

2227677

SANTA FE COUNTY
CONTINUATION OF THE AUGUST 13TH MEETING
BOARD OF COUNTY COMMISSIONERS

August 26, 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 7 DAY OF OCT A.D.
20 02 AT 8:05 O'CLOCK A.M.
AND WAS DULY RECORDED IN BOOK 2227
PAGE 677-783 OF THE RECORDS OF

SANTA FE COUNTY
WITNESS MY HAND AND SEAL OF OFFICE
REBECCA BUSTAMANTE
COUNTY CLERK, SANTA FE COUNTY, N.M.

Rebecca Bustamante
DEPUTY

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

CONTINUATION OF REGULAR MEETING
(Public Hearing)
of August 13, 2002

AUGUST 26, 2002 – 5:00 p.m.

Agenda

2227678

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Invocation
- V. Approval of Agenda
 - A. Amendments
 - B. Tabled or Withdrawn Items
- VI. Matters from the County Manager, Estevan R. Lopez
- VII. Matters of Public Concern - NON-ACTION ITEMS
- VIII. Matters from the Commission
- IX. Public Hearings
 - A. Land Use Department Items
 - 1. CCDRC CASE #MP 02-5050 – Sonterra. Richard Montoya (Santa Fe Planning Group, Scott Hoeft, Agent), Applicant, Requests Master Plan Approval for a Mixed Use Development (Residential, Commercial, Community) in a Village Zone, Consisting of 520 Residential Units and 29,117 Square Feet of Commercial Space on 245 Acres. The Property is Located off of Vista Del Monte East of Valle Lindo Subdivision within the Community College District, Section 30, Township 16 North, Range 9 East (Commission District 5). Joe Catanach
 - 2. CCDRC CASE #MP 02-5250 – Rancho Viejo – Windmill Ridge, Units 3 & 4. Rancho Viejo de Santa Fe, Bob Taunton, Vice President (Design Workshop – Joe Porter, Agent), Applicant, Requests Master Plan Approval for a Mixed Use Development (Residential, Commercial, Community) in a Village Zone and Fringe Zone, Consisting of 461 Residential Units and 45,000 Square Feet of Commercial Space on 304.5 Acres. The Property is Located Off Richards Avenue South of the Community College within the Community College District, Section 20, 21, 28, 29, Township 16 North, Range 9 East (Commission District 5). Joe Catanach

3. CCDRC CASE #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 Employment Center, Village Zone and a New Community Center on 224 Acres. The Development Includes Between 1,148,050 and 4,015,000 Square Feet of Commercial Uses, Between 294 and 742 Residential Units, Open Space and Parks. The Property is Located West and East of State Road 14, North of Vista Del Monte, Within the Community College District, Sections 24 and 25, Township 16 North, Range 8 East (Commission District 5). Penny Ellis-Green
4. Ordinance No. 2002 – An Ordinance Addressing Water Conservation for all Sources and Uses of Water within Santa Fe County (First Public Hearing). Katherine Yuhas TABLED
5. Ordinance No. 2002 – An Ordinance Amending the Santa Fe Community College District Ordinance, Article XV, Section 1, References, Purpose, and Definitions, and Section 6, Design and Development Standards of the Santa Fe County Land Development Code (Ord. 1996-10) for the Purpose of Developing a Comprehensive Water Resource Management Plan Requiring Development to Utilize the Santa Fe County Water Utility (First Public Hearing). Roman Abeyta
6. Ordinance No. 2002 – An Ordinance Amending Ordinance 1996-13 which Amends Article VII, Section 6.2.2c, and Adding New Sections 6.2.2d and 6.2.2e to the Santa Fe County Land Development Code, Ordinance 1996-10, to Require Proof of a Valid Water Right Permit for Type-I and Type-II Subdivisions, Type III Subdivisions Allocating More Than 0.25 Acre Feet Per Year Per Lot, and Type III Subdivisions of More Than 12 Lots and Non-Residential Developments Using More Than One Acre-Foot of Water Annually (Second Public Hearing). Katherine Yuhas
7. CDRC CASE #MP 02-5070 – Richard Cordova Master Plan. Richard Cordova, Applicant, Jon Paul Romero, Agent, Request Master Plan Approval for an 8,000 Square Foot Building for Office and Retail Space on 1.35 Acres. The Property is Located Two Miles South of Espanola on the West Side of US 84/285, within Section 13, Township 20 North, Range 8 East (Commission District 1). Wayne Dalton (APPLICANT REQUESTS TABLING)
8. EZ CASE #DL 02-4340 – J. Anthony Peperas Land Division. Leonard Lopez, Agent for J. Anthony Peperas, Requests Plat Approval to Divide 10.40 Acres into Four (4) Lots. The Lots will be Known as Lot 2A-1 (2.563 Acres), Lot 2A-2 (92.563 Acres), Lot 2A-3 (2.697 Acres), and Lot 2A-4 (2.697 Acres). The Property is Located in the Pinon Hills Subdivision at 85 Calle Francisca, within Section 25, Township 17 North, Range 8 East (Commission District 2). Vicente Archuleta (APPLICANT REQUESTS TABLING)

*Tabled to
Sept 10,
2002*

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Sept 10,
2002*

9. EZ CASE #DL 02-4380 – Tom J. Sedillo and Kathy Sedillo Family Transfer. Alarid and Associates, Agent for Tom J. and Kathleen Sedillo Request Plat Approval to Divide 2.64 Acres into Two (2) Tracts for the Purpose of a Family Transfer. The Tracts will be Known as Tract C-1 (1.25 Acres), and Tract C-2 (1.396 Acres). The Property is Located in the Pinon Hills/Alameda Ranchettes Subdivision at the Intersection of Calle Carla and Santa Fe County Road 70A, Within Section 25, Township 16 North, Range 8 East (Commission District 2). Penny Ellis-Green (APPLICANT REQUESTS TABLING)
10. CDRC CASE #DP 02-5080 – Gabriel's Art Gallery. Syd Gabriel, Applicant, Southwest Designs, Agent, Request Master Plan Zoning with Preliminary and Final Development Plan for 3,000 Square Feet of Art Gallery Space and 2,000 Square Feet of Retail Space. The Property is Located on Banana Lane off US 84/285 in Cuyamungue, within Section 28, Township 19 North, Range 9 East (Commission District 1). Penny Ellis-Green (APPLICANT REQUESTS TABLING)
11. EZ CASE #DL 02-4350 – Young Family Transfer. Tom and Connie Young, Applicants, Request Plat Approval to Divide 2.511 Acres Into Two Lots. The Lots will be Known as Lot 7A (1.255 Acres) and Lot 7B (1.255 Acres). The Property is Located within the Tom Young Subdivision, Along Indian Circle, off Governor Miles Road, within Section 9, Township 16 North, Range 9 East (Commission District 5). Romella Glorioso-Moss (APPLICANT REQUESTS TABLING)
12. CDRC CASE #V 01-5610 – Bryan and Karen George Variance. Bryan and Karen George, Applicants, Request a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow a Family Transfer Land Division of 12.12 Acres into 3 Lots; One Lot Consisting of 7.1 Acres, and Two Lots Consisting of 2.5 Acres. The Property is Located at 22A San Marcos Road East, within Section 11, Township 14 North, Range 8 East (Commission District 3). Wayne Dalton WITHDRAWN
13. EZ CASE # S 01-4691 – High Summit Subdivision. Ralph Brutsche, Applicant, Design Enginuity, Agent, Request Final Development Plan and Plat Approval for a 32-Lot residential Subdivision on 33.4 Acres in Accordance with the Approved Master Plan (The Peaks), and a Lot Line Adjustment. This Request Also Includes a Variance of Section 3.5.6 (Curb & Gutter Requirements) of the Extraterritorial Subdivision Regulations to Allow the Replacement of Standard Curb and Gutter with Stone. The Property is Located Off Hyde Park Road (State Road 475), South of the Summit Subdivision, within Section 16 & 17, Township 17 North, Range 10 East (2-Mile EZ District). Vicki Lucero

X. ADJOURNMENT

The County of Santa Fe makes every practical effort to assure that its meetings and programs are accessible to the physically challenged. Physically challenged individuals should contact Santa Fe County in advance to discuss any special needs (e.g., interpreters for the hearing impaired or readers for the sight impaired).

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SANTA FE COUNTY

CONTINUATION OF THE AUGUST 13TH MEETING

BOARD OF COUNTY COMMISSIONERS

August 26, 2002

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 5:00 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

An invocation was given by Rabbi Leonard Hillman.

V. Approval of the Agenda

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

CHAIRMAN DURAN: I'd like to ask the Commission to consider a couple things here. By the way, we are going to try our hardest to complete this agenda tonight and I would like for the Commission to consider brining the Height Summit Subdivision, which is EZ Case, X. 13, bring that as number one, that's a subdivision that we've already approved and they're just coming in for final development plan. And then we would go into Sonterra, Rancho Viejo, Thornburg, and then I would ask that we table the two ordinances because my feeling is it's going to take us considerable time to get through these, the one before we get to the ordinances. So I would like to ask the Commission to consider that. Estevan, do you have

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other tablings or amendments?

ESTEVAN LOPEZ (County Manager): Mr. Chairman, we have letters from the applicants on agenda items 7, 8, 9, 10 and 11, in which the applicants are requesting tabling until the meeting of September 10th. Also, Mr. Chairman, agenda items VI, VII, and VIII were already dealt with at the meeting—this meeting is a continuation of the meeting of August 13th and those items were dealt with on August 13th.

CHAIRMAN DURAN: Which ones were those again?

MR. LOPEZ: VI, VII and VIII. Matters from the County Manager, Matters of Public Concern and Matters from the Commission were dealt with. Right at the beginning of the meeting.

CHAIRMAN DURAN: Oh, okay.

COMMISSIONER GONZALES: Mr. Chairman, move for approval as the adjusted agenda as you presented it.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: There's a motion and a second. Any discussion?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I think we should leave the agenda as it is or move the ordinances up. I think the ordinances will take a fairly small amount of time but in so far as the High Summit, we received a packet from the law firm of Rubin, Katz, Salazar, Rouse and Bergman which after reviewing it makes me feel that that's not going to be such a short approval. There's obviously going to be some discussion about that. So I don't think that just moving it forward because we think it's going to be short, I think that's going to be perhaps as time-consuming as the others.

CHAIRMAN DURAN: Does anyone else have anything else they'd like to say?

COMMISSIONER CAMPOS: Mr. Chairman, I would disagree with the motion. I think items IX. A. 5 and 6 dealing with the ordinances should be at the front of the agenda. They're of great public importance and interest and they certainly should have the precedence. We're talking about water, how do we manage water, how do we save water. I think those are the important issues that this Commission should be dealing with right up front. It shouldn't take that long. It will not be disruptive and it seems that we have a lot of tablings so we might be able to get through a lot of this stuff.

The motion to approve the amended agenda passed by majority [3-2] voice vote with Commissioners Sullivan and Campos voting in the negative.

MR. LOPEZ: Mr. Chairman, relative to the two ordinances, given that you've tabled them, the attorney has just apprised me that we should specify the date to which they are being tabled. The next land use meeting is September 10th. Is that when you would want to move these to?

CHAIRMAN DURAN: Yes, September 10th, and put them in first. Can we

hear those first on the 10th? Is that the consensus of the Commission on that? 2227683

COMMISSIONER CAMPOS: I still object to the entire—

CHAIRMAN DURAN: The motion has passed. We know you object. The other thing that I'd like to bring to the Commission's attention is I am concerned that we still may not get through this agenda and the issues unless I impose some requirements. And based on our guidelines, which are recorded in Book 1836, page 87, the duties of the Chairperson include, there are nine items that outline the Chairperson's duties. And I would like to call your attention to item number 8, where the Chairperson's duties include "preventing motions and testimony from becoming unduly delayed, disrespectful, frivolous or cumulative." And as a result of the Chair having this authority I'm going to impose some rules tonight so that we can get through this agenda and take care of business. And that is we're going to allow staff to make their presentation and then we're going to let the applicant come up and speak their mind or make their presentation. Then we're going to go into the public hearing session and when that's complete we'll let the applicant have the final word, and then we will open it up for the Commissioners to question staff and the applicant.

And each Commissioner will have ten minutes to do that and so if that's okay with the Commission, I'd actually like to have some consensus on that.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: I object to your ten-minute rule. I think these are important issues of great public importance and if a Commissioner needs more than ten minutes, and these are very complex issues that we should have that. And I would not abide by that rule.

CHAIRMAN DURAN: I respect your wishes, your concern. Based on the guidelines that the authority of the Chairman has, I have the right to impose that. And it's very similar to the way that the County Commission in Bernalillo works. They have humongous agendas and the only way they can get through it is by limiting the amount of debate and cross examination by the Commission. I can only tell you that if you don't abide by that I will call you out of order.

COMMISSIONER CAMPOS: You can do so. I think if you did it would be arbitrary and capricious. I think this is a political move to limit debate on very serious and important community issues. It seems to me that you've come here tonight to rubber stamp some projects. And it looks like you want to do it very quickly. We have some serious discussion and I think you should respect the Commissioners. We're all elected.

CHAIRMAN DURAN: We have come here to conduct the business of the County. And filibustering will not be tolerated.

COMMISSIONER CAMPOS: Mr. Chairman, if you look at the minutes, you're the one that gives the longest speeches. Look at these minutes and you take up the greatest amount of time. That's why these meetings are taking so long.

CHAIRMAN DURAN: It's because I'm—

COMMISSIONER CAMPOS: You should read the minutes some times.

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CHAIRMAN DURAN: Well, I disagree with you there.

COMMISSIONER CAMPOS: Look at them.

CHAIRMAN DURAN: In any case, that's the way that we're going to handle the meeting tonight and I hope that you all can help me manage this meeting like it should be managed and conduct the County's business as we are expected to do.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: You were asking for consensus, I don't think I can agree. I can only say that I think we'll all attempt to be concise and to keep the matters relevant to the issues. And I think you have a situation where a Commissioner may ask a question of the applicant or the staff. In some cases the staff or the applicant takes five, six, seven, eight minutes to reply to it. How does that count into your ten minutes?

CHAIRMAN DURAN: It doesn't.

COMMISSIONER SULLIVAN: That doesn't count. Okay. The second thing is that the Bernalillo County minutes, as you probably know, do mention a ten-minute time period. They also mention time at the beginning and time at the end for the sponsor of an ordinance, so they recognize other opportunities for the Commission to speak. So I think maybe you're extracting one item out of the Bernalillo issues. But I'm sure we'll all try to get the meeting through and make our questions as concise as possible. But I can't offer you consensus if that's what you're looking for on that particular issue.

CHAIRMAN DURAN: Okay. Again, all I'm asking for is some help in managing this meeting. I'm not trying to circumvent any right that you might have as an elected official to represent your constituents or the County, but you must agree with me that we have been unable to complete a meeting and we all need to work together to do that and we'll just have to see how it goes this evening. Hopefully we can all work together in achieving that goal.

COMMISSIONER TRUJILLO: Mr. Chairman, I think I have to agree with the direction from the Chairman. I think all of us have had ample opportunity to study these cases over the last six months and get into the quality of life issues that affect the community. I think if we've had any issues or any questions regarding these proposals, we have had enough opportunity to go to staff, to contact our constituents and to deal with them before the meetings. So I agree that we should give impetus to rapid movement of these cases and listening to the community, accepting their positions and their opinions, but not get bogged down in a lot of technical vernacular and issues like that.

COMMISSIONER GONZALES: Mr. Chairman, along with what Commissioner Trujillo has indicated, I would concur. I think the only thing that I would want to make sure is that we leave time, unlimited time for the public and not so much limit the public's opportunity to address the Commission. As Commissioner Campos indicated, these are big issues. We have had the input come forward from the staff by the packet that's been provided. I think if we're going to spend time on this I think it should be time spent with the public and having them being able to address the Commission.

There's probably many questions that the public has concerning these developments and

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we need to make sure that there is time allotted to respond to some of the legitimate concerns that may come forward. So I would hope that the Chair would use some discretion in that area of allowing for questions that may potentially come up that create some concern with the public that have not been answered as yet. But in terms of limiting, from my standpoint, my questions and communication with the staff, I'm willing to abide by the Chair's request.

CHAIRMAN DURAN: Okay.

IX. Public Hearings

A. Land Use Department

- 13. EZ Case #S 01-4691. High Summit Subdivision. Ralph Brutsche, applicant, Design Engenuity, agent, request final development plan and plat approval for a 32-lot residential subdivision on 33.4 acres in accordance with the approved master plan (The Peaks), and a lot line adjustment. This request also includes a variance of Section 3.5.6 (curb and gutter requirements) of the Extraterritorial Zoning Subdivision Regulations to allow the replacement of standard curb and gutter with stone. The property is located off Hyde Park Road (State Road 475), south of the Summit Subdivision, within Sections 16 and 17, Township 17 North, Range 10 East**

JOE CATANACH (Review Specialist): Thank you, Mr. Chairman. On June 25, 2002, the EZA did approve a master plan for this project which included variances to allow disturbance of slopes greater than 30 percent and also a variance to allow a cul-de-sac to serve more than 30 lots and have a length greater than 1000 feet. On August 8, 2002, the EZC recommended approval of this proposed plat development plan. This property is 30. acres currently but the applicant would be doing a lot line adjustment to increase the subdivision acreage to 33.4 acres and that's for the purpose of executing the density bonus that they're proposing, which they would need to increase this property to the 33.4 acres.

The request for preliminary and final plat and development plan with a variance, this request for plat and development plan includes a variance of the road standards to allow a stone curb and gutter instead of the standard curb and gutter. And the applicant has submitted a letter addressing the variance criteria for that variance.

The property is utilizing City services for water and sewer and therefore the base density, the zoning that regulates density would allow one unit per 2.5 acres. That would allow 13 units for this subdivision. The applicant is also proposing a density bonus as I mentioned in which case the request for density bonus is to dedicate 80 percent of the property as open space, in which case there would be a 150 percent density bonus. That would be an additional 19 units, so the 19 plus the 13 that's allowed under the base density is the 32 dwelling units that they're requesting.

And these lots would range in size from .25 acres to .89 acres. Access to this property

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is from the existing South Summit Drive, in which they would be extending that existing road to serve this property. That road would also be paved and would end in a cul-de-sac. Obviously that would be the issue of the variance they're currently requesting having to do with the—actually, I'm sorry. That would be the—that's a result from the variance that was granted with the master plan that would allow a cul-de-sac to exceed 1000 feet in length serving more than 30 lots. The internal roads will also be paved. There will be maximum grades that are allowed is 11 percent, however, the applicant is proposing 11.6 percent grades and the Fire Marshal has approved the proposed road grades.

As I mentioned, water and sewer, City services for water and sewer will be utilized and the City has verified that the agreement for water service will allow the additional four units for the total of 32 residential units, obviously utilizing City water, there will be fire hydrants. Liquid and solid waste, City of Santa Fe sewer system, as I mentioned and also the City may provide solid waste disposal service. However, if that does not occur, they will have to, the homeowners association will contract with a licensed solid waste disposal service.

This staff report addresses terrain management. This property is not within a floodplain. The property consists of mountainous terrain with slopes greater than 30 percent. However, much of that steep slope will be within the open space areas. There will be centralized detention ponds for the post-development drainage, to control the post development drainage, and individual detention ponds will also be utilized on some of the lots.

The open space, as I mentioned, the density bonus, the proposal for a density bonus requires that 80 percent of this property be permanent open space. That's a total of 26.7 acres, in which case about half of that—first of all let me say that's a total of 26.7 acres in which it's going to be a combination of common and private open space. About half of that total open space, 14.8 acres, will be common open space. The remaining acreage will be private open space but the covenants will specify that there cannot be no development within that private open space.

Traffic impact analysis has been submitted. That was submitted to the Highway Department. As I mentioned there's an existing road that's currently serving the Summit South Subdivision. As part of that subdivision they had to build out a deceleration lane. The Highway Department will need to determine if that existing deceleration lane will be adequate to serve this proposed development as well.

They did submit an archeological report. There are two sites that will need to be placed in archeological easements for preservation.

As I mentioned, the EZC recommended approval. The applicant is also requesting a variance of the curb and gutter requirements. They're requesting a variance to permit stone curb and gutter in place of your standard concrete curb and gutter. Staff is not supporting that variance, just as a matter of consistency, but I can tell you that they currently have stone curb and gutter in the existing Summit Subdivision which seems to be holding up.

COMMISSIONER TRUJILLO: Joe, does staff feel that the replacement of standard curb and gutter with stone will compromise the drainage standards that need to be complied with or satisfied?

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MR. CATANACH: Commissioner Trujillo, I believe that I'm going to be consistent to say that the standards are, or the requirements are that there be standard concrete curb and gutter, but I can tell you that they do have stone curb and gutter in the existing Summit Subdivision and we have inspected it and it does seem to be holding up okay. I guess that's about as far as I would want to go as far as trying to go beyond our recommendation of not supporting this variance is explaining to you that there is existing stone curb and gutter that seems to be holding up okay.

Staff recommendation and the decision of the EZC was to recommend preliminary and final approval for a 32-lot residential development subject to the conditions. My understanding is that the applicant is in agreement with the conditions.

CHAIRMAN DURAN: Those are both City and County conditions?

MR. CATANACH: Yes, Mr. Chairman.

CHAIRMAN DURAN: Okay. Any questions of staff?

COMMISSIONER SULLIVAN: Point of order, Mr. Chairman. Point of clarification. In my understanding of the rules was that we were going to go through both the staff presentations and the public hearing before the Commission asked questions.

CHAIRMAN DURAN: I thought that was too, but Commissioner Trujillo asked a question so I figured it was fair that—

COMMISSIONER SULLIVAN: So you could ask one.

CHAIRMAN DURAN: That everybody had the right.

COMMISSIONER SULLIVAN: Well, I would like to know what the rules are, that's all, Mr. Chairman.

CHAIRMAN DURAN: It seems that it's more appropriate to question staff while they're up here so that the information is clarified for the record.

COMMISSIONER SULLIVAN: Just don't want to be called out of order down at this end of the table.

CHAIRMAN DURAN: Trust me. I am only trying to manage the thing here.

COMMISSIONER SULLIVAN: I'm only trying to understand the rules.

CHAIRMAN DURAN: Okay. Well, that's the thing about rules. They always change, don't they?

COMMISSIONER SULLIVAN: I understand now that the rules change. Thank you, Mr. Chairman.

CHAIRMAN DURAN: Do you have any comments or questions of staff?

COMMISSIONER SULLIVAN: That was my comment.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Mr. Catanach, is this case involving a disclosure statement as far as fire danger and fuel loads? Has that issue come up with this particular application?

MR. CATANACH: The subdivision, obviously will have to provide a disclosure statement. I didn't prepare the staff report but I know that issue came up on a

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previous subdivision up in this Hyde Park area that it should be very clear that a homeowner may have to comply with extra requirements for the urban wildland safety. And I'm just scanning through these conditions. I would believe that the applicant would be in agreement with providing disclosure to urban wildland code since that is the requirement anyhow.

COMMISSIONER CAMPOS: Okay. In the other case, I think Mr. Sommer was an agent who represented for the other party. I moved that we have disclosure that there were high fuel loads in the forest and as a consequence there would be added expenses and dangers, increased house construction and increased costs related to defensible space. And that all this should be done conspicuously so that the prospective buyer is well aware of what he's getting into. So I think this should be standard. We shouldn't have to be looking for these things when we are dealing with properties that are in the forest with a lot of trees, a lot of fuel. So that the meeting does run a lot smoother.

MR. CATANACH: Staff will be consistent with that and follow up with that.

COMMISSIONER CAMPOS: So is that condition acceptable to the agent, Mr.

Chairman?

CHAIRMAN DURAN: Excuse me. Point of order, Commissioner. When it comes time to the motion you can make that as a requirement of the motion. Any other questions of Joe?

COMMISSIONER SULLIVAN: Mr. Chairman, I did have a question.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER SULLIVAN: Joe, they're requesting final development plan at this time, right?

MR. CATANACH: Yes, Commissioner.

COMMISSIONER SULLIVAN: Is the traffic report now complete and satisfactory to the County?

MR. CATANACH: The traffic report was submitted to the Highway Department because the access road would be intersecting off of a State road, Hyde Park Road. I don't know right off what the last correspondence was with the Highway Department, but there is a condition, number 14, that they will have to comply with review comments by the Highway Department and at that time, obviously staff will make sure that the Highway Department is satisfied as to their intersection onto the State road.

COMMISSIONER SULLIVAN: And we don't require, since this is final development plan, that that be addressed and satisfied at this point?

CHAIRMAN DURAN: Excuse me, Commissioner Sullivan. There is a letter from the New Mexico Transportation Department which indicates that the subdivision does not pose a negative impact to the intersection. It indicates that a deceleration lane is not required and there is something in here that basically said what Joe just mentioned about the drainage section, that it should be resolved before an access permit is granted. If I heard Mr. Catanach correctly, he indicated that they were going to have to conform or abide by the decisions made by the New Mexico State Highway Department. Did you see this letter? It was in the packet.

COMMISSIONER SULLIVAN: I don't think I—yes, I have that one. But that

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letter indicated that these issues should be investigated and resolved before an access permit is granted. And my question was, I thought when we got to the final development plan we had all of the state agency approvals out of the way. But apparently we still have some and the Highway Department is one and the other one I guess is also regarding the archeological sites. As you mentioned, there's two archeological sites and I guess the plan doesn't indicate any preservation of those but one of the requirements is that they be preserved by an archeological easement. So what confuses me is when we get these so-called preliminary and final development plans coming up to us all at the same time, it seems to me that at a final development plan stage the easements should be taken care of, the access point issues should be taken care of and we should have a final map that displays all that. Is that not the way it's normally done?

MR. CATANACH: Commissioner Sullivan, I believe that staff makes an evaluation of the issues that are outstanding and certainly, if staff feels that there are certain issues that need to be resolved before we come forward we're going to require that that be done. But in staff's review and evaluation we didn't feel that these were issues. It was clear what had to be done and we didn't feel that in making a reasonable decision about this that these were not issues that we could not follow up on before this plat is recorded.

CHAIRMAN DURAN: Excuse me, Commissioner Sullivan, you are already starting. It's a condition that prior to final approval that the applicant must comply with the State Engineer's Office, the Environmental Department, the Hydrologist, the Archeologist. It is a condition of final plat approval.

COMMISSIONER SULLIVAN: I thought that's what we were doing.

CHAIRMAN DURAN: And it's a condition of the approval. We're going to approve it with those conditions.

COMMISSIONER SULLIVAN: Okay, but I guess my question is, I thought when we got to final approval, those things were resolved and we didn't need those conditions anymore. For example, an archeological easement. That should be on the drawing, shouldn't it, and be taken care of at this point in time. Or are those things we leave to the staff after the final approval?

CHAIRMAN DURAN: And the answer to that is what? Yes, staff takes care of that after final approval.

MR. CATANACH: I believe that we make an evaluation of the issues as to whether or not they are significant or not significant. If they are significant, certainly certain things, certain issues may need to be resolved before we come forward. But if we have a clear understanding of what needs to be resolved, we don't consider them significant, we feel that we can handle those as conditions before the plat is recorded.

CHAIRMAN DURAN: Do you have another question, Commissioner?

COMMISSIONER SULLIVAN: That's it.

CHAIRMAN DURAN: Is the applicant here?

KARL SOMMER: Mr. Chairman, my name is Karl Sommer. I represent Mr. Ralph Brutsche who's here this evening as well, seated in the back.

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[Duly sworn, Karl Sommer testified as follows:]

MR. SOMMER: Members of the Commission, I'd like to express my appreciation for you moving us forward this ought to be a very quick case. We agree with all the conditions that staff has imposed. We believe that compliance with those will be forthcoming and completed prior to the recording of the final plat. Mr. Brutsche has been a long-time resident of Santa Fe and he has worked in this area, and to his credit, he stands before you tonight with the agreement, the written agreement and approval of the Hyde Park Road Planning Group. The reason that it was so crucial for us tonight to hear this case and get it heard is that Mr. Brutsche made an agreement, what he did was he agreed to donate \$600,000 to the Trust for Public Lands to acquire some open space for the benefit of the entire neighborhood.

There's an election under that donation agreement for the trust they have to exercise by the 31st of this month so it was really important that we got this heard tonight. It's important to the neighborhood; it's important to Mr. Brutsche and we appreciate the fact that you've allowed us to be heard early.

There are no issues of controversy with respect to the Hyde Park Road neighborhood group and Mr. Paul Dunn, who is the president is here tonight. There are a couple of issues that have cropped up in the last week regarding an adjoining property owner by the name of Grevey. I believe Mr. Sullivan referred to a packet that was delivered to you by Mr. Jim Rubin's office. I did not get the courtesy of a copy of that so I don't know what it says. I can guess that it deals with the request that this Commission impose a requirement that we grant an easement to the adjoining property owner for access.

Let me just give you a little bit of the history because it's important. Ten years ago Mr. Brutsche and I traveled down to Albuquerque when Mr. Brutsche was first developing this property. He was going to build the roads and put in the utilities and put in a 1.5 million gallon water tank to serve the entire region. He went down with me. We went and met with the Greveys who were represented by Mr. Herdman and Mr. Siebert here tonight—they're from Mr. Rubin's office, and we sat down with them in Albuquerque and we said, Look, we're going to be developing the property next door to you. The tank and the roads would serve your property. If you want, we will grant you an easement to get to your property and we'll build the water lines and the utilities to your property. In exchange, what you would grant to us is the ability to put the tank on your property at the highest elevation to serve a greater region. In no uncertain terms, the Greveys dismissed us and said, Thank you but no thank you and they declined to participate.

All we were asking at the time was that they allow the tank to be put on their property. They summarily dismissed us and we left and Mr. Brutsche went about his business. He put in the tank. He spent in excess of \$4 million putting in a tank and roads, roads that serve his property. He paved these roads. He went through the exercise of getting the entire neighborhood behind him regarding the construction of these roads. He put in a tank that serves not only Mr. Brutsche's property but everybody in this region. And the Greveys had an opportunity to participate and all they had to do was give up a tank site in exchange for access.

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They have their own access, mind you. They have their own ability to get to their own property. But since Mr. Brutsche was going to develop his property, he said, Well, why don't we go into this together. They said No.

Now we hear, ten years later, at the eleventh hour, You ought to hold these people accountable. You ought to make them grant us an easement. Well, there are \$4 million in the dirt already. There's a water tank in the dirt that serves the entire region, and the Greveys elected not to participate. And what they're here tonight to do is to ask you all to require us to give it to them for free when they chose not to participate ten years ago.

I submit to you the Code neither requires nor allows you to do that. The Code says that when the public interest is served, there should be a connectivity in roadways. There is no public interest served here. The Grevey property has its own access to public roads. It has the ability to build its own roads and this does not serve any public interest, it only serves the private interests of the Greveys.

The Greveys, you might know are the family that own the Duke City Lumber Company and they bought this property many, many years ago to log it, is what I was told. They never ended up logging it and here they are some years later trying to get access to development. It's a little late in the game. It's unfair to Mr. Brutsche, particularly in light of the fact that he invited them to participate. Not to participate in the cost of building his roads or the cost of building his water system, just to grant a tank site. That was it.

So I submit to you that there is no issue related to the approval of this development as it relates to the easement. Mr. Brutsche would be more than willing to sit down with the person who has a contract to buy the property. He has not closed on the property. It's a gentleman by the name of Mr. Bill Kipnis and he has a contract to buy the property and he's trying to negotiate a deal here with the Commission. I submit to you it's not a proper governmental function and we would request that you not require or attempt to require access to the Grevey property through Mr. Brutsche's property as a condition of any approval.

