSIONER CAMPOS: Absolute commitment. That means we've all got to work very hard on that. There'll be special meetings. A lot of public sessions. It's going to be very controversial. It's politically very difficult to do.

COMMISSIONER GONZALES: I think we've already done a lot of the issues.

COMMISSIONER CAMPOS: Well, we have the plan but we don't have the ordinance.

CHAIRMAN DURAN: Well, I'd like to ask that you incorporate one more condition and that would be that the applicant is willing to cooperate with the County in their efforts to develop a transfer of development rights program within this project that would alleviate some of the densities that are proposed.

COMMISSIONER CAMPOS: I disagree with that, Mr. Chairman. I would prefer not to make that as a condition. I think the Community College is designed as a sprawl-busting kind of a concept and we do need some density to do that.

CHAIRMAN DURAN: Well, why don't you think about that a little bit.

COMMISSIONER CAMPOS: I'll think about it.

CHAIRMAN DURAN: I'll ask you to think about it right now.

COMMISSIONER CAMPOS: Right now?

CHAIRMAN DURAN: Well, if you don't mind. Let me just make it a little—let me argue a little bit more with you. I love to argue with you.

COMMISSIONER SULLIVAN: Mr. Chairman, do you want a second.

CHAIRMAN DURAN: Go ahead and second it. Because I really think that one way of dealing with the sprawl is to transfer these densities into areas that area more appropriate and I think you're dealing with that a little bit. It creates more open space because there's less density.

COMMISSIONER CAMPOS: No, I understand your argument.

CHAIRMAN DURAN: Well, what's wrong with that argument?

COMMISSIONER CAMPOS: Where are we going to transfer this? The city?

CHAIRMAN DURAN: Well, we have to get—maybe the EZ. Maybe the EZ is an appropriate place to transfer these kind of densities.

COMMISSIONER CAMPOS: Not without infrastructure, water, wastewater, police—

CHAIRMAN DURAN: Well, I'm talking about—I understand where you need to do it, but there are some areas on the EZ that have it. There are some areas along Alameda and Agua Fria Street that have all that infrastructure and ultimately they're going to be annexed and given higher densities. We might as well take advantage of the logical zoning that's going to be granted there by turning those areas into receiving centers for densities that are proposed in the outerlying areas that we're getting a lot of pressure to not approve because there's too much sprawl, or there's not enough open space.

All I'm asking is for you, for the Commissioners and the applicant to agree to participate in that discussion. And if it's determined after discussion and debate that it's not going to work, well, that's fine. But without it, they're not required—the densities they're proposing—

COMMISSIONER CAMPOS: I disagree with you, but I'd like to listen to any other comments from any o the other Commissioners on the Chairman's suggestion.

CHAIRMAN DURAN: Did you second it? Oh, you did?

COMMISSIONER SULLIVAN: I didn't. I was just waiting my turn. Second the motion for discussion.

COMMISSIONER GONZALES: Mr. Chairman, being an individual who was heavily involved in the TDR program, believe that, and a key supporter of the Community College District plan, we set this up not so that we could see development patterns leave this area, but so that we could see development patterns actually occur within the area. That's the

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area, but so that we could see development patterns actually occur within the area. That's the first point that I would say. The other thing is there are lot's of opportunities for us to go into traditional communities like La Cienega and along the Pojoaque Valley and work with traditional communities to take development rights in those communities and move them into the city for infill, and minimize some of the impact that's occurring in some of these agricultural communities.

So I think there's a lot of opportunities. If we get some winds we can do that. But I've always viewed this area as being an area that we were actually going to manage the growth and see development patterns occur, not see them leave. So I have some concerns with that.

COMMISSIONER TRUJILLO: I do too.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Well, I guess I lose. Commissioner Sullivan.

COMMISSIONER SULLIVAN: The issue on the wastewater I wanted to address, as Commissioner Campos mentioned, I think we need to put a condition in which the development would be served by—would not be served by wells but be served by imported water. The wastewater is still an issue. I was reading in the plan that the first phase is going to be served by the state pen sewer system, so we've got the first stage served by County sewer or proposed to be served, which is good. And my proposal is that all of it should be served ultimately that way. I'm concerned in the plan where it talks about, it says, "Excess water, particularly during the non-irrigation season, will be sent to infiltration structures which percolate or inject the treated water back into the aquifer and would qualify for return flow credits."

I don't think we're ready to approve a master plan that has that provision. We've got a lot of discussion still to do on injection.

CHAIRMAN DURAN: This is the aquifer that you're talking about that's 200 feet.

COMMISSIONER SULLIVAN: No, the aquifer that I was talking about that's 200 feet is in Phoenix. We don't have one of those aquifers. We don't have a vadose zone in New Mexico like Phoenix does. We go directly, as soon as you get water, that's our potable water supply.

CHAIRMAN DURAN: How far is that in that particular area? I thought it was around 200 feet.

COMMISSIONER SULLIVAN: It is around 200 feet and it goes all the way down to 1200 or more. We don't have that sponge zone, that buffer zone. So I'm concerned about getting into that injection issue now as an approved part—

CHAIRMAN DURAN: Where's that?

COMMISSIONER SULLIVAN: It's on page 3 of Chapter 7, Utilities and public—it's in the big book you got.

COMMISSIONER GONZALES: Doesn't condition 16 go to that point, where it says provide sewer details for connection to the County wastewater treatment facility?

COMMISSIONER SULLIVAN: I believe that's only referring to the first

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phase.

COMMISSIONER GONZALES: So what you would do is make that applicable to the entire master plan.

COMMISSIONER SULLIVAN: That's correct. That's correct. And that would be the only other condition that I would offer, other than to add a number. Commissioner Campos said that the commercial would be reduced. I've discussed this with the State Land Office, with Ms. MacIntyre and they're amenable to reducing it to what their estimate is. Their estimate is 1.3 million square feet of commercial space over the life of the development. The Community College District plan, don't ask me how or why, allows them up to 7 million square feet of commercial space, which I think they agree would never happen. And they're perfectly comfortable with the 1.3 million figure and correct me if I'm wrong. People are shaking heads, Linda is shaking heads. The Commissioner is not shaking his head but that's because he's totally zoned out after all this, and I don't blame him. We appreciate your stick-to-itness, Commissioner.

CHAIRMAN DURAN: We're reaching the zone up here too.

COMMISSIONER SULLIVAN: But with those two amendments, I would be acceptable to the second.

COMMISSIONER GONZALES: I'd like to ask for a friendly amendment that we drop the requirement that they be subject to waiting for the County to address a perceived or whatever you define the county sprawl problem as being until they can move forward.

COMMISSIONER CAMPOS: I agreed to that.

COMMISSIONER SULLIVAN: He already agreed to that.

COMMISSIONER GONZALES: Okay, then the only other issue is that on the 15 percent affordable housing, I think it's more than what a lot of people get. I think it could go more. But I'm not prepared, nor do I think it's fair for us to give them an amount they have to achieve. I think that when they come forward through the process that we can work with them and 15 percent being the start and trying going up. But to say maybe 25 or 30 percent I think is unfair.

CHAIRMAN DURAN: How about a range?

COMMISSIONER CAMPOS: I'm not saying that we impose it tonight. I'm saying that the Board of County Commission consider amending the ordinance before preliminaries that we include some more affordable housing. I don't think 15 is enough to address sprawl.

COMMISSIONER GONZALES: So maybe the language would be that they'd be subject to any modifications to the ordinance. That would address any issue.

COMMISSIONER CAMPOS: That would be acceptable.

CHAIRMAN DURAN: Which would actually go through a public hearing process anyway.

COMMISSIONER GONZALES: Is that okay on the modification? The only other thing that I would bring up concerning the issue of the imported water and no use and no drilling of wells to support this is that the County is currently pulling the imported water from

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from the Buckman wells, but wells on the Community College District.

COMMISSIONER CAMPOS: Right.

COMMISSIONER GONZALES: On their property could not be used to service—

COMMISSIONER CAMPOS: Right.

COMMISSIONER GONZALES: Okay. I was just going to see if the Commissioner had any final things to say, Mr. Chairman. I don't know if you want to—

COMMISSIONER CAMPOS: Mr. Kopelman has some comments.

CHAIRMAN DURAN: We're not going to let him talk.