Mr. Brutsche has as I said, agreed to donate \$600,000. We agree with all the staff conditions and I would submit to Mr. Campos that your disclosure requirement will be a standard in this particular disclosure statement regarding the fuel loads and the fire dangers and the language that I think we're pretty familiar with last time at the Tesuque Creek. That was Mr. Brutsche's subdivision as well. So we have no problem with that particular suggestion and we would include that in our disclosure statement as a matter of course. We would stand for any questions you might have. I appreciate the opportunity again to be heard early. It's important to the neighborhood and important to the community that this donation go through so that the trust can acquire the property that it would like to acquire for open space.

CHAIRMAN DURAN: I think what we're going to do is let the public comment and then you come back and then we'll ask you a few questions then. So it's a public hearing. Is there anyone out there that would like to address the Commission concerning this issue? Please step forward and let the recorder swear you in. State your name for the record.

[Duly sworn, Frank Herdman testified as follows:]

FRANK HERDMAN: Mr. Chairman, members of the Commission, my name

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is Frank Herdman. My law firm represents the trustee of the Grevey Liberman Family Trust, which owns a large parcel of land located adjacent to the proposed Hyde Summit Subdivision. It's the parcel of land to which Mr. Sommer has referred. What my client is asking of the Commission tonight is that this matter be tabled, that it be postponed for a very short period of time in order that we can address an important health and safety concern having to do with need for shared access to the Grevey Liberman property, my clients' property and the proposed High Summit Subdivision.

As Mr. Jim Siebert will explain in just a moment, the proposed High Summit Subdivision has been laid out in such a way that it does not provide for an adequate interconnection with roads that will eventually be constructed on the Grevey Liberman property next door. As proposed, the High Summit Subdivision has one long cul-de-sac that requires a variance under the Subdivision Regulations. The Subdivision Regulations clearly state that where an adjacent parcel of property may be proposed for future development, the roads of the proposed subdivision, in this case, High Summit, must be arranged in such a way that they provide for a coordinated road system allowing for access to both parcels. That only makes sense, especially in this area where we have wooded lots that are highly susceptible to fire.

As proposed, the long cul-de-sac for High Summit will not meet that requirement as Mr. Siebert will explain. What this means is the Grevey Liberman parcel will essentially be landlocked. There is not alternative access to this parcel as Mr. Siebert will explain. The lack of interconnected streets will impose a limit on access for fire protection. Right now, there is one way in and one way out of High Summit. Imagine a massive fire at the end of that cul-de-sac. Imagine evacuation taking place at the same time that emergency access are trying to get access up.

What we're proposing is that there be shared joint access that would dramatically increase fire protection for both parcels of land. Mr. Sommer is correct. There have been negotiations taking place but those negotiations as of this date have not resulted in an agreement that would provide for what I'm describing. We believe that if this matter were to be tabled there would be additional opportunity to address this important issue. And with that I turn it over to Mr. Siebert. Thank you.

[Duly sworn, Jim Siebert testified as follows:]

JIM SIEBERT: Mr. Chairman, Commissioners, my name is Jim Siebert. My business address is 915 Mercer. I'd like to apologize for my attire. I thought this was going to be on at the end of the agenda. This is Hyde Park Road down here. This is the South Summit here and the High Summit is adjacent to the Grevey Liberman property which is located here. The Grevey Liberman is approximately 430 acres. The hole in the doughnut here is actually the City of Santa Fe land. And the reason that we're asking for a consideration of additional access or access to the Grevey Liberman property is that you can see pretty clearly that there has actually be a stub-out with a reservation of a right-of-way to the Grevey Liberman, and then this is the termination of the cul-de-sac here. The cul-de-sac is approximately a mile long from Hyde Park Road to the end of the cul-de-sac here.

What we had proposed to do is have two points of access. The dark black tone is slopes

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that are 30 percent or greater. The lighter gray tone is 20 to 30 percent and the white is zero to 20 percent. It's the area that would be the developable area. As you can see there's basically ridges here. What we propose would be a connection back to the cul-de-sac here and then a connection at the point here where they have actually reserved the future dedication of access. There is an 18-acre parcel which provides access down to the Hyde Park Road system. We have evaluated that and while not impossible, it would be difficult to meet terrain management standards to get a roadway, a road and utility system that would come up through this 18 acres. And our guess is that the Hyde Park Road Association would be rather opposed to this access as well.

So what we're asking is a consideration from a fire standpoint that would allow for a loop to occur at least within this property. I have presented the same plan to Buster Patty. He felt it was reasonable to have that interconnectivity so you would be allowed, in case of a fire you would at least have another point of exit to another property. I'll answer any questions you may have.

CHAIRMAN DURAN: Any questions of Mr. Herdman or Mr. Siebert? I have a question. Jim, have you given any consideration to the cost of the road that Mr. Brutsche is building?

MR. SIEBERT: Well, I do know that in the negotiations that have gone previously, there has been discussions for compensation for offsetting the costs of road and utilities to bring the roadway up to allow for access to the Grevey Liberman property.

CHAIRMAN DURAN: And you don't know where those discussions are at this point?

MR. SIEBERT: I was not personally privy to them. I've heard this from Bill Kipnis.

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER TRUJILLO: According to Karl Sommer, the people you represent were given the opportunity to participate in developing the infrastructure for that area ten years ago and they decided not to. Why not? At this point, ten years later, they want to tap into the already developed infrastructure or proposed infrastructure. Why ten years ago they didn't want to do that?

MR. SIEBERT: Mr. Chairman, Commissioner Trujillo, I'm not personally aware of that history so I don't know what transpired during that particular meeting. I can say that I know that there's more than a willingness on the part of the Grevey Liberman family to compensate Mr. Brutsche for the cost of the infrastructure, for a portion of the cost of the infrastructure that's at least pro rata to the development.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: Just another quick question. It seems a little bit odd that your client would want to come to the Commission to basically use the leverage of the Commission to negotiate what may certainly require another access onto the property. And I

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frankly, I think that's not the role that the Commission should play. It seems to me that regardless one way or another whether this is approved or denied, if your client wants to develop this property when they come into submit that at that time, Joe or members of the staff are going to say, These are the access points are required. You'll have to go and negotiate it before you come forward. It seems like that's the normal course of business. I understand Mr. Herdman basically saying in the name of fire we should put this on hold because it will allow for greater movement amongst the fire trucks and every fire department will say the quicker we can get in the better, but the fact is we don't know what the timing of your development will be and we certainly don't know from a larger perspective how that will fit into the overall fire infrastructure.

I was reading in here where the current applicant has to put in, they're all on fire hydrants and they need to have the sprinkler system in the homes and everything that they can, where our own fire department feels comfortable that this subdivision is worthy of going forward as it is. So my question to you is, regardless of what the Commission does tonight, I'm sure you plan on continuing to try to find another access if that's what the staff requires. Is that right?

MR. SIEBERT: That's correct. Just to respond to the question. Yes, it is inappropriate to use the Commission to leverage the need for access, but I think it was pointed out earlier by Mr. Herdman there is the issue—what constitutes public interest and does fire protection constitute public interest and I guess we feel it does.

COMMISSIONER GONZALES: I think that that's a good point and I think that was addressed though in the application by the Fire Marshal when they required the set of fire hydrants that were in place. Are you asserting that this application, the way it is going forward does not serve the public's interest when it comes to fire protection?

MR. SIEBERT: Well, I think that what I'm saying is I'm not sure that the Commission was aware of all the facts in front of it. Originally, when the master plan came through, there is an opportunity to allow for a greater connectivity, interconnectivity of roadways and therefore an improved fire protection system.
[audio difficulties]

COMMISSIONER CAMPOS: Mr. Sommer, I guess you understand the proposal. Is this going to cost your client more money? As far as the compensation proposal, are you willing to listen to this and discuss this at some point?

MR. SOMMER: Certainly, we would be glad to sit down with whoever owns the Grevey property once Mr. Kipnis buys it and then flips it, about emergency access and the like. But at this point we have no concrete proposal on the table from them, only that they would like to have this access so they could then utilize that access as part of their development plan approval. I think it's a little backward. They should come to us. I think that Mr. Brutsche has been more than willing in the past and currently, to say that he has not worked with the Grevey property or Mr. Kipnis is not accurate. And the reason is is that Mr. Brutsche has stubbed out a potential on this property.

COMMISSIONER CAMPOS: Has done what?

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MR. SOMMER: He has stubbed out a potential and he has designed his roadways so that there could be connectivity that Mr. Herdman so eloquently talked about the need for connectivity. It certainly has been designed so that would be allowed, but it's not going to be given to them for fee, particularly in light of the fact that they've had the opportunity. So to answer your question directly, we would be glad to listen to a proposal for compensation on some sort of pro rata basis that takes into account Mr. Brutsche's existing and then additional cost that he's going to have to incur to do this, and what their plan might be.

The other thing that we have a concern about is these roadways at the Summit have been designed in the lots for the Summit. If they come in with a proposal, we just did a quick calculation, they could propose 172 lots on that property. And that would be 172 additional lots coming through roadways that we didn't anticipate for that. So we'd have a concern for that and just granting an easement without knowing that would be very dangerous.

If I could add one thing about this. You were told that they were landlocked. Here is a public roadway in Hyde Park Estates. The County owns and maintains this roadway. This 18-acre tract is owned by the Greveys and it was purchased by them for the specific reason of access. They brought this property from Mr. Walter Keising, and then they bought this property at the same time so that they would have access to this property. The idea that we're going to enhance fire protection by allowing them to cut through the lots in the Summit and cut through the lots in High Summit, you still have one access point. You have one access point to the Grevey property and the idea that--what we're doing is we're creating a loop through our property, not to public roads.

The have the opportunity to build a roadway down this 18-acre tract to get in and out of the property. The problem is, and we did an analysis on this ten years ago, that access costs a million dollars. Mr. Brutsche's roads cost \$4 million. That's the whole problem here. This isn't a landlocked parcel. It's got access and we would be glad to sit down and talk to them about some formula and compensation. We have no interest in just holding them up. In fact we have every interest in making a deal with them because we can get some of our investment back. It doesn't do us any good to not deal with them. So we're willing to sit down and talk to them but we don't think it's proper for the Commission to simply give that away.

COMMISSIONER CAMPOS: Mr. Sommer, my concern is the safety. The forest is a dangerous place, especially now with so much fuel out there and when it gets dry it gets especially dangerous. So I would encourage you to at least sit and talk and get this resolved because I think the public will benefit. And I kind of feel that there's some bad blood here between the parties. Maybe a good mediator would be helpful. But this is important. I think the EZA did grant a variance in this case as far as a number of these fire safety issues. You have one driveway that goes straight back, deep into the property and the Code doesn't encourage those things. In fact it makes it against the ordinance unless you get a variance. And to me that it an enhanced danger.

MR. SOMMER: Certainly we have every incentive to deal with them because it helps us get some of our money back.

COMMISSIONER CAMPOS: Would you be prejudiced if this thing is held off

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by action tonight?

MR. SOMMER: Absolutely. We have two prejudices. One, we have a \$600,000 contribution that is conditioned on getting made on the approval of this so that we can get the donation made and the election by the trust gets made.

COMMISSIONER CAMPOS: What's the time issue? When do you have to get this done?

MR. SOMMER: August 31st. So that's why we're here.

COMMISSIONER CAMPOS: Okay. Thank you.

CHAIRMAN DURAN: Any other questions of either Mr. Sommer or the previous speaker? Is there anyone else out there that would like to address the Commission concerning this matter? Please state your name for the record and your address.

[Duly sworn, Paul Dunn testified as follows:]

PAUL DUNN: My name is Paul Dunn. The address is 2441 Camino del Oso. Mr. Chairman, and Commissioners, for the past ten years I've been chairman of the Hyde Park Road Planning Group. I can't begin to tell you the ups and downs we have experienced in trying to pull together the neighborhood plan for that entire neighborhood up there. And I can substantiate what Mr. Sommer said regarding contacting the Greveys because I personally drafted some of those letters that went out to them ten years ago, asking them to participate in our group. We never received a response from those folks. So the attempt was definitely made. That was one point I wanted to make.

The second point is very simple. Ten years ago, we came together as a community with really one main goal in mind and that was to preserve the Thomas/Nydes property that we are talking about here. Everybody gave up something in this process. Nobody walked away with everything that they wanted and the bottom line is after ten years of very hard work, to have this go south at this point because of a last minute effort, I find it incomprehensible. We believe we have a path forward. We believe that in the overall community it's the best thing to do up there and I would encourage you to go ahead and pass this tonight so that we don't run the risk of losing out on Mr. Brutsche's \$600,000 donation.

CHAIRMAN DURAN: Thank you, Mr. Dunn. Next speaker please.

[Duly sworn, Carolyn Sigstedt testified as follows:]

CAROLYN SIGSTEDT: My name is Carolyn Sigstedt. I just had a thought. I kind of agree that it would be nice if we had more time so that they could go back and negotiate this and have fiscal impact to the first property could be helped by the second property, the Grevey's. I feel that the Trust for Public Land might be the perfect institution to do the mediation for this and they have vested interest and would get this done perhaps by the 30th. But I think that there could be some monetary figure agreed upon or at least a system that would be agreed upon so that both would feel better and I think there should be some money up front so that if the Grevey's didn't do their development for 30 years the improvement to the roads to their property would be paid in now.

It is a question of safety and it's also a question of long-term planning. Thank you.

CHAIRMAN DURAN: Thank you. Any one else out there that would like to

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address the Commission on this?
[audio difficulties]

MR. SOMMER: ...this evening. It really is important to the community and to us separately to get this done and to get it done today and to know where we stand. We agree with the staff conditions and we will [audio difficulties]

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I have a question for Mr. Sommer. What do you mean by you need to make an election by August 31st?

MR. SOMMER: They have an election that they have to make as to the form of the donation.

COMMISSIONER SULLIVAN: And if August 31st comes and goes, then what happens?

MR. SOMMER: We will not have an approval and the donation—the donation is contingent upon the approval of certain things and one of these things is [audio difficulties] and they lose their election.

COMMISSIONER SULLIVAN: Okay. So your client is saying my \$600,000 donation is only good if the County Commission approves my project on August 26, 2002?

MR. SOMMER: I think that's one way of putting it. What it actually is is in order to make the donation, Mr. Brutsche has to develop the property and it is approximately four lots that are getting sold out of this property to make that donation. So the development of the property makes the donation possible.

COMMISSIONER SULLIVAN: Is this election to some agency or to the IRS? I'm still not understanding the urgency. What does this election mean?

MR. SOMMER: Well, it's fairly complicated. It's a donation agreement. I think you have a copy of it, Mr. Sullivan. Mr. Klauck gave it to you and it's pretty specific in there as to the manner in which the donation gets made and the election gets made. It's fairly complicated to explain here.

COMMISSIONER SULLIVAN: Okay, so just to summarize it then, it's not an outside time constraint from some governmental agency. It's a condition that Mr. Brutsche has placed on his making the donation, that it be done before August 31st.

MR. SOMMER: Actually, the election was not a condition placed by Mr. Brutsche. And Mr. Brutsche has now twice extended that election date.

COMMISSIONER SULLIVAN: But when you say election—I don't want to beat it to death—by election you mean a date that has been set by Mr. Brutsche and then extended.

MR. SOMMER: I don't know if you want to get into the details of this. The election could be that the trust end up with \$850,000 worth of land, if this is approved. That's important to the trust. Or they'll end up with \$600,000 worth of cash. And so the election that they have to make within the time frame is about \$250,000 swing to the Trust for Public Lands. I could get more specific but we'll be here for a while.

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COMMISSIONER SULLIVAN: I think you've clarified that it's a deadline that is [audio difficulties]

MR. SOMMER: ...provide some leverage. In response to his having raised that issue, we've been to the Highway Department. We have met with the District 5 engineer regarding the sign and the manner in which we have to proceed is the District 5 engineer will make a final determination as to the validity of the sign in its current location. If the District 5 engineer says that the sign can remain, we still would have to come in and ask for a variance under the Code. If the District 5 engineer says it will not remain, then the sign is going. So the sequence of events is we're waiting for the District 5 engineer to do something and then if he allows the sign to stay where it is and it stays as a matter of Highway Department, then we'll be in asking for a variance. That's as a matter of course because I'm sure Mr. Klauck won't let that rest.

So it has nothing to do with this particular case and we're not asking for a variance in this case to keep it there because we could ask for a variance and go through the brain damage of getting a variance only to have the Highway Department say Move the sign. It doesn't make much sense.

CHAIRMAN DURAN: So would a condition imposed on the approval or disapproval, say the approval, it would be subject to final determination as to what the state tells you? And that you would come forward requesting a variance if they say it can stay, or remove it if they say it has to go.

MR. SOMMER: If they say it has to go we'll move it and if they say it has to stay, we'll come ask for a variance to keep it there. But we don't think it's a condition of anything dealing with this particular project.

CHAIRMAN DURAN: Is this the original, are we talking about the original Summit entrance?

MR. SOMMER: Summit South. It's got it's own—we have a condition of approval over there on Summit South. We would prefer not to mix the apples with the oranges here. Mr. Klauck clearly would and has attempted to do so for other reasons not dealing with this case.

COMMISSIONER SULLIVAN: Mr. Chairman, I wasn't trying to determine what Mr. Klauck's motivation was. It's simply an issue that was brought up and our Code enforcement officer verified that it's contrary to the EZ ordinance. So I was just asking what we're going to do about it.

CHAIRMAN DURAN: I think it's clear what we could do. Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, a question for Mr. Herdman. Mr. Herdman, you've heard the comment by Mr. Sommer about prejudice. Do you want to let us know what your assessment is?

MR. HERDMAN: Mr. Chairman, Commissioner Campos, I can't speak to the specifics of that particular arrangement. I'm not privy to those details. As a consequence I'm really not equipped to rebut that. As I said, I'm not privy to the details of that particular

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arrangement so I'm not equipped to rebut them. I would request that the Commission weight all of the concerns including the fire safety issues that we also raised.

COMMISSIONER CAMPOS: Thank you.

COMMISSIONER TRUJILLO: Mr. Chairman, move for approval of EZ Case #S 01-4691 with all staff conditions and also a requirement that both entities open lines of communication and dialogue regarding connectivity of roads in the area, and which the applicant has agreed to.

COMMISSIONER GONZALES: Second.

CHAIRMAN DURAN: There's a motion and a second. For discussion?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: I'm not sure if Commissioner Trujillo has addressed the variance issue. Is that, are you contemplating the approval of the variance or a separate vote, or how, what are you proposing?

COMMISSIONER TRUJILLO: Part of my motion includes the variance, replacement of standard curb and gutter with stone. I didn't get satisfaction from staff that not approving that variance would have a disparate impact on the development and there is already existing stone gutter in the area that's serving the purpose. So my motion includes the variance for that.

COMMISSIONER CAMPOS: Staff did make a strong comment about that the rock curbing would not accommodate storm water runoffs so you would have more water on the street as opposed to running alongside the street and draining properly. I guess that's a major concern.

COMMISSIONER TRUJILLO: And staff also said that by looking at the area, they did not feel that the existing gutter had a disparate impact on the drainage in the area. That's a question that I asked Joe and is that right, Joe? Is my interpretation correct?

MR. CATANACH: That's was my response, yes, but certainly [inaudible]

CHAIRMAN DURAN: Do we want additional information?

COMMISSIONER TRUJILLO: I don't think I need additional information. I think that my motion—

CHAIRMAN DURAN: Any further discussion concerning the motion?

MR. KOPELMAN: Mr. Chairman, members of the Commission, in order to grant the variance, the Code requires that certain findings be made and it's on—it's Exhibit C. It's page NB3-38 in the packet. And I believe that those review criteria need to be incorporated into the record by reference or expressly in order for the variance to be granted.

CHAIRMAN DURAN: Okay, so do you want to reference those for the record?

COMMISSIONER TRUJILLO: Yes. We'll reference those, commensurate with staff's statements.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

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COMMISSIONER CAMPOS: I have no problem with the motion. I do have a problem with the variance request and I'd like to vote on them separately.

CHAIRMAN DURAN: Any other discussion?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I'd like to add in your language if the maker will include it regarding the sign. I think the sign is a liability issue. If we continue and there is an accident as a result of that sign as being too large and also being located too close to the traveled way, I'm just wondering out loud whether we share in that liability. But by including a condition that it meet the Highway Department requirements, I think we may be addressing the safety concerns in a better way.

COMMISSIONER TRUJILLO: I think that the applicant is sensitive to all of those issues and will deal with the sign appropriately, so I don't have any problem in including that condition.

CHAIRMAN DURAN: Does the second agree to that?

COMMISSIONER GONZALES: Yes.

CHAIRMAN DURAN: Any further discussion?

The motion to approve EZ Case #S 01-4691 passed by majority [3-1] voice vote, with Commissioner Sullivan voting against and Commissioner Campos abstaining.

- IX. A. 1. CCDDRC CASE #MP 02-5050 – Sonterra. Richard Montoya (Santa Fe Planning Group, Scott Hoeft, Agent), Applicant, Requests Master Plan Approval for a Mixed Use Development (Residential, Commercial, Community) in a Village Zone, Consisting of 520 Residential Units and 29,117 Square Feet of Commercial Space on 245 Acres. The Property is Located off of Vista Del Monte East of Valle Lindo Subdivision within the Community College District, Section 30, Township 16 North, Range 9 East**

MR. CATANACH: Thank you, Mr. Chairman, Commissioners. On March 7, 2002, the Community College District Review Committee recommended approval for this proposed master plan. The master plan proposes the following: It includes 122.5 acres of permanent open space, which will include parks, plaza areas and undisturbed open space areas. That's 50 percent. 122.5 acres is 50 percent of the total acreage as required by the Community College District Ordinance. This master plan is also proposing 60 residential units for affordable housing, which is 15 percent of the 520 that are proposed.

Phase 1, the Village Zone neighborhood with a neighborhood center. And that consists of 239 detached residential units, average lot size 6,000 square feet on approximately 54 acres.

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There will be a community building for daycare and recreational activities. Phase 1 would also include a portion of the commercial neighborhood center consisting, the total neighborhood center consists of 29,117 square feet of commercial space on approximately three acres and they're proposing to develop a portion of that commercial neighborhood center. Phase 1 proposes approximately 47.8 acre-feet of water use for Phase 1.

Phase 2 development is a Village Zone neighborhood and a neighborhood center which would consist of 101 detached residential units, compound units with an average lot size of 10,000 square feet on approximately .31 acre per lot for those 101 units. Again, they will build out a portion of the commercial neighborhood center. And Phase 2 is proposing 29.7 acre-feet of water use.

Phase 3 is again the development of a Village Zone neighborhood with a neighborhood center consisting of 180 residential units which would be a variety of housing types, townhomes, compound homes, live/work units and apartments. Again, the lots would have an average lot size of 1500 square feet on approximately .15 acre. They would build out the remaining portion of the commercial neighborhood center. In this Phase 3 there would be a five-acre school site with a five-acre community park/open space area. Phase 3 is proposing 24.2 acre-feet of water use.

Staff report outlines that the applicant has complied with defining the landscape types. Landscapes types relevant to slope, vegetation and drainage for purposes of defining the location of the zones and that has been done. The applicant's landscape types are consistent with the ordinance for purposes of locating the zones that are required for the Community College District Ordinance. The zoning allowances, the minimum residential density that is required in a Village Zone neighborhood, neighborhood center is 3.5 units per acre, and the applicant is proposing approximately 4.2 units per acre. That results in the 520 residential units proposed on 245 acres.

The minimum floor area ratio in a Village Zone neighborhood center is .25 and the maximum is 2.0. The applicant is proposing to maintain the minimum .2 floor area ratio, which includes commercial space and second story live/work residential units within that neighborhood center and that results in the minimum 29,117 square feet of commercial space for the neighborhood center.

Market analysis, economic, fiscal impact. The applicant has submitted a market analysis. It makes reference to existing and proposed projects. It addresses the relationship with the Thornburg master plan which in making that comparison it talks about that the Thornburg master plan is primarily commercial and the Sonterra master plan has more of a residential element. This market analysis also projected residential density within Sonterra will create a demand for more than 20,000 square feet of commercial space. I'm making general reference to their report and I believe I did include the submittal for market analysis within your packet.

It talks about 30 residential units, that expect that Sonterra will supply about 30 residential units per year and the 520 units will be absorbed in about 17 years. The applicant did not specifically address economic fiscal impact at this time and we can talk about that some more as I go through my report because staff does have an additional condition regarding fiscal

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impact.

Water and wastewater and water services proposed from the Santa Fe County Water Utility. Total water demand at full build-out is estimated to be 102 acre-feet per year based on water conservation measures. The developer presently has a water supply contract for ten acre-feet with the County water utility and the developer would have to seek additional water rights that could be transferred to the County Water Utility. Water supply to support each phase of development must be available at the time the development plan is submitted for each phase and each phase must be able to function as a viable and complete development in the event that subsequent phases are not approved or developed.

Two options are proposed for liquid waste disposal and the options are utilizing the Santa Fe County wastewater treatment plant located next to the old state prison, or to utilize the Rancho Viejo wastewater treatment plant. Certainly they will have to come in with a specific proposal for liquid waste disposal at the time of development plan, but they are setting out what their options are.

Roads and access: The primary access road through the property will be Vista del Monte which intersects off State Road 14 and is in accordance with the Community College District road plan. The intersection is presently signalized. However, substantial improvements will occur as part of the Thornburg development. Extension of the road to Sonterra will require substantial improvement to meet minimum standards for a traffic priority road and this may include additional easements, pavement, drainage improvement, landscaping, bike lanes and pedestrian trail. There would be a secondary access road connecting to the existing road that takes you in to an existing road. Anyway, their secondary access would be a connection to the existing road within Rancho Viejo, and that existing road is Avenida del Sur and A Van Nu Po Road, which is the road that provides access to the IAIA campus. Those are important to the road plan.

The primary access roads will be subject to conditional dedication for future ownership and maintenance by the County. The internal subdivision roads will be paved with curb, gutter, sidewalk and sidewalk on-street parking. The road layout also provides for continuation of future connections with the State Land development proposal, San Cristobal, and Valle Lindo Subdivision as well.

Staff report addresses terrain, open space, landscaping, and archeology, and like I mentioned, the applicant has defined the landscape types. They are proposing to control post-development drainage with detention/retention ponds. The permanent open space consists of 122.5 acres, which is 50 percent of the total land area. Community and recreational facilities, including public trails must be provided within the common areas. Low-water landscaping will be planted including reseeding disturbed areas. An archeological report will be submitted with the development plan.

Homeowners association: Conceptual homeowner documents address use and development of the lots with reference to the mixed use principals and design guidelines of the Community College District, including maintenance of common areas and facilities.

Recommended action is that the criteria listed in the staff report, A, B, C and D, that

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that be the criteria used for consideration of the master plan. The proposed master plan is in accordance with the Community College District plan and ordinance and the Community College District Development Review Committee recommended approval subject to the list of conditions. Number one is a standard condition for compliance with various review agencies. Number two has to do with having more of a variety of housing types within the various phases. As I was presenting to you the applicant's proposal, they did not have a variety of housing types. Phase 3 did have a variety. Phase 1 and 2, they need to incorporate a variety of housing types within Phases 1 and 2.

Number 3 has to do with neighborhood park plaza within Phase 1, providing the neighborhood park plaza within Phase 1. And number 4 has to do with block perimeters not exceeding 2000 feet. Number 5 specifies permanent open space, parks and trails will be dedicated for each phase, and the district trails shall be developed in Phase 1.

Number 6, a portion of the school site shall be developed as a neighborhood park in Phase 2 and an expanded community park in Phase 3.

CHAIRMAN DURAN: Excuse me, Joe. We're going to go ahead and just enter the recommended action into the record. If any of the Commissioners have questions about those, when we have the opportunity to discuss it we'll bring it up.

[The conditions are as follows:]

1. Compliance with applicable review comments from the following:
 - a) State Engineer
 - b) State Environment Dept.
 - c) State Highway Dept.
 - d) Soil & Water Dist.
 - e) County Hydrologist
 - f) County Public Works
 - g) County Technical Review
 - h) County Fire Dept.
 - i) County Water Utility
 - j) Santa Fe Public School Dist.
2. A variety of housing types shall be incorporated into phase one, and shall include live/work units, and a variety of housing types shall also be incorporated into phase two.
3. Provide a neighborhood park/plaza within phase one, and specify total open space/parks/plaza areas will consist of 122.5 acres
4. Block perimeters shall not exceed 2000 feet.
5. Specify the permanent open space/parks and trails that will be dedicated for each phase, and district trail shall be developed in phase one.
6. Portion of school site shall be developed as a neighborhood park in phase two and expanded to a community park in phase three.
7. Road connection to Avenida del Sur/A Va Nu Po Road shall be constructed in phase one.
8. Landscape concepts shall include tree/shrub plantings for street corridors and plaza/

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- park areas, and including recreational facilities in park/plaza areas.
9. Road connection with Valle Lindo Subdivision shall be realigned with center road of phase one subdivision.
 10. Primary roads connecting to Avenida Del Sur and San Cristobal (state land) will be subject to conditional dedication to County for future ownership and maintenance.
 11. Submit updated traffic report and market/economic/fiscal analysis with development plan for each phase.
 12. Provide 15 percent affordable housing (78 units) based on total residential density of 520 residential units, including compliance with future amendments of the affordable housing ordinance.
 13. Reservation of property for school site may include private schools or appropriate institutional, civic, community use if reservation is not accepted by public school district.
 14. Lots shall have a minimum buildable area of 1500 square feet out of the 100-year flood plain limits delineated as drainage easements on conceptual drainage plan.
 15. Identify general off-street parking areas for neighborhood center.
 16. Notification of County Assessor and County Sheriff regarding master plan approval.
 17. Participation in a special assessment district for district wide infrastructure, improvements and operations.
 18. Submit consent regarding proposal to utilize Ranch Viejo sewer system. This does not prohibit construction of a community sewer system or other options.
 19. Submit mass transit analysis with development plan submittal.
 20. Number of residential units for affordable housing shall not fall below 15 percent for each phase based on total number of residential units in each phase.
 21. Open space/park acreage shall not fall below 50 percent for each phase based on total acres in each phase.

MR. CATANACH: Then if I could at this time then, there would be some additional conditions that the staff had talked about and this is to be consistent with the other Community College developments and we have discussed a condition having to do with a fiscal impact study. The language that staff is presenting for this is that a fiscal impact study be conducted by the County for the entire Community College District. The BCC shall review and assess the fiscal impact prior to any preliminary development plan hearings to determine whether the project is in the best interest of the County and fiscally viable in the judgement of the BCC. I believe that condition is consistent with San Cristobal, the San Cristobal master plan.

And again, Mr. Chairman, for purposes of consistency, I would want to explain that Sonterra was one of the first master plans, that got onto an agenda and was requesting master plan approval and a lot of things have evolved in the time that this master plan made it onto an agenda, there have been a lot of things that have evolved and for purposes of consistency, again, I want to enter another condition, besides the one I mentioned regarding fiscal impact,

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and this condition again has to do with water. This condition would state that the water service agreement and water budget to be approved by the County prior to final development plan by BCC. So they would need to have an approved service agreement before they submit a final development plan to the BCC and the terms and conditions of that water service agreement must be complied with prior to recording the plat.

CHAIRMAN DURAN: Joe, how would that work with the phasing of the project? Because they only have water, my understanding is, for one phase.

MR. CATANACH: I believe that—

CHAIRMAN DURAN: Would that allow them to complete the first phase?
Phase 1?