MR. KOPELMAN: Mr. Chairman, just real quickly on that point that Commissioner Gonzales raised. I want to make sure just for clarification purposes that the applicant would not be able to drill wells, but the County could service part of that development at some point through wells, whether it's Buckman or other wells, right? But the key is that they have to use County water. And if the County has a well in their system, that's not a problem, but they would have to use County water. They could not drill wells. I just want to get clarification to make sure on that point.

COMMISSIONER CAMPOS: I would think imported only at this point. If we can resolve the issue raised by Commissioner Sullivan early on about the entire district and making this really into a public system. Because I think it's essential eventually that we have a public water and wastewater system in the whole district. But that's for another day.

MR. KOPELMAN: Mr. Chairman, Commissioner, I think I'm agreeing with you that it would have to be part of the County system, but for example, any water system, as they develop always will have conjunctive uses, so you'll have imported water that might be coming from the Rio Grande and you'll also have well water. You rest your wells at times, you pump the other water more heavily. Other times you might have to use your wells more. But it would be the County system. It wouldn't be any private or community wells.

COMMISSIONER CAMPOS: I'm concerned about La Cienega downstream. I don't want to impact La Cienega and I think an argument, a good argument has been made that if you start pumping that area you're going to affect La Cienega which is a traditional community with a lot of people.

COMMISSIONER GONZALES: Commissioner Campos has already said and I think we agreed that no wells in the State Land Office area would be used. No ground wells.

COMMISSIONER TRUJILLO: But that's my concern too, congruent with Commissioner Campos, that we get away from mining the water table. We need a sustainable source of water outside of the aquifer. No wells, zero, no impact to anybody. Sustainable source of water outside of the aquifer. The Rio Grande and only the Rio Grande.

COMMISSIONER GONZALES: I understand—well, let me see if I can clarify this point is that Commissioner Campos, you're saying no wells on the State Land Office to support this.

COMMISSIONER CAMPOS: This goes further. No wells in the Community College District.

CHAIRMAN DURAN: We're not talking about the entire Community College District. We're talking about this particular plan.

COMMISSIONER SULLIVAN: Can we just say imported water? I think the condition was, his condition didn't say anything about wells, it just said it would be served by imported water.

COMMISSIONER GONZALES: Outside the Community College District.

COMMISSIONER SULLIVAN: And that would be outside the Community College District.

CHAIRMAN DURAN: Estevan.

MR. LOPEZ: Mr. Chairman, Commissioners, I guess I've got basically the same concern that Steve has and that is to restrict us solely to imported water really restricts the operational flexibility that a viable utility should have. If we're going to rely only on river water, in a year like this when there's a very, very limited supply, we could really be in dire straits. Secondly, we already own a few wells with the Valle Vista system that we hope to integrate with our entire system. I do think it's important to create a conjunctive use plan that really focuses on imported water, but we've got to leave ourselves some flexibility in my opinion. And taking into account the La Cienega community and everything else, but to prohibit it outright I think really reduces our operational flexibility or the operational flexibility of any water utility.

CHAIRMAN DURAN: This requirement is actually an attempt to adopt the ordinance that we agreed that we would explore at the beginning of this meeting. We haven't had public comment on it and I think that it's unfair to try and impose the conditions of the ordinance that we've agreed to explore.

COMMISSIONER SULLIVAN: Well, maybe here's a suggestion, Mr. Chairman, just to move forward from this subject would be to hopefully address Mr. Kopelman's question. If it were restricted to imported water or water from any component of the existing County water system. That would take care of your Valle Lindo wells, any wells that are on the system. By the way, not Valle Lindo but—it's not in the Community College District. It's across the street. It's outside the Community College District. Valle Vista. There you go. Got my Vistas and Valles wrong. Valle Vista is outside the Community College District.

But I think if we just focus that down on not creating any burdens on the existing County system, then we leave ourselves open to address the rest of the issue, as the Chairman says, in this ordinance that we're going to work out.

COMMISSIONER GONZALES: Why wouldn't we just make them subject to the County ordinance that's going to be coming forward that manages the water resource in the Community College District?

COMMISSIONER SULLIVAN: I think we're being very specific here and we're trying to address the concerns, Commissioner Campos', of the well drilling for this project. The applicant has already agreed that they're going to agree with the County water system and I think there are tremendous concerns out there about well drilling that's gone on,

about the Rancho Viejo well. I think that's a sleeper that people fear at night. And we don't want to leave that door open unless we change and permit that by ordinance, which we might do. I don't know, but after full discussion.

CHAIRMAN DURAN: I think it's six of one, half a dozen of another whether we do it by the ordinance or if we agree that—

COMMISSIONER GONZALES: The point is they have to be served by the County water system. Can we just agree to that?

COMMISSIONER TRUJILLO: Contingent on the ordinance.

CHAIRMAN DURAN: Whatever that system—whatever we might incorporate in that system.

COMMISSIONER GONZALES: What it becomes. That they have to be supported through the County water system and not go to an independent community water system.

COMMISSIONER SULLIVAN: That's another issue. That's a good condition also, but again, I don't think it's quite what—maybe Commissioner Campos could address that.

CHAIRMAN DURAN: I was just going to ask, tell me what the difference would be if we agree—the condition is that they have to be serviced by the County system, whatever that system happens to be.

COMMISSIONER CAMPOS: My motion is imported water only. The community water company could be pumping water in that Community College District.

CHAIRMAN DURAN: The only way that it would be is because we went through a process of determining that it would not create any impact on users downstream.

COMMISSIONER CAMPOS: There are always going to be impacts.

CHAIRMAN DURAN: Well, yes. But if the aquifer is adequate, based on the geo-hydro—

COMMISSIONER CAMPOS: It may be adequate for some and not for others. It's a hit-and-miss deal. Some people will have water and some people will have dry holes.

CHAIRMAN DURAN: I will agree to everything on your motion except that. I'd vote against it.

COMMISSIONER SULLIVAN: Mr. Chairman, here's another suggestion that we can try. See if this is acceptable. If we just simply define imported as water supplied from a source outside the Community College District. That leaves anywhere on the system, on the County system to do that. So that takes care of Buckman wells, whether it's Valle Vista, whether it's wherever.

CHAIRMAN DURAN: I think that sets a bad precedent. We don't know today—I understand that we're concerned about the aquifer for that particular area but we don't know everything we need to know about it. What's wrong with allowing that process to take place. What you're really trying to do is circumvent that process without having adequate information to do so.

COMMISSIONER CAMPOS: Mr. Chairman, I'd like to have Mr. Lopez address the suggestion made by Commissioner Sullivan as to the definition of imported water.

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MR. LOPEZ: Mr. Chairman, what I would recommend in that vein would be that we limit it to water that would be provided by the County system. And if you want to place a specific limitation on—that's not drilling wells within the Community College District solely for the purpose of trying to leverage water rights for that project. That might be one way of approaching it. But I would caution against an outright restriction on wells within the Community College District because we don't know. That may end up being ultimately the best solution to the water problems in that area.

The discussion that was happening here a little while ago about if we're going to develop a water management ordinance, something that really outlines that, we should give some thought, some comprehensive thought to exactly what it is you're wanting to do and if we made them comply with that, I think that might be the most appropriate way of doing it. My fear is that if we simply restrict ourselves, we may be cutting off a lot of the flexibility that ultimately we need to try and rely on if we're going to have a sustainable supply of water.

COMMISSIONER CAMPOS: Mr. Chairman, I'd like to move forward the way the motion is stated with the thought that we'll come back to this issue once we have time to in the next month or two. I think it needs to be changed. I have no problem with it. You probably can make a very good argument right now. I don't quite understand this so I'd like to move forward with the idea that we could reconsider this, the County water system.

COMMISSIONER GONZALES: Can we move forward with the way you've proposed it and add in there that if the County ordinance comes in that addresses the management of the water resource in the Community College District that this would have to comply with that? And if that ordinance were to never happen then the condition that you've established would stay in place. Why would you have a condition and then create an ordinance that this condition doesn't comply with?

COMMISSIONER CAMPOS: This particular master plan, the applicant is perfectly willing to accept imported water only. So the ordinance could address the rest of the Community College District.

CHAIRMAN DURAN: I'm not—here's a scenario. If the pen wells decide to be used as a point of diversion after going through adequate public hearing and the State Engineer determines that that well is adequate to act as a point of diversion, is that well brought in by the Community College District?