MR. CATANACH: They would need to acquire additional water rights to complete Phase 1. They don't have enough water rights to complete Phase 1. I believe that we're going to have to work with that. Certainly I believe a developer may come in and just transfer water rights for Phase 1 and then try to acquire the additional water rights for the other phases later, or a developer may come in and have all their water rights for all the phases. And I think we're going to have to fine-tune that as we go through this process. But the way I look at that is a developer would certainly have to have enough water, would have to have the water service agreement and water budget that supports at least the first phase and they would have to follow the terms and conditions of that water service agreement before we record the final plat.

So in trying to answer the specific question, a developer would be allowed to acquire water rights per phase and they would have to have sufficient water rights to support that phase before they—in the water service agreement before they came to final to the BCC and they would have to comply with the terms and conditions of that water service agreement before we record the plat.

COMMISSIONER TRUJILLO: Mr. Chairman, Joe, by what [audio difficulties] wells, tapping into the existing aquifer in the area. Is that, am I understanding you right?

MR. CATANACH: Commissioner Trujillo, the condition I put forward mostly had to do with the applicant having sufficient water rights before they come to—sufficient water rights in terms of a water service agreement before they come for final to the BCC. It does not really address the point of diversion or where those water rights would have to be transferred to. And I know that there has been some discussion about whether at this point, at a master plan level whether that should be tied down right now. I do know that there has been some discussion as to whether the BCC should consider whether they want to tie down where those water rights have to be transferred. In other words, Buckman diversion, or whether they could be transferred to other points of diversion that the County owns wells. And I think certainly there is—the discussion we've had here at the County is that the BCC may want to consider where those water rights are being transferred to. But I do not have a specific condition about that?

CHAIRMAN DURAN: To or from? From. Any other questions of Joe?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

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CHAIRMAN DURAN: Mr. Catanach, as far as water for Phase 1, if I understand the report correctly, the applicant would need about 48 acre-feet?

MR. CATANACH: Yes, Commissioner Campos, that's correct.

COMMISSIONER CAMPOS: And right now, the applicant only has ten acre-feet available. Is that right?

MR. CATANACH: Yes, Commissioner, that's correct.

COMMISSIONER CAMPOS: Is there some idea as to where the 38 acre-feet are coming from?

MR. CATANACH: I do not have that information and I believe I got some correspondence from the applicant and their hydrologist that indicated an intent to pursue additional water rights. I could not tell you where those water rights are coming from. This applicant would have to address that. I can tell you that we are proceeding forward based on direction from the BCC that at a master plan level, it was adequate to make the proposal that you will utilize the County water system and that that was adequate at a master plan level. Certainly, by the time they come in for preliminary development plan more information regarding those water rights are going to have to be brought forward.

COMMISSIONER CAMPOS: So at this point it's not clear whether they're going to import off the Buckman diversion or Buckman wells or whether they're going to use local wells.

MR. CATANACH: Or whether the water rights are going to be transferred to wells that the County owns.

COMMISSIONER CAMPOS: That's not clear as far as your understanding?

MR. CATANACH: At this master plan level, no Commissioner, that is not clear.

COMMISSIONER CAMPOS: The second question is, as I understand it, the Office of the State Engineer has not approved of this particular plan because it does not have a 100-year water supply?

MR. CATANACH: That is the same letter that the State Engineer has submitted for all the developments in the Community College District. Yes, Commissioner.

COMMISSIONER CAMPOS: Okay. A master plan, the last question, what is the effect, or maybe I should address this question to Mr. Kopelman. What legal effect does a master plan approval have tonight? Is it simply conceptual or does it give the applicant any legal rights?

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, the master plan doesn't give you zoning. The zoning has already been taken care of. Basically, in this case, the master plan is conceptual. It doesn't give any binding legal rights in any way. There are no vested rights granted with a master plan. And so the applicant at this point is just putting together a plan on how over the next ten, twenty years he anticipates the development will occur. After the master plan, if he gets approval, he would then move forward with phasing and he would come forward first with preliminary plan approval for the Phase 1 if he has the water rights. If he doesn't have the water rights he can't move forward. If he has the water

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rights and the County is not in a position to provide a water supply, again, the applicant would not be able to move forward.

For preliminary development plan, the applicant would need a letter of intent from the County and that letter or intent basically sets forth terms and conditions. But final development plan cannot proceed until there's a signed agreement and until the water rights are then moved to the point of transfer to the County system and on top of that the County has to be able to provide service. So it's a long process. Just the water rights transfers alone can take upwards of two to three years.

COMMISSIONER CAMPOS: Now, do you think it would be wise, Mr. Kopelman, to include in our decision as a condition or a finding that this is merely a conceptual approval so that there will be no misunderstanding by the applicant? That this is merely conceptual?

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, I'm not sure. I'd have to take a look at the ordinance to see how master plan is defined but I'm just looking at the Code section which talks about what a master plan does and again, it's very, very general. And I'll just go through a few. It defines boundaries, calculates zoning allowances and requirements. It's all general and it is all conceptual. In terms of putting in a condition or clarifying, I think that the clarification would be accurate that in fact this is a preliminary, conceptual plan. Master plan is just conceptual. It does not give any vested rights in any way.

COMMISSIONER CAMPOS: Okay. My second question to you Mr. Kopelman. The State Engineer has said there is no 100-year water supply for this project. And the Code, I'm not sure if the Community College District code addresses that issue. But my impression is that we cannot approve something unless the State Engineer agrees that there is a 100-year water supply. Is that right? Wrong? Could you clarify that for me?

ROMAN ABEYTA (Land Use Administrator): Mr. Chairman, Commissioner Campos, the Community College District Ordinance does not require proof of sufficient water availability until preliminary development plan. That is specifically stated as a criterion of approval for preliminary development plan. It states that the development has sufficient water availability to sustain the phase of development the project is making an application for.

COMMISSIONER CAMPOS: So you're comfortable that we can move, we can grant master plan approval without the State Engineer saying that there is a 100-year water supply at this point?

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, again, because this is such an initial phase and conceptual, it wasn't anticipated in the ordinance that the applicant would actually have the water in hand and that the County would be able to deliver water at master plan level. But as Roman indicated and as the Code indicates, as you go through the phases, you are required to have water before you can bring a phase forward. So at this point I'd say the answer is no.

COMMISSIONER TRUJILLO: Mr. Chairman, and just for me to understand what the 100-year water supply means by the State Engineer, that would be a 100-year water supply in the existing aquifer, in the Galisteo Basin, not imported water. Is that correct? That

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area is a dry basin and the State Engineer's position is based on that.

MR. KOPELMAN: Mr. Chairman, Commissioner Trujillo, my understanding is that the State Engineer's position is taken because the City and the County now have a contract with the Bureau of Reclamation for the rights to the San Juan/Chama water supply for up to 5,200-plus acre-feet and the terms of the agreement expire in the year 2016 and so the County and the City are in the process of renegotiating those terms. The State Engineer has taken a position, my understanding is that because that contract hasn't been fully renegotiated that in effect it's possible that the contract may not be renewed and then the water supply of the City and the County would be limited. I think that's why the State Engineer at this point isn't granting, giving a letter or approval.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Joe, there's been discussion about providing water from the County system also as a condition here, and I think that's pretty much a given from the nature of this development, but I don't see that in any of the conditions.

MR. CATANACH: Commissioner Sullivan, that was the last condition that I was adding. As I tried to explain—

COMMISSIONER SULLIVAN: The water service agreement. So the water service agreement was to be with the County.

MR. CATANACH: The water service agreement and water budget to be approved by County prior to final development plan by BCC.

COMMISSIONER SULLIVAN: The water service agreement with Santa Fe County Utility Department?

MR. CATANACH: Yes. That's right. Water service agreement with Santa Fe County Water Service. Right.

COMMISSIONER SULLIVAN: Okay, so that's, you're intending that that be with the County. I'll have some questions later but I think I'd like to hear the testimony.

CHAIRMAN DURAN: Okay. Is the applicant here? Please state your name for the record. Let the recorder swear you in.

[Duly sworn, Scott Hoeft testified as follows:]

SCOTT HOEFT: Scott Hoeft, Santa Fe Planning Group, P.O. Box 2482, Santa Fe, 87504. Commissioners, we'll try to make our presentation short this evening. I've asked Rosanna Vazquez to step of first to talk a little bit about the intent of the ordinance. She has about a five-minute presentation to run through some of the basic principles, just to get everyone in the audience and the Commission back on the track of what the intent of the ordinance was. Secondly, we have Al Lilly to have some concluding remarks after my comments on the presentation. I would like to run you through the plan itself, the master plan, briefly, just highlighting the aspects of it so you can understand where we've come from on the plan as well as an alternative plan that we've developed in accordance with comments of the neighbors. We have Mike Gomez in attendance. He's our traffic engineer as well as our utility engineer. He's field any questions regarding sewer. As well, we have our hydrologist on staff

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as well, Jim Corbin. He can address any of your comments regarding the water issues that you've brought up. So with that, I'd like to let Rosanna talk for a few minutes on the intent of the ordinance.

[Duly sworn, Rosanna Vazquez testified as follows:]

ROSANNA VAZQUEZ: Good evening. My name is Rosanna Vazquez and I'm here today to give you just a little bit of background with respect to the Community College District Ordinance. I think it's important to do a little bit of this because there have been quite a few projects that have come before this Commission for master plan approval and they're based on an ordinance that a lot of people perceive as having been completed in one year when in fact the process has taken quite a bit of time.

Back in 1997, the Santa Fe County Board of County Commissioners at that time directed the Land Use Department to put together a growth management plan. That growth management plan went through a two-year process. During that time there were many public hearings and there was much discussion among the public as well as the Land Use staff as to what type of planning would be appropriate for the areas in the county, in particular, the areas around the City of Santa Fe. The vision of the plan and the vision of the people who directed the plan, the Board of County Commissioners who sat at that time was to direct proper growth. And the logical way to direct proper growth was to plan and to plan these villages.

By planning these areas you would assure efficient use of infrastructure, you would be able to create communities, you would be able to link the areas around the county close to the city to the city itself. And the basis for that was because the County at that time didn't want to be in a position of having to play catch-up. That is, allowing large subdivisions to come through on large lots and then having to figure out how to link all of those lots together with infrastructure and how to create communities.

There was much discussion during that two-year process of the growth management plan about preferred and alternate types of development. And one of the geneses of where we are now was found in the traditional villages that exist all over New Mexico. And the idea was to take the positive attributes of the traditional villages and put them into a development that would be in harmony with the city and with the county. There was only one new community district that was actually put in place by that growth management plan and the only one designated was the Community College District.

After the new growth management plan was approved back in 1999, the sitting Commission at that time gave direction to the planners again to put together the Community College District. And they wanted, they gave specific instructions and that was that they wanted a way to develop land properly in the area of the Community College District in which infrastructure could be used efficiently and a good community could be accomplished. With that direction the Community College District group met. That group consisted of neighbors in the area. Consisted of renters, owners, property owners themselves, the Community College, the church, IAIA, and every important facet of that community. That process started in 1999 and continued through the approval process of the ordinance back in the year 2000.

As a group it was a varied group of people and I think that that works to achieve what

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you have before you, an ordinance that allows for mixed use development in traditional compact areas that will emphasize the open space areas, the natural beauty of the area, implement road and trail systems that would connect people to each other and really try to create a community. The rationale for the Community College District really grew out of the growth management itself and there, basically what I discussed with you, a good rich network of roads and trails and pedestrian trails, use of the County water utility system, major regional and institutional facilities that would be able to create community in the area and landowners working together.

I think that Mr. Kolkmeier and Judy have appropriately stated before you is that the way you can sum up the Community College District is that there's four C's and one little S. And that is that the Community College District wanted to achieve community through compact development. They wanted to achieve community. They wanted to achieve central mixed use and connectivity. And I believe that what you have before you, the ordinance that you have before you and the proposal that you have before you tonight meet all of those requirements.

The last one, and very important premise of the Community College District was sustainability and I believe Commissioner Campos, you have spoken a lot towards whether or not these communities can be sustainable. And it was a major premise of the Community College District in that the way that this was, the maps that were put together were primarily looking at the land. And the land was looked at first and where the land could be developed was the only place that it was developed. And that is why the land systems map demonstrates flat areas for the villages.

I believe that the Community College District group as a whole, Sonterra, Rancho Viejo, Thornburg, Oshara and all of the planners are still working to try to achieve some of the problems that Commissioner Campos, you've raised directly, and Commissioner Trujillo, your concern over water. And we'd like to keep working with respect to that. I brought this forward to you and I wanted to bring you some background on the Community College District because there's been a lot of confusion as to master planning and actual development. And it's important to state for the record that this plan has been going through a myriad of hearings, public hearings through the growth management plan, through the ordinance itself and through the planning process for the district itself. And this is a master plan approval which is the main premise of the growth management plan. It wanted to plan growth correctly. And with that, I stand for any questions.

CHAIRMAN DURAN: Any questions of the applicant? Mr. Hoefl?

MR. HOEFT: I'd like to follow up Rosanna's comment with one point. That the Community College District is a 20 to 40 year plan and it plans up to 8,000 new dwelling units and I wanted you to keep in mind, the project that is before you tonight makes up less than six percent of the total. So it's a minor fraction of the entire district.

I want to start out by saying that the plan before you tonight was approved by the CCD DRC back in March of this year. We were subsequently postponed a couple times by this Board and we postponed once ourselves to take a little time to talk with the neighbors. We had three neighborhood meetings, productive meetings and we've revised the plan as a result of the

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meetings. So what I'd like you to do tonight is I'd like to walk through the plan, make sure that we have a common frame of reference and then I'm going to walk you through some of the revisions that we've made to the plan so you can see how we have met with the neighbors and have tried to work out some of the issues and some of their concerns that they've had about the plan.

Now, I'm not going to get into too much detail of the land systems maps. I'm assuming that we pretty much have all of that as water under the bridge and we understand how we got to where we are at today with the plan. But I will say that this plan conforms to the requirements of the CCD and features a school site, which is a part of the original land use plan as well as it's considered primarily a residential development with one commercial tract which is required as a part of the ordinance.

If you take a look at the plan, you have a copy in front of you—I'll refrain from heading over into it until I'm absolutely needed to do so. 244 acres in total. The site is accessed primarily from Vista del Monte. If you think of Route 14 where the Allsups is at, if you head down Vista del Monte, the site is about a mile down from Route 14 at that Allsups location.

CHAIRMAN DURAN: Which direction?

MR. HOEFT: Due east. The site is characterized primarily by gently sloping land, sloping north to south in an unnamed drainage swale. Slope analysis indicates minimal slopes, less than 15 percent in a location of few trees on the site. There are really no physical constraints to development or construction.

If you look at the access, the project is accessed from four different locations. As you see on your plan, primary access is planned for Vista del Monte on the northwest corner of the site. Secondary access is planned at the south part of the site to the San Cristobal project. A third access is planned into the Villa Linda Subdivision and the a fourth access is planned northeast into the Rancho Viejo Subdivision. Vista del Monte is planned to head into the neighborhood center of the site which is designated on your plan as the red area. The center is designated to have commercial areas and to provide for opportunities within the area. You'd expect to find a small market, some services, home occupations, churches, townhomes, garden apartments and a park. An elementary school site is planned in close proximity to a neighborhood center, designated as blue on your map. The school site is meant to form a nucleus for a medium density residential development involving quarter-acre lots.

The tan area on the site is designated to be detached single family residential units, 5,000 to 7,000 square feet in size those lots are. This portion of the development is centered around a community center involving a daycare facility, a park, and recreation facilities. The ultimate density for the development will involve a total of 29,000 square feet of commercial, which is the absolute minimum which is required and that's considered our community center or neighborhood center, as well as 520 dwelling units.

A key point that you need to look at when you look at this color plan up here is all the green. One of the key features of the Community College District Ordinance is that 50 percent of the site is preserved as open space which has been maintained on this project at roughly about 122 acres.

Now in our meetings with the neighbors, some of the concerns that were raised were of course water, traffic, high density commercial, residential development and sewer treatment. And in response to some of the concerns that they had, we've made a few adjustments to the plan. A couple issues are still pending such as the access to the site on Vista del Monte but I want to quickly walk you through some of those changes. If you turn to page 2 of the handout that I gave you can see some of those. [Exhibit 1]

The primary changes I want to walk you through on this plan, and there's just a few, first the open space buffer that is adjacent to the Villa Linda Subdivision. Now the original plan that is the color plan that is before you shows a 500-foot setback. We've increased that to 900 feet on this plan. The second thing that we need to point out on that, we've also decreased the setback in this area as well because there was a concern that the setback area was disproportionate. This development was closer to the Villa Linda Subdivision in this area and on this area the setback was increased to a great length. So we've decreased that setback while increasing this setback.

The second issue that the neighbors brought up that we made a change to the plan is the access to the Villa Linda Subdivision. There was a concern about having a traffic priority road heading into this existing subdivision. We subsequently met with staff and as well as a condition of approval to change this road so it's a minor road that heads into the development in this area. We've made adjustments to the road, this road here, as opposed to heading down to this entrance here we changed it so that it's emergency access only heading into the Villa Linda Subdivision. So in the previous plan it was a traffic priority road that headed into the Villa Linda Subdivision. This plan shows it as emergency access only.

The third point that I need to talk you through is the density switch. On the original plan, you'll notice the tan. Neighbors were concerned that there was too much higher density residential development in this area that didn't quite conform with the uses in the Villa Linda Subdivision. So what we've done is we've changed the density in this area and mixed it up, where we've taken some of the 6,000 square foot lots, we've pushed them over to the other side of the development. We have taken the 10,000 square foot lots, which is designated on your color plan as yellow, and pulled them over to this side of the site, as well as added 1/2-acre lots in conformance with some of the existing uses in this area.

So what you see as a result is more of a result of a mixed housing within each neighborhood as requested by staff, as well as in conformance with the neighbors. I'd like to conclude with a couple of points. First of all, anticipate that you'll hear several concerns from the neighbors regarding water availability for this project. And of course access issues. I want to reiterate that proof of water availability is not required for master plan approval and we anticipate that good planning will go hand in hand with water policies that will be implemented by the County in the coming years.

Secondly, regarding access to the site, we've met with the neighbors and heard concerns regarding the use of Vista del Monte. We have iterated the point to the neighbors that Vista del Monte has been earmarked as part of the circulation plan by the Community College District and that the landowner has a dedicated access to the site from this point. However, we area

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willing to consider additional options when viewing Vista del Monte access and would appreciate additional feedback from County staff, the neighbors and the Commission on how to proceed on that issue. And if you refer to the conditions of approval, that is essentially how it is written is that we will work out the issues with Vista del Monte prior to preliminary development plan approval. I stand or questions, if you have questions regarding the engineer, the sewer. I have the sewer engineer, the traffic engineer, as well as our hydrologist on staff.

CHAIRMAN DURAN: I think we're going to go into the public comment and then we'll ask questions after that. Okay, how many of you out there would like to address the Commission concerning this proposal? Okay, do you want to swear them in now, Becky? Could you all please stand and raise your right hand and let the recorder swear you in. I'm going to ask you all to try and limit your discussion to the pertinent facts and try not to be repetitive. Thank you very much.

[Duly sworn, Renee Chato testified as follows:]

RENEE CHATO: My name is Renee Chato. I'm a resident of the Valle Lindo Subdivision. I'm speaking this evening for my family and fellow residents of the Valle Lindo Subdivision, many who couldn't be here tonight. I live with my husband and his family on one of the properties adjacent to the west boundary line of the Sonterra development. The Santa Fe Community College District plan concept is to create self-sufficient communities where the residents live and work within the development so as not to make a large impact on the nearby area roads and the residents won't totally rely on the automobile. The Sonterra development is located entirely in the Village Zone designated areas of the CCD. The design of Sonterra is a bedroom community similar to Eldorado where most everyone who lives there commutes elsewhere to work and to shop. Sonterra's design, basing that the majority of commercial will come from the Thornburg development, assuming that that development gets approval.

As currently designed, State Road 14, State Road 599, Richards Avenue, Cerrillos Road cannot handle the additional traffic that the proposed 520 homes, apartments and townhomes planned for the Sonterra development will impose on them. On page 6 of the Community College District land use and zoning regulations of the Santa Fe County ordinance, under the master plan review procedures and submittals, it states that the purpose of the master plan is to establish the extent and scope of the project, including the site-specific information to determine the relationship with the adjacent environment and with its overall needs for services and infrastructure. On the same page it states that the applicant shall be required to address off-site infrastructure improvements necessary to support the development being proposed.

In March of this year the County received a letter from the New Mexico State Highway and Transportation Department that a three percent growth rate that was presented in the traffic impact analysis submitted for Sonterra was quite low. The New Mexico State Highway and Transportation Department informed the County that the developer needed to submit a more detailed traffic analysis. As of today, Mr. Philip Lujan of the State Highway Department property management unit said that he has not received this updated analysis.

Santa Fe Planning Group has met with the residents of Valle Lindo Subdivision in regard to the Sonterra development. At these meetings, the residents of Valle Lindo voiced

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concerns on the impacts of the development's plans to tie their traffic priority and secondary roads to the existing roads in our subdivision. In the CCD plan, it showed Vista del Monte as a road requiring further study as access to State Road 14. This study should be completed before any development approval is given in relationship to this road. At the Tuesday, May 28th neighborhood meeting, Mr. Al Lilly of Santa Fe Planning Group said that this road did need further study because of the concerns of the residents living along that road.

Sonterra's road access to State Road 14 is very much dependent on the road layout of the Thornburg property. Many residents on Vista del Monte have concerns about the planned use of this road on the Sonterra development. We ask that you not give approval since the developers have not fulfilled this requirement on addressing the off-site infrastructure improvements necessary to support this development. Thank you.

CHAIRMAN DURAN: Thank you, Ms. Chato. Next speaker please.

[Previously sworn, Dina Chavez testified as follows:]

DINA CHAVEZ: My name is Dina Chavez and I have been sworn in. Today I am here to represent my family, myself, we live on the Highway 14 corridor. I'm not bringing up these issues because I want to stop development completely. I realize that development is inevitable. This affects our neighborhood and we're just due south of what is going on near the Allsup's area. Technically, the developers have to show some water required to approve this master plan stage. Once approved, these plans have a momentum all their own. The County should be requiring proof of wet water and its quantity for the plan of this magnitude. That includes all plans, Thornburg, Sonterra, Rancho Viejo or anything that's proposed in the area. Wet water must be proven before the master plans get approved. Why? Because again, they basically take on an entity of momentum all their own once they reach that master plan stage.

It is difficult to show you an example of where a master plan did not become a development plan, a development plan did not become a permit plan, and a permit plan did not become an actual development. Approving master plans without proof of wet water in hand sets a motion for a hunting license type situation to find more water and it puts a huge pressure on the agricultural water rights, particularly our farmers. Without farmers, without water, we starve.

The San Juan/Chama diversion is a concern because the plan and its ability to support any infrastructure will not be known for three to five years. Even at that, it's leased rights and one cannot build permanent structures on leased rights. The San Juan/Chama diversion project also has to be, as I understand it, litigated to determine how much water is actually owned by the City and how much is actually allocated to the County. It is not logical to continue to approve master plans based on paper water any longer. Our population's growing and we're going to be in a drought for the next 20 years or more. The drought will affect us all and it will particularly affect our farmers if they don't have water. Thousands and thousands of people in the Highway 14 and Rancho Viejo district will be adversely affected by the approvals of these master plans. And there is no hurry, because before any plans are approved, I urge you, urge you to show me the water. Thank you.

CHAIRMAN DURAN: Thank you. Next speaker please.

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[Previously sworn, Walter Wait testified as follows:]

WALTER WAIT: My name is Walter Wait and I live on Bonanza Creek Road and I have been sworn in. I'm here tonight representing the San Marcos Neighborhood Association. Over the past 20 years this association has taken a largely quiet position on growth, as long as it represented gradual and reasonable expansion of our neighborhoods and it did not present obvious and far-reaching impacts to our existing population. While these three proposed development projects are north of our normal area of interest, we feel that they will have serious and probably detrimental impacts to all county residents residing to the south and along the Highway 14 corridor. We have two concerns.

First we believe that the continued availability of water to current residents situated between Rancho Viejo and the Galisteo Wash might be at risk. And second, the clear changes to traffic patterns and access to and from the city will create serious commuting problems for existing county residents. The developers, and I take them all as a unit here and I'll only speak once tonight for all three of these projects. The developers all appear to feel that their build-outs will have no effect on the current ground water users because they plan to use water provided by the County water system.

We're all now only too familiar with the state of the actual water sources available to the County for its continued expansion. It was only two months ago that the Commission agreed to explore the use of an existing test well on Rancho Viejo property to supplement the County system's supply. The well would have produced up to 500,000 gallons a day at an unknown cost to the aquifer. As you must recall, the County did not possess sufficient local water rights to switch the test well to a production well and the application was dropped.

What concerns the residents downstream from this potential well or others like it, is that if the County had had the water rights, we feel they would have brought, or you would have brought that well into production. The well would have brought the physical water to the proposed new users of the County system. 1200 new homes means a requirement of at least 200 acre-feet of new water rights and 300 acre-feet of new water. This would not have included proposed commercial uses. Where does the County intend to get the physical wet stuff from? We clearly don't have it in the bank.

I might add that the developer here suggested that the entire County Community College District, they're planning 8,000 houses. If you quickly think of a quarter acre-foot for 8,000, that's 2,000 acre-feet of water, or 50 percent of the Chama diversion water which we clearly will never get from the City. Where is the water coming from?

So if this area, if these projects had been planned for Eldorado, with its known water delivery problems, the developers would have been refused out of hand. And yet our area derives its underground supply from the same sources and why is there no moratorium on development here?

The State Engineer's Office has just now started a study of what they call the Española Basin. All of our area is within this basin. Perhaps we should wait until this study is completed before we go and allocate water resources we may not even have.

Our second concern is traffic congestion. No amount of manipulation by the developers

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can mask the fact that these collective subdivisions will pour thousands of additional vehicles into State Road 14. Most of this traffic will be headed into or out of the city. The State Highway Department has told us that it can as long as seven years for them to plan and build changes to a state highway. Highway 14 already suffers from a dangerous constriction from four to two lanes at the bridge just north of 599. Adding more traffic to this choke point is just asking for trouble. Let's get the state to rebuild the bridge before we add more traffic to the road.

What the developers and the County need to acknowledge is that new traffic needs to be drawn off of State Highway 14 and not on to it. While it's nice from a developer's point of view to have controlled access to a new subdivision, it is not nice to have that access pour into a single, overused artery. It is frightening to think of the problems that will occur if Highway 14 should need to be shut down for even a couple of hours during its high traffic periods. There are no alternative routes for many people.

The development plan should require, therefore, east-west roads connecting Highway 14 to either the Community College or to the end of St. Francis Drive. County policy should read: no new avenues for traffic distribution, no new large subdivision or commercial development should occur.

What it boils down to is that the County has got to stop looking at growth and development as isolated occurrences. We cannot afford to. We've got three developments here. No. We have 8,000 potential houses being built in this area which we don't have the opportunity or the ability to provide services for. We have to look at the overall picture. We've got to plan and develop our infrastructure alongside of or ahead of proposed development and not accept development proposals until we're clearly ready to cope with the consequences.

In the master plans submitted tonight, our membership clearly believes that the County is not yet ready to deal with the problems and challenges such growth would inevitably bring. Thank you.

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

[Previously sworn, Patty Burks testified as follows:]

PATTY BURKS: Good evening, Commissioners. My name is Patty Burks and I'm a resident of Vista del Monte and I've attended every meeting that has come into play with the developers and of course attended all the Commission meetings that have preceded us in the past over the last five, six months. There's been a lot of perseverance with our neighbors and I would like to bring that up because I really appreciate that they don't back down. Many of them have attended—we have about 100 residents in our neighborhood and we've attended, scattered, but we've attended a lot of the meetings with the developers and of course with the Commission. So many of my close neighbors have not been able to make it tonight so I'm here to express my concerns as well as theirs.

We had some bad news today. We have a fire in the Jemez. I don't know if you know about that but it's near Fenton Lake and it's just another symbol, another sign of what we're really coming to terms with here in this community. I've lived here all my life and I've seen some bad drought but this has been really probably the worst that I've ever seen. So living out

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in the County, you may not live in our area, so I brought some pictures along to show you the vegetation, what it looks like, how it's being impacted by this drought and when you think of how it looks, how we can see it visually, we also have to keep in mind what it's doing to the aquifer that we're so solely, we have to rely on. So with that, I'm going to pass around these photos.

I come from a farming background. My grandfather was a farmer in Nambe and he actually was a Commissioner for the Santa Fe County Commission, representing District 1, Teodoro Trujillo and it was back in '39. He was involved with the design of this building that we are in right now. So I am pretty proud of that. But I also feel like I have a sense, a natural sense as a lot of people do in this community to take a look, to stop and take a look at the trees. And the trees, they're telling us something. It's not the bark beetle. It's the drought. I've sort of thrust myself into learning about the aquifer and what major pumping is going to do to the way of life that we know it. So what I'm here for is to protect my property and a lot of the people are here to protect their property as it says in that mural that's right behind you.

We're concerned that Valle Lindo has set the precedent for the Community College District. We were the first subdivision in the district. The Community College District, I feel has some very serious flaws, one of them being that it was written in a time when we weren't going through the drought. So the projections and the numbers imposed on the densities that are allowed don't seem in line with what we're having to deal with now as far as the dryness and the aquifer and the questionable water supply. So I would like to see the Community College District numbers reconsidered as far as allowances, minimum allowances. These developments are quite for the time that we're going—only a reasonable mind could see that it's just too big. We can't even provide enough water for the people that are here right now.

So I want to circulate a New Mexico drought map that shows in black and white and color that Santa Fe, this is according to the New Mexico Natural Resources Conservation Service, they have posted on their website and they have it available to the public, the drought status as of June 18th of this year, and the drought status as of August 8th of this year, and for those who are behind me that would like to see it, I'm going to estimate that about $\frac{3}{4}$ of the state is now under an emergency severe drought status. So I'd like to submit these to you.

The other quarter of New Mexico is either in mild or moderate drought, so it's all in the drought. Now, I'm glad that Rosanna brought up—Rosanna, the lawyer for the development, brought up the idea of the Santa Fe Growth Management plan, because I want to point you to page 60. I attended the water forum that was held the beginning of August and I guess you could say a great revelation happened that night. It was County Commissioner Sullivan who brought up a question to the staff at the County. It has to do with cap, projections of a housing unit. The new housing units that were projected by this region, the south Santa Fe region, south Santa Fe County, was 3,729 and with the approvals that have gone on up until now, we are over, we have met that cap, we have met that projected number.

The subdivisions that I want to summarize and tabulate are San Cristobal, which is 2791 residential units, Oshara has 735, Rancho Viejo is at 655, Mission Viejo is at 20, and Sena Vista is at 72. And if you tabulate that it comes out to 4273 residential units which according to

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the projections will take us through 2020. So we have already met those, not even approving these plans. So really, take a look at what you're doing here. We really have to have an open mind. We have to be judicious about how we spend our water and you know, I'm really concerned about our well because every day I hear about another well going dry or another community going dry. And there's so much demand on the aquifer right now that I believe, what is going to happen to our well. It's only a matter of time before our wells run dry. So what happens at that point when you have all of the existing residents in Valle Lindo that are impacted by the pumping of the aquifer at Buckman to service them. If this happens and it dries up our wells, because we share the same aquifer. No matter if you're the City water utility, the County water utility, Sangre de Cristo water utility, I understand it to be from the same source.

So I believe that whatever pumping is done at Buckman or to service these subdivisions is going to have an impact, so I'm going to ask you, County Commissioners, are we ready, are we ready to pay for the connections to the wells that have gone dry to your water system? These are things you need to think about now, I believe. There's people in this audience that their wells have gone dry and they have had to spend upwards of \$4,000 to just get water supply and they have to go get it themselves. For the County emergency water supply, which is the hydrants on Highway 14, and they do it with a hose, with a surplus fire-fighting hose. So we're not—I don't believe the infrastructure is in place for these emergencies that may exist if you continue to approve these developments.

And one last thing about the master plan. I believe that once the developer, as an earlier speaker stated, once the developer gets master plan approval, it's not anything to be taken lightly. It's something of value. Immediately, the County Assessor imposes another assessment on their property because the value of their property has gone up. So I believe this is a very important step. It's nothing to be taken lightly and I really honestly think that the water rights and the wet water and the water proof should be at this phase.

COMMISSIONER TRUJILLO: Mr. Chairman, could I ask the speaker a question? Ma'am, you said you were in Valle Lindo? Valle Lindo is the name of your subdivision?

MS. BURKS: Valle Lindo.

COMMISSIONER TRUJILLO: What's the source of water? How do you get your water for that subdivision?

MS. BURKS: For 24 years we've been on a well. And it's been the best tasting water that you can ever imagine.

COMMISSIONER TRUJILLO: On a well.

MS. BURKS: On a well.

COMMISSIONER TRUJILLO: So all the residents in that area are on a well?

MS. BURKS: Right, because there was no County water system down there for the subdivision.

COMMISSIONER TRUJILLO: So they're depleting the water table, they're sucking the water table.

MS. BURKS: It's been there since the fifties.

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COMMISSIONER TRUJILLO: My concern is getting away from the blueprint that was established for the Community College District, that all of that area qualifies for 2.5-acre lot splits and wells on each one of those 2.5 acres. That land is going to be developed and all of those will be straws into the water table. The essence of the Community College District is to give impetus to a sustainable source of water, getting away from the aquifer. The existing residents there are tapping into the aquifer. If the blueprint for the Community College District is not followed, 2.5-acre lots will be done and individual wells for those 2.5 acres. That will deplete the aquifer to the max.

MS. BURKS: I believe that you're right. But I also tend to believe that at Buckman, you pump from the same aquifer that we're on, so that no matter how the Community College District intends to populate the Community College District, those people still need water and if they rely on the County water system, that's still coming from the same aquifer, as far as I understand it.

COMMISSIONER TRUJILLO: Just to help you understand, the diversion point is not out of Buckman that impacts the aquifer. The diversion point would be under the river, and there's major studies taking place to show the availability and the quality of the water under the river getting away from the Buckman source of water, which also impacts the Pojoaque Valley, Chimayo and all of those areas. So the sustainable source would be under the river, getting away from the aquifer.

MS. BURKS: Well, that brings up another major point that I have with all of this and I would just like the Commission to consider tabling, short of denying these projects until these studies get completed. We have the State Engineer who is trying to come to terms and grips for us as a professional to give us information about what is available and how much is going to be wheeled to the County and how much is going to be going to be wheeled to the City. How much is actually available. There's a fiscal analysis impact study that you're doing that won't be done until I don't know when but we should wait until that is done. I feel like we should also wait until the City water budget gets heard, which will be tonight to be able to understand how much they can give us, give the County for our uses.

I think there's four major studies out there. The Española Basin by the State Engineer, the County fiscal impact study, the RPA study, the water budget for the City and the water discussions for the County that still need to be done before you rush into this. And we should also try—what's wrong with waiting 18 to 24 months to see what the weather does for us. These developments, if they go through, they're going to be wanting to establish landscaping and it takes a lot of water to establish xeriscaping even. Like I showed you those pictures, these are trees that should be sustaining themselves and they're not, they're losing it. So that's all I'd like to say right now unless you have a question.

CHAIRMAN DURAN: Thank you very much.

MS. BURKS: I just urge you to deny or table it for 18 to 24 months.

CHAIRMAN DURAN: Next speaker please.

[Previously sworn, Carolyn Sigstedt testified as follows:]

MS. SIGSTEDT: My name is Carolyn Sigstedt and I live in downtown Santa

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Fe. I actually wanted to mention some of the things she did so I won't repeat that. I guess what I'll say is that basically, you are our mayordomos. That's what you were elected to be. When you're elected to office in Santa Fe or Santa Fe County, you're mayordomos. It's all about water and we can't be blind to the truth. I think we've been blind for an awful long time and we all were. We were hoping for the best here and there and groping for water anywhere and as time went by, we found that there wasn't water and that the situation as you read the newspaper in the *New Mexican* each day, either globally or statewide, in terms of Texas and water storage in reservoirs of down to our County regional water problems, or the City's problems, it's unbelievably serious and it's not fun to be mayordomo during a drought. And this drought is going to go on a long time and it's your responsibility to protect our water, the water that belongs to the people.

The reason these County Commission meetings go over is because we're making decisions in one vote about not a large subdivision or a small subdivision, we're doing it about an entire community. Keep in mind that the Community College District is a conceptual idea, a very good one. I'm actually for it, but I don't think that we should give it away all at once, and that's what we've been doing. You've heard the figures just mentioned. Jack Kolkmeier indicates that by 2020 there should be 3,750 units and now we're already over 4,000 in this area. I thought that was kind of incredible. That's duty beyond the call of duty, especially during a drought.

What you're doing by making these huge decisions on these huge developments, and we've got two more coming up tonight is you're giving away your power as mayordomo. And I'm saying sometimes you have to say No, we can't do that right now. Maybe later we can do it, but right now we can't do it. We have to wait. These are hard times. This is really difficult for me to say to you but we don't have the water right now and I have to take care of our source of water. That's my responsibility.

And so I ask you to table this and the other two developments, these large scale developments, which is not to say that I'm opposed to them some time or in a different fashion, in different increments. What I'm saying is don't approve all this stuff right up front with no water, no plan, no hope, really at the moment. Or at least for a while, because you need the power as elected officials to use every growth management tool in the book. And by approving these master plans, you don't have the power to deal with things that you've already passed. You're already over your head and that's why I ask you to pause and table this until we have the State Engineer's good work, which he'll put thousands and thousands, millions of dollars, well, maybe thousands, hundreds of thousands into, which will tell us exactly what the situation is, Marcos, in your district, and what it is, Commissioner Gonzales in your district, what the Buckman well situation will be for the City of Santa Fe, in everybody's district and certainly, Jack Sullivan.

To end my comments, I just want to actually commend Jack Sullivan. He is taking a role on this Commission that I admire, because many of us in politics are living in the past. We used to think the West was sort of won on land and the control of property and that meant property rights. But over time, gradually, other factors are starting to be more important than

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property rights, such as the environment, or pollution or our finite water sources. And these values are really what the good politicians will respect and study and honor. And that's what I ask you.

CHAIRMAN DURAN: Carolyn, you're running out of time.

COMMISSIONER TRUJILLO: I'd just like to say one thing regarding those comments. I come from a traditional community and I've been a member of La Comisión de la Acequia and a mayordomo will not allocate water without any wet water in the acequia. And Santa Fe County will not allocate water without having wet water in its lines. The whole issue of the Community College District is prudent development, sustainable water, good residential growth, good commercial growth. And on top of that, to say that the West was won, a lot of us know that the West was not won, the West was stolen.

CHAIRMAN DURAN: Carolyn, Carolyn, thank you. No, no. I'm sorry.

[Previously sworn, Bobby Perea testified as follows:]

BOBBY PEREA: Hi, my name is Bobby Perea. I'm at #24 Cañada de Rancho in Rancho Viejo and I just wanted to say that I'm in favor of the Sonterra project. And on behalf of my family and myself, I want to thank specifically Mr. Duran and Mr. Trujillo and Mr. Gonzales for your further support of projects such as these. Thank you.

CHAIRMAN DURAN: Thank you. Next speaker please.

[Previously sworn, Roland Richter testified as follows:]

ROLAND RICHTER: My name is Roland Richter. I live on 90 Arroyo Coyote and I've been sworn in. Mr. Chairman, Commissioners, I want to share an observation on my private well and state my concern, give my opinion. I've lived here for 11 years. The water has always been very good. Five years ago the well was tested for 20-plus gallons and I've been very happy with it. Last year in June I tested it for quality and I have some excerpts of the report. Dissolved solids, the maximum guide is 500, mine had 190. Turbidity, none detectable. This year, during early July the well pumped water that was very dirty looking. Brown. For about a three week period, the water changed from almost clear to different degrees of brown. I was extremely alarmed.

I'm glad to say today, it is clear again. Some of my neighbors have not been as fortunate. Our local newsletter identified six dried up wells. Through newspaper reports I was informed that a contractor took water from the Turquoise Trail School, which is about four miles north of my place. According to the paper, pumping started about June 25th and ceased July 20th. The contractor estimated it took about one acre-foot to complete his job but he was stopped before. My concern is that when a relatively small amount of water taken from the aquifer has a such a devastating effect, what is going to happen when new developments, about 8,000 homes I heard tonight, and over four million square feet of commercial space start up their own well pumps. It is my opinion that this Commission's first responsibility is to look out for the current residents.

If you can guarantee sufficient drinkable water without additional costs to the current residents, then yes, go ahead with the development. But if you have doubt, you must ensure that any large development or master plan supply their water needs through other means than

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our aquifer. This is going beyond water rights. It has to do with the wet water that's coming from our pockets.

CHAIRMAN DURAN: Thank you, sir.

[Duly sworn, Martin Bigon testified as follows:]

MARTIN BIGON: My name is Martin Bigon. I live in La Cienega and I'm here to represent my family and some friends. We believe that this property should be developed for affordable housing and we'd like to purchase a home in this area. I understand that Santa Fe County affordable housing program will have some units for sale in this area, so I'm for Sonterra to approve for this development to buy houses to live. Thank you.

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

[Previously sworn, Jack Maruska testified as follows:]

JACK MARUSKA: My name is Jack Maruska and I've been sworn in earlier. And I'd like to just mention that I'm probably the poster child for a man without water. My well went dry about two months ago. I live on County Road 44, just east of the Lone Butte, maybe three to four miles south of the proposed developments as the crow flies. And I've spent to date \$38,000 for a well that produces a gallon a minute of sand and water mix, and I'm here. I'm real. I'm as real as wet water is or isn't. I think the County is playing and has been playing catch-up baseball with water issues. You've heard previous proponents of these divisions talk about fiscal studies, road studies, all these other things that they think are so important and road studies are important. But the most important thing is water.

The previous speaker was for the subdivision because people need to have places to live. People need to have water to drink before they have a place to live. Why do you think the Anasazi left Mesa Verde? They ran out of water. What are we going to do? We're running out of water. I ran out of water. And I have to go to the County hydrant in front of the jail. Out of a full week, I don't know how many hours there are in a week. Maybe I should have calculated this and been better prepared. But let's say there's 1000 hours in a week time. Do you know how many hours the County officials are there to provide water for people who have to haul water? Four hours. I would suggest that the County administration get their heads together and out of the sand and with the City, and supplement the City's salaried employees that are there at the wastewater plant to provide recycled and potable water, seven days a week for 12 hours a day. Where's the public service in the County? There is no public service.

I demand, as a taxpayer and a Vietnam veteran that you people start taking a pro-active approach to providing service to us. And I am opposed to these subdivisions, all three of them, because I'm living proof, right in front of you, right now, that I don't have water. And I'll be hauling water for a long time. We are on the cusp of a 30-year drought and I think it's totally irresponsible for the County to even be considering these kinds of subdivisions before wet water is actually in hand. In hand, not some promise to sell water rights. You can't drink water rights. I'm requesting that you table these subdivisions or vote them out altogether until the developers that are proposing all three of these subdivisions, right in a row, come back and say, Yes, we're ready to develop these properties. Here's our master plan. And oh, by the way, here's water. We have guaranteed water. Thank you. Any questions?

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CHAIRMAN DURAN: No, but I would ask that you get a hold of the County Manager and see if he might be able to work with you. Not now, tomorrow, the next day, whenever you have time, and see if he might be able to work with you and the City to make sure that there are people there to help you get water rather than just four hours a day.

MR. MARUSKA: A very simple solution is let the County vouchers that we pay \$10 a month more for from the County than the City for the same water that comes from the same pipe be accepted at the City yards.

CHAIRMAN DURAN: Get with the County Manager. Next speaker please.

[Previously sworn, Cal Baca testified as follows:]

CAL BACA: Good evening. My name is Cal Baca. I've been sworn in. I'm not a resident of Valle Lindo but I do have property there. I presently have a daughter that lives right on Vista del Monte. I'm representing probably my daughter. She lives off of Vista del Monte in Valle Lindo. I also come from a farming community as well as Patty did. Believe it or not, I came from Agua Fria community and we had water and irrigation down there, and that consisted all the way from Maes Road almost to Jemez Road right now. Throughout the years, PNM shut that water off. Agua Fria farming community died. That goes to show you that this has been going on for years and years.

We've had water and it's been going the length throughout the years. Right now they're proposing ten acre-feet, if I was correct to provide for this new subdivision of Sonterra. They're requiring 48 acre-feet. They're talking about the water rights. Where are these water rights going to come from and I think it was addressed by one of the Commissioners saying they can give 10 acre-feet of water now but in coming years they can drill their own wells. What's that going to do to the existing wells that are in Valle Lindo or in the Highway 14 area. That is my concern. We do not have the water available.

Traffic flow on Vista del Monte. I don't know if the Commissioners or the public here has seen that Vista del Monte. It's not a straight road. It's rolling little hills when you get to the northern part of that subdivision. How is that road going to be developed? How are these people going to get in and out of that road? A lot of the issues have been covered by the previous speaker and I appreciate that. That's all I've got. Thank you.

CHAIRMAN DURAN: Thank you, Mr. Baca. Anyone else out there like to address the Commission? Please state your name for the record.

[Previously sworn, Steve Hidalgo testified as follows:]

STEVE HIDALGO: My name is Steve Hidalgo and I'm a resident of Valle Lindo Subdivision and I have been sworn in.

CHAIRMAN DURAN: Thank you.

MR. HIDALGO: There's not much I can say that hasn't already been stated by somebody else but I've lived in that area for 25 years. I grew up there. My family's been there so this is not a trivial matter to me. I find it strange that we're—when we approve something we should look at our water situation as it stands today.

[audio difficulties]

COMMISSIONER TRUJILLO: ...in that area the wells will go dry. If we don't

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take some prudent efforts to bring in sustainable water into that area there will not be a sustainable source of water in the immediate area. The existing wells and more existing wells will deplete the water table. We need to address it by bringing in and tapping into a sustainable source of water. That's the only way to rectify the situation. Status quo will make the situation worse.

MR. HIDALGO: One thing I would ask the Commission to do is to not grant approval today on the fact that it can gain momentum and it is something very important and like it was stated before, it could go on farther from this. Thank you.

CHAIRMAN DURAN: Thank you, sir. Anyone else? How many more are there that want to address the Commission? How many more back there? Would you please step forward and is there more than these two? Is there one more? So there's three more of you. Okay. We're going to end the public comment after these three.

[Duly sworn, Doug Frazier testified as follows:]

DOUG FRAZIER: Thank you, Commissioners, Chairman Duran. My name's Doug Frazier. I'm the Chair of the northern New Mexico Sierra Club. We have approximately 2,000 members in the northern area, most of them in Santa Fe and surrounding communities. I live out at Puesta del Sol, which is directly west on the other side of 599 now, out about four miles, sort of half way between here and the airport. Directly west from downtown. I have a well and I think all of us in the subdivision I live in, it's been one of the earliest subdivisions in the city, I mean outside the county. It shows up in the old quads in '63. We're all concerned about our water and it's dropping.

I think because of that and because of the answer Commissioner Trujillo gave that County does not intend, could not, really, intend to give restitution to people that their wells have dried up. I think it's important that we don't set up any false expectations. Now I know as an attorney, and I agree with the County Attorney, Mr. Kopelman commenting that we're not setting up any property rights. At least I think a lawyer would tell you, I hope, having been a county attorney and a city attorney myself, I hope we're not setting up something that would result in the granting of any vested interests.

However, if we do stretch this out and there's enough money involved, and there will be, there's probably enough money for a lawsuit. In which case, we'll drag the County along for a good long time. And I think that would be a mistake to do. I think there are various things you could do to any approval that you might do for this evening to make it clear in the documentation that in fact, in no way does this give any rights and that the parties with these approvals understand that.

However, I think that's unfair to them, even though I would recommend that you edit to make it clear, having been a city/county attorney myself. I think that's actually essential that you do that. You make it absolutely clear that there's no basis for any future litigation, not just the attorney's opinion sitting here on the record. So that the people that get this approval, because wells are going to dry up if we don't get the water and it's going to take a long time to get that water. We all know that. And there's no point in setting up false expectations so we should make it clear you shouldn't expect a thing from this approval as far as water rights. You

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should not expect a thing as far as water rights. Thank you.

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

[Previously sworn, Robert Perea testified as follows:]

ROBERT PEREA: My name is Robert Perea. I live at 1506 Cochiti and I've been sworn in. I just wanted to make a comment that a little while ago when we first came in we were talking about building \$4 million worth of water or highways or roads and water systems and all this other stuff that's going in in a high-priced area, and there was no question at that particular time as to where the water rights were coming or wells or are we depleting the aquifers. And then a good project comes along that is going to provide affordable housing, 1500 square feet maybe on an individual basis, housing, as compared to 3,000, 4,000 square foot home that has five or six bathrooms. I think that the County Attorney made it fairly clear that unless the wet water is in hand that this project is not going to go anywhere.

I think that Commissioner Trujillo and I know that Commissioner Gonzales and yourself, Commissioner Duran, you've always supported and have had the foresight to see that the water rights or the water is available and I think that this should be approved as part of the master plan and again that straw thing that Commissioner Trujillo was alluding to a little while ago still stands. And if they do break down to 2.5 acres each one of them is going to be entitled to put a straw into that aquifer. So I would hope that you would approve of the Community College master plan district. Thank you.

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

[Previously sworn, Robert Himmerich y Valencia testified as follows:]

ROBERT HIMMERICH Y VALENCIA: I'm Dr. Robert Himmerich y Valencia. I live at 51 Camino Vista Grande and I have been sworn. I'm also a farmer in Peña Blanca that depends on water from [audio difficulties] and this is primary. I would like to echo most of the statements made by the previous speakers concerning water and traffic. And one final point is that we have adjudicated water rights and we also have the title to a 2.5-acre lot in the Valle Lindo Subdivision. We're horse people as many of the people in Valle Lindo are. And in the Sonterra project, you have 6,000 foot lots, 10,000 foot lots and 21,000 foot lots. That's juxtaposed to our 110,000 foot lots where we keep horses.

What are these people going to say when the wind blows from the west and the southwest as it always does and they no longer like the smell of our horses? Thank you.

CHAIRMAN DURAN: Okay, that concludes the public hearing process. We're going to take a ten minute break.

[The Commission recessed for ten minutes.]

CHAIRMAN DURAN: Okay, I guess we'll call the meeting back to order. The applicant will have the next word.

MR. LILLY: For the record, my name is Al Lilly, Santa Fe Planning Group. I've already been sworn in, 109 St. Francis Drive. I'd like to, I've taken a few notes in the course of the presentations by some of the abutters in the neighborhood, and I'd like to point out a couple basic information or facts with regard to the properties around it. First of all, with regards to Sonterra. It had already been an approved subdivision for 2.5-acre density for the

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entire piece of property.

This was a project that was larger in scale than the Valle Lindo Subdivision itself. It involved in-ground wells. Undoubtedly we'd have a significant impact on the existing wells in the area. I'd also like to point out that the Thornburg property, a good portion of that already had approval for commercial development, a portion of it. When the Community College District was first initiated or proposed by the County, both of these landowners were skeptical about the process, about the whole concept. However, they entered into the planning process and as time went on over a couple years, bought into the plan, participated in the plan and I think the result is a positive one.

I'd also like to point out that I think the process is working. If you take a look at the master plan approval process as part of the district plan, I would give to you tonight that I doubt if a number of these people that are here testifying tonight would have even shown up had there not been a public hearing, if master plan approval had not been a part of the district plan. So I think the process is working.

I'd also like to state that I'd be very surprised if the Sierra Club doesn't support regional planning, and I find it hard to believe that they would come to the point of a lawsuit against the County that is probably taking the most pro-active step in regional planning in its history. So I think that this is definitely an example of pro-active planning. The Community College District is a good plan and good step forward for the County of Santa Fe.

The neighbors have all raised good questions and comments. They're valid concerns. However, I think in reviewing the Sonterra and Thornburg properties I believe the Commission must recognize the following: Both projects are requesting master plan approval only. We understand this is the conceptual stage in the planning process. Both have already received zoning approval as part of the Community College District plan. County staff has already determined that the proposed plans are in complete conformance with the district plan. There will be numerous additional opportunities for further review of detailed items and pursuing answers to all the issues that have been raised by the neighbors this evening at subsequent public hearings, when we go to the development plan stage, when we go to further detailed planning stages and final approval.

Number two, both projects require municipal water service and they do not rely on domestic wells. Neither project will proceed with development plan approval and construction until which time wet water is available. I feel that the neighbors fear these projects because of their size and the density of the proposals. However, this is the real, true content of the district plan. What we're talking about is not one project at a time here. We're not talking about a small portion of the project. We're looking at a regional plan. This is a plan that covers 17,000 acres. It's a plan that deals with a proposed layout for development, a road map for development for a period of 20 to 40 years.

Furthermore the community plan provides for at least 50 percent open space. Nowhere else in the county do you provide for 50 percent open space. I believe that your vote in favor of these projects tonight shows support for regional planning. It also shows support for open space preservation. And again, I maintain that the system is working. At this stage, this step in the

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Community College District plan of requiring master plan approval is a necessary one and I appreciate everybody attending tonight. Thank you.

CHAIRMAN DURAN: Thank you. Any questions of the applicant or anyone else? Do you want to start?

COMMISSIONER GONZALES: Just a quick question. Is it the intent of the applicant—what type of housing are you envisioning for this property?

MR. LILLY: What kind of housing?

COMMISSIONER GONZALES: Yes. Is it modular, manufactured, stick-built?

MR. LILLY: There's a mix of different kinds of housing. There would be a certain aspect of it, a portion of it would be modular housing. I think that has been misconceived in terms of what quality can be achieved through modular housing in the past and standards can be put in place to ensure that it is a high level of development and construction. There will also be stick-built housing in a portion of the development. I think Scott spoke to the fact that we've revised the plan to mix up the housing types within different portions of the development. There also will be multi-family attached densities and there will be residential above commercial.

We also provided for half-acre lots that were adjacent to the existing Valle Lindo Subdivision.

COMMISSIONER GONZALES: Okay. Whatever the Commission decided tonight, if they were to grant the approval would you have problems with limiting the homes to just stick-built homes in the area?

MR. LILLY: I personally feel that there should not be a restriction on that. I think you can achieve high quality housing. I'd rather see the Commission require a certain standard of housing and agree to work with the Commission with regard to coming up with those standards to make sure that you do have quality housing out here, rather than dictating how the house is built.

COMMISSIONER GONZALES: I have actually a question for the staff concerning a couple of issues that were brought up so whatever time you find that that's in order I'll ask.

CHAIRMAN DURAN: Go ahead.

COMMISSIONER GONZALES: The question to the staff, Judy in particular, there was an issue brought up tonight concerning the population projections in the area which actually am quite frankly am concerned at the number that was stated that we're projecting 4,000 units in this area. But one of the things that I wanted to see if you could just tell me briefly. I was always under the impression that the Community College District and the population projections that were used were for a 50-year period and I thought that tonight they indicated a 20-year period. So if you could just go to that point very quickly.

JUDY MCGOWAN (Senior Planner): Yes, I wanted to correct—there was evidently some misunderstanding about page 60 in the County Growth Management plan. The Valle Lindo area of the Community College District is not part of the south county. There's a whole half of the county further south of there that's the south part of the county. So if you

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look at those projections for new housing units needed, it's the central country that pertains, which the projection is at least 19,000 housing units.

COMMISSIONER GONZALES: What's the period of time for that projection?

MS. MCGOWAN: These are 20-year projections, and these projections were derived from the population and housing study that was done for the County General Plan by John Pryor in 1994. So in fact, the projections, it's been a long enough time so it's probably not that reliable at this point anymore anyway. In fact, for planning purposes, what the RPA is using, what we've been using for the T-model, what Al Pitts used as his beginning point for his projections for the Community College District were the most likely projections that were done by the Bureau of Business and Economic Research at UNM for the Jemez y Sangre water plan. And those growth projections are higher than the ones John Pryor used

So what we've been doing is using the Pryor projection as a low projection and the Bevor projection as a high projection and assuming its somewhere in there. And of course that's just population projection based on long-term looks at growth rates and migration and natural increase. It doesn't, it's not deflected for what happens with policy decisions and other natural effects that would happen with a drought or economic markets or anything like that.

COMMISSIONER GONZALES: So under the current density zoning of the Community College District, is it in line with those parameters?

MS. MCGOWAN: Yes. I think someone mentioned that the Community College District was intended to be like a 20 to 40-year projection over that acreage. When Al Pitts actually did his regional projection and looked at the land in the area, we figured actually, if you took the whole 17,000 acres, you're probably—it just depends. At the low range, it could take most of the growth for 70 years and at the high range it would be maybe 40 to 50 years. But that's talking about the entire acreage.

COMMISSIONER GONZALES: I'll stop my question on that point in case there are other questions in the consideration of time. Joe, there were some cases that were made tonight concerning traffic and I guess my question to you is, and Judy feel free to participate, from what I understood again, the goal of the Community College was that at the build-out that conceptually, you'd actually minimize traffic that would be going into town for the most part because of the fact that people would be living, working and shopping in these villages. And granted, it's going to take a period of time before we get to that point, what happens though in the interim to assure issues of safety, road congestion, as we go through the preliminary and final parts of these multiple master plans that the quality of life is not further diminished out there in terms of traffic flow into the city? What protections are in place? What safeguards does the Commission control to minimize congestion?

MR. CATANACH: Commissioner Gonzales, certainly, the review comments from the Highway Department are substantial. It establishes what the issues are and what this developer has to follow up on. New regulations that the Highway Department has, and for the most part again, the Highway Department has established what the issues are and this applicant will have to follow up on those as part of the development plan submittal. I would point out that in the controls that the staff is trying to maintain is condition 11. This applicant will have to

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submit updated traffic reports for each phase of development. So again, at that point, this applicant will have to address traffic for each phase of development and follow up with a detailed traffic analysis when they come in for development plan.

COMMISSIONER GONZALES: Joe, as to the residents of Valle Lindo though, some of the comments brought up and the potential impact to their subdivision, do you foresee that happening that one of the suggestions that will come forward is that there has to be an access route through the Valle Lindo Subdivision or can this be brought forward with access routes that don't interrupt the subdivision itself.

MR. CATANACH: Well as far as that issue goes, Commissioner Gonzales, the access through the Valle Lindo Subdivision is part of the adopted Community College road plan. So staff is following that road plan. Now, this applicant has indicated that there would be a gated emergency access and I wanted, as a point of clarification, condition 9, Road connection with Valle Lindo Subdivision shall be realigned with center road of Phase 1 subdivision. They've agreed to do that. On their revised master plan they show that road connection from Valle Lindo to the center of the Phase 1 developments. I guess the point I wanted to make on that is that they've indicated that they'd like that to be gated emergency. The condition was adopted as it's shown on the staff report, it did not indicate a gated emergency access but staff has had discussions that we would be in agreement that a gated emergency access for the road connection to Valle Lindo would be acceptable.

COMMISSIONER GONZALES: So all the development, the housing units that would potentially take place on the Sonterra property, traffic would not flow through the Valle Lindo Subdivision.

MR. CATANACH: Not as a secondary alternative access. The intent would be that the road connection be with the State Land Office. That's where your main access and traffic are going to flow through between the State Land Office and Sonterra. Valle Lindo would only have the one road connection with the gated emergency. If the BCC is in agreement that number 9 can specify that that could be a gated emergency access.

COMMISSIONER GONZALES: Final question. Is there any proposal or any view in your mind for the record that there will be any wells on this property that would further diminish the water availability in the area?

MR. CATANACH: Whether there would be any wells on this property that would diminish the water availability in the area? I certainly would refer that to Katherine. I saw Katherine earlier. There she is. If she would want to address that.

COMMISSIONER GONZALES: As proposed in the application, I think it's important for us to know so that we can address what's being proposed with the concerns of the community as they brought forward in terms of water availability.

KATHERINE YUHAS (County Hydrologist): Mr. Chairman, Commissioner Gonzales, it has not been proposed that they would use wells on this property and I think it would be acceptable, I don't want to speak for them but to put in a condition it would be acceptable to me saying that would not be the way they would develop their water supply, that it would be necessary to be a part of the County water system.

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MR. LILLY: We're in agreement with that.

COMMISSIONER GONZALES: Okay. Thank you.

CHAIRMAN DURAN: I would just like to say a couple of things. I don't have any questions but I would like for the record to kind of give you some idea of how we created this Community College District. This map right here is Santa Fe County, and if you start up over here where Rio en Medio is and Chupadero, you'll see that this white area here is privately owned property, limited growth potential. This blue area here is thousands of acres that the City owns. I don't know what they're going to end up doing with it. This green area is national forest. This is Tesuque, Rio en Medio, limited growth. No growth in this national forest area. This is the city limits. This area here is BLM and I think national forest owns this. This area here is in private property and the minimum size lot out there is 2.5 acres. This area here is within the Regional Planning Authority's jurisdiction and really isn't at this point designated a high growth area.

So if you look at this map, the reason we created this Community College District after four or five years of public comment was based on the premise that this area would be the high growth area that would accommodate the growth, residential and commercial, for our community in the next 20 to 50 years. And that's why the Community College District was created. We are also very much aware that without water, all these master plans that are being approved are going to go nowhere. We are supporting Commissioner Sullivan's desire to adopt a resolution and I guess an ordinance that would limit and restrict well drilling in the Silverado area and that is that area along State Road 14 and in the area that most of you are here concerned about. It would also protect the aquifer for the La Cienega people.

So as we have deliberated these projects that have come before us, we have been very much concerned about where we're going to get water. Bear in mind that the County already has a plan for development based on Basin Fringe, Fringe, Mountain Zone and that takes into consideration the aquifer and the availability of water within that aquifer. So when these projects come before me to be considered for approval, I go back to the five years that we worked on the Community College District, the fact that we designated that area as a high growth area but without water this community won't go anywhere.

It definitely is not going to grow in that area that I mentioned to you, the forest land, the BLM land, or the 2.5-acre potential. So I'm not sure how the Commission is going to vote tonight but I can only tell you that we have been thoughtful in how we created this Community College District and how we have approved development in that area over the past several months. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I just wanted to address my comments to the housing projections which was briefly touched on by Commissioner Gonzales. I think we need to make it very clear that out of our growth management plan which was approved in 1999 and based on studies done by John Pryor which were done in 1994, the speaker I think did mention the south region but at the water forum at the Community College District, we were told that we are in the central region here. And it is true that the central region, based on those studies we've adopted indicated the projected need for housing units

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through the year 2020 of 19,192. That's the number.

And I believe one of the attendees at the forum asked Mr. Kolkmeier how good were Mr. Pryor's projections and I believe his response was they were "right on target." Of that 19,192 housing units that Mr. Pryor projected that we needed, 8,632 of those were projected to be needed in the City of Santa Fe. 10,551 were projected to be needed in the county. Okay. So that tells us at least for now, and certainly the study needs updating but as long as the population projections are reasonably accurate and as long as the nature, I believe, of our population stays relatively the same, I think we're going to be fairly close to these numbers, and by the nature I mean that we don't have a disproportionate number of retired people suddenly moving in or something of that nature.