MR. LOPEZ: Mr. Chairman, I believe it's just outside of the Community College District by a few hundred feet or something. There's actually three wells.

CHAIRMAN DURAN: What if the Rancho Viejo well, at some point in time it's determined, again after enough scrutiny, that it is adequate to provide water to our system. How would this condition affect our ability to use that well?

MR. LOPEZ: Mr. Chairman, if I understand it correctly, this condition would prohibit the use of that well or any other similarly situated well. And I guess my fear is that even if the applicant is amenable to the condition as stated, it may put some undue burden on the County in terms of it trying to meet its own obligations that in my opinion, we shouldn't restrict our own flexibility in that regard.

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CHAIRMAN DURAN: I don't think we should close the door on any options that are available to us. I think that the public process and determining whether or not, whatever source is used to increase our capacity, if it's available to us I think we should leave that door open.

COMMISSIONER TRUJILLO: It's already a given that the state pen well and that the National Guard well and that potentially the Rancho Viejo well are going to affect La Cienega in a disparate way, in a negative way. That's already a given; it has already happened.

CHAIRMAN DURAN: Where did you get that information?

COMMISSIONER TRUJILLO: The statistics, the demographics. La Cienega—

CHAIRMAN DURAN: I've never seen that report.

COMMISSIONER TRUJILLO: The springs were pumping 750 gallons per minute. Today they're pumping 250 gallons per minute? Why? Because we're depleting the water table. We're mining the water table. It's already having an effect on that basin, on that aquifer. Already. We need to get away from mining the water table. A sustainable source of water that we need to find is the Rio Grande, under the Rio Grande. I agree with Commissioner Campos.

COMMISSIONER CAMPOS: Call for the question.

COMMISSIONER GONZALES: It might be appropriate for Commissioner Powell to close.

CHAIRMAN DURAN: I think they're in agreement with the motion.

LINDA MACINTYRE: Mr. Chairman, may I discuss, see if I can summarize some of the things that you have been speaking about this evening and provide some feedback from the Land Office on these issues.

[Duly sworn, Linda MacIntyre testified as follows:]

MS. MACINTYRE: First of all, let me see if I can summarize the things I've heard tonight accurately. So the first thing I heard was from Commissioner Campos about the fiscal study by the County needing to be done before preliminary development plan is approved. Discussion, examination of a countywide growth policy.

CHAIRMAN DURAN: No, that's no longer—

MS. MACINTYRE: That's gone? Good. Thank you. The idea of capping the commercial square footage at what's proposed for the project, 1.32 million square feet. Conforming to the County Community College District affordable housing ordinance if and when changes to that area made. Proposal for a 1000-foot setback from the Valle Lindo Subdivision. A condition to hook up wastewater to the County wastewater system and to have no wells onsite at San Cristobal. Is that a reflection?

CHAIRMAN DURAN: What was the last one?

MS. MACINTYRE: To eliminate the possibility of wells from San Cristobal wells from San Cristobal Village. We are not proposing wells.

COMMISSIONER SULLIVAN: No, that wasn't the substance of the last one. We understand that you're not and that's a given as a part of the submittal. But Commissioner Campos' motion was that the development would be served by imported water. And we defined

imported water as being on the County system outside the Community College District.

MS. MACINTYRE: There was a traffic study requirement?

COMMISSIONER SULLIVAN: I think Commissioner Trujillo expressed maybe some disagreement with that and perhaps rightfully so that even outside the Community College District was not an adequate definition. That you wanted to limit it to Rio Grande imported water.

COMMISSIONER TRUJILLO: Outside of the aquifer, forever.

COMMISSIONER SULLIVAN: Outside of that aquifer. Okay. Is that, Commissioner Campos, agreeable with you? So that condition would be imported water, imported being defined as with the Buckman well system.

MS. MACINTYRE: Okay. Thank you, Commissioners.

COMMISSIONER SULLIVAN: Whatever we can wrangle out of the City. We're not necessarily living with this 500 acre-feet by the way. Just because they say it doesn't mean—it ain't necessarily so. We've had discussions on that and we've stepped back on that in order to work with the City on the mechanics of getting the \$60 million Buckman system going. We have not waived our claim to substantially more than 500 acre-feet. So we're still constrained with this three to five year period that we physically can get the water and we're currently constrained with the City's agreement that only 500 acre-feet of that is ours, we don't necessarily agree with the 500 acre-feet. But we don't want that to become a stumbling block to participating in the diversion project, which we all need as a County and City.

So, that's just a clarification, which I think you understand fully well.

MS. MACINTYRE: Mr. Chairman, Commissioner Sullivan, thank you for that clarification. I appreciate it. We are in agreement with the concept of the fiscal study for the Community College District being done prior to preliminary development. We agree with that condition. We agree with the idea of capping the commercial for San Cristobal village long-term at 1.32 million square feet. We're in agreement with conforming with the Community College District affordable housing ordinance as it is now, or as it may be amended in the future. We do want to propose a slight change to the setback from Valle Lindo from 1000 feet to 500 feet. We would also like to propose to continue to work with the County on the wastewater system and defer that ultimate decision on the wastewater system until preliminary development.

I'm aware of Commissioner Sullivan's concerns on the wastewater system. I think there's a lot of good alternative wastewater systems out there. Our primary concern is that we make San Cristobal sustainable development, that we reuse the wastewater that we create from the project, possibly as effluent for landscaping. If we hook up to the County wastewater system it would be much more difficult to do that so we would like to continue working with staff to discuss that ultimate wastewater treatment system, how we would use effluent and defer that, we would suggest, until preliminary development.

There was also a condition about a traffic study at preliminary development. We did submit a traffic study for the entire master plan with this packet. I'm not sure if you have it with your packets or not but there is one for the entire master plan, and we would have to do

another one as required by the County I believe already at preliminary development so we would be happy to conform to that condition too, and we are happy to work with you to continue our idea that we've had from the start of the project of not having any onsite wells to serve San Cristobal.

MR. RELKIN: Do you have any questions about the points that we may not be in total agreement with?

COMMISSIONER CAMPOS: I'd like to have discussion from other Commissioners. Do you want to stay at 1000 or 500? Tell us why you prefer 500.

MR. RELKIN: Well, look at the plan. Mr. Chairman, Commissioner Campos, on a terrain basis, if you have 1000 foot, it would be a net loss of about 70 acres of developable property which is a direct loss to the schools and to this project. The two red dots that we're alluded to are more than 1000 feet apart. It's a neighborhood not a village center, so even the 50 foot that started complied with the ordinance and after negotiations we went to 150. We hear the issues of the community and feel that a compromise of 500 with them having immediate access to all of that open space is a real fair adjustment. It's still a loss to the project but not nearly as dramatic and we're attempting to stay within those terrain constraints. So that's the main reason.

On the wastewater, we want to be able to have the flexibility of working with the County in order to explore viable alternatives, recognizing the good points and the concerns with constructed wetlands rather than locking into one system that may or may not be adequate over time for the project.

COMMISSIONER CAMPOS: Those proposals are acceptable to me.

The motion to approve CCDRC Case #Z 01-5480 with the proposed amendments passed by unanimous [5-0] voice vote.

CHAIRMAN DURAN: Congratulations. I hope you can find a development for it before you leave. And I just wanted to thank you for all the hard work you've done while you've been Land Commissioner and good luck to you in whatever else you decide to do. Thanks, Commissioner.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Yes.

COMMISSIONER CAMPOS: I'd like to make a motion to table the rest of the agenda and to adjourn.

COMMISSIONER SULLIVAN: Second. It's been six and a half hours. We're running out of steam here.

CHAIRMAN DURAN: To what date?

COMMISSIONER SULLIVAN: You pick it.

COMMISSIONER CAMPOS: Thirty days? Mr. Lopez, do we have a County Commission meeting—when's the next County Commission meeting that deals with land use cases?

MR. ABEYTA: Mr. Chairman, Commissioner Campos, June 11th is the next BCC meeting that deals with land use cases.

COMMISSIONER CAMPOS: How does that agenda look? Is that a pretty busy agenda?

MR. ABEYTA: Mr. Chairman, Commissioner Campos, June isn't too heavy. July is going to be heavy but June isn't.