So that's a number that's been bandied about. But if you go on further in the same document, Mr. Pryor then provides information on approved sites per region. So of that 19,192, Mr. Pryor reported that there were 15,716 approved sites for housing, 9,173 of those are in the city, 6,543 of those were in the county. So then Mr. Pryor goes one step further in that same document and says what's the difference? And in the central region, the difference is 3,467 sites, housing sites needed according to Mr. Pryor and our own growth management study, by the year 2020.

Now, he further breaks that down as a negative 541, meaning 541 of those could come from the city and 4,008 from the county. Now, let's just assume for purposes of discussion that the City is not accommodating any new development so that we the County would have to make up that full 4,000. Nonetheless, the net in that study is 4,008. So these numbers are always subject to estimates and to refinements, but I think when we look at what do we really need, versus what we have, and some of those sites that were approved may have limitations that don't make them the best sites for development and there were paper subdivisions and we don't have the whole study in the growth management plan that tells us what was utilized to make these estimates but that's available in the study itself.

So just taking what's been approved in the last six months, we're over 4,000. So I think that's where the speaker was coming from by saying that we need to consider not just the first part of the equation, which is Gee, how many housing sites do we need, but we need to consider the second part of the equation, which is Gosh, how many do we have? Which is that 15,716 figure, which nets us the 4,000.

Now, we can get into a lot of discussion about how accurate is that and are those 2.5-acre lots which we don't want to encourage but in many areas we do want to encourage 2.5-acre lots because rural living is a part of the Santa Fe County lifestyle. So I think what it gives us is an order of magnitude number of where are we and where do we need to be and the bottom line is we're there. So at this point in time, when we go much further than this, we're providing for housing units and we're committing to ultimately provide water service for units that our own study says may not be needed. I do think that we need to update this study and I think that this study needs to be updated as a part of the approval process for these subdivisions and then periodically thereafter, every year or two so that we continue to have a handle on really what are the needs as opposed to what are the wishes of those who would like to develop.

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What are the needs that we should be serving? Thank you.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, question for Mr. Lilly about water. As I understand it, the developer in this case claims to own 10 acre-feet but needs about 48 acre-feet to have enough water for Phase 1. Is that about right?

MR. LILLY: That's correct.

COMMISSIONER CAMPOS: No, it seems to me that from the discussion earlier that there hasn't been a lot of thought given to where am I going to get 38 acre-feet of water. Is that about right?

MR. LILLY: I'm going to refer these questions to Jim Corbin. He's been working on the water rights.

[Previously sworn Jim Corbin, testified as follows:]

JIM CORBIN: I'm Jim Corbin and I've been sworn. No, there's been quite a bit of thought given to the water. There's a lot of reasons for that. Middle Rio Grande water rights run \$5,000 an acre-foot plus or minus \$1,000, depending on the type of water right, where it's located and then you have an additional cost of any place from \$1,000 to another \$5,000 an acre-foot in terms of a protest process or a potential transfer process. The intent for a Middle Rio Grande water right would be to move it to a Buckman diversion. We have no intention of using San Juan/Chama water, which I've heard several of the folks talk about earlier in the day. Obviously, if the County made that available and we could use that we'd be happy to.

But the way it's set up we have to go get water rights that are of use to the County and bring them to the County and you have the ultimate right to decide whether we've brought you water rights that you can use or not use. If we were to buy, and we may, in fact we have, acquired some Santa Fe Basin water rights, those run anywhere from \$10,000 to \$15,000 an acre-foot.

COMMISSIONER CAMPOS: Those are the ten acre-feet you talked about?

MR. CORBIN: No, the ten acre-feet I'm talking about, that ten acre-feet is a water supply contract that was entered into with Santa Fe County back in the 1993, 94, 95 time frame, Commissioner Campos, back actually when I was running the County utility. And at that point in time it cost folks, the initial set of customers that came on, it cost them about \$13,000 an acre-foot to sign on to the County water system. At the present time, it costs you \$20,000 an acre-foot and it cost that much before I left the County back in the 97 time frame. So there's a considerable investment and considerable thought goes into water rights and what we're going to do with water rights. We fully understand that right now, today, we've got ten acre-foot that we could ask the County to deliver to us, either at Sonterra or frankly at another location of our choosing if we had another spot that we wanted to take delivery, that we have to, to get into Phase 1, come up with 38 acre-feet of water rights that have wet water behind them that you can access wet water out of before we can go on with Phase 1 and the other amounts of water rights go with Phase 2 and Phase 3.

COMMISSIONER CAMPOS: Okay, I guess the question was, I understand

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what you're saying generally, but the question is have you actually been looking?

MR. CORBIN: Yes.

COMMISSIONER CAMPOS: What is your time frame now as far as buying the 38 acre-feet.

MR. CORBIN: Probably within the next 12 months. We're in negotiation with some folks at this time, but I obviously don't want to share who I'm in negotiation with because the price goes up dramatically.

COMMISSIONER CAMPOS: I understand.

MR. CORBIN: It may anyway given that we're talking about it tonight.

COMMISSIONER CAMPOS: Okay, so you feel that within the next 12 months you could buy the additional water?

MR. CORBIN: Oh, yes. I've bought maybe \$10 million worth of water rights in the last few years, for other customers and for this particular client.

COMMISSIONER CAMPOS: Okay. Now a question for Mr. Lilly. Would there be any prejudice to this development if you waited 12 to 18 months? If you took a table tonight and came back in 12 to 18 months? Would there be any substantial prejudice to your developer?

MR. LILLY: I guess that would be something that I don't think we could agree to.

COMMISSIONER CAMPOS: The question I'm asking is would there be prejudice to the developer?

MR. LILLY: Yes.

COMMISSIONER CAMPOS: Could you tell me what that is?

MR. LILLY: Actually what I'm going to do is I'm going to have Rosanna Vazquez respond to that question as well as to two additional conditions of approval that were added by staff.

COMMISSIONER CAMPOS: That's not the question. You can't answer that question? Do you think Ms. Vazquez can?

MR. LILLY: She was given the authority to respond to that question.

COMMISSIONER CAMPOS: I have the floor right now so if she wants to answer that specific question, that would be fine.

CHAIRMAN DURAN: Could you restate the question for me?

COMMISSIONER CAMPOS: Yes, Mr. Chairman. The question was if you took a table tonight, would there be any prejudice if you had to wait 12 to 18 months to come back.

MS. VAZQUEZ: Mr. Chairman, Commissioners, the prejudice that it would lead would be the fact that we've spent a considerable amount of time and money with respect to this development to get it to where we are today. If there were specific concerns with respect to traffic that needed to be addressed, roads that needed to be addressed, water issues that weren't addressed as they have been in this development, we would agree to a tabling. But at this point, this development, as stated by staff meets the requirements of the Community

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College District as has been submitted and we would not agree to a tabling and would believe it would be prejudicial.

COMMISSIONER CAMPOS: How so?

MS. VAZQUEZ: Because of the fact that we have followed the guidelines that the staff has put together and submitted a project.

COMMISSIONER CAMPOS: Other than that, there is no prejudice, is that right?

MS. VAZQUEZ: Mr. Chairman, Commissioner, there's always a prejudice when there's an unfair tabling when the project meets the Community College District Ordinance.

COMMISSIONER CAMPOS: Okay. Question for Mr. Corbin. You're saying you have 38 acre-feet of water that you're likely to buy within the next 12 months.

MR. CORBIN: Sooner than that, I hope, sir.

COMMISSIONER CAMPOS: Is that going to have to be diverted from the proposed diversion project? Is there going to be water that you have to import?

MR. CORBIN: Likely it would be, yes. We're working on water rights both in the Middle Rio Grande and in this basin. Water rights in the Middle Rio Grande would have to be moved to the Buckman diversion. The process of moving them could take another one to three years in terms of that process. In terms of water rights in this basin, if everything went the way one would like it—it rarely does, as we both know—it might move within a year.

COMMISSIONER CAMPOS: Okay. Now, as far as the diversion project itself, do you know when that might be on-line?

MR. CORBIN: I don't think anybody does today. The environmental impact statement usually takes three to five years. It can take much longer, depending on what kind of protests you get into. The City has just begun to get into the heart of the process. So they have certainly another two years or so to work their way through that. If they're fortunate and everybody signs off it would take them another year or so to bring on line a diversion process. I think they're postulating 2004, 2005 time frame. I'm sure that's going to be a sliding time frame. I personally don't think they'll get there in 2004, 2005 but I'm hopeful they will because we desperately need that diversion.

COMMISSIONER TRUJILLO: Jim Corbin, just to follow up on that. You said it would take 12 months to acquire water rights?

MR. CORBIN: It might take a day or two, okay? We're in negotiations right now, but the 12 months was associated with the entire package that we're talking about.

COMMISSIONER TRUJILLO: Whether it takes 12 months or it takes four years or it takes next week, development in that area will not happen without wet water.

MR. CORBIN: That's correct. That's absolutely correct. But you have a great deal of planning and the design and a variety of other things that have to take place. We'd like to that concurrently so that when you get to a point where you've got the wet water you're ready to go. But we do believe a regional water system like you folks have been putting forward is absolutely the only way to go in this part of the country. Shallow wells of 500 foot

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or less are frankly in any kind of a drought are going to be out of water.

CHAIRMAN DURAN: Thank you, Jim. I think it's important to know, in my conversations with the Mayor and our water utility people and the City's water utility people that we're projecting that we'll have a diversion project built in four years if everything goes smoothly. The other thing is the San Ildefonso Pueblo is now generating a million gallons of water out of the pilot project, the Ranney Collector pilot project, and we are hopeful that at some point in time we'll be able to, they'll be able to provide water to this community. We are in the process of acquiring more water rights. We're talking about the diversion project being able to provide water for us for 40 years of so, but finding water and bringing water into this community is going to be an ongoing process and we're going to have to deal with it on a daily basis.

But we are working on trying to get this water. And like I said earlier, the water will go where this Commission and Commissions in the future decide growth should occur based on sound growth management principles.

COMMISSIONER CAMPOS: Mr. Chairman, my only point was as far as a need to act tonight, there really isn't a need to act tonight. We really do not have to approve this master plan tonight. There would be no significant prejudice. They're still working on a lot of issues. The diversion project, we will not be importing water through the diversion project until 06 or 07. And there is the big dispute with the City about the San Juan/Chama so if we're going to get more than 500 feet that's questionable. If they divert to that point, we're still looking at four or five years.

I think what the people here are saying is be patient, be cautious. We're in a serious drought. Think about us too. A lot of the resources of Santa Fe County in the last few years have been focused on creating the Community College District and the water utility company and we've been ignoring a lot of the small communities around the county that are losing their wells, going dry.

CHAIRMAN DURAN: I think this Commission is in agreement with what Commissioner Campos said, but I don't know where the statement that wells are not going to be drilled in that area. Why doesn't it get to your ears. We're not promoting well drilling in that aquifer.

COMMISSIONER CAMPOS: What happens, Mr. Chairman, when you approve a master plan, things are going, the finance is going, the planning is going and no water can be brought in. The political pressure is to dig those wells and that's what probably will happen in this case.

CHAIRMAN DURAN: I doubt that.

COMMISSIONER CAMPOS: Well, that's likely to happen.

MR. LILLY: Excuse me, Mr. Chairman, if I could respond. What I'd like to just say is that first of all, we were clearly directed by staff that wet water was not needed as part of the master plan approval. It is part of the process, but not part of the master plan approval. Part of that process. Secondly, master plan approval allows the property owner to go ahead and get financing so that they could obtain water rights. It also allows them to get

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financing so they can study many of the issues that were raised here this evening. So it's an important part of the process to keep it going in a positive manner. To just stop it at master plan process right now, as suggested by Commissioner Campos, is contrary to the direction that the Community College District plan outlines in the process and I think you'll probably look at issues or problems being raised by the property owners that have invested as much as they have to this date in getting this far. They're going to want to revert back to the old process, which they have a right to do.

I think the positive direction to do is to move forward with the Community College District plan as outlined.

CHAIRMAN DURAN: Al, I have a question. We've talked in the past about the 15 percent affordable housing requirement and how that may not be adequate for future housing needs. Would you agree to a condition that in the event this Commission or Commissions in the future increase that 15—and this is prior to your getting final approval—would you agree to that increase in the affordable housing units? And I guess to a maximum of say, 20 percent. And the reason I say that is if you look at the 520 that you're asking us to approve, only 52 of those would be affordable. If we went to 20 percent, 104 would then be.

MR. LILLY: I understand. What I'd like to do is have Rosanna respond to that question and also to the two additional conditions that were added by staff for approval. I think they're similar in terms of the way they've been worded and the timing is somewhat of an issue.

MS. VAZQUEZ: Thank you, Mr. Chairman. In short, yes, we would agree to an affordable housing increase of 20 percent. It has been covered by staff in condition number 12, and actually 15 percent of the affordable housing units equal a total of 78 units now, and we would agree to a condition. And the way that it is written is that in compliance with future amendments to the affordable housing ordinance. So yes. We're in agreement with that condition.

COMMISSIONER CAMPOS: Mr. Chairman, it could be more than 20 percent because it leaves it open. It doesn't say 20 percent. It could be 25, it could be 30 percent. Depending on what the Commission—

CHAIRMAN DURAN: Whatever staff's recommendation is.

COMMISSIONER CAMPOS: The Commission would have to draft an amendment to the current ordinance saying we think 25 or 30 percent or more affordable housing is required to really deal effectively with sprawl.

MS. VAZQUEZ: Mr. Chairman, Commissioners, I agree with County Attorney's Steve Kopelman's position that we have, on his legal reading with respect to the rights that we've got in the master plan. Therefore any ordinance amendments that would be made by this Commission with regards to affordable housing would be applicable and besides that, we are in agreement with them at this point.

CHAIRMAN DURAN: I think 12 covers it.

MS. VAZQUEZ: Thank you. We just had a couple of other—we agree with all the conditions as stated by staff except we have a couple of concerns with the two additional

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conditions that were submitted. The first concern we have is with respect to the economic fiscal impact report. We agree with the fact that an economic fiscal impact report needs to be done as required by the master plan. We have submitted our own fiscal impact report and there is a condition of approval on this subdivision that requires an updated fiscal impact report to be submitted with every phase of the development. We have no problem with that condition. The concern we have with the additional condition is the language that reads that the BCC shall review, prior to preliminary plan approval and if found in the best interests of the County, go forward with this development.

A fiscal impact report that is completed by the County can be and should be used as any piece of evidence that the County has to rebut a fiscal impact report that we have, or that any developer or property owner submits. That is the appropriate time in which to determine whether it is in the best interest of the County. The way this condition is written, it could be read that prior to any development coming forward, this Commission will review a fiscal impact report and then make a determination whether any development is in the best interest of the County. It places a burden on the developer to attend a hearing and possibly open up its potential preliminary development plan at a point when they're not before you for preliminary plan approval. The appropriate way to use that fiscal impact report would be to counter any evidence at the preliminary development hearing.

So I would request that the last line of that condition be amended, or that condition not be submitted at all. We would not agree to such a condition.

COMMISSIONER GONZALES: Mr. Chairman, Ms. Vazquez, I'm confused here. I would assume that a fiscal impact that was brought forward—first of all, if you agree with me, tell me if you agree with me on this assumption. That at preliminary level, the Commission can determine as a whole, with the evidence that's been provided for you that it's not in the best interest to proceed forward with the development, therefore denying it.

MS. VAZQUEZ: Mr. Chairman, Commissioner, I agree with that. And that analysis should be done at that hearing.

COMMISSIONER GONZALES: Right. But there needs to be some type of proof that's submitted to the record so that the staff can make some type of recommendation. My second question would be that at the preliminary hearing, would you agree that the Commission can either deny or largely reduce the amount of housing and the amount of commercial space so that it would properly emit what it felt were the needs of Santa Fe County and the community.

MS. VAZQUEZ: Mr. Chairman, Commissioner, I would agree with that, but that analysis should take place at the time that each development comes in for preliminary hearing. The way that the condition is written, it reads that an economic impact report will be done by the County. The County will have an opportunity to review that report and decide if it is in the best interest of the County to hear, prior to preliminary development hearing of any development that goes forward. That's the only problem we have. We agree with the fact that the economic fiscal report should be done and should be used as part of your decision making process in a preliminary development hearing, but not prior to that hearing.

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COMMISSIONER GONZALES: So you would agree as part of any condition 38 that any fiscal impact report that was brought forward by the County could be used to deny, if the Commission determines the application is going forward if that fiscal impact report does not support your recommendations at preliminary and final?

MS. VAZQUEZ: Mr. Chairman, Commissioner, that fiscal impact report is a piece of evidence that you could use for that purpose at that hearing. The concern that we have is that what this has the potential to do is stop a hearing for preliminary on any development prior to that actual report being compared to the other report at that specific preliminary hearing. That's the concern.

COMMISSIONER GONZALES: Ms. Vazquez, would you agree that my question, that no wells could ever be used on this development within this aquifer area or within the development area?

MS. VAZQUEZ: Mr. Chairman, Commissioner Gonzales, if I may answer that in two different points. When the Community College District group was put together, there was an inherent understanding by everybody there, the neighbors, the people who worked—the developers, the property owners, the lawyers and all of us consultants who were working there that these developments were to hook on to the County water utility company or a community water system. Something. That was the language that was put into the ordinance because nobody wanted to go on with the traditional development of wells on 2.5-acre lots. We are in agreement that we will work with County staff with regards to the comprehensive water plan that they're attempting to put in work with Commissioner Sullivan's ordinance and request to do studies with respect to the impact on that aquifer. We would agree to do that.

With respect to the wells, I'm not really prepared to answer a question like that. I know that there's been some concern as to how does the County water system create a water system without any wells in any area.

COMMISSIONER GONZALES: I'm talking about the wells specifically on the property.

MS. VAZQUEZ: Oh, no. Sorry. There would be no wells on the property. I apologize.

COMMISSIONER GONZALES: Or any wells that might have a detrimental impact to the surrounding subdivisions.

MS. VAZQUEZ: On that I'm going to have to have Jim Corbin answer.

MR. CORBIN: I'm not sure that anybody can answer that question yes or no.

COMMISSIONER GONZALES: I think the Commission has a responsibility of answering that question that no wells would be allowed—

MR. CORBIN: We have no intention of putting wells on that property or using wells that we have constructed on that property for a water supply. We don't plan to use any wells there. We want to use the County water system. Period. The concern here is the County may have a need to put wells somewhere and we aren't in any position to comment on where the County should put their wells or put their points of diversion. You may find after you do extensive deep well monitoring, which has not been done in the Santa Fe Basin, that you've got

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significant sources of water in places that are going to surprise people.

So you probably, at the County level, need to be in a position where you can put whatever you need to put in place to protect all of these good folks that were testifying today and others that haven't testified over time with a decent regional system. But we have no intention of putting wells in that property.

COMMISSIONER GONZALES: Thank you.

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

MS. VAZQUEZ: Mr. Chairman, I just have one point with regard to the last condition of approval that was stated by Mr. Catanach, and I just want a point of clarification. The condition read Water service agreement prior to final development plan and budget for first phase. I just wanted to know, does that require that the water service agreement be approved by the Board of County Commissioners or is that going to be approved on an administrative level.

COMMISSIONER GONZALES: That hasn't been determined yet, whether the agreements are going to come back to the Commission or approved administratively.

MS. VAZQUEZ: Okay, thank you.

CHAIRMAN DURAN: Judy.

MS. MCGOWAN: I have just a point of clarification on the issue that was raised earlier and Commissioner Sullivan was right. We don't want to beat this to death. But since the press is here and jotting down notes I thought it was important to mention that we talked about this projection of housing needs, or projection of housing that's on page 60. And Commissioner Sullivan is right. There is an approved sites by region and then the difference between the approved and needed sites by region, but the term "housing needs" was used and I want it to be very clear that just because you've taken the total number of sites and subtracted what the projection is from that, that does not come up with what would be the housing needs for the county. Housing needs would look at who you're trying to house, and a good proportion, in fact almost all those 15,716 sites that were available in 1994 are 2.5-acre lots. At least 15 percent of them are Las Campanas lots or La Tierra lots that are high-end lots, probably more. So it gives you an indication of what lots were available, but those are not lots that are available to most local residents or to the children of local residents.

So I guess what I'm saying is I would support that we look deeper than that when we're looking at housing needs for the future rather than just the superficial numbers.

CHAIRMAN DURAN: Thank you. Can you give that information to the Regional Planning Authority director so that maybe we can address that at that level?

MS. MCGOWAN: I believe she has the information already but, yes, that is an issue that came up with the projections for the Regional Planning Authority also, is that if you just use straight numbers, it doesn't say whether you're actually providing housing for the community. It just says you're providing housing.

CHAIRMAN DURAN: Thank you. Joe, did you have something to say?

MR. CATANACH: Mr. Chairman, I just have a point of clarification and I don't want any misunderstanding with this developer. Obviously, I mentioned earlier that this developer has a lot of work to do with the Highway Department. I mentioned in general that the

road connection between adjacent developments had been addressed, but regarding condition 7, this applicant had indicated to me at one time that they wanted to make a change to condition 7. Condition 7 states very specifically that the road connection to Rancho Viejo will be constructed in Phase 1. And this applicant didn't bring this up and that's why I say I don't want any misunderstanding but they had indicated to me that they wanted to request a change to condition 7 and not necessarily that the road connection will be constructed in Phase 1 but that they would evaluate whether the road connection is needed in Phase 1 or not.

I think they're going to have a hard time demonstrating to the Highway Department or addressing issues of capacity on State Road 14 if that road connection is not made. So I do think they're probably going to have to make the connection, but they're asking us as to whether they can evaluate whether that road connection can be done.

CHAIRMAN DURAN: Rosanna, are you okay with 7 the way it's written?

MR. HOEFT: We're fine with that condition.

CHAIRMAN DURAN: Thank you, Joe.

MR. CATANACH: Thank you.

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

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: I'd like to make a motion but before I do I'd like to see if there's any support for a motion to table for 12 to 18 months on this application at this point.

CHAIRMAN DURAN: Not from me.

COMMISSIONER CAMPOS: No? Okay. Then I'd make a motion to approve the master plan subject to the conditions stated in the report and the two additional conditions stated by Mr. Catanach and with two additional condition.

COMMISSIONER GONZALES: Mr. Chairman, just so we can follow along on the conditions, Mr. Campos, can we go—I was going to say go for the approval and then go into the amendments of your conditions.

COMMISSIONER CAMPOS: Say it again. I didn't quite hear.

COMMISSIONER GONZALES: I was going to say if we can get a motion on the table and then start going to the amendments.

COMMISSIONER CAMPOS: Additional amendments. The development shall be served strictly by the Santa Fe County water system using a sustainable imported water source from the Buckman well system, or a permanent San Juan/Chama water allocation. No onsite or other wells shall be permitted.

The next condition would be master plan approval is conditioned on a demonstrated need for additional residential units during the next 20 years beyond those approved to date as determined by a revised housing projection analysis to be undertaken by Santa Fe County and adopted by the Board of County Commissioners as a revision to the Santa Fe County Growth Management Plan.

And next, a condition that this master plan approval grants no vested rights to the

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developer.

That's my motion.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN DURAN: For discussion. Are you making this motion to bring it up for reconsideration next month.

COMMISSIONER CAMPOS: No, I'm making the motion for tonight.

CHAIRMAN DURAN: But next month, are you going to bring it up for reconsideration?

COMMISSIONER SULLIVAN: Do you want to reconsider it next month? Why don't we consider it right now while everybody's here.

COMMISSIONER CAMPOS: I've made a motion, Mr. Chairman.

COMMISSIONER TRUJILLO: This is a motion to approve, right?

COMMISSIONER GONZALES: It's questions on the conditions, Commissioner Campos. As to the issue of the fiscal impact, I'm in concurrence that I think that the fiscal impact needs to get done, but that that should be used as a method for the Commission to determine, based on that County impact whether to approve or deny a preliminary. Are you in concurrence with that?

COMMISSIONER CAMPOS: I think that's what it says. Could you read that, Mr. Catanach? I think that's what it says.

MR. CATANACH: "The fiscal impact study will be conducted by the County for the entire Community College District. The BCC shall review and assess the fiscal impact study prior to any preliminary development plan hearing to determine whether the project is in the best interest of the County and fiscally viable in the judgement of the BCC."

COMMISSIONER GONZALES: So when you talk about prior, could that prior be done on the same night that the Commission is considering the preliminary, or does there have to be a separate session before someone can come forward for preliminary approval?

MR. KOPELMAN: Mr. Chairman, Commissioners, the language seems to indicate there would be a hearing on the fiscal impact study itself in relationship to preliminary development plans, and then I presume that there would be another hearing then for the individual developments coming forward. But this language seems to indicate that there would be a review and assessment of the study prior to the preliminary development plan hearing. That's all it says.

COMMISSIONER GONZALES: Well, Mr. Chairman, Commissioner Campos, I've got some concerns that as another layer of people having to come back over and over, would you agree to allow that to take place the night of consideration of preliminary in determining the evidence whether to go forward or not.

COMMISSIONER CAMPOS: Well, the reason I've advocated this language for some time, Commissioner, is because I believe the County needs to retain the authority to view the project as a whole. If the project as whole does not work and the fiscal statement says that we should retain authority to exercise that discretion. At that point we may want to reconfigure the Community College District or take measures, taxing measures to see if that allows this

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project to move forward, or impact fees. So it just reserves authority to the Commission to make a decision once we have all the information. That's all this is doing.

COMMISSIONER GONZALES: So help me understand, at preliminary level, when they submit, the County—I guess my question again is could the consideration of the County fiscal impact report be done at preliminary?

COMMISSIONER CAMPOS: Give me a more concrete example.

COMMISSIONER GONZALES: Well, an example would be when this subdivision comes back at preliminary level that the way it's written now they would have to come before the Board of Commissioners for a hearing just on the County fiscal impact report.

COMMISSIONER CAMPOS: Right.

COMMISSIONER GONZALES: And then if the Commissioners concurred with it then they could come back for preliminary. Where I'm proposing is that they would be able to come back for both preliminary and concurrence. If it's not concurred, then at the preliminary level—

COMMISSIONER CAMPOS: Tell me again. I'm not catching.

COMMISSIONER GONZALES: At preliminary level, when they come back, that the County fiscal impact report, the staff would base their recommendation based on the County fiscal impact report. Does it support the number of residential units that they're stating? Does it support the amount of commercial that they're stating. Keep in mind that this Community College District is about creating sustainable communities. So you can't have residential without commercial. You can't have commercial without some type of light type of retail so that you have that sustainable environment.

I'm assuming that that fiscal impact report, the County fiscal impact report are going to address those key points.

COMMISSIONER CAMPOS: Yes.

COMMISSIONER GONZALES: If the County fiscal impact report says No, there's on way that you're going to be able to absorb 200 units over the next ten years. No, there's no way you're going to be able to have commercial, then the Board would be given that authority that you're calling on to deny it at that time just as you'd be given the authority to deny it for traffic issues that are brought to you the night of preliminary, or for water rights that you don't believe should be used in this area because they might have some adverse impact on some acequia system in the county. Whatever it is, that that authority is maintained at that night as opposed to bringing up another level of hearings just to determine whether—a County fiscal impact report will determine whether—it's basically their gate, whether they can go forward or not when that can be done basically at the preliminary level.

COMMISSIONER CAMPOS: I'm just thinking off the top of my head but I would think that we do need one hearing for the whole College District, that's what I'm thinking probably would happen. So we would have to have one hearing to evaluate the whole Community College on the fiscal. And then when the—let's say there was an okay to the plan, but perhaps maybe one of the components failed for whatever reason. I assume we could consider that independently when the preliminary came.

COMMISSIONER GONZALES: Let's take another step forward. If the—at that point, which I concur with you. I think there should be another, as we indicated, we should revisit the Community College District plan after this County fiscal impact report is done and hopefully in that report we'll be able to tie in with as Commissioner Sullivan indicated earlier, population projections for the area that are more accurate and to date. If at the time, and this question is for you, Steve, that the Commission determines after reviewing it again, that the densities need to be changed. That the amounts of square footage for commercial may need to be modified, whether it's less or maybe more, hold on, can the Commission at that time determine to change the densities and then subsequent applications for preliminary and final would have to comply with any changed Community College District that would be done through an ordinance?

MR. KOPELMAN: Mr. Chairman, Commissioner, I think the question seems to be, depending on what the fiscal impact study does, does that give the Commission the ability to make changes? The answer is yes, it does.

COMMISSIONER GONZALES: Right, but that's not the question. The question is if the Commission changes the Community College District Ordinance, that changes and alters the densities of allowable residential units and allowable commercial, will the master plans that have already been approved and any subsequent that may be approved after tonight, have to comply with the changed Community College District Ordinance at their preliminary and final levels?

MR. KOPELMAN: Mr. Chairman, Commissioner, I believe the answer is yes, because at master plan they don't have vested rights. If the ordinances are changed prior to preliminary, they are subject to those changes in my view, my legal opinion.

COMMISSIONER GONZALES: So I think we go down the road that you want to go down, Commissioner Campos, at the completion of this fiscal impact report to completely revisit the Community College District Ordinance, see if it's on track, if it has to be modified. My point on this fiscal impact report though, for preliminary is that it should be used at the preliminary hearing as one of those items that you would use to determine in your interest or in the County's interest whether to approve the development or not, as opposed to having a very separate, special hearing on every development.

COMMISSIONER CAMPOS: I think, Commissioner, you have to do it two ways, at two levels. One for the overall, and two at the component level when they come with the preliminary application.

COMMISSIONER GONZALES: So we're in concurrence with that.

MR. KOPELMAN: Okay. I think the language may need to be amended slightly then, Mr. Chairman, Commissioner. Because I think what we're saying then is prior to them being able to come forward for preliminary, there would be a Commission meeting, and at that meeting you would study, evaluate and assess the impact study in relation to the entire Community College District. That meeting may well result, in could result in ordinance changes. Okay? Their preliminary hearing is a separate issue. That's not—so we're not talking about, you're not talking about assessing this plan at that general meeting. Okay.

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COMMISSIONER CAMPOS: That's right.

COMMISSIONER GONZALES: I'm sorry. I'm confused now. So at the conclusion of the County fiscal impact report, the Commission will call for an ordinance or for a review of the Community College District plan.

COMMISSIONER CAMPOS: For a hearing on the fiscal impact and to exercise its discretion at that point.

COMMISSIONER GONZALES: Right. Whether to modify the Community College District plan as to number of residential units and commercial.

COMMISSIONER CAMPOS: And fiscal impact taxes, impact fees, etc.

COMMISSIONER GONZALES: Right. The whole deal. And what you have indicated tonight, Steve, is that they will be subject to whatever changes take place if they come in after the preliminary, after that takes place for preliminary.

MR. KOPELMAN: The changes would need to be made prior to them coming and getting preliminary plan approval.

COMMISSIONER GONZALES: So basically, it's a condition that they be subject to any changes to the Community College District plan would suffice here. Any changes that may come from here forward, between now and the time that they submit for preliminary that they would be required to conform to.

COMMISSIONER CAMPOS: Well, because it's not a vested right they would have to conform to County law, which we could pass in the interim.

COMMISSIONER GONZALES: What's the time line on the County fiscal impact report?

MR. ABEYTA: The time frame is anywhere from six to twelve months.

COMMISSIONER GONZALES: Okay. Which is the time period anyway that it would take anyone to proceed forward with any water rights or transfer or water rights. So they couldn't come in within the year anyway, most likely.

MR. ABEYTA: Most likely I'd say they wouldn't come in within the year.

COMMISSIONER GONZALES: Okay. Then can you tell me what your other amendment was?

COMMISSIONER CAMPOS: There were two additional staff amendments.