COMMISSIONER TRUJILLO: I was under the impression that we were going to clean it up today and start with a new slate on June 11th. That's what I understood, that that was the reason for having this meeting is that we would deal with all the major master plans today and we'd start with a clean slate on June 11th.

COMMISSIONER CAMPOS: That was the discussion. You're right. But it's 9:30. We've been here a long time. I would clarify my motion to move this thing to June 11th.

COMMISSIONER TRUJILLO: Could we do a little more?

COMMISSIONER SULLIVAN: I'm knocked out, guys.

CHAIRMAN DURAN: Well, let's do it to ten. We usually stay here to ten.

COMMISSIONER SULLIVAN: I don't think we've got—I think we need—Sonterra needs some stuff for discussion and I think Thornburg of course is tabled for now and I think Windmill Ridge needs some stuff for discussion as well. And that's more than have an hour.

COMMISSIONER TRUJILLO: Why don't we vote on it?

CHAIRMAN DURAN: There's a table. Those in favor signify by saying "aye."

COMMISSIONER CAMPOS: Mr. Chairman, to table, I would suggest until the 11th, our next BCC meeting, next Tuesday.

COMMISSIONER SULLIVAN: It's not that long. And maybe take one, or I guess we could probably get both of them in, couldn't we. I think so.

COMMISSIONER TRUJILLO: Commissioner Gonzales might not be here Tuesday.

COMMISSIONER SULLIVAN: The 25th? There's just more than half an hour's worth of work. There's still, I think substantive questions on these others and we need to given them their fair hearing, a fair time. And we don't need to rush in, to jump into these.

The motion to table failed by a [2-3] voice vote, with Commissioners Duran, Gonzales and Trujillo voting against.

- VIII. A. 2. **EZ CASE S 01-4550: Windmill Ridge at Rancho Viejo, Unit 2.**
Rancho Viejo de Santa Fe, Inc. (Robert Taunton, Vice President)
is requesting final plat/development plan for a mixed-use
subdivision (residential, commercial, community) in accordance

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with the approved master plan, consisting of 136 residential lots and approximately 16,335 square feet of commercial space on 84.5 acres. The property is located off Richards Avenue within Section 28, Township 16 North, Range 9 East within the 5-mile EZ District

MR. ABEYTA: The BCC granted Master Plan approval in 1989 for a large-scale mixed-use development consisting of 655 residential units with commercial/community uses on 2,127 acres to be developed in phases. "The following subdivision phases have been granted final approval by the BCC: Turquoise Trail Business Park, which is 20 commercial lots; the Village at Rancho Viejo, Units 1, 2 - 334 residential units; Windmill Ridge at Rancho Viejo, Unit 1 - 224 residential units.

The proposed subdivision phase is proceeding in accordance with the previously approved master plan; however, the subdivision must still be consistent with the principles and conform with the new Community College District regulations to the extent that is possible relevant to the mixed-use intent based on the slope and vegetation land type, common recreational open space/parks/trails, roads, affordable housing, and floor area ratio.

The plat/development plan proposes the following: a Village Zone which is 127 residential lots ranging in size from 2,500 square feet to 9,750 square feet with variety of housing types and 21 affordable units; a Neighborhood Center which is a 1.5-acre tract for commercial/community neighborhood uses, approximately 6,335 square feet; Fringe Zone - nine residential lots consisting of 43,560 square feet or one acre; permanent open space and parks consisting of 43.4 acres.

Please note that the proposed subdivision phase is an extension of the village zone for Windmill Ridge, Unit 1, which included part of a mixed-use community center and a tract for a public school site.

CHAIRMAN DURAN: Roman, you can just enter water, sewer, roads, access, terrain, open space, homeowners association into the record and move to recommended action.

MR. ABEYTA: Please note the proposal is for another mixed-use subdivision phase as it relates to prior approvals and the developers commitment for commercial uses. The BCC approval of the Village at Rancho Viejo, Units 1 and 2, as a mixed-use subdivision required that the developer enter into a development agreement to address the phasing for commercial uses. The developer committed to actively market and promote commercial uses at the time 125 homes have been occupied. A commercial development plan was approved by the CDRC for office/retail uses, and the developer has indicated that construction will start in March 2002. The developer has also indicated that they are soliciting the services of market professionals to advise on the development of the commercial center for the Village at Rancho Viejo, and that it is the intent of Rancho Viejo to develop the commercial center in a fashion that is appropriate for the Rancho Viejo community.

The proposed mixed-use subdivision is in accordance with the approved master plan and conforms to applicable requirements for the Community College District and the Extraterritorial Subdivision Regulations. The EZC recommended final plat and development approval subject to conditions one through 11, which are listed in the staff report.

CHAIRMAN DURAN: We'll enter those into the record.

[The conditions are as follows:]

1. Compliance with applicable review comments from the following:
 - a) Santa Fe County Water Utility
 - b) State Environment Department
 - c) Santa Fe County Public Works
 - d) Soil & Water District
 - e) Santa Fe County Technical Review
 - f) Santa Fe County Fire Department
 - g) Santa Fe Public School District
2. Amendment of plat/development plan for Windmill Ridge, Unit 1, for the purpose of rescinding development rights granted for master plat approval consisting of 39 residential units in order to transfer density and associated water rights to Windmill Ridge, Unit 2.
3. Address compliance with protective easement stipulations for significant archaeological sites as recommended in archaeological report.
4. Final homeowner documents (covenants, by-laws, articles of incorporation, disclosure statement) subject to approval by staff and shall include but not be limited to the following:
 - a) Water restriction of .25 acre-feet per lot and conservation measures.
 - b) Solid waste disposal.
 - c) Maintenance plan for roads and drainage facilities.
 - d) Exterior lights shall be shielded.
 - e) Archaeological sites within protective easements.
5. Road sections shall include the following:
 - a) Parking lanes for living priority roads shall have a minimum width of seven feet.
6. Development plan submittals shall include but not be limited to the following:
 - a) Specify recreational facilities for park.
 - b) Specify floor area ratio for neighborhood center on development plan sheet.
 - c) District trail shall be developed from Richards Avenue/Avenue Del Sur intersection to south end of subdivision boundary.
 - d) Specify three inches of asphalt for typical trail section.
 - e) Project/monument sign shall be located within the boundaries of the subdivision and specify details for sign area, height, and setback.

- f) Include shrub plantings for common area landscaping.
 - g) Private open space cannot be fenced.
 - h) Drip irrigation for common area landscaping.
 - i) Street lights at appropriate locations (maintain rural character).
7. Final plat shall include but not be limited to the following:
- a) Compliance with plat checklist.
 - b) Conditional dedication of Richards Avenue to County.
 - c) Permits for building construction will not be issued until improvements for roads, drainage, and fire protection are complete as required by staff.
 - d) Street names and rural addressing.
 - e) Prohibit direct driveway access to Richards Avenue.
8. Submit signal warrant analysis for State Road 14/Rancho Viejo Blvd. subject to approval by State Highway Department.
9. Prior to BCC review, submit development agreement to establish terms and conditions as applicable for the following:
- a) Affordable housing.
 - b) Phasing for commercial uses.
 - c) Include current status and commitments regarding prior agreements for the Village of Rancho Viejo Units 1 and 2 and Windmill Ridge Unit 1.
10. Submit solid waste fees.
11. Submit cost estimate and financial surety for completion of required improvements as approved by staff.

MR. ABEYTA: Thank you, Mr. Chairman.

CHAIRMAN DURAN: Roman, was the applicant in agreement with all those conditions?

MR. ABEYTA: Mr. Chairman, it was my understanding that they are. I need to clarify though that condition number 9 has been addressed regarding affordable housing with the approval of the development agreement earlier.

CHAIRMAN DURAN: Okay, good. Any questions of staff? Is the applicant here? Please state your name for the record. Let the recorder swear you in.

[Duly sworn, Ike Pino testified as follows:]

IKE PINO: My name is Ike Pino, Rancho Viejo.

CHAIRMAN DURAN: Ike, are you in agreement with all the conditions?

MR. PINO: We are, Mr. Chairman, and if the Chairman will allow me one minute I have two things I'd like to add to the report.

CHAIRMAN DURAN: Sure.

MR. PINO: One of them is the construction of the commercial site began today. A grading permit was issued on Monday so construction of the commercial or the mixed-use center began today. It was originally anticipated to have started in March, however, it began today.