COMMISSIONER GONZALES: Fiscal impact and the approved service agreement prior to final. And what was the other one? The issue of the wells? That's what I was going to ask you on that. If the Commission, if future Commissions, Commissioner Campos, or you during a future Commission, determine that there are other diversion points that you want to consider for the overall County water master plan, would you be receptive to add language that would state any other diversion points that were first approved by the Board of County Commissioners as acceptable diversion points?

COMMISSIONER CAMPOS: Say it again.

COMMISSIONER GONZALES: Right now, you're currently stating that it's—

COMMISSIONER CAMPOS: We're looking at Buckman, right?

COMMISSIONER GONZALES: You're looking at Buckman as being a

diversion and the San Juan/Chama. So what I'm asking for your consideration is that if a future Commission, you deem it through your water planning process that there are other diversion points that would be acceptable and fit into the overall management of the water plan, that that would be acceptable after being approved by the Commission?

COMMISSIONER CAMPOS: I have no problem. I'd like to have Commissioner Sullivan address that because he's been the major proponent of this condition.

COMMISSIONER SULLIVAN: I think that's almost self-explanatory because we or any future Commission would have the option to change any condition and we do it all the time when they come back for preliminary and final development plans so if they came back and said we want you to change the condition from Buckman to XYZ, then we could evaluate it but I think what this does at this point in time is it tells us that's where we want you to focus. We don't want to give you, at this point a blank slate. We want you to focus on the Buckman area on a sustainable supply there as Mr. Corbin indicated they are in fact doing.

So I think that provides the clear direction. If they come back and say, for whatever reason, we have a better idea, that would be fine. Then I think the Commission has the option to do it. My only concern in changing the language would be that we just broaden it out and say, Go wherever you want and we haven't given them some specific direction that we want a sustainable supply that doesn't deplete the aquifer in this area.

COMMISSIONER GONZALES: But wherever we want with the Commission, the three of you sitting there now would be basically determining what would be in the best interest of the community. So you'd maintain, the Commission would maintain that control.

COMMISSIONER SULLIVAN: I certainly would and—

COMMISSIONER GONZALES: It would not be lost to the developers. Like a developer couldn't come up and say, Oh, we want this diversion, even if it's not Buckman or wherever you're stating, and the Commission accept that. That wouldn't be acceptable. The only thing that would be acceptable is something that the Commission would adopt as an approved diversion point.

COMMISSIONER SULLIVAN: Right.

COMMISSIONER GONZALES: That you may determine in the bigger scheme of things was a more appropriate place than the Buckman and all I'm looking for is to see if we could create more flexibility for the Commission as you develop your water plan to be able to look towards that.

COMMISSIONER SULLIVAN: I understand. I think that's there. I think in any of these conditions, where we say a road connection should be such and such, the developer studies it and meets with the residents and comes back and they say, We propose something different. But I'd like to provide that direction that there's a sustainable supply that we want these developments to utilize.

COMMISSIONER GONZALES: So would you be in favor of that then, if we added a language again without any adverse impacts to existing communities within the Community College District? So that that message is sent out even further, clearer that there couldn't be an adoption of any diversion points that would have that negative, disparate impact.

Because I think the concern would be, what happens if a diversion point comes into the Community College District? If I was living out there, there might be some concern with this language that people would say, Well, jeez, what happens if someone finds a well in the Community College District that becomes a diversion point then all of a sudden, we're starting to see water come out of this aquifer.

COMMISSIONER SULLIVAN: And that's what they don't want, I think.

COMMISSIONER GONZALES: That's what they don't want. So the point of the language is that if you were to allow other diversion or would allow for any other diversion that proved to not have an adverse impact on the existing community so that we address directly the point that people have brought forward about their existing water situation, that would have to be proven by the Commission with this language.

COMMISSIONER SULLIVAN: That would still include the possibility of wells within the Community College District.

COMMISSIONER GONZALES: If you determine that. But that's not, I don't think that that would be something—I don't know how the Commission would deal with that.

COMMISSIONER SULLIVAN: I think you could certainly put language in like that if it's more comfortable for the majority of the Commission. I think one way or the other, the Commission has that option to make that determination in the future. It's not an ordinance; this is a land use master plan.

COMMISSIONER GONZALES: My feeling is that out of every application that comes forward in this area we need to prove to the existing communities that there is not an adverse impact on their water situation. That's been told to us over and over tonight. With Commissioner Campos' amendment and the staff's amendment it goes directly to that point of having to use an imported source of water so that there are no wells that are put there. The language that I was throwing in was that we have to prove, that we have to prove that there is not an adverse impact to the existing water situation. That's—

COMMISSIONER SULLIVAN: So you're suggesting putting in language that would say, "or other source outside the Community College District that the Commission would deem to not adversely affect the residents."

COMMISSIONER GONZALES: I'm saying any other diversion, whether it's inside or outside, however it comes.

COMMISSIONER SULLIVAN: Well, that's—I understand where you're coming from but I think it would be hard, certainly to convince me or any of the residents that a major well inside the Community College District wouldn't affect their wells, given what's happening now and given what happened just at the well out at Turquoise Trail Elementary.

COMMISSIONER GONZALES: I'm fine. I'm fine with—I was just suggesting, seeing if—

COMMISSIONER SULLIVAN: I think your point is well taken—

COMMISSIONER GONZALES: Flexibility as you determine your water plan that there may be other diversions. We don't know where they're going to be.

COMMISSIONER SULLIVAN: It might be San Ildefonso.

COMMISSIONER GONZALES: Right. And this limits is from using it.

COMMISSIONER SULLIVAN: Not at all. Not at all. Because we would then change it but it give the same direction that they're going, which is to find water rights to place at Buckman, which is I think the only way we can go.

CHAIRMAN DURAN: Why can't we say that any other diversion project outside the Community College District?

COMMISSIONER CAMPOS: Say that again.

CHAIRMAN DURAN: Any other diversion point outside of the Community College District.

COMMISSIONER CAMPOS: What if it's right outside the boundary, part of the same aquifer? You're diverting from the well but from the same aquifer 100 yards away from the Community College District. I think that would perhaps defeat the intent of what we're doing here.

COMMISSIONER GONZALES: How about, Mr. Chairman, if we relied, if we stated that this was subject to whatever diversion points that the water plan would come forward with so that if in the water planning process you determined that there's some diversion points that you want then this condition would kick in and then they'd be subject to it.

COMMISSIONER SULLIVAN: You're talking—okay, I see. And you would say, you're talking about long-range Rio Grande diversion points.

COMMISSIONER GONZALES: I'm talking about long-range, the comprehensive water plan that you guys have done and are pursuing. Exactly. That's exactly. There may be future diversion points that the Commission may want is all I'm saying.

COMMISSIONER SULLIVAN: In order to get our water from the Rio Grande.

COMMISSIONER GONZALES: Right.

COMMISSIONER SULLIVAN: Yes. And certainly the only one we know about now that's feasible is Buckman.

CHAIRMAN DURAN: We just spent a million dollars on the Hagerman well. What if we use that thing? You're preventing us from using that.

COMMISSIONER SULLIVAN: Well, I think what we were trying to do here is get the sustainable source. My understanding of our long-range plan for the Hagerman is to in fact, not pump that well but to transfer those rights to somewhere else within the Santa Fe County system.

CHAIRMAN DURAN: Right.

COMMISSIONER SULLIVAN: And I don't know if the thinking has gone any further than that

CHAIRMAN DURAN: But the problem is the diversion project is only going to accommodate so much draw.

COMMISSIONER SULLIVAN: So you would want to add in some language—

COMMISSIONER GONZALES: So I think what we're proposing is that in addition to Commissioner Campos' language that, or any other diversion points that would first

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be approved by the County Commission and proved to not have adverse impacts to any existing communities in the Community College District. So if, we don't know that the Commission may want the Hagerman. If the Commission wants the Hagerman, you're going to go up to a full-blown public process to determine that you want the Hagerman as a diversion point. If you do pick up the Hagerman as a diversion point, then that might be allowed. If you don't, then it would never be allowed.

COMMISSIONER TRUJILLO: Mr. Chairman, the only sustainable source of water is the Rio Grande. That's the only sustainable source of water. Everything else will deplete the water table. So what are we getting into with this discussion?

COMMISSIONER CAMPOS: We're nullifying the basic intent of it, I think.

COMMISSIONER GONZALES: That's not true, Commissioner Campos. That's not my intention.

COMMISSIONER CAMPOS: It seems to me that it would nullify the idea of preserving the aquifer underneath these 17,000 acres. That's what I'm saying.

COMMISSIONER GONZALES: There was nothing in any part of my language that advocating using that aquifer. So it's not—

CHAIRMAN DURAN: Well, if we're trying to protect the aquifer in that area, pick a point on the map and say nothing below that. Isn't that what we're trying to do is protect the residents out there?

COMMISSIONER SULLIVAN: I think right now, yes, we are. That's an excellent point and right now, as Commissioner Trujillo says, the only sustainable source we have is some diversion point on the Rio Grande. And that's where we're wanting to focus these developers to focus their water rights and we're going to pull that water out and we're going to take it in our system through the 19 percent that we have on that diversion project.

CHAIRMAN DURAN: Well what about the Buckman wells? Don't they provide water to us right now?

COMMISSIONER SULLIVAN: Sure. And the Buckman wells is included in that. If they want to move water to the Buckman wells—

COMMISSIONER GONZALES: I apologize for going with that, Mr. Chairman. Taking a lot of time.

COMMISSIONER SULLIVAN: I think it clarifies—

CHAIRMAN DURAN: We're famous for that.

COMMISSIONER SULLIVAN: But I think Buckman wells is included in that language.

CHAIRMAN DURAN: Where's the language? Which one is it? I'll let the maker of the motion read it out loud.

COMMISSIONER CAMPOS: The development shall be served strictly by the Santa Fe County water system using a sustainable, imported water source from the Buckman well system or a permanent San Juan/Chama water allocation. No onsite or other wells shall be permitted. Period. Okay. Any other discussion?

CHAIRMAN DURAN: Any other discussion?

COMMISSIONER GONZALES: Is there clarification in terms of the, you understand the issue of the fiscal impact?

MR. HOEFT: Am I allowed to make a comment at this stage?

COMMISSIONER SULLIVAN: Mr. Chairman, I think we've finished with the comments from the—

CHAIRMAN DURAN: Yes. Point of order. We're in the middle of a motion.

The motion to approve the Sonterra project, CCDRC Case #MP 02-5050 with the amendments discussed above, passed by unanimous [5-0] voice vote.

COMMISSIONER TRUJILLO: Discussion. Let me, I say aye too, but for discussion. Let me understand the motion again, Commissioner Campos. Would you repeat that again, please? The one regarding water and no wells.

CHAIRMAN DURAN: For the record, that was unanimous.

COMMISSIONER TRUJILLO: The development shall be served strictly by the Santa Fe County water system using the sustainable imported water source from the Buckman well system, or a permanent San Juan/Chama water allocation. No onsite or other wells shall be permitted.

CHAIRMAN DURAN: Okay. Thank you very much.

MS. VAZQUEZ: Point of clarification. Could I have you reread those, because we didn't get to write them all down. In particular the one that came after Santa Fe County water system, no onsite or other wells. The condition that went on after that.

CHAIRMAN DURAN: We'll give you a copy.

MS. VAZQUEZ: Now?

CHAIRMAN DURAN: We already made a motion, Rosanna. We're done.

COMMISSIONER CAMPOS: Any sentiment in favor of adjournment at this point?

COMMISSIONER GONZALES: No.

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COMMISSIONER CAMPOS: You'd like to move forward?

COMMISSIONER TRUJILLO: Yes.

COMMISSIONER CAMPOS: Could we set a limit to how late we're going to stay?

COMMISSIONER GONZALES: My last land use meeting.

COMMISSIONER CAMPOS: Well, tomorrow, we're going to be here at 9:00.

COMMISSIONER GONZALES: I'll be here tomorrow at 9:00. My last administrative. I'll be there.

CHAIRMAN DURAN: We're going to take two minutes before we start. Let the room clear. Mr. Kopelman. I'll ask him to clarify it. The concern is that if the County doesn't complete its fiscal impact for three years, and the applicant makes application for preliminary development approval, that they wouldn't be able to come in and apply for preliminary because we hadn't yet completed our fiscal impact. My understanding that in the motion we agreed to allow you to come forward with preliminary—

COMMISSIONER CAMPOS: No.

CHAIRMAN DURAN: No?

COMMISSIONER GONZALES: No.

COMMISSIONER SULLIVAN: That was the nine months and a year that Commissioner Gonzales was saying. That fits in. I think what Commissioner Gonzales was getting at, and the clarification was, and that the applicant was requesting was that we not have a separate fiscal impact hearing for the Sonterra development, and not have a separate fiscal impact hearing for the Rancho Viejo development, and for the Thornburg development, but in fact we had, as soon as the plan was completed in six or nine months or a year, we would have a fiscal impact evaluation of the Community College District which would wrap into any ordinance changes we wanted to make. The applicant would come in with their development plan and based on the information that we got from that fiscal impact study, that would be used in evaluating their development plan.

CHAIRMAN DURAN: Right.

COMMISSIONER SULLIVAN: But we would need to have the study first.

COMMISSIONER GONZALES: I think that it could be a valid concern if the Commission was not already on track. There's an RFP that's been issued. It's not going to take longer than nine months. The point is that this County fiscal impact report should be used as a basis for consideration when the Commission, nine months from now or 12 months from now comes back to reconsider the Community College District plan and its determined residential and commercial requirements. And so the Commission at that point, which we stated we were going to do two years ago, that we would periodically review the Community College District plan to have it adequately reflect what the situation is in Santa Fe at that point though, what was indicated is that it may take a year, as was indicated by Mr. Corbin, to actually get through the process of transferring water. They're allowed to do that now under the approval.

You can go out, the diversion point can be the Buckman wells, which the City has

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already approved as diversion point for the transfer of water, which we have a letter for that, right. Gary? Did the City state—the City stated we couldn't use the Buckman wells as a point of diversion?

CHAIRMAN DURAN: I can't imagine that they'd say yes.

COMMISSIONER GONZALES: I thought we'd gotten a letter saying that we could use it.

GARY ROYBAL (Utilities Director): Mr. Chairman, Commissioner Gonzales, we have 500 acre-feet of capacity out of the Buckman well field. What the City of Santa Fe has given the County is approval to move water rights into the Buckman well field. But we have allocated the 500 acre-feet already so any additional water rights that are—

COMMISSIONER GONZALES: Right. I think everyone understands that there's going to be a requirement that the wheeling agreement be increased.

MR. ROYBAL: It would have to be. However, at the present time, the capacity of that well field is already operating at full capacity, so there's no additional capacity to move additional water rights out of there if the County moved them in.

COMMISSIONER GONZALES: Under an administrative, or under—

MR. ROYBAL: Under a physical capacity.

COMMISSIONER GONZALES: Will it ever grow to the capacity where it can use additional, or no?

MR. ROYBAL: Mr. Chairman, Commissioner Gonzales, the City is right now looking at putting in five additional wells, which would give them an additional 40 percent production capacity out of that well field, which would basically offset what the reservoirs give them in supply. However, those are just emergency wells and are not necessarily there for full production 100 percent of the time. So what we're looking at is—

COMMISSIONER GONZALES: So in fact, basically with the condition that was provided on this issue, the only point of water that could be used here would be the Rio Grande diversion.

MR. ROYBAL: If and when that Rio Grande diversion project comes on line, that would be the source of diversion for any water rights that are transferred to the well field today above the 500 acre-feet that are already under the wheeling agreement.

COMMISSIONER GONZALES: So let me just ask a question. Right now under the Commission's water policy ordinance, they allow for people to bring in water rights to actually transfer into the County system. Under that provision, what are you using to evaluate in terms of diversion points and where the water should go or how it would be used.

MR. ROYBAL: Mr. Chairman, Commissioner Gonzales, we have two diversion points where we could move water rights. The one is the Buckman well field and the other one is our Valle Vista well system. We're looking at the location of where the water rights are coming from to determine where we would want to put the diversionary points for those water rights. Right now we're looking at Middle Rio Grande water rights, we're looking at moving them to the Buckman well field with a provision that those water rights would eventually be moved to the diversion project.

COMMISSIONER GONZALES: Got it. Thank you.

MR. ROYBAL: With the understanding that we don't have the capacity to move those water rights today.

COMMISSIONER GONZALES: Thank you. So did the staff understand the clarification on the fiscal impact?

CHAIRMAN DURAN: I don't.

MR. KOPELMAN: Mr. Chairman, just let me throw out language that I think I was picking up from what you were saying to make sure I understood it.

COMMISSIONER CAMPOS: Mr. Chairman, do we have to reopen the hearing or do we have to do anything?

CHAIRMAN DURAN: We're clarifying it.

MR. KOPELMAN: I think we're just trying to clarify exactly what the conditions were.

COMMISSIONER CAMPOS: For the record.

MR. KOPELMAN: Okay. A fiscal impact study will be conducted by the County for the entire Community College District. Then prior to preliminary development plan submittal, the BCC shall review and assess the fiscal impact study. And that's basically what we're saying.

COMMISSIONER CAMPOS: District-wide, right?

MR. KOPELMAN: District-wide.

CHAIRMAN DURAN: For what purpose?

MR. KOPELMAN: To determine the fiscal viability of the Community College District plan and ordinance. I think that's the intention.

COMMISSIONER CAMPOS: And then leave it at that.

COMMISSIONER GONZALES: Why would we, Commissioner Campos, though throw it into a condition of approval of a subdivision? Wouldn't the condition be more appropriate that they would be subject to any modification or changes that take place to the Community College District plan? I mean, that's where my intent was going with that.

COMMISSIONER CAMPOS: Well, that wasn't my intent.

COMMISSIONER GONZALES: It's not your intent that they would be subject to the changes?

COMMISSIONER CAMPOS: Well, my intent is reflected pretty much in the language. We wanted to clarify a couple of things, but pretty much the language is where I'm heading, where I would like to head.

COMMISSIONER SULLIVAN: Mr. Chairman, Commissioner Gonzales, I think the only difference is a matter of timing. I think, Commissioner Gonzales, what you say is right, that they'd be subject to any change, but in this particular case we're saying it's really important to get that fiscal impact study done and we want that as a part of the decision making process in the preliminary and final development plan. So we want to get that done, we want to have whatever necessary hearing needs to take place. That's the only difference. Within that time frame I think we can handle it. And also, Roman, I think you can focus the time frame

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down on those respondents. There's no reason that that study needs to take a year, I don't believe. I think, correct me if I'm wrong, can't we pretty much dictate what time period we want them to work in. And that might be part of your evaluation criteria is how well they can staff the study to complete it in a reasonable period of time which should be six to nine months.

COMMISSIONER GONZALES: You can also, if you wanted to, in terms of—you can put a sunset clause in this, Mr. Chairman, if you wanted and say that it has to come back for evaluation. We have to review it within the year's time. If it's not then they can petition the Board to come forward to be heard if it hasn't been completed.

COMMISSIONER CAMPOS: I don't understand that.

CHAIRMAN DURAN: I think they have the right to do that anyway.

COMMISSIONER GONZALES: Then we should state that in there that they have the right—my point is that if in a year, let's say for whatever reason, the Commission determines to put this issue on the backburners, just to hold off for whatever reason issues coming forward, because the numbers either prove or they don't prove what's going on, that there would be a provision that would allow them to come and petition the Commission to come forward because there has not been action—

COMMISSIONER CAMPOS: And to waive the fiscal impact statement. Is that what you're suggesting?

COMMISSIONER GONZALES: Not to waive it, to waive the condition that requires the fiscal impact statement to be done. What happens if in a year from now, or let's say two years from now, the Commission has still not acted on modifying the Community College District plan and has not acted on the County fiscal impact report? Then in effect you're creating a process where you just stop them from going forward.

CHAIRMAN DURAN: A moratorium.

COMMISSIONER GONZALES: So what about putting in a sunset clause that says if the Commission in a year from now has not done that review, then they can petition to be considered.

COMMISSIONER CAMPOS: The fiscal impact? You'd waive it at that point? I think this is too important to waive.

COMMISSIONER GONZALES: No, no, no. I'm not asking you to—if it's important it should get done. But what if it doesn't get done?

COMMISSIONER CAMPOS: That is our intent. Our intent is to get it done.

COMMISSIONER TRUJILLO: Well, no intents. We want to make sure that it gets done.

CHAIRMAN DURAN: Exactly.

COMMISSIONER TRUJILLO: We don't want intents, we want it to get done in a year.

COMMISSIONER GONZALES: That's right. And if it's not done in a year, then they ought to be allowed to petition—

CHAIRMAN DURAN: Are you in agreement with that? Would you be willing to accept that as a clarification?

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COMMISSIONER CAMPOS: Let me think about it.

CHAIRMAN DURAN: If not, the Chair would entertain a motion to bring this matter up for reconsideration.

MR. KOPELMAN: Excuse me, Mr. Chairman. Maybe one way, one word change would be the fiscal impact is studied for the entire Community College District, prior to preliminary development plan submittals, the BCC—you may want to say something to the effect, shall promptly review and assess. So once you get the study we get to do it in a quick manner. The BCC then promptly reviews and assesses the fiscal impact study to determine the fiscal viability of the COMMUNITY COLLEGE DISTRICT plan and ordinance.

COMMISSIONER GONZALES: I think the Commission needs to be help to a standard to get this review done and I would ask Commissioner Campos to say it's got to be done within a year. If it's not done within a year—

COMMISSIONER CAMPOS: The fiscal impact?

COMMISSIONER GONZALES: The fiscal impact and the study of the Community College District plan, to either change, affirm or modify whatever's in place. If it's not within a year, then they can come forward and petition you to—

COMMISSIONER CAMPOS: For a waiver.

COMMISSIONER GONZALES: They can petition you to ask for a waiver. Exactly. It may be that you're in the process—

COMMISSIONER CAMPOS: They can do that anyway.

COMMISSIONER GONZALES: And you're going through the public hearings and you'll say, No, you can't come forward to us yet.

COMMISSIONER CAMPOS: Okay. You got it.

COMMISSIONER GONZALES: All right. That's an easy thing.

CHAIRMAN DURAN: Did you have a question, Rosanna?

MS. VAZQUEZ: So would a petition require an additional hearing? So we would come in and we would have to petition first? You would vote on the petition and then we would be allowed to submit?

COMMISSIONER SULLIVAN: If a year has passed.

COMMISSIONER GONZALES: If the year has passed.

COMMISSIONER SULLIVAN: If the year has passed, Commissioner Gonzales is saying.

MS. VAZQUEZ: The only reason I'm raising this, Mr. Chairman, Commissioners, is the Al Pitts study was contracted by Santa Fe County over two years ago at this point and it is not completed at this time. It was supposed to have been completed and it hasn't and for very valid reasons because we wanted an accurate, good study. Everybody's best interest was to have a good study, but that study has taken much longer than anyone ever anticipated. So my concern with this condition is that prior to preliminary application submittal. Now what you could do is do prior to preliminary development approval, and you still get the same results.

COMMISSIONER GONZALES: I don't think there's anything that prevents

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you from submitting, the question is whether the Board will hear it or not.

MS. VAZQUEZ: The language says prior to preliminary development submittal.

CHAIRMAN DURAN: Okay. We're through. Will you accept the clarification on it?

COMMISSIONER CAMPOS: The one year?

CHAIRMAN DURAN: Right.

COMMISSIONER CAMPOS: Yes.

CHAIRMAN DURAN: Okay. Make sure the record reflects that.

COMMISSIONER GONZALES: And what about allowing to submit, to do submittals?

COMMISSIONER CAMPOS: We're beyond that. We can't—it's already 10:00.

CHAIRMAN DURAN: What do you mean, submittals?

COMMISSIONER GONZALES: You're going to wait till they submit till after they petition, or can they submit during that time period?

CHAIRMAN DURAN: They have to submit after the—

COMMISSIONER GONZALES: Petition's been granted.

CHAIRMAN DURAN: The fiscal impact has been completed.

COMMISSIONER GONZALES: You clarified that then.

CHAIRMAN DURAN: And that has to be completed in a year. Okay.

IX.

- X. 2. **COMMUNITY COLLEGE DISTRICT CASE #MP 02-5250 - Rancho Viejo - Windmill Ridge, Units 3 & 4. Rancho Viejo de Santa Fe, Bob Taunton, Vice President (Design Workshop - Joe Porter, Agent), applicant, requests master plan approval for a mixed use development (residential, commercial, community) in a Village Zone and Fringe Zone, consisting of 461 residential units and 45,000 square feet of commercial space on 304.5 acres. The property is located off Richards Avenue south of the Community College within the Community College District, Section 20, 21, 28, 29, Township 16 North, Range 9 East**

MR. CATANACH: Thank you, Chairman Duran, Commissioners. On June 6, 2002, the Community College District Development Review Committee recommended approval. Please note the following subdivisions in accordance with the master plan previously approved by the BCC in 1989 and my staff report outlines the various approvals of the subdivision phases that have occurred on the Rancho Viejo property based on the 1989 master plan that allowed for 655 residential units. And I outlined Turquoise Trail, the Village, Windmill Ridge I, Windmill Ridge II. The proposed master plan is an extension of the Windmill Ridge subdivision phases and incorporates the commercial, community tracts, about

5.1 acres previously approved for Windmill Ridge I into the proposed master plan for the purpose of completing the Village Zone community center and incorporating approximately 7.5 acres of the 10-acre school tract previously approved for Windmill Ridge Unit I into the proposed master plan for the purpose of a three-acre community park and part of the residential neighborhood.

The Santa Fe Public School District has declined the 10-acre tract reserved in Unit I. The master plan proposes the following development with 153.7 acres of permanent open space, parks, plaza areas, 59 residential units for affordable housing. And this Windmill Ridge Phase III is a village zone, community center, neighborhood and fringe zone neighborhood. 231 residential units, variety of housing types.

The staff report, I indicated in the caption that this master plan was proposing 45,000 square feet of commercial space but in fact this applicant has clarified that the proposed commercial area is 18,000 square feet of commercial space. And that would be for eligible uses for a community center in accordance with the land use table. This Windmill Ridge III would also consist of 64.2 acres of open space.

Windmill Ridge IV-A is a village zone neighborhood and fringe zone neighborhood. About 46 acres, 127 residential units, 7.2 acres of open space, parks. And Windmill Ridge Phase IV-B is a village zone neighborhood and fringe zone neighborhood, 81.6 acres consisting of 103 residential units, 18 acres of open space, parks. Again, this applicant has defined the landscape types as it relates to the location of the zones.

CHAIRMAN DURAN: Joe, we're going to go ahead and enter the boundaries of the landscape types and enter the balance of the report into the record. Is there anything about the recommended action that you need to bring to our attention or have you any additional recommendations?

[The conditions of approval are as follows:]

1. Compliance with applicable review comments from the following:
 - a. State Engineer
 - b. State Environment Department
 - c. State Highway Department
 - d. Soil & Water District
 - e. County Hydrologist
 - f. County Public Works
 - g. County Technical Review
 - h. County Fire Department
 - i. County Water Utility
 - j. Santa Fe Public School District
2. Submit updated traffic report and market/economic/fiscal analysis with development plan for each phase.
3. Notification to County Assessor and County Sheriff with letter, site plan, vicinity map regarding master plan.
4. Conditional dedication of primary roads to County for future ownership and

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5. maintenance in accordance with Community College District Ordinance.
5. Provide 15 percent affordable housing based on total residential units as defined by the CCD Ordinance, and subject to compliance with future amendments to the affordable housing ordinance.
6. Number of residential units for affordable housing shall not fall below 15 percent for each phase based on total number of residential units in each phase.
7. Open space/park acreage shall not fall below 50 percent for each phase based on total acres in each phase.
8. Water supply contract and/or water rights must be approved by County and/or State Engineer as applicable prior to accepting preliminary development plan for each phase, including detailed water budget per phase of development.
9. Specify location of community park, and community park and district trail shall be developed in first phase of master plan.
10. Participation in an infrastructure extension policy for district-wide infrastructure, improvements and operations.
11. Road sections shall conform with guidelines regarding walkways, on-street parking, width of roadways, etc. as applicable for relevant category.
12. Provide village trail connection from district trail on south to community center.
13. The developer shall coordinate and participate with the County regarding development of district trails.

1. MR. CATANACH: Again, I would only bring to your attention that staff would be recommending the language regarding fiscal impact study consistent with State Land Office and the discussion we just had. And that would be the only additional condition. Mr. Chairman, fiscal impact, the applicant has indicated, they did agree with the conditions as they're stated, as they're outlined with the Community College District Review Committee but they have indicated that they would want to initiate some discussion about some changes to some of the conditions.

CHAIRMAN DURAN: Well, let's hear from the applicant. Is the applicant here? Would you like to address the Commission? Are you in agreement with all of the recommended conditions?

[Duly sworn, Ike Pino testified as follows:]

IKE PINO: Thank you, Mr. Chairman. My name is Ike Pino and I'm the land development manager for Rancho Viejo. And we have reviewed all of the conditions that are in the report and I think we've come to agreement on all of them. Now there have been the conditions that have been added tonight. I think that Bob Taunton would like to address the fiscal impact report condition and Joe, I wasn't sure. You said that there were two other conditions, the fiscal impact report being one and what was the second additional?

CHAIRMAN DURAN: The water service agreement.

MR. CATANACH: No, the only additional condition is the fiscal impact condition. I indicated that you may want to have some discussion about changes to the

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conditions that are listed in the staff report.

COMMISSIONER SULLIVAN: There were three others in Commissioner Campos' motion on this last project.

MR. CATANACH: Yes, Commissioner. There were three others and certainly I would think that that discussion is going to come up on its own through the Commission.

CHAIRMAN DURAN: What were those? Those were no wells?

COMMISSIONER SULLIVAN: No, that was no vested rights, Commissioner Campos put in and the need for the updating of the residential housing study.

CHAIRMAN DURAN: Is this not preliminary plan approval?

COMMISSIONER SULLIVAN: This is master plan.

MR. PINO: This is master plan, Mr. Chairman.

COMMISSIONER SULLIVAN: It's the same thing.

CHAIRMAN DURAN: Do you have any questions on the additional conditions? Are you going to impose those conditions?

COMMISSIONER CAMPOS: I would certainly make a motion asking that we impose those conditions to be consistent with all these plans that come forward. I think consistency is very important.

CHAIRMAN DURAN: Mr. Taunton, do you have any questions relative to those new conditions? In addition to other comments you have, I was just wondering about these particular conditions.

[Duly sworn, Bob Taunton testified as follows:]

BOB TAUNTON: Well, actually we didn't have a great many comments tonight. We really wanted to just focus on the conditions of approval and discuss the ones that are being proposed. So I wonder, Mr. Chairman, if you could repeat the three conditions so we're clear on it.

COMMISSIONER SULLIVAN: One condition was the fiscal impact study that we clarified here. The second condition was the staff's condition on the water service agreement. Remember that?

MR. CATANACH: Mr. Chairman, Commissioner Sullivan, that was not specifically addressed in the Sonterra master plan. In this master plan it's addressed in number 8 but I would think—that's not consistent. That's not exactly the same language that we talked about for Sonterra so certainly, if you would want to change number 8 to be specific and consistent with the language for Sonterra, number 8 could be changed. But the intent of number 8 was to address what documentation, what approvals you have to have in place for water.

COMMISSIONER SULLIVAN: That was the second condition. Those were the two conditions that were initially brought forward by staff.

MR. CATANACH: That's correct.