And the other thing I wanted to mention in respect to water, and this is more for the

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record, and this is based on County meter readings and County water use records. And that is that throughout the master plan, throughout the units that have been developed, that while our water budget is based on .25 acre-feet per unit, we have in fact been using .18 acre-feet per unit. So we're using a lot less water than we're entitled to use at this point. And that is in light of the fact also that we have a reuse system designed and ready for construction at such time that the Environment Department amends their rules on the use of effluent water for irrigation, which will further reduce our water use.

Mr. Chairman, I wanted to enter that into the record simply because it is a fact based on County records and I thought that it would be useful for the Commission to know how the actual water use is playing out at Rancho Viejo at least. With that, Mr. Chairman, I'll stand for any questions.

CHAIRMAN DURAN: Any questions of the applicant? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Pino a couple of questions. In order to meet the requirements for this phase, you're deleting 39 units from Windmill Ridge I. Is that correct?

MR. PINO: That's correct.

COMMISSIONER SULLIVAN: And what will you do with that site, or those sites?

MR. PINO: Mr. Chairman and Commissioner Sullivan, that is a tract known as Tract E in the Windmill Ridge Unit I Subdivision. That is a tract that originally would have held 39 units that would have been brought through under master plat. Under this condition, we've agreed that we'll go ahead and amend the development plan and plat appropriately to eliminate those units. However, down the road, if the conditions are right and based on all of the conditions that are required for master planning, some units could emerge in a proposed master plan phase down the road.

At this point, however, with no further master plan approvals, those 39 units would essentially just be eliminated entirely.

COMMISSIONER SULLIVAN: Mr. Abeyta, wouldn't this require an amendment of the master plan? This is final plan approval and then we're talking now about amending the approved master plan to switch a tract from one to the other or possibly use it for something else in the future. It seems like that's a master plan amendment.

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, we have a condition number 2 that is requiring that they amend the plat for Windmill Ridge Unit I. The ordinance does talk about master plan amendments and allows master plan amendments that decrease the density to be done administratively. If they were increasing the density, then that master plan amendment would have to come to the Board for approval.

COMMISSIONER SULLIVAN: Okay so then, for clarification then for the record, if this is approved, this will delete Tract E and no further development can occur on Tract E until they amend the master plan.

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, yes. They'd have to

come back and amend the master plan to put development on Tract E.

COMMISSIONER SULLIVAN: Because they're moving that development over to Windmill Ridge II.

MR. ABEYTA: Right.

COMMISSIONER SULLIVAN: There was some question—let me clarify, the commercial uses, Mr. Pino, that you're starting, is that the office complex, the office building for Rancho Viejo?

MR. PINO: Mr. Chairman, Commissioner Sullivan, that's correct.

COMMISSIONER SULLIVAN: Can we anticipate something more than that in the commercial? Some kind of commercial that would serve the neighborhood?

MR. PINO: Mr. Chairman, Commissioner Sullivan, that building will house the Rancho Viejo offices, but that will only be a small portion of the building. The rest is being offered for retail and other uses and we have a leasing agent engaged now, the services of a leasing agent to help find the uses for that. We also did that study that was referred to in the staff report to find uses of such a scale that would be compatible with the Village at Rancho Viejo.

COMMISSIONER SULLIVAN: One of the conditions of the EZC was that—I think it was the EZC—that prior to BCC review, you'll have a phasing for commercial uses. Do you have that phasing plan?

MR. PINO: Mr. Chairman, Commissioner Sullivan, I'd like to defer to Bob Taunton, the general manager. He's more conversant with what's in that plan, if I may.

MR. TAUNTON: Mr. Chairman, Commissioner Sullivan, my name is Bob Taunton. We were sworn in earlier. Which condition are you referring to, Commissioner Sullivan?

COMMISSIONER SULLIVAN: I'm referring to the condition in the EZ case when it went to the EZ, the conditions which you agreed to—I've lost the page. In the EZ Case #S 01-4550, when that was heard, condition number 9.b was prior to BCC review, the applicant shall submit, and it listed three things. An agreement to establish terms and conditions for affordable housing, for the phasing of commercial uses, and for the current status and commitments regarding prior agreements for the Village of Rancho Viejo, I, II, and Windmill Ridge I.

I'm assuming that you've gotten the affordable housing out of the way earlier this evening and my question then had to do with the phasing for commercial uses.

MR. TAUNTON: Commissioner Sullivan, we've discussed those issues with staff. Perhaps the Land Use Director could give you an update on that.

COMMISSIONER SULLIVAN: Well, I guess I'm looking for the phasing plan that you committed to. Is that here in the submittal?

MR. TAUNTON: We prepared a document for the County, which they were, the staff was in agreement with. I've got a copy with me. It did include the elements of the affordable housing and on the advice of Steve Kopelman we simplified that document to bring forward the affordable housing aspect of it. And my understanding is that we were going to

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work with the staff, according to what Steve Kopelman and the Land Use Director have indicated, that we would work with the staff and work that out administratively with them. But yes, we have addressed those issues and I can certainly give you the information.

COMMISSIONER SULLIVAN: I don't, I guess I'm assuming that what's in our packet, the so-called developer agreement is now not applicable to this submittal any more since we've taken care of the agreement for the affordable housing. The rest of this developer agreement had to do with stating that this office building that you're building satisfied the commitments of the commercial and I don't think the staff was ready to accept that condition and I'm assuming this is not operable now and the question I was asking is on that EZC condition that had to do with the phasing for commercial, that development agreement didn't talk about any phasing for commercial. It just said that you were going to build this office building. Plus a day care center.

MR. TAUNTON: Mr. Chairman, Commissioner Sullivan, we have—I'd be glad to read you what we had developed in this water development agreement which dealt with those issues. The staff was in agreement with what they supported, what we had proposed and were in agreement with us that we had met the condition. The commercial development condition that was in the Rancho Viejo Unit I development agreement through the recording of the site development plan for the office building and office retail building and as Mr. Pino said, we're under construction today. They also agreed with the donation to the Tara School and their site plan approval, final plat approval is before the CCDRC tomorrow and they hope to get under construction here shortly. But that satisfied the requirement for community facilities and then aspects that had to do with the fire protection or EMS or police, was satisfied with Rancho Viejo's very favorable agreement for land with the County where we currently have the County jail and the public service building.

COMMISSIONER SULLIVAN: Okay. So you're saying that those three elements constitute all that you need to do for commercial in all of the master planned areas of Rancho Viejo to date, which go all the way up through Windmill Ridge II.

MR. TAUNTON: No, we're referring to what the development agreement was for Unit I.

COMMISSIONER SULLIVAN: I understand that.

MR. TAUNTON: So that addressed that specific development agreement.

COMMISSIONER SULLIVAN: And we're not discussing the development agreement because that's not a part of this submittal now. We're discussing just simply the phasing for commercial uses. Do you have a phasing for commercial uses beyond the fact that you donated some land for a fire station and a day care center and you're building an office building. Is there any other phasing that you have as a part of this submittal?

MR. TAUNTON: Mr. Chairman, Commissioner Sullivan, as Mr. Pino indicated, we undertook a fairly extensive market research analysis to take a look at the entire Rancho Viejo area, both the Village and Windmill Ridge. We projected forward roughly about ten years and came up with a projection as to what type of retail/office was potentially available at that build-out. We're starting with this building. The staff has agreed that it's got to be

market-based. Obviously, we have to be able to have enough trade area to support the retail. Office is driven by slightly different factors of course. Location can be an important component of that.

So we are developing the plan. We're currently working on a village center plan which will begin to in more detail identify the uses that will be in the Rancho Viejo Village and what our series of efforts will be in terms of planning, designing and developing additional components. We've also said in the Windmill Ridge Unit II plan that we have a small amount of non-residential. It's a neighborhood commercial neighborhood center that would be mixed-use that would meet the guidelines of the Community College District.

COMMISSIONER SULLIVAN: Now, is that plan that you've developed, do we have a copy of that?

MR. TAUNTON: The plan—

COMMISSIONER SULLIVAN: The commercial plan that you just—

MR. TAUNTON: No. We have been discussing that with staff and our understanding is that we'd be dealing administratively with the staff. Perhaps the County Attorney can speak more to that since we've had those discussions with him about those aspects of the development agreement, and specifically that condition. We spent some time talking to him about that particular EZ condition, and I think it would make some sense to talk to Mr. Kopelman about his advice to us and how he felt it was appropriate for that to be handled.

COMMISSIONER SULLIVAN: Would you like to comment on that, Mr. Kopelman?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, at the time that this application came in and was put on the agenda, we had the development agreement which addressed, it was the first development agreement that addressed both affordable housing and the community/commercial facility. But then this got tabled. We started working more closely regarding the affordable housing and we said well, the commercial was addressed to the point where we thought it could come forward to the BCC. What we agreed to on the phasing was that the market would dictate when the commercial facilities came in. However, what we want to nail down is that there will be water available, or water reserved for when that happens.

And that's, I don't know if that's completely spelled out in this draft but that was language we are working on, again, before this element got taken out of the development agreement.

COMMISSIONER SULLIVAN: Now, these items in the development agreement, did they address anything other than those three that Mr. Taunton's already discussed—the fire station, the day care center and the office building that they're starting to build now?

MR. ABEYTA: Mr. Chairman, they discussed other commercial in which we agreed that a market, the market would dictate when that other commercial gets developed. But the master plan and the development plan—the master plan that has been approved with areas reserved for commercial, and that's not going to change.

COMMISSIONER SULLIVAN: So basically, what the Commission is being

asked now to approve is essentially when Rancho Viejo decides it's time to do some commercial, then they'll do it.

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, I don't know if when Rancho Viejo decides, but when the market indicates that it's there, then they'll do it and what we're more concerned with is when that time comes, will they have water available and they've agreed to reserve an existing allocation, I believe of four acre-feet for that.

COMMISSIONER SULLIVAN: And does that four acre-feet that they've reserved, would that satisfy all of the commercial that Rancho Viejo ultimately should have in accordance with the Community College District plan?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, for this one master plan it will. But that's just Village I and II and Windmill Ridge I and II. When they come in with Windmill Ridge III and IV, they're going to have to address the commercial or non-residential development that's required for that.

COMMISSIONER SULLIVAN: So four acre-feet will take care of all the commercial that someday will come whenever the market decides it will come.

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, only for this— for this portion

COMMISSIONER SULLIVAN: Well, we only have one master plan.

MR. ABEYTA: Right. Only for this master plan.

COMMISSIONER SULLIVAN: Okay. Then another question I had Mr. Chairman, had to do with the developer's commitment to construct the infrastructure for the subdivision and that infrastructure costs, and I had the same question as I had before, would be borne by the developer and in your discussions again in the EZ, apparently that will be done through a special assessment district. Is that correct?

MR. PINO: Mr. Chairman and Commissioner Sullivan, at the time that we were at the Extraterritorial Zoning Commission, back in February, March, it was our intent to pursue an assessment district. In fact, we haven't completely abandoned that idea. As we have done with all of our development at Rancho Viejo, Rancho Viejo, Inc. will pay the cost of all the infrastructure construction and extensions and it is our hope to continue to pursue an assessment district for those portions of that infrastructure which would qualify. However, we have not moved forward with that. There were a number of issues that were still outstanding, an affordable housing agreement, not the least of which was one of them. So to answer your question, the plan is to continue to look at that and bring that forward possibly as a proposal to the Commission. However, all costs will be borne initially by the developer.

COMMISSIONER SULLIVAN: In my discussion with Mr. Taunton on that it was indicated to me that the benefit—maybe your shadow wants to talk a little. It was indicated that an assessment district benefits the—or has a neutral benefit. You either pay me now or pay me later as the muffler man says, that an assessment district would either add a tax on to the residents or the option is to increase the price of the homes, so it's kind of a wash. During that discussion, and by the way, I have a basic issue with that because I think that what's going to dictate the price of the homes is the market and certainly anybody can get the market price,

they're going to get the best competitive price they can for their homes.

When I brought that up Mr. Taunton said that it was their policy, Rancho Viejo's policy to limit its profit to ten percent, so that their in a market where they can remain in a position to provide affordable housing, not only affordable housing as we define it in those three categories, but affordable housing for the rank and file who are kind of in that never-never land that don't qualify.

CHAIRMAN DURAN: Did you say ten percent?

COMMISSIONER SULLIVAN: Ten percent, that's what he said.

CHAIRMAN DURAN: He just denied that he said ten percent.

COMMISSIONER SULLIVAN: Oh, you say now you did not say that?

MR. TAUNTON: Mr. Chairman, Commissioner Sullivan, I think when we had this discussion I explained to you that our overall company objective—when you were, at that point you were heading down the road that we were using the improvement district as a way to pad the profits, add additional dollars in our pocket. What I tried to explain to you is that how we go through the calculation of determining what the land cost is, development cost is, by netting out those improvement district recoveries. But I also said to you that generally speaking, our company looks as a minimum threshold at a ten percent pre-tax profit.

COMMISSIONER SULLIVAN: Now you're saying minimum threshold and I certainly heard—

MR. TAUNTON: Well, we're obviously not going to cap ourselves at ten percent if it's possible to make 11 or 12. Some years we make less.

COMMISSIONER SULLIVAN: Okay. So—

CHAIRMAN DURAN: What is your point, Commissioner? Is there anything wrong with a developer making a profit?

COMMISSIONER SULLIVAN: Well, I think—not at all. Particularly if he's providing some below-market housing. But I think when we're doing it through this assessment district mechanism, which studies have shown in other areas that it's been subject to a great deal of abuse that we have taken on an issue that residents are not getting any benefit for. So the point, Mr. Chairman, is that I think that the developer should fund the improvements. I don't think those improvements should be funded through an assessment district unless the developer agrees to some benefit to the public from that. One way to do that is to take them at their word and say, Let's cap the profits at ten percent. Administratively, that's a bit difficult to track.

You've got to audit them and so forth. So that's a bit difficult. But that issue is still open. I feel the developer has the obligation to build those facilities and what the County puts up is that after they build them we take them over and that's—

CHAIRMAN DURAN: Why don't you just make a motion and incorporate that into your motion?

COMMISSIONER SULLIVAN: Okay. We'll put that into the motion. Let me see if there's any other questions that I had. Go ahead with the other questions. I won't keep you.

COMMISSIONER GONZALES: I had a question just as Commissioner

Sullivan looks to see if he has any other questions. Concerning the issue of the special assessments which is something I followed during the legislative process and actually believe that this is a good tool to use and institute in terms of being able to minimize the costs that are passed on to the ultimate end user, which is a residential buyer and I think that thus far you guys have acted in good faith because I've not heard otherwise necessarily.

But I just wanted to ask you a question. To put this to rest, the whole thing about you padding the profits and everything, would you be willing to allow an independent person, whether it be an accountant, auditor, whoever it is, that's chosen by our County, to go in and determine exactly how the special assessment money was spent and if in fact you padded your profits with it and used the general public money to make you guys—

CHAIRMAN DURAN: I think that's unfair to ask. We don't ask anyone else to do that.

COMMISSIONER GONZALES: There's only one way that we're going to get through this or else there's just going to be a lot of issues with doing that. I just want to know. He can say no.

MR. TAUNTON: Mr. Chairman, Commissioner Gonzales, we'd be willing to do that because I've represented to Commissioner Sullivan and to others on the staff how we do things. The only reservation I would have is that that if someone could come to our office, review things and they could give you a report. I would feel uncomfortable if they were copying some documents. Now, we're a public company, but our operation here does not issue separate public statements. They're consolidated into the overall company.

COMMISSIONER GONZALES: You would be willing to open up your books for an independent person, chosen by the County to go in and review at your site and determine how in fact, if in fact this public money that's being used is going to increase your profits?

MR. TAUNTON: Correct.

CHAIRMAN DURAN: The thing is that the State Land Office actually even made the statement that these assessment districts, the consumer is going to pay for it either way. If they do it through the assessment district, that's one way. If they don't do it that way, then the cost of the land and the cost of the product is increased. It's economics. I don't understand why it's such a big deal. If you don't want to do the assessment district or you don't want to approve it, all we're doing is making the product that much more expensive. And it's ultimately the consumer that makes the decision.