COMMISSIONER SULLIVAN: And then discussed. And then three other conditions were the language about being served by sustainable, imported water source from the Buckman well or permanent San Juan/Chama water allocation. No onsite or other wells shall be permitted. The next condition was that the master plan approval was conditioned on a

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demonstrated need for additional residential units during the next 20 years beyond those approved to date as determined by a revised housing projections analysis to be undertaken by Santa Fe County and adopted by the Board of County Commissioners as a revision to the Santa Fe County Growth Management Plan. And the last condition to the motion was that the master plan approval conveyed no vested interest on the applicant. Those were the ones.

MR. TAUNTON: Mr. Chairman, may I get clarification on the population study. I wasn't quite sure how it fits in with the approval, what the implications are.

COMMISSIONER SULLIVAN: Well, we don't know what the implications are, Mr. Taunton until the study is updated but I think the idea was to update that study and determine what the needs are within the region for additional housing sites and to also key that into the fiscal impact study.

MR. TAUNTON: Mr. Chairman, Mr. Sullivan, as far as our moving forward with development plans, how would that population—

CHAIRMAN DURAN: That wasn't a condition on the last one. It was a fiscal impact statement.

COMMISSIONER SULLIVAN: The housing revision one was one and we talked about whether we should do it every one or two years but didn't state that. We just said you need to do it. But we also didn't tie it to any approvable process. We didn't get into the process of saying you can't submit your development plan until we do it. We just said it had to be done and taken into consideration. See what I'm saying? See the difference?

CHAIRMAN DURAN: Yes.

COMMISSIONER SULLIVAN: Whereas the fiscal impact had a prior place in time.

MR. TAUNTON: Mr. Chairman, I'd like to comment on the conditions. I think there was one about no vested rights. Is that included? That was something that was mentioned earlier. Is that included in this? I presume that's the case. I don't see that as being anything that's not normal so we don't have a problem with that. As far as the population analysis, I think it's a good idea for the County to probably update their Pryor numbers and revisit those numbers. Certainly in Rancho Viejo we're talking about not a new project. This isn't a concept. This is a project that's been under development since 1998. We've sold approximately 440 units. We've closed close to 400. We have a pretty good idea what the market demand is. We sell at about ten units per month on a broad mix of product that once we bring on the first affordable housing in October we'll be looking at prices that are low \$100,000s up to \$450,000 perhaps.

It's a very broad offering, offering a great lifestyle choice for many people. The master plan is an extension in addition to the Windmill Ridge planning area. Our existing master plan finishes off with Windmill Ridge Unit II and this would be Windmill Ridge III or IV, perhaps Unit V. I think there's clearly a demand. We're producing affordable housing pursuant to the County ordinance. We probably know more about the market that most folks do in the County just because of the size of the project and the success to date.

So we'd welcome the opportunity to participate in that study but I think when you have

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the kind of demand that we do, I think it's pretty evident that there is a demand for the product and we're satisfying a need in the marketplace.

As to the fiscal impact, a few weeks ago I had addressed a letter to Commissioner Campos, because I knew he had a strong interest in this, and again, taking the perspective that Rancho Viejo is an existing project. It's not something on a plan that's yet to be developed. It has a history going back several years prior to the actual residential development where land was donated for various institutional uses that now are very important employment opportunities in this county. We conducted a study. I invited Commissioner Campos to contact me to discuss it but we haven't had an opportunity to do that. And we also gave copies to the other Commissioners.

In terms of how this community, how Rancho Viejo is set up, it is very much a mixed-use community. Now, admittedly, we're just starting our neighborhood commercial, but with the Community College, Santa Maria de la Paz, Turquoise Trail, the County jail, the Public Service building of the County, the Turquoise Trail business park, light industrial jobs. By the end of this year there will be approximately 1500 jobs in Rancho Viejo. Major institutions. I forgot to mention the IAIA campus. We're donating land to the Terra School, which is a K-3, soon to be a K-6 elementary school. We hope they'll get started. They have final plan approval from the County.

So again, we're really not talking about a project that isn't going to work, isn't going to be successful. We have established success. We also went through a very simple analysis in trying to identify the kind of economic impact that the County has received, positive impact from the development that's taken place. Gross receipts tax, property taxes. You could simplify it. We didn't try to get into multipliers. We didn't look at the spending patterns of those that are employed out there and what that means to the County potentially. We tried to focus on just the hardcore numbers that are obtainable from the County in terms of defining what the impact is.

And it's very, very positive. Up to just recently, there has been other than County Sheriff and fire protection, there has been really no County services that have been provided to residents or those that are employed out in Rancho Viejo. Recently the County has, as a result of us completing a punchlist of items, taken over for maintenance, Richards, Avenida del Sur and Rancho Viejo Boulevard. Richards to the Community College entrance was already a County road. So the expenditure that's taken place by the County for Rancho Viejo versus the benefit that Rancho Viejo has given to the County is substantially less. We agree that an economic fiscal analysis of the College District makes a great deal of sense. I hope and I believe part of the study program is going to be that you're going to look at it in five years, in ten years, in fifteen and what have you, because you really can't, it's very difficult to project out 40 or 50 years. That's a long, long planning horizon.

But I think today, in this study we tried to illustrate how we've done other things besides just gross receipts tax, such as the donation of property. Such as the reduced sale, 50 percent of appraisal to the County for the acreage that's now developed as the County jail and the Public Service building, plus an additional 50 acres that was set at that price, that same price, an option for ten years. Recently, the Turquoise Trail Volunteer Fire Department over

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the last year, they came to Rancho Viejo and said, you know, you've donated an acre of land that's adjacent to the Turquoise Trail Elementary School, but that doesn't work for us any longer. How about you consider giving us two acres? We'll give you that acre back; you give us two so we can actually build a proper facility that's down at the very south end of Rancho Viejo. We did that. The facility is constructed. I'm not sure if it's completely operational yet.

But we do provide, through land donations and reduced sales to the County and to other institutions, a substantial in-kind benefit and we've created a mixed-use community out there. So I personally have a great deal of difficulty with the idea that we would have to be conditioned on a fiscal impact study. The next phase that we plan to do is about 160 units. There's no question of the benefit that that's going to provide to the County. I don't think we need a fiscal impact study to be able to say that another extension of Rancho Viejo's development, are we going to question its economic impact. I don't think it's really necessary to do that. I think that the track record to date takes care of that. So I would prefer that we were not conditioned on that with this master plan given what Rancho Viejo has done out there, given that this is an extension of an existing community. It's just filling out a land area. That would be my opinion on that.

COMMISSIONER GONZALES: Just to ask Mr. Taunton a question. The point of the, from what I understand from the staff, the point was, and I think you were here two years ago, that we were going to periodically review the Community College District's plan. And we were going to determine whether the assumptions that made at the point of adoption continue to remain true. It seems to me that this, unless we don't really quite understand what a fiscal impact report is going to be, to me what I'm looking at is what it's going to cost—this fiscal impact report is going to determine costs of development throughout the Community College District over a period of time, determine whether the amount of residential that we're expecting continues to be on course or that needs to be modified, and the type of commercial development based on whatever circumstances these professional people are going to be given.

And at that point the Commission will determine whether to affirm the ordinance as it is or to modify it, which from what I understand tonight, that through that modification process, when you come back for preliminary approval, if that comes back after that has taken place, that you would be subject to the modified ordinance. You would be subject at preliminary to whatever modification took place. Is that something that you're—

MR. TAUNTON: Our issue is one of timing, in that we have an existing operation. And we have folks that are employed at Rancho Viejo. We have a great many contractors that are out there, about 150 every day. So we're somewhat of an economic force and for us to be delayed in moving into our next phases, and we can discuss the water issue if you like. It will obviously have something to do with this, to be delayed because of the fiscal impact study where I think it would be relatively—I would believe that what we're proposing to do will fit into virtually any kind of modifications that are going to take place.

So I'm reluctant, simply because of the delay it could cause us. If we were initiating a project for the first time, if you didn't have evidence out there, the kind of housing and the kind of demand that there is for the housing it would be a different condition. I'm concerned also that

the delay, since we are an operating development company, we're the best ones of the moment to deliver the County's affordable housing desires.

COMMISSIONER GONZALES: Well, in addressing the delay, because I think it was determined on the previous one that it would take a while or a period of time to bring water rights into the system where they made some sense and they would not have the adverse impact on the existing communities, what's your plan for water for this master plan phase?

MR. TAUNTON: Mr. Chairman, we have, we own 60 acre-feet of Middle Rio Grande. We have a purchase contract, executed purchase contract for another 60 acre-feet of Middle Rio Grande rights. These are in commercial wells in the Albuquerque area. The second contract, the purchase contract is contingent on the transfer. The first acquisition was not contingent on the transfer. So we have a binding contract. There have been discussions, even today with the County Utility Department about the application for transfer of those water rights to Buckman. So the strategy is to move all of those rights to Buckman and hopefully, there will be capacity there but if not, it might have to go to the diversion. That in itself could cause some delays.

I'm willing to recognize the reality of that, but let's say we had some great success, something happened over the next year. The City is able to increase pumping capacity. The agree to modify the wheeling agreement. I would hate to be delayed, particularly in submitting a preliminary plat/development plan pending the fiscal impact study when—

COMMISSIONER GONZALES: But your intent is that the Middle Rio Grande water rights, the County would actually transfer those to the Buckman wells.

MR. TAUNTON: Well, the County—I'm not sure and perhaps Gary, Mr. Roybal can comment on this but I believe either we're the applicant or they're the applicant or we're joint applicants. It's probably—

COMMISSIONER GONZALES: So we would be transferring it to the Buckman wells.

MR. TAUNTON: Yes. We would be paying the cost of the transfer and the County would be the owner of those water rights.

COMMISSIONER GONZALES: Thank you.
[audio difficulties]

COMMISSIONER GONZALES: ...that encompasses only with the conditions that have been approved by staff.

COMMISSIONER TRUJILLO: Including the impact statement.

COMMISSIONER GONZALES: I'm going to leave that for discussion. But I want to get a motion on the table.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: There's a motion and a second. For discussion.

COMMISSIONER CAMPOS: I have a question for legal.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: It seems that the County Commission would like to treat everybody in the Community College District about the same, and as far as the impact,

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fiscal impact study requirement, Mr. Taunton is asking for an exemption. He wants to be treated differently. Are there any legal issues there?

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, I think the question is are they similarly situated and it really would be the Commission's call, I think. I don't know that you've got a legal issue so much if there's a rational basis for distinguishing. If there's not, then I think you have an issue. So it's a question of whether Rancho Viejo is in a different situation from the other developers that are sufficient to warrant not imposing that particular condition.

COMMISSIONER CAMPOS: I have a question for Mr. Taunton. How many houses have you built out so far?

MR. TAUNTON: Mr. Chairman, Commissioner Campos, we have—the numbers change daily. We have sold approximately 440 [audio difficulties] the vast majority of course are houses that are company has constructed.

COMMISSIONER CAMPOS: Now, you're asking tonight for how many more lots?

MR. TAUNTON: This is 460 in the master plan.

COMMISSIONER CAMPOS: 160.

MR. TAUNTON: 460 additional.

COMMISSIONER CAMPOS: 460 additional.

MR. TAUNTON: Yes.

COMMISSIONER CAMPOS: Okay. Now, is this your last phase or are there more phases down the road?

MR. TAUNTON: Well, Commissioner, the landholding for Rancho Viejo is very large and the Community College District covers most of that area. So there's approximately 11,000 acres within the Community College District. So our anticipation is it's a very long-term project.

COMMISSIONER CAMPOS: I'm just talking about Rancho Viejo. How much land does Rancho Viejo own? 11,000?

MR. TAUNTON: Yes. We have 11,000 of the 21,000 in the Rancho Viejo overall landholding that is in the College District.

COMMISSIONER CAMPOS: So you're going to build hundreds of additional homes at some point as you get approval. That's your plan.

MR. TAUNTON: Right.

COMMISSIONER CAMPOS: Okay.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I think the conditions on this are equally as important on this as they were on the prior case. The staff report indicates that the applicant is proposing to utilize a well for a community water system that is pumped between 250 and 400 gallons a minute. And that's just what you heard the residents complaining about. So the conditions regarding wells I think is very important. They have indicated that there's been

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discussions with the County, but discussions aren't conditions.

COMMISSIONER GONZALES: And Commissioner Sullivan, that was the point now of going to the discussions, to talk about the individual conditions.

COMMISSIONER SULLIVAN: They talk about negotiations may also include use of the well as a part of the County utility and/or transferring water rights as a part of the County water source from the Buckman wells. So I think we need to make it just as clear as we did for the Sonterra application that we're looking for a sustainable source from the Rio Grande. I think that was an important condition. I think the fiscal impact study does apply. We still haven't answered the question of the 4,000 housing units in 20 years and whether some of that includes Las Campanas or whether some of it's 15 percent affordable. We can certainly update those figures, and I don't think that affects the developers' ability to move forward. The only one that could possibly affect their timing to move forward would be the fiscal impact study one. We set a year date on that and I think that's reasonable. They have to go through the same transfer process that the Sonterra project did in terms of transferring water rights and Mr. Corbin said that they could acquire them any week or any day or whenever. So I think timing is a similar situation. I think those conditions are not unreasonable conditions to put on as we did on the prior applicant.

COMMISSIONER GONZALES: Mr. Chairman, Commissioner Sullivan, I concur with you on the condition of the wells. I think that's a key and critical one that I would accept in terms of a friendly amendment on that condition. The issue of the fiscal impact I think a couple things. The reason I supported the last one is because it is a new subdivision with basically no water rights in hand. They're out acquiring through negotiating. The issue of Rancho Viejo in particular seems to me that there's been a demonstrated need by the fact that houses continue to sell. This has not been an approved subdivision that Santa Feans are not having the ability to actually go into and acquire homes today. And I think that that is something that's good. All reports that have come back, it seems like it's a quality subdivision that meets the goals today of the Community College District and therefore in terms of the fiscal impact report, the fact that they've got ready homes and the fact that if that fiscal impact report is submitted and it's used to change the Community College District plan prior to them coming back for preliminary and final, then they're going to be subject to that.

So I don't know if the point is to hold off a year or the point is to wait until after the Community College District fiscal impact report is done. But if you're willing to offer a friendly amendment in terms of me accepting the condition that, Commissioner Campos' condition that the Buckman or the Rio Grande diversion be used as imported water on to the property, I'm fine with that.

COMMISSIONER TRUJILLO: The second agrees to that amendment.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: I think what you're proposing, Commissioner Gonzales, is basically negating the whole idea behind the fiscal impact. We're looking at the whole district. This is the biggest part of the district and this will have the largest impact. If

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we're requiring the smaller components to wait and we let the biggest component go, you're just canceling it out. I think the legal effect would be tremendous. I think Ms. Vazquez back here is probably thinking, Man, we're going to come over here and we're going to sue the County and make them cancel those conditions on Sonterra. So I think that's what you're setting us up for.

COMMISSIONER GONZALES: Commissioner Campos, specific to your point on Rancho Viejo, it just flew right out of my mind. That's how important it was. I just wanted to defend—tell me what your first point was, because I was actually getting ready to respond to it.

COMMISSIONER CAMPOS: Do you expect me to remember?

COMMISSIONER GONZALES: What was your first point about what I was setting up the County for? Oh, negating, that was my point. So let me go to that. The point is as Mr. Taunton indicated that he supplied to you and the Commission a fiscal impact report they've generated to the County. Have you not concurred with that fiscal impact and the number of gross receipts that they've submitted. The amount of property that they've participated in. Do you feel that this, Rancho Viejo, prior to Suncorp's coming on board and since Suncorp, has not been good public citizens for this community?

COMMISSIONER CAMPOS: I don't know if that's the question.

COMMISSIONER GONZALES: Commissioner Campos, there's a church out there where thousands of people congregate. There's an IAIA school. We have a County economic development park. How can you say that they have not contributed to the County or to the County's, the fiscal nature? It's an unfair assertion and it completely negates everything that they've tried to do to a point to be fair, corporate developers in this community. And not all developers are bad developers and we shouldn't look at them as being bad developers.

COMMISSIONER CAMPOS: I've not suggested that, Commissioner. I'm just suggesting that the Community College is a large project. This is the biggest component of this very large project and to let them out negates the whole effort, the entire discussion about fiscal impact.

COMMISSIONER GONZALES: How are they being let out? They will be subject to all the changes that take place when this Commission considers the fiscal impact.

COMMISSIONER CAMPOS: Everybody should be considered the same.

CHAIRMAN DURAN: We need to call for the question. I'd just like to make one comment. Rancho Viejo is a known entity. We know what they've done for our community. We know the product they've produced and we know that the community has received them well.

COMMISSIONER TRUJILLO: This is a different situation from Sonterra.

CHAIRMAN DURAN: It is. They're a known entity.

COMMISSIONER TRUJILLO: Yes. We have to look at them on their own merits. If they've proven to the community that they're willing to partner with the community.

COMMISSIONER CAMPOS: Weak argument.

CHAIRMAN DURAN: No more weaker than yours. All those in favor of the

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motion—

COMMISSIONER CAMPOS: What are we voting for? On the motion?

CHAIRMAN DURAN: Approval of—

COMMISSIONER CAMPOS: There's a motion with one friendly amendment?

COMMISSIONER SULLIVAN: I think Commissioner Gonzales just put in the well amendment that—

COMMISSIONER GONZALES: No wells on the property.

COMMISSIONER SULLIVAN: That was noted, that the development shall be served—

COMMISSIONER CAMPOS: All the conditions of the prior case except fiscal impact?

CHAIRMAN DURAN: No, only the condition of—

COMMISSIONER GONZALES: The conditions that are currently in their application plus the well.

COMMISSIONER CAMPOS: Is that clear?

The motion to approve COMMUNITY COLLEGE DISTRICTRC Case #MP 02-5250 passed by majority [4-1] voice vote, with Commissioner Campos voting no.

- IX. 3. COMMUNITY COLLEGE DISTRICTRC CASE #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 Employment Center, Village Zone and a New Community Center on 224 Acres. The development includes between 1,148,050 and 4,015,000 square feet of commercial uses, between 294 and 742 residential units, open space and parks. The property is located west and east of State Road 14, north of Vista Del Monte, within the Community College District, Sections 24 and 25, Township 16 North, Range 8 East**

CHAIRMAN DURAN: How many of you are here to discuss the Thornburg project?

PENNY ELLIS-GREEN (Review Specialist): Mr. Chairman, Commissioners, the applicant is requesting master plan approval for a mixed-use development and to define the boundaries of the landscape types. The development consists of an employment center, a village zone a new community center, a neighborhood center and open space on 224 acres as follows: Phase 1 would include the employment center, which is 54.5 acres, between 581,000 and 2,725,000 square foot of commercial. It would also include a neighborhood center on 9.9 acres, between 123,750 square foot, and 247,500 square foot of commercial and also between 105 and 291 dwelling units. Phase 2 would be the new community center on 27.8 acres. Again

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between 375,300 square foot and 1,042,500 square foot of commercial, and between 147 and 409 dwelling units. It would also include residential lots. These are larger residential lots, of 42 dwelling units.

Total open space would be 112 acres, which is 50 percent of the total acreage. The applicant has provided a slope analysis and from this slope analysis the applicant has defined the land use types. The applicant proposes the project will be developed in two main phases. The first phase will be the employment center and neighborhood center and is estimated to take eight to ten years to build out. The second phase will be the new community center and single family residential lots will begin in about eight to ten years and take seven to eight years to complete.

State Road 14 runs through the property. Five access points are proposed onto State Road 14. The two northern access points are located directly opposite an existing road, which is Fire Place and an approved new road, Dennis Road. The southern access is from Vista del Monte, which is a signalized intersection with State Road 14. Two additional right turn only access points are proposed. State Road 14 is proposed to be upgraded to a four-lane roadway with a left turn lane. Roads within the development are identified and living and mixed priority. All roads will be paved with curb and gutter. [Exhibit 2]

The applicant proposes to realign Vista del Monte to go through the new community center. The existing roadway will remain to provide access to the existing driveways to the south and will serve as a frontage road.

Water: The project will be served by the City water utility. A memorandum of understanding between the City and the applicant has been submitted and is attached in your Exhibit H. The Public Utility Commission has ordered the City water utility to provide water service to the property upon request.

Liquid and solid waste: The applicant proposes to utilize the Santa Fe County wastewater treatment plant located at the state prison. A lift station is proposed at the west side of State Road 14. Details of the system and a commitment letter from the County are required with the preliminary development plan.

Recommendation: The decision of the CCDRC was to recommend approval of the project subject to the following 22 conditions. If I can enter those into the record. Also staff would recommend that the Board add three of the same conditions of approval that were added to Sonterra. That would be the fiscal impact condition, the population analysis condition, and the condition that the master plan holds no vested rights. Thank you.

[The conditions are as follows:]

1. Compliance with the applicable review comments from the following:
 - A. State Engineer's Office
 - B. State Environment Department
 - C. State Highway Department
 - D. County Fire Marshal
 - E. County Public Works

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- F Development Review Division Director
- G Soil and water district
- H County Hydrologist
- I Santa Fe Public Schools District
- J County Water Utility

2. All redline comments will be addressed. Original redlines will be returned.
3. The new road alignment and design for Vista del Monte shall be reviewed for approval by Public Works and staff prior to preliminary plan/plat submittal. All radii shall be designed to accommodate large RVs.
4. The applicant shall submit approved driveway permits from the State Highway Department for all roads accessing State Road 14 with the preliminary plan/plat.
5. All setbacks shall comply with the Highway Corridor Plan including a 150 feet setback from SR599 right-of-way and a 50 feet setback from SR 14 right-of-way.
6. The applicant shall comply with future amendments of the affordable housing requirements.
7. The applicant shall provide a mix of single and multi family residential units within the Employment Center.
8. A neighborhood park and plaza shall be located within the Neighborhood Center.
9. Cottonwood Park and district trails shall be constructed within Phase 1.
10. A maintenance agreement to include roads, utilities, trails, open space etc. shall be provided with the preliminary development plan/plat submittal.
11. Only roads shown on the CCD Circulation map shall be conditionally dedicated to the County.
12. The archeological site shall be identified on the master plan. The treatment plan for the archaeological site shall be approved by the State.
13. Block perimeters shall not exceed 2000 feet
14. Submit updated detailed traffic impact analysis, market study, economic and fiscal impact analysis with development plan/plat for each phase.
15. Provide a minimum FAR of 0.33 in the New Community Center.
16. Identify private open space with the preliminary development plan/plat submittal.
17. Provide sewer details and commitment letter from the County with the preliminary development plan/plat submittal.
18. Provide a detailed water budget and water contract with the preliminary development plan/plat submittal.
19. The applicant shall participate in the CCD wide assessment district for infrastructure improvements, operations and maintenance.
20. The applicant shall provide further details of the sub-phases with the preliminary development plan.
21. The applicant shall conduct and submit a mass transit analysis with preliminary development plan.
22. The applicant shall provide a gateway intersection design with the preliminary development

plan.

CHAIRMAN DURAN: Okay. Is the applicant here? Mr. Hoeft, are you in agreement with all of the conditions?

MR. HOEFT: Yes we are.

CHAIRMAN DURAN: Including the three additions?

MR. HOEFT: No, we're not. You have to consider that the Thornburg property has a different water source than the Sonterra project. This is going to be served by City water. [audio difficulties]

COMMISSIONER SULLIVAN: ...that's their business. Mr. Hoeft, does that sound reasonable?

MR. HOEFT: No, we don't agree with that.

COMMISSIONER SULLIVAN: You don't agree? You were just now saying that you—

MR. HOEFT: No, we said we agree with the conditions with the exception of the water condition.

CHAIRMAN DURAN: So you might drill wells on this property.

COMMISSIONER SULLIVAN: So you're saying you might drill wells.

MR. HOEFT: The wells are, there are current wells producing on the site that we use for landscape purposes.

COMMISSIONER SULLIVAN: So you want to use those wells?

MR. HOEFT: The owner wishes to utilize those wells for landscape purposes.

COMMISSIONER SULLIVAN: Then we have a problem. Okay. So let me clarify, Mr. Chairman, if I can. They're in agreement with the three conditions that the staff just mentioned. The condition about the water service agreement is not needed because that's already in the drafted conditions, and the only condition that is a question is making a provision that they be served by the City of Santa Fe water and not permit any onsite or other wells.

CHAIRMAN DURAN: Let me ask you, can we kind of phrase that differently? Can you tell me what the three are that you're imposing? Before you do that, would you be willing to an agreement where you wouldn't drill any new wells?

MR. HOEFT: Yes.

CHAIRMAN DURAN: You have pre-existing wells; that's one thing.

MR. HOEFT: Yes, we would agree to that condition.

COMMISSIONER GONZALES: Are you currently limited on those wells, just along the line of questioning as to how much water you can use?

MR. HOEFT: Yes, I believe we are.

CHAIRMAN DURAN: How many wells do you have? I think that's important too.

MR. LILLY: There are three wells, Tom? There are three wells. They are limited to landscape use only because there's a limitation of a 30-year right tied to them. So they own the wells. They've already been drilled. They own the water rights for them, but they

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can't be used for potable because they don't have the 100-year supply tied to them. So all potable water has to come from City.

CHAIRMAN DURAN: What kind of production—not production, but how much usage? Do you have a water budget for that?

MR. LILLY: It's 25 acre-feet is what he has.

CHAIRMAN DURAN: And all of that can be used for landscaping.

MR. LILLY: Yes. All we want to use it for is strictly to get the xeriscape, it would be landscaping to get this established and then just to maintain it.

CHAIRMAN DURAN: So they can't transfer those 25 acre-feet to Sonterra.

MR. LILLY: That's correct.

CHAIRMAN DURAN: Well, that's good news.

COMMISSIONER TRUJILLO: Mr. Chairman, so what type of permit was issued by the State Engineer's office for these wells? Are they agricultural wells? They're not domestic. What are they?

MR. LILLY: I believe they are agricultural use. Is that correct, Tom?

COMMISSIONER TRUJILLO: They're agricultural wells? And the State Engineer issued a permit for agricultural wells in that area?

MR. LILLY: That's right.

COMMISSIONER TRUJILLO: How long ago?

MR. LILLY: It's within the last five years.

[Duly sworn, Tom Thornburg testified as follows:]

TOM THORNBURG: My name's Tom Thornburg, Thornburg Enterprises. As far as I know, those wells have been there—they've been there more than five years. They were there years ago. They were bought through Thornburg Enterprises. I believe they were done for agricultural. The land was—that land out there has been in our family since the 1920s when my grandparents homesteaded here. Those wells were brought in, I'm not sure exactly when so I'm not going to give a date. My brother would know; I don't.

We have a 30-year on it. It's not 100. We cannot use it for potable water. But that is not condition for master plan approval, is for the wells and the City water. We have an order from the City. That's what you wanted. That's what we got. It's being provided. We are not willing to negotiate those wells at this point. We are xeriscape on the landscaping right now. We're going to follow this. We want to put into the community. We don't want to take away. We're not going to do anything against the community. That's why we wanted people involved. That's why we met with them.

This is a project for the community. It's not a project for us. It affects everybody. I was listening to Rancho Viejo. That's what it's about. It's putting back in, not taking away. We're not going to—we've already cut back on the wells as it is right now because we had landscaping we already started. When this drought started, they were turned off. The trees have died. That's where we are with these wells. I don't know if that answers any questions but I guess it is something I needed to say. And I want to thank you for staying this late and hearing this tonight, finally.

COMMISSIONER TRUJILLO: I have a question for legal. Steve, legally, where do we stand with this if there's three wells in this development that have been permitted for agricultural use? They're existing wells. They're not going to be used for domestic purposes. Can we require that those wells be capped and not used for landscape purposes?

MR. KOPELMAN: Mr. Chairman, Commissioner Trujillo, because it's the City water system, we're really not providing the water in that area. I don't believe we can require them to cap it. As far as restricting their use for the project, I think you probably have some rights in that regard. I think that's something that you can discuss as a Commission in terms of allowing them to use private wells for agricultural purposes. I think you have rights because this is a development approval.

COMMISSIONER TRUJILLO: These wells were issued by the State Engineer, agricultural permits.

MR. KOPELMAN: Mr. Chairman, they're not applying for an agricultural use now.

COMMISSIONER TRUJILLO: But they're saying that they're going to use these wells to irrigate gardens, to irrigate landscape, which is agricultural.

MR. KOPELMAN: Mr. Chairman, to begin with, Commissioner Trujillo, I don't believe that we can find that in the application form itself and I do think again that the Commission has the legal authority to require water coming from a particular source. Even though they have these wells there's nothing that says that as a condition. You can condition their development approval as long as the conditions are reasonable. And the question is what impact do those wells have on other wells in the community. This seems to be one of the big issues that was brought forth tonight. And I'm saying I think you have the legal right to limit or restrict the use of those wells as part of this development approval.

CHAIRMAN DURAN: I think we're moving off our recently adopted program here. Al, do you have anything more to say?

MR. LILLY: No. The applicant was just clear, the owner of the property was clear to us that he would object to not utilizing those wells.

CHAIRMAN DURAN: He would object to not utilizing them?

MR. LILLY: Right. For landscape purposes only.

CHAIRMAN DURAN: Okay, so for purposes of clarification, Penny, could you cite the three requirements that you are suggesting?

MS. ELLIS-GREEN: Mr. Chairman, the first is the fiscal impact study and I can try to get the wording right.

CHAIRMAN DURAN: No, no. Everybody was here for that. We don't have a problem with fiscal impact.

MS. ELLIS-GREEN: The second one was to do with the master plan would be subject to a demonstrated need for the residential units through the housing projections, which would be carried out by the County, reviewed by the Board. And the third one was that this master plan grants no vested rights to the developer.

CHAIRMAN DURAN: So which one of those three do you have a problem

with?

MR. LILLY: On the economic impact, fiscal impact, we would like to tie it to approval rather than submittal. We completely agree with the process, the intent, but have that impact study done prior to approval.

CHAIRMAN DURAN: That differs from the Sonterra one.

MR. LILLY: Correct.

CHAIRMAN DURAN: That basically would just allow for you to submit.

MR. LILLY: That's right.

COMMISSIONER GONZALES: Prior to the one year.

MR. LILLY: Correct.

CHAIRMAN DURAN: Okay, it's a public hearing. Is there anyone out there that would like to address the Commission concerning this development? I should know your name by now but I forgot it. I only know you're a Vietnam veteran.

MR. MARUSKA: [inaudible] The impact of the use of the wells. If you have that three wells and three acre-feet per well, per year of use, assuming that's an agricultural use limit, that's a lot of water being pumped out of our aquifer, even if it's just for landscaping. And I'm not sure that the State Engineer defines agricultural use as landscaping for domestic developments. I used to have a farm in Velarde. I had plenty of water right on the Rio Grande. I was the mayordomo in my ditch. I'm familiar with these definitions. So it might be prudent for this staff to check with the State Engineer, with the character of these wells and what the intent of the permits were also.

[audio difficulties]

MR. KOPELMAN: ...the application made no mention at all about using private wells. Our Hydrologist never reviewed it for that. The application said [audio difficulties] and I haven't had any opportunity to review it at all.

CHAIRMAN DURAN: So we didn't know that there were private wells on the property?

MR. KOPELMAN: In their application they did not request the use of private wells for this development. This is new to staff.

MR. HOEFT: Can I make mention that the issue of water is not applicable to master plan approval?

CHAIRMAN DURAN: Well, but it might be applicable—

MR. KOPELMAN: Mr. Chairman, that's not true. They need to identify their sources of water and I think that it's been pretty well articulated in the Community College that you're putting conditions on every developer that they can't use wells in the district. And now all of a sudden they're telling us that they plan on using wells in the district. And I'm just saying their application is being amended as we speak. That's all I'm saying.

CHAIRMAN DURAN: Well, do you want to, I guess would it be appropriate to ask the applicant if they want to be tabled, or if they agree to the condition that no wells are allowed? Would that do it?