COMMISSIONER SULLIVAN: I think that's right. I know very often the consumer doesn't know the details of it when they're purchasing the home because there's so much that they're confronted with in terms of documents to sign and emotional situations. But it can certainly be justified if that cost truly reduces the cost of the housing. If we—and I've seen the documents and the assumptions that are made in those documents and they're just an assumption type of document that Mr. Taunton refers to. If we can say, and I think this would be a good thing to have this evaluation that Commissioner Gonzales suggests, if we can say, and to the public, yes, we are truly reducing the price of the house \$5,000 because you're being assessed \$5,000 over a period of 20 years and that goes on to your mortgage.

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The bottom line for anybody is what they're paying every month to the mortgage company and that includes that assessment. It includes principle and interest on the mortgage. And taxes and so forth. So I think if we can have someone that's familiar with these assessment districts make that determination where we have that comfort level, that yes, the money is not just enhancing the profit of the developer, it is truly in fact reducing the home below what they're selling comparable homes over in one of the sections that they don't have a bond. That's the easy way to check it. I think that's important because there's a lot—in the EZC there was discussion on this as well.

So that would certainly I think handle the comfort level. Let me ask the other question that I had then was on traffic. In the packet there is the Richards Avenue agreement pertaining to Rancho Viejo having paid for improvements to Richards Avenue in return for which it received an allocation of 4,000 ADTs on Richards Avenue. Now with this Windmill Ridge II, are we now at that 4,000 ADT level? In other words, when additional sections come up, are there are other requirements for traffic or where are we with regard to this 4,000 ADTs. When I say ADT, by the way, it's average daily traffic.

MR. TAUNTON: I understand.

COMMISSIONER SULLIVAN: I know, but just in case somebody else doesn't. In case the other three people who are here—

MR. TAUNTON: I think all the consultants know the term. I don't have that agreement with me, but if you have it, I think the initial number that you're talking about represents the volumes that are assumed pursuant to the existing developments that were approved at the time that that agreement was done and that we would have up to another a total of 10,000 ADT over and above that. So the developments were approved at that time were College Heights Unit I Phase I, Windmill Ridge Unit I, the Village Unit I and Unit II. So we are well within that number.

COMMISSIONER SULLIVAN: Explain to me, now 10,000 ADT, Richards Avenue, the whole of Richards Avenue only has a capacity of about 15,000 to 16,000 or 17,000 ADT. Does Rancho Viejo have ten plus four, have 14,000 of that?

MR. TAUNTON: No, but again, I would like to look at that agreement. I don't want to go from memory. If you have it handy I'd be glad to walk through it.

COMMISSIONER SULLIVAN: I'll have to find it here. I remember seeing it in the packet.

CHAIRMAN DURAN: Okay. Were there any other questions? This is a public hearing. Is there anyone out there that would like to address the Commission concerning this proposal?

COMMISSIONER SULLIVAN: That's one of the reasons, Mr. Chairman, that I was opposed to us hearing this late at night. It's 10:00 at night and the only people that are here are people representing the developer. The public has not had a chance to have input on this final development plan.

CHAIRMAN DURAN: Well, if you read staff's recommendations and their analysis, it meets the master plan. It meets all the criteria set forth. It went through—what

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analysis, it meets the master plan. It meets all the criteria set forth. It went through—what committee reviewed this before? The EZC?

COMMISSIONER TRUJILLO: We're sending the wrong message to the audience that's listening. This was noticed and advertised and the public had ample or has ample opportunity to be here and provide their input. There's by no stretch of the imagination anything clandestine or secret about this proposal. It's open to the public. It has been noticed. I'm flabbergasted.

COMMISSIONER SULLIVAN: I think, Mr. Chairman, I agree with all of that. It is open and I'm not suggesting that we didn't follow all of the procedures. I'm just suggesting, practically speaking, on a weeknight, people have families and obligations that don't allow them to sit around at 10:00 at night to debate these issues. Roman, have you got a copy of—oh, I know why I'm not finding it. Because I'm looking in the wrong section. Let me go back.

CHAIRMAN DURAN: What is the question?

COMMISSIONER SULLIVAN: The question is to try and get a handle on the traffic situation and whether we're now at or possibly above the limit which the County Commission agreed to through it's agreement—here it is. Richards Avenue Road Improvement and Development Agreement, dated December 26, 2000. In that agreement it says, "The parties acknowledge that the land use approvals for Rancho Viejo on this agreement allow for up to 4,000 ADT on Richards without any additional improvement. Further, the parties acknowledge that the County has a current concern for safety and pedestrians and bicyclists on Richards which needs to be addressed at the earliest possible date."

It goes on to say that the "Richards Avenue improvements will occur to address that need and based upon these factors the parties agree Rancho Viejo will not be required to make additional improvements to Richards Avenue for developments which are approved on the Rancho Viejo property until the ADT on Richards is generated by development on Rancho Viejo property exceeds 10,000 ADT or until the passage of ten years from the County's acceptance of the improvements, whichever comes first." And I believe we accepted the improvements here just a few months ago. So is that the operative number then, is the 10,000 ADT that Rancho Viejo has been allowed?

MR. TAUNTON: Mr. Chairman, Commissioner Sullivan, yes. The volumes from our development, we can't exceed 10,000 ADT on Richards. Of course we have Rancho Viejo Boulevard that carries a good percentage of volumes as well. So we're well within those numbers.

COMMISSIONER SULLIVAN: And what is your estimated—what would you estimate your volume is now?

MR. TAUNTON: Mr. Chairman, Commissioner Sullivan, if you use the usual rule of thumb, which is ten trips per day, we have 425 units closed, not all of those are houses. Some of those, about 30 of them are custom lots. So we would be at roughly the 4,000. Simple math, but again, not all of those are going up Richards. A great many of our residents use Rancho Viejo Boulevard.

room or space in this current development agreement to handle a whole other phase the size of your current phase?

MR. TAUNTON: Correct.

COMMISSIONER SULLIVAN: Nice job.

MR. TAUNTON: Thank you.

COMMISSIONER SULLIVAN: The last question I had, Mr. Chairman, was this is a final plat approval, right? Roman, at final plat approval, where's the plat for us to review? And the Chairman always wants to know why I'm asking these questions and let me explain why. Because as I recall in the Community College Ordinance there is a provision that in the final plat, the areas for affordable housing should be designated. So I'd like to see where those are.

MR. ABEYTA: Mr. Chairman, the final plat should be—

COMMISSIONER SULLIVAN: I'd like to see where their affordable housing is on it. I understand during the master plan phase it can be kind of conceptually located and then moved around to accommodate the developer and then once we get to final plat, it's designated where it's going to be.

MR. ABEYTA: Mr. Chairman, I'm looking through the packet that you have. I see pages of the development plan. I don't see the plat in here but I know they did submit the plat. As for the designation of—

MR. TAUNTON: Mr. Chairman, Commissioner Sullivan, I can on this rather simplified graphic but it does reflect the land use plat. Okay? It's not an official plat. I can point out where the affordable housing is going to be.

COMMISSIONER SULLIVAN: Okay. And is that designated on the plat that the staff has?

MR. TAUNTON: Mr. Pino will respond.

MR. PINO: Mr. Chairman, Commissioner Sullivan, we submitted for this meeting 15 sets of the full set of plans. And part of that is Sheet 3-A, the development plan, which is recorded with the plat. And on that development plan, the specific lots for affordable housing are designated very clearly. That Sheet 3-A, along with the seven sheets that constitute the plat of survey, get recorded and become one document.

COMMISSIONER SULLIVAN: And Mr. Abeyta, do we have a copy of that? Is that available?

MR. ABEYTA: We're getting it, Mr. Chairman.

CHAIRMAN DURAN: Is there any particular area you wanted? Was there any reason why we need to let you take additional time to determine whether or not the location of the affordable lots is appropriate to your, or meet your liking?

COMMISSIONER SULLIVAN: Well, I would rephrase that Mr. Chairman, in that we've all, myself included, spent a tremendous amount of time trying to ensure that Rancho Viejo complies with both the spirit and intent of the affordable housing law.

CHAIRMAN DURAN: No, no. My question is, is there any particular area that you would want them to go?

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COMMISSIONER SULLIVAN: I'm not looking for particular areas. I'm looking for a) that it be designated, and b) those designations follow the Community College Ordinance which says that they're interspersed throughout the development and they're not located in just one area. That's the intent.