MR. KOPELMAN: Mr. Chairman, in their submittal, they even have a

provision, no private wells shall be drilled or permitted within the property. That's in your submittal.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Yes.

COMMISSIONER CAMPOS: A question for staff, Ms. Ellis or Mr. Abeyta. Do you feel that we can consider this case at this time with the new information that you've just received?

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, not if there are any private wells, no. The State Engineer, the County Hydrologist and staff would all need to review that.

COMMISSIONER CAMPOS: Okay. I think a motion to table would be appropriate.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN DURAN: There's no discussion on a table, but you know what, you've been here all night. It's your turn to speak. Scott, could you please hand the microphone to this young lady?

MS. BURKS: As you decide to table this project, this is the first time we have ever heard them say that they would use those wells. We met with them several times—let me explain. We've met with this applicant several times to discuss their water usage and they said that they had wells on the property but that they were not going to be used. They're not even using them right now. They said that they had planted some trees on the perimeter, on the border of Valle Lindo and that they're not watering those and that they don't intend to use those for any landscaping. I also agree that in their development report, they say nothing about using their wells.

CHAIRMAN DURAN: Okay. You've said that three times in the last two minutes. So we heard you.

The motion to table CCDDRC Case #01-5570 passed by unanimous [5-0] voice vote.

ADJOURNMENT

Chairman Duran declared this meeting adjourned at approximately 11:00 p.m.

Approved by:



Board of County Commissioners
Paul Duran, Chairman

Respectfully submitted:

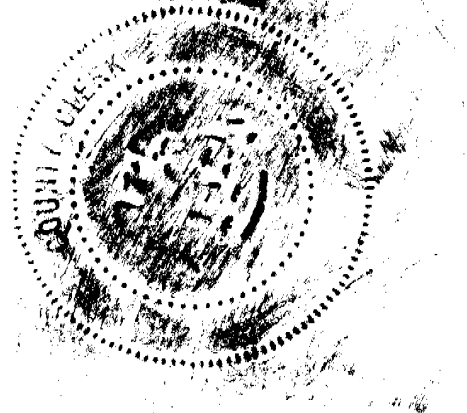


Karen Farrell, Commission Reporter

ATTEST TO:



REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



641



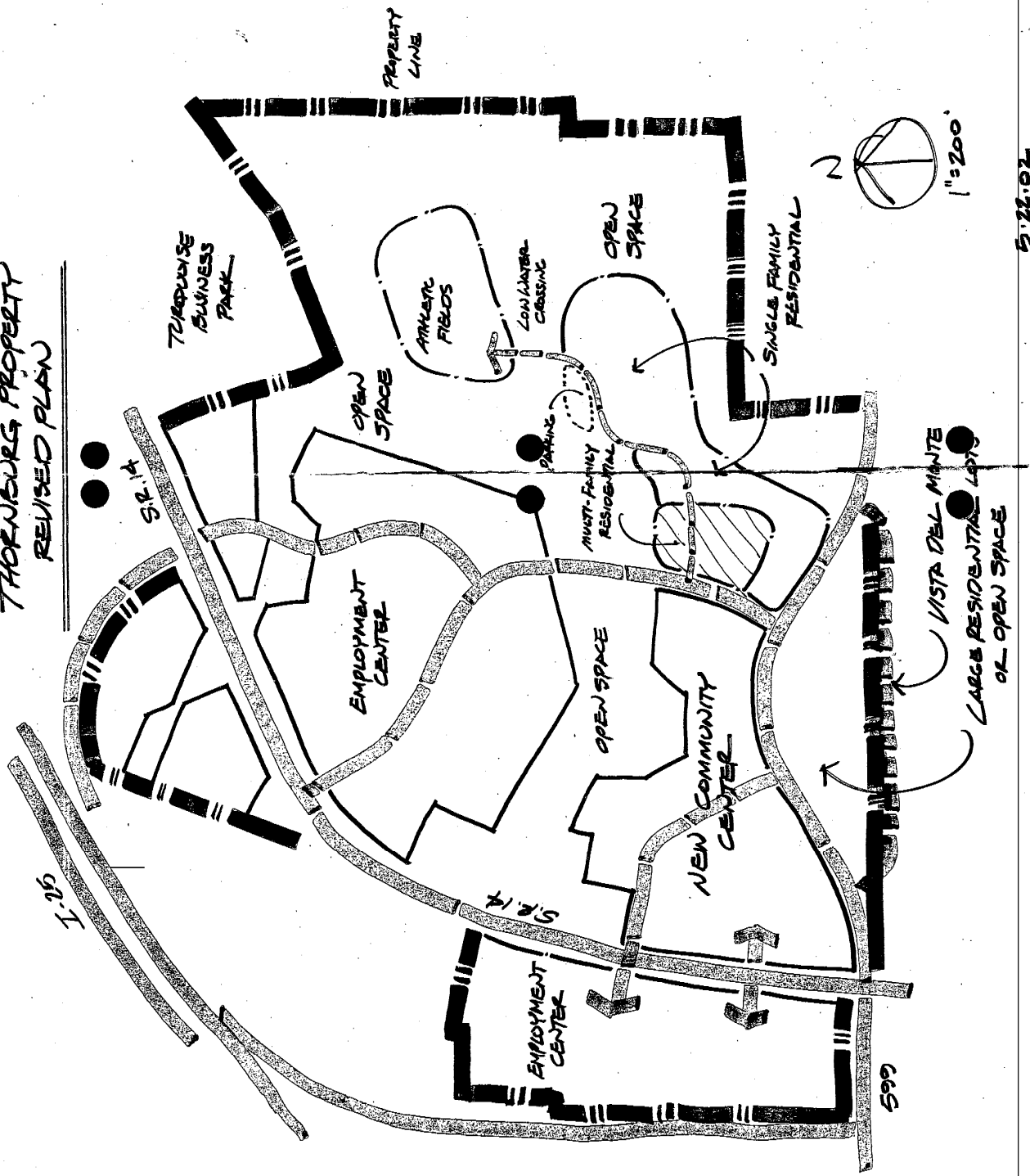
2227775



EXHIBIT
2

2227777

THORNBERG PROPERTY REVISED PLAN

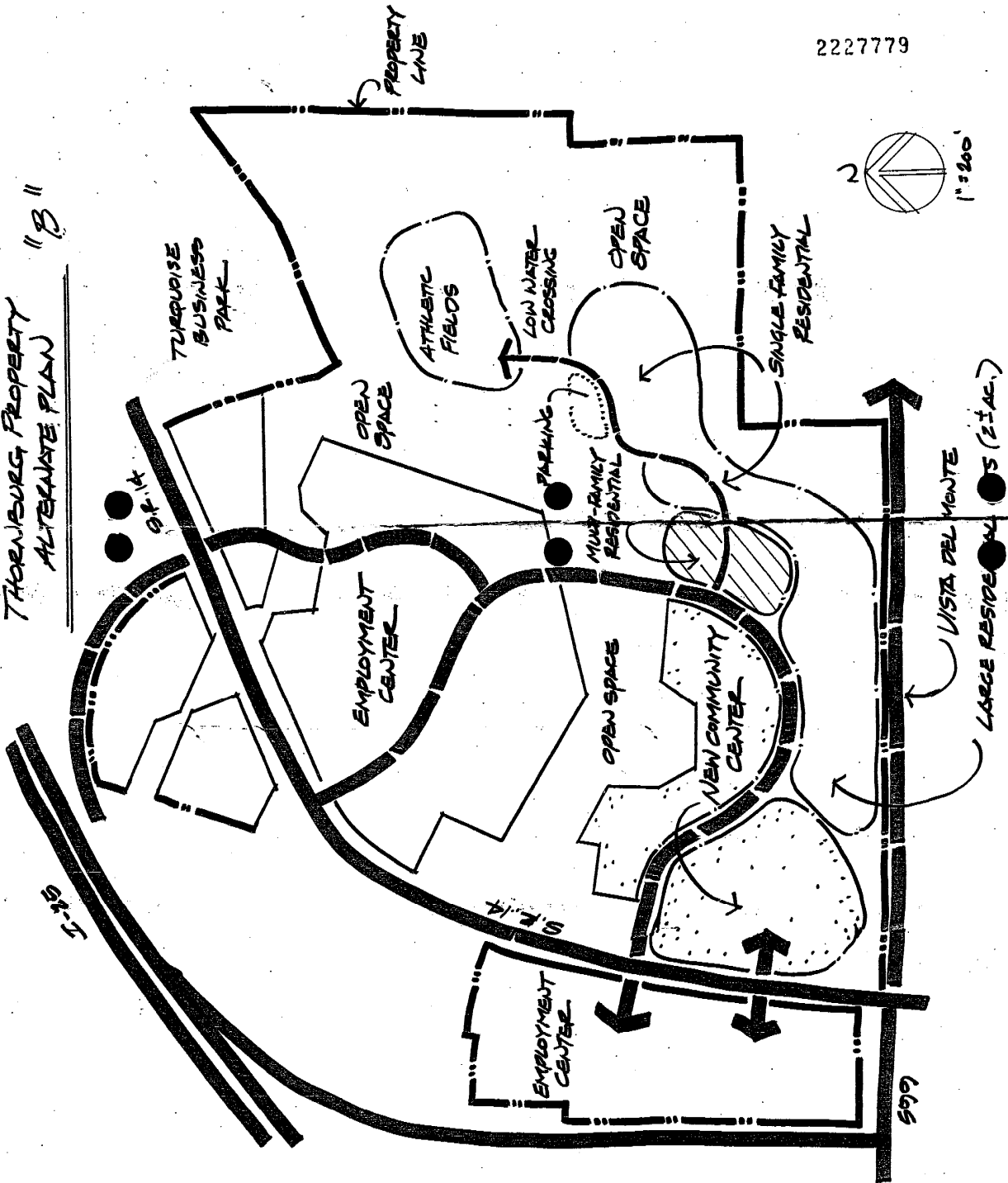


5.22.02

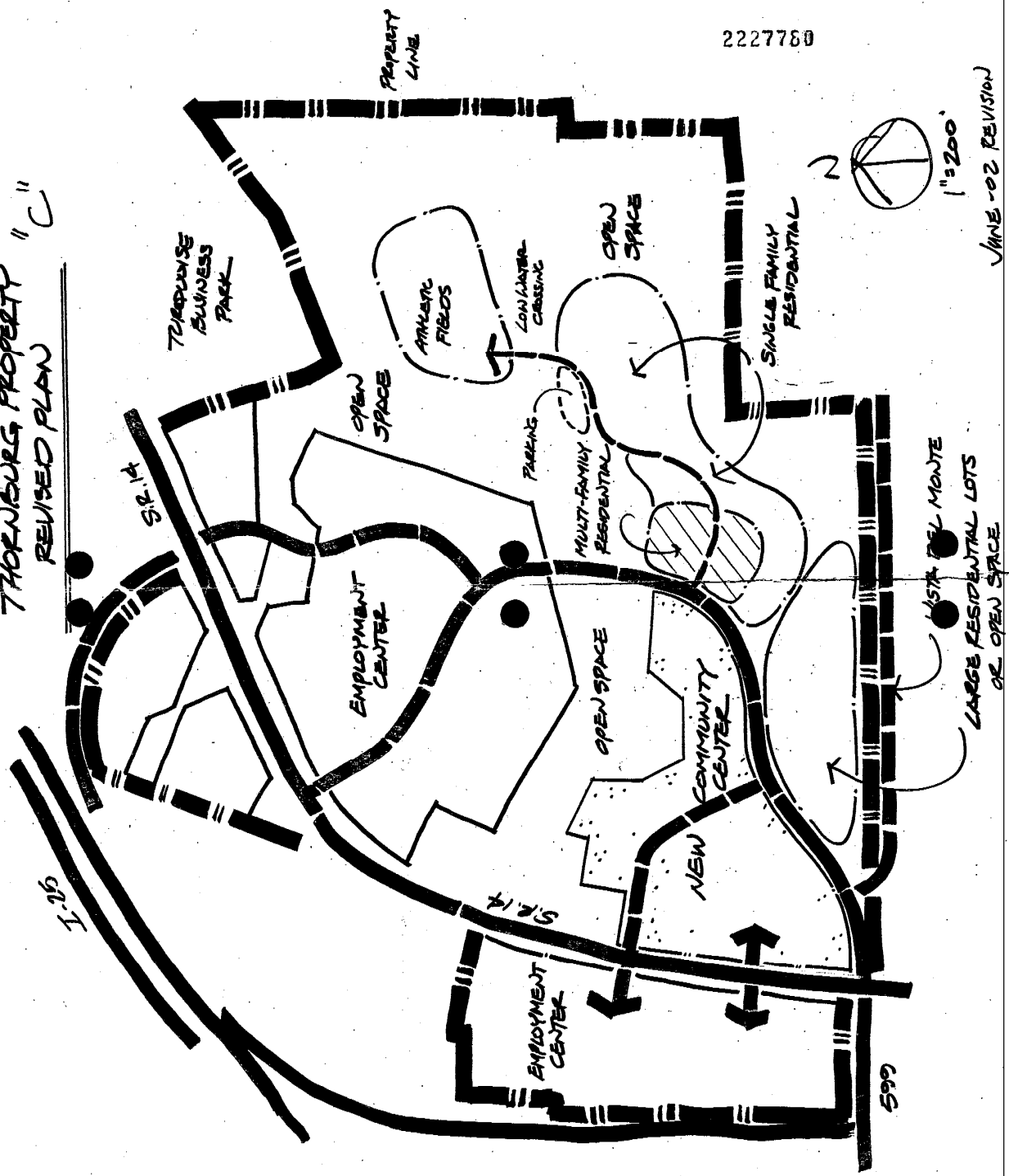
THORNBERG PROPERTY
ALTERNATE PLAN "B"

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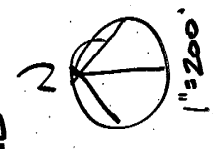
JUNE '02



THORNBERG PROPERTY "C"
REVISED PLAN

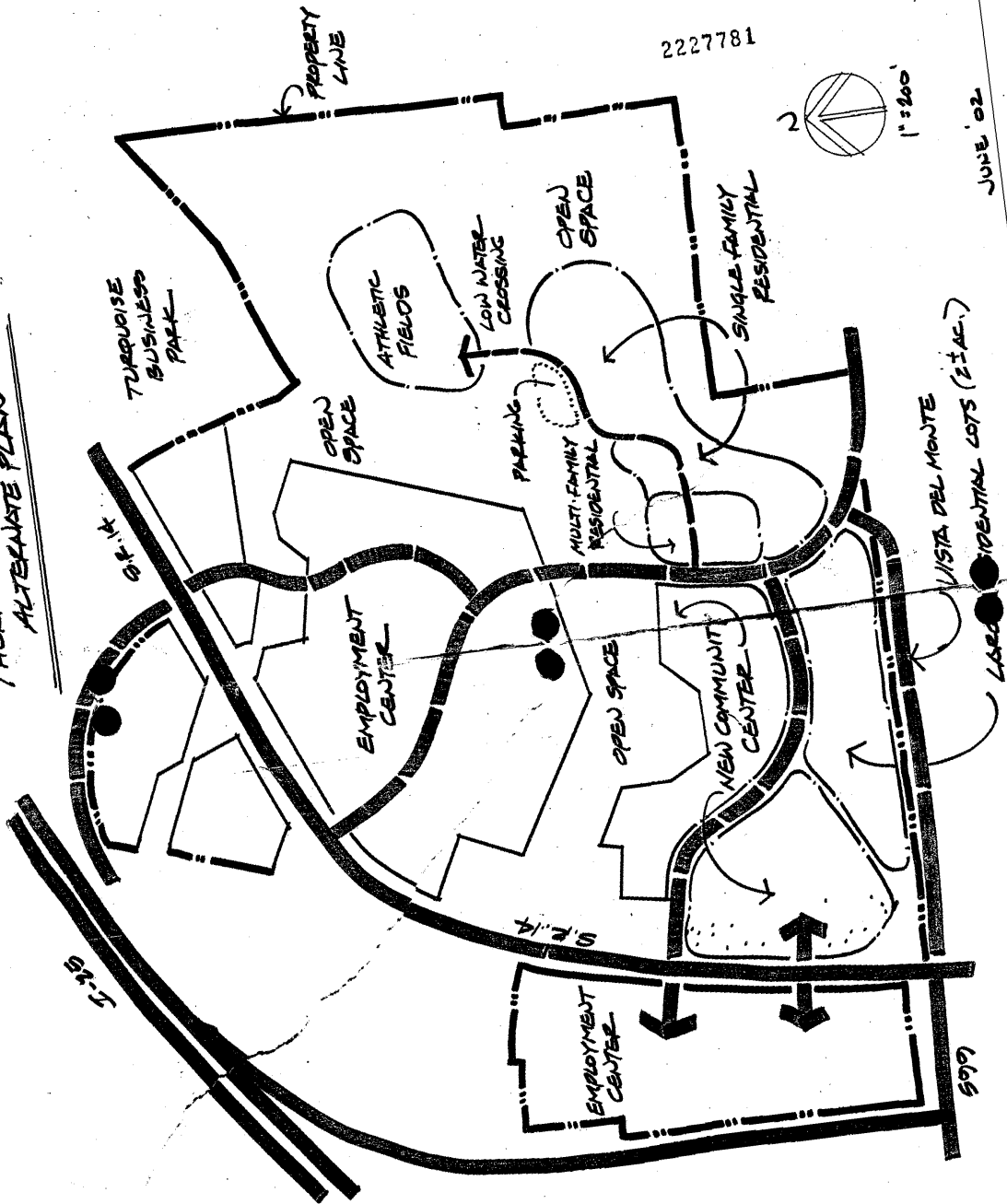


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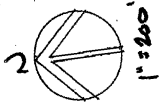


JUNE -02 REVISION
P. 22.02

THORNBERG PROPERTY "D"
ALTERNATE PLAN



2227781

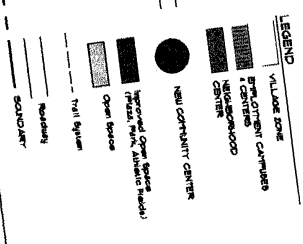
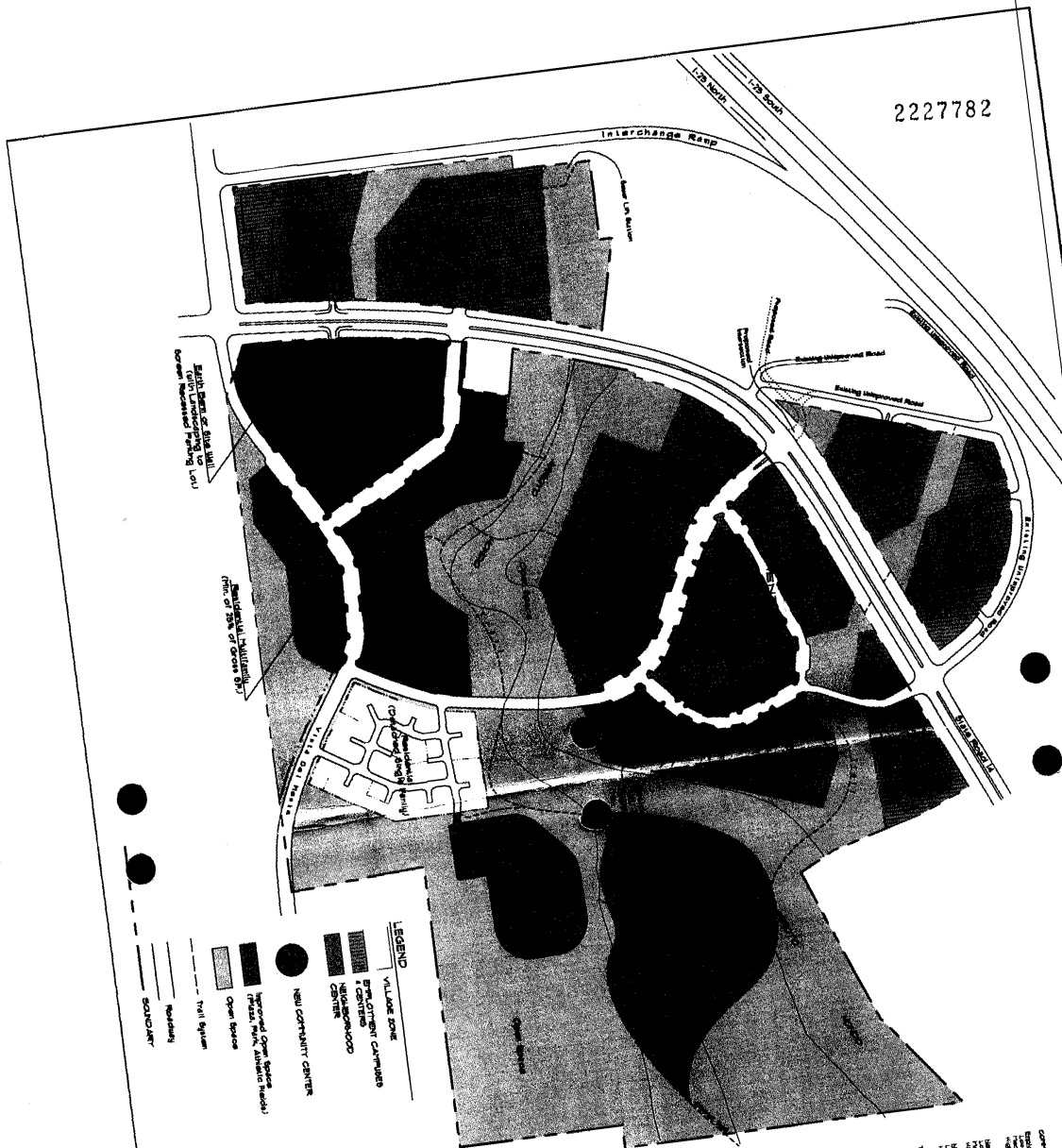


JUNE 02

599

599

2227782



ZONING CALCULATIONS

ZONING	AREA (AC.)	REQUIREMENTS
VILLAGE ZONE	278.46	1.18/1.50
PLANNED OPEN SPACES CENTER	8.84	1.18/1.50
RECREATION CENTER	19.84	1.18/1.50
RESIDENTIAL CENTER	14.16	1.18/1.50
OFFICE CENTER	118.56	1.18/1.50
NEW COMMUNITY CENTER	81.1	1.18/1.50
IMPROVED OPEN SPACES (PARKS, PLAZAS, PUBLIC SQUARES)	134.84	1.18/1.50
OPEN SPACES	13.46	1.18/1.50
TRAIL SQUARE	13.46	1.18/1.50
TOTAL ADJUDICATED	788.16	

NOTE: INFORMATION IS NOT YET IN AN APPROVAL FORM. THIS MAP IS A PRELIMINARY DEVELOPMENT PLAN AND IS NOT A ZONING MAP. THE ZONING MAP IS TO BE PREPARED BY THE CITY OF SANTA FE AFTER THIS MAP IS APPROVED BY THE CITY OF SANTA FE. THE CITY OF SANTA FE IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREIN. THE CITY OF SANTA FE IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREIN. THE CITY OF SANTA FE IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREIN.

GENERAL DATA

COMMENTS: THE PROJECT IS SUBJECT TO THE CITY OF SANTA FE ZONING ORDINANCES AND THE CITY OF SANTA FE ENGINEERING DEPARTMENT. THE PROJECT IS SUBJECT TO THE CITY OF SANTA FE ZONING ORDINANCES AND THE CITY OF SANTA FE ENGINEERING DEPARTMENT. THE PROJECT IS SUBJECT TO THE CITY OF SANTA FE ZONING ORDINANCES AND THE CITY OF SANTA FE ENGINEERING DEPARTMENT.

PROPERTY	AREA (AC.)	ADJUDICATED	TOTAL
TOTAL ADJUDICATED	788.16	788.16	788.16

THIS MAP IS A PRELIMINARY DEVELOPMENT PLAN AND IS NOT A ZONING MAP. THE ZONING MAP IS TO BE PREPARED BY THE CITY OF SANTA FE AFTER THIS MAP IS APPROVED BY THE CITY OF SANTA FE. THE CITY OF SANTA FE IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREIN. THE CITY OF SANTA FE IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREIN. THE CITY OF SANTA FE IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREIN.

REVISIONS	DATE	BY

PROJECT: THORNBURG

SHEET TITLE: PRELIMINARY DEVELOPMENT PLAN MAP

SHEET NO. 7

SCALE: 1" = 100'

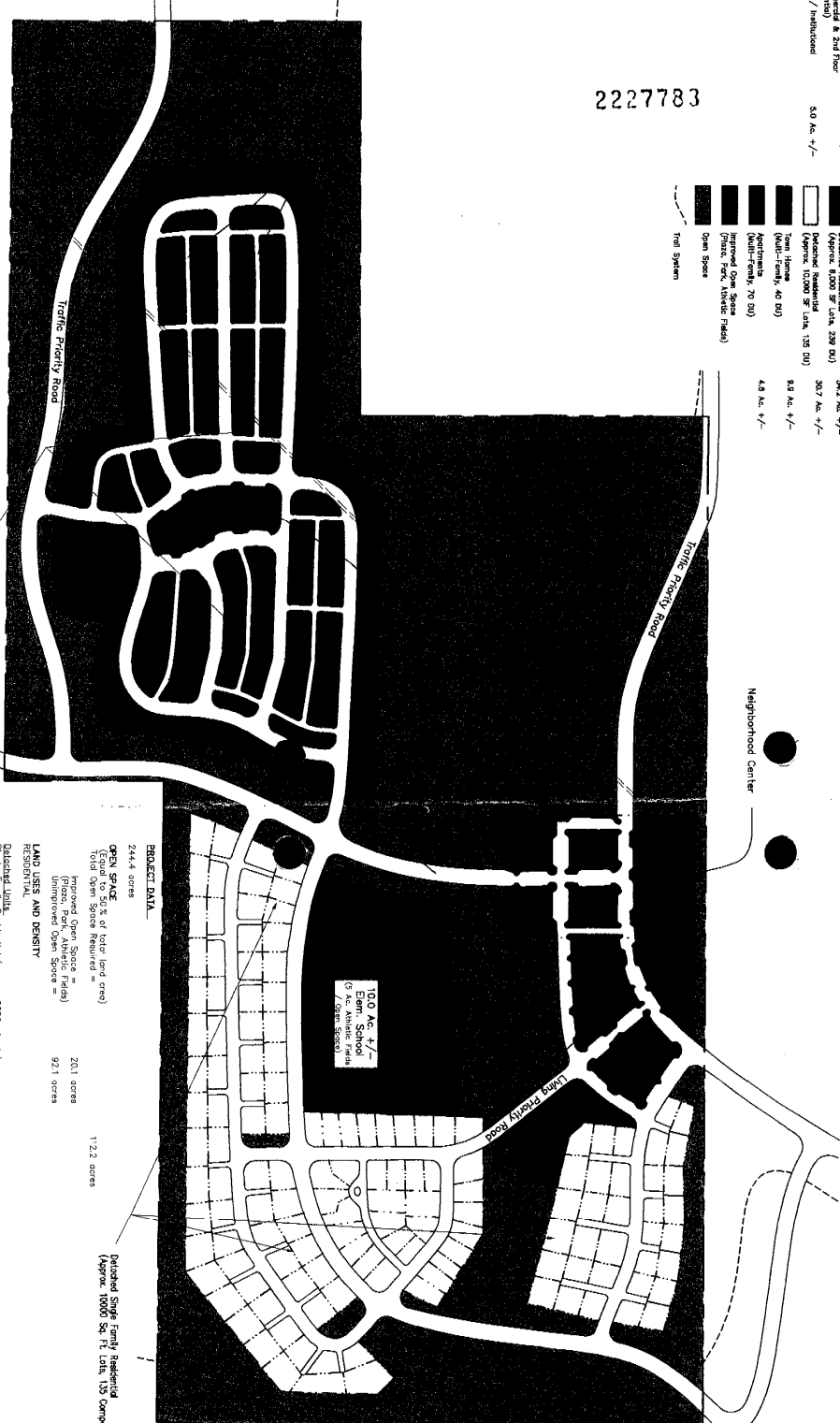
DAWSON SURVEYS INC.
PROFESSIONAL LAND SURVEYORS
7700 S W PROMISE RD.
SANTA FE, NM

C.R. WALBRIDGE & ASSOCIATES
1421 LUNA STREET SUITE 200
SANTA FE NEW MEXICO
(505) 832-5111

Lilly Associates
LAND PLANNING • LANDSCAPE ARCHITECTURE
1500 N. 1ST ST., SUITE 100
SANTA FE, NM 87505
PHONE: 505-832-5111

- Neighborhood Center
(Commercial & 2nd Floor)
3.0 Ac +/-
- Neighborhood Center
(Retail / Manufacture)
5.0 Ac +/-
- Neighborhood Center
(Retail / Manufacture)
5.0 Ac +/-
- Neighborhood Center
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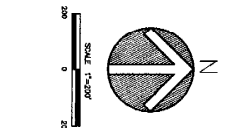


NOTE:
THIS APPLICATION IS FOR MASTER PLAN APPROVAL FOR A MIXED USE DEVELOPMENT TO ALLOW ALL PERMITTED USES AS SHOWN IN THE MASTER PLAN. THE MASTER PLAN IS A PRELIMINARY MASTER PLAN IN THE SANTA FE COMMUNITY COLLEGE DISTRICT PLAN. THE MASTER PLAN ILLUSTRATES THE DESIGN INTENT AND MAXIMUM DENSITIES AND LAND USES FOR THE PROPERTY. ACTUAL DENSITIES AND BUILDING SIZES ARE SUBJECT TO CHANGE AT THE TIME OF DEVELOPMENT PLAN SUBMITTAL.

TRAFFIC PRIORITY ROADS & MIXED PRIORITY ROADS ARE SHOWN AT 66' R.O.W. LIVING PRIORITY ROADS ARE SHOWN AT 54' R.O.W. NEIGHBORHOOD STREETS ARE SHOWN AT 43' R.O.W. ALWAYS ARE SHOWN AT 20' R.O.W.

PROJECT DATA
244.4 acres
OPEN SPACE (Equal to 50% of total land area)
Total Open Space Required = 122.2 acres
Improved Open Space = 92.1 acres
(Neighborhood Center, Open Space, etc.)
LAND USES AND DENSITY
RESIDENTIAL
Neighborhood Center (approx. 6000 sq ft cda)
Single-Family Residential (approx. 10,000 sq ft cda)
135 units, 3.5 ac./ac
Attached Units
Town Homes 48 units, 7.0 ac./ac
Apartments 70 units, 14.8 ac./ac
148 attached units

COMMERCIAL
Neighborhood Center (minimum of 3-stories of building (at core))
141 Floor Commercial, 28117 sq ft
WALKER SCHOOL SITE
(14.2 acres - includes 3 ac. of improved open space)
44-ft Spacing
16,649 spaces
182,500 sq ft



REVISIONS		PROJECT:
DATE	BY	SONTERRA
SHEET NO.		MASTER DEVELOPMENT PLAN
7		

RICK CHATROOP
PROFESSIONAL LAND SURVEYOR
NEW MEXICO REGISTRATION NO. 11011
(505) 470-0057 RT. 1 BOX 504 PECOS, NM 87658

TIERRA ENGINEERING CONSULTANTS INC.
1599 S. SAINT FRANCIS DR. STE B
SANTA FE, NEW MEXICO
(505) 982-2845

LAND PLANNING & LANDSCAPE ARCHITECTURE
Lilly PLANNING ASSOCIATES
SANTA FE PLANNING GROUP INC.
1500 N. I-25 SOUTH OF I-25 AND I-40
(505) 982-1124 4725 S. I-25, SANTA FE, NEW MEXICO 87504