CHAIRMAN DURAN: Okay. Good. That's fine.

COMMISSIONER SULLIVAN: If we look at that plat we'll see if that's met. And we've had so much discussion and time spent on trying to implement affordable housing here, here we are at the final development plan and I think we need to be sure that we've got what the ordinance requires.

CHAIRMAN DURAN: Okay, while we're waiting for that, I think we need to make a decision whether or not we're going to consider item number 4 on this. We have staff here. I don't think it's fair to make everybody stay here.

COMMISSIONER CAMPOS: I'll make a motion to table.

CHAIRMAN DURAN: We'll wait until we're done.

COMMISSIONER SULLIVAN: These guys who are retired. Don't let them on the Commission anymore. By golly. And get that rooster cranked up. I believe we had 28.

MR. TAUNTON: There's 21.

COMMISSIONER SULLIVAN: But they're all right together. Every single one of them is right next to each other, all 21 of them.

CHAIRMAN DURAN: What do you say the ordinance says?

COMMISSIONER SULLIVAN: What is says is the intent is to disperse them through the areas. Not to locate them all in one section. I think what we do is make a condition here that they get dispersed. They're all in one place. Maybe I misunderstood what Mr. Taunton said. He said all these little ones right here—and seven more. That's 21. That's the whole thing. That's it.

MR. TAUNTON: They're right in the middle of the center.

COMMISSIONER SULLIVAN: But they're all right together.

MR. TAUNTON: It's the appropriate location.

COMMISSIONER SULLIVAN: I don't think it's the appropriate location. I think we should do what the Community College Ordinance says and that's disperse them through the venue. Maybe Mr. Abeyta can read the ordinance if you want to read what it says. That's my recollection.

CHAIRMAN DURAN: Is that what the ordinance says?

COMMISSIONER SULLIVAN: Mr. Abeyta, do you want to check the ordinance? Am I paraphrasing the ordinance correctly? If not, I'd be glad to stand corrected. If you can put them all in one chunk, then that's something we should work on in the Community College amendments but I feel 99 percent certain that I read that. Could you be a little bit more specific? The hand is waving around there. The first seven are right in that block. Is that correct? They're all together, okay. And then where's the rest of them? They're supposed to be designated by lot. Each one. Here's a red pencil. Could you just make a red mark on where they are. I mean each lot. We've got the seven.

[Mr. Taunton's remarks inaudible]

COMMISSIONER SULLIVAN: I believe at this stage you're supposed to say that. Let's get the ordinance. Do you have it, Roman?

MR. ABEYTA: Yes, Mr. Chairman, Commissioner Sullivan. It says affordable housing units shall be provided as part of the development and shall be integrated into the overall design and layout of the project. The general location of the affordable housing shall be identified in the affordable housing plan and the exact location shall be identified in the affordable housing agreement which must be executed prior to recordation of final plats and plans for any phase of the master plan.

COMMISSIONER SULLIVAN: So you still need to have an agreement. Is that what you're saying?

CHAIRMAN DURAN: That would be specific on the lots.

COMMISSIONER SULLIVAN: And tell me again where the lots are going to be. I didn't see that.

[Mr. Taunton's remarks inaudible]

COMMISSIONER SULLIVAN: Thank you. I think if it's not in the ordinance I think you'll find it in the regulations that it's to be dispersed and I guess we'll have to rely on staff, since there's apparently no requirement that we have an affordable housing agreement at this stage. It's just before recordation. Does the staff have control over that, Mr. Abeyta?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, yes. We would not record the final plat until that agreement is signed and complies with the district ordinance.

COMMISSIONER SULLIVAN: Okay. That's my questions, Mr. Chairman. Thank you.

CHAIRMAN DURAN: Okay, I'm going to ask again for the record. Is there anyone out there that wants to address the Commission relative to this proposal? If there's no further discussion amongst the Commissioners, what's the pleasure of the Board?

COMMISSIONER GONZALES: Mr. Chairman, I'd move for approval of EZ Case #S 01-4550 with conditions as presented by the staff.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: Any further discussion?

COMMISSIONER SULLIVAN: Mr. Chairman, I'd add in the condition that you suggested I add in earlier. Condition 12 that infrastructure from the development be paid for by the developers, not through the issuance of bonds.

COMMISSIONER GONZALES: I don't agree to that, Mr. Chairman.

CHAIRMAN DURAN: Okay, your amendment is unacceptable to the maker of the motion.

The motion to approve EZ Case #S 01-4550 passed by majority [4-1] voice vote.

COMMISSIONER GONZALES: Mr. Chairman, can I move along the issue with the discussion of where Commissioner Sullivan was on that point and the reason I didn't

go along with it is because I'd like to provide direction to the Land Use Administrator, Mr. Abeyta that you work with Katherine Miller to get, to conduct an independent audit or assessment of the special assessments that have taken place in the Rancho Viejo area, that have been supported by the County, and to bring back a report to the County Commission concerning the impact of those special assessments in terms of its benefits to the County or its benefits to the developer to find out how those are actually played out. Then I think at that point, Commissioner Sullivan, would be after we received that, more appropriate to determine when bonds should be allowed and when they shouldn't be allowed. And I would like to ask that that be done in a time period, a reasonable, short period of time. I'm assuming that this can happen fairly quickly.

CHAIRMAN DURAN: Okay.

MR. TAUNTON: Mr. Chairman, members of the Commission. Thank you very much tonight for hearing our cases. We appreciate it and we look forward to moving forward with the development. Thanks.

CHAIRMAN DURAN: Thank you. I'd like to make a motion that we table the balance of the agenda. Is there a second?

COMMISSIONER GONZALES: Second.

CHAIRMAN DURAN: And that would be to the next land use meeting and this case, the Sonterra master plan will be number one on the land use agenda.

The motion to table the remainder of the agenda passed by unanimous [5-0] voice vote.

ADJOURNMENT

Chairman Duran declared this meeting adjourned at approximately 10:20 p.m.

Approved by:



Board of County Commissioners
Paul Duran, Chairman

Respectfully submitted:


Karen Farrell, Commission Reporter

ATTEST TO:


REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK

for:



SPC MERK RECORDING 08/18/2004

6/5/02

San Cristobal

2189766

San Glenn / Richard ...

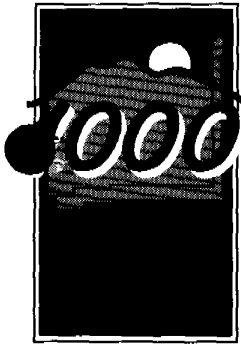
Association

471 2500
46 Meador Lane

As mixed use project

The main element in this plan + ordinance is the
monitoring of commercial/residential relationships; we
need a method of assuring that commercial is built
where people live and residential be built in their
reasonable access to jobs + shopping; and that the
commercial segments be spread out equitably
within the district; that would help assure that
sprawl would be addressed reasonably

This is also an opportunity for the state to be
the "model of sustainability" by the
construction of solar + wind technologies
to supply the energy needs of their project



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Melinda Smith
Executive Director

June 5, 2002

Santa Fe Board of County Commissioners
PO Box 276
Santa Fe, NM 87504

2188767

Dear Mr. Chairman and County Commissioners:

1000 Friends of New Mexico would like to go on record as being opposed to all these developments being heard tonight.

Our reasons are two-fold. First is the enormous water crisis we are facing, and secondly, these are just more sprawl developments being proposed.

On the first issue, how can we possibly justify over 4000 new houses and over 8 million square feet of commercial development when we're in one of the worst droughts ever seen in New Mexico and rivers and wells throughout the area are going dry? It doesn't make any sense.

And who is to say that just because the developers have paper water rights for these developments, that they will have the actual water when the time comes? Communities throughout the state are going to be fighting over the same limited resources.

Further, the developers say these developments will help alleviate the affordable housing problem in Santa Fe, but at what cost?

Homes are not affordable if they're sprawl. People have to drive further making their transportation costs outweigh any savings on their mortgages, not to mention the cost we as taxpayers incur for new infrastructure.

1000 Friends begs this commission to carefully weigh the benefits of these developments versus their costs. This commission has done too much good in the area of sensible land use planning and growth management, to leave this as your legacy.

We ask that these developments be denied tonight.

Thank you for your time.

Sincerely,

Edward Archuleta
Santa Fe and Northern New Mexico Director

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