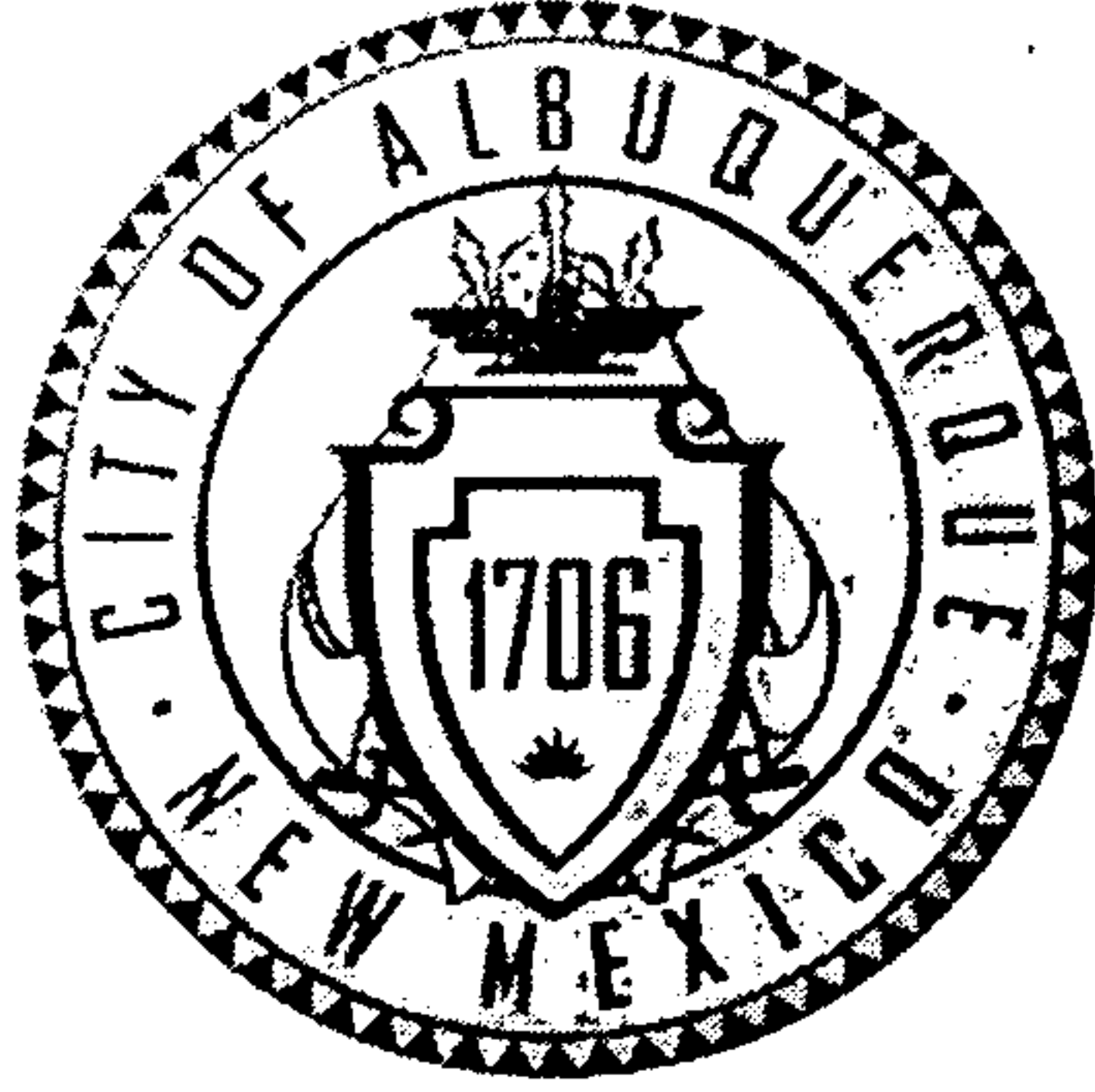


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CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Planning Department

Mayor Martin J. Chávez

INTER-OFFICE MEMORANDUM

January 12, 2007

TO: Debbie O'Malley, President, City Council

FROM: Richard Dineen, Planning Director *R*

SUBJECT: **AC-07-2 – 06DRB-01411; 01412; 01413; 01414; 01415; Project # 1004989** Hess Yntema, agent for Carl & Lillian Fesler, appeals the Development Review Board's approval of a Preliminary Plat, Vacation of Public Easements, Subdivision Design (DPM) Variance; Sidewalk Waiver; and Temporary deferral of Sidewalk for all or a portion of Tract(s) A, Unit 2, Wilderness @ High Desert (to be known as ~~Wilderness Canon @ High Desert~~)-zoned SU-2, HD/R-R, located on High Desert Place NE, between Trailhead Road NE and Embudito View Ct NE, containing approximately 4 acre(s). (F-23) Sheran Matson, DRB Chair

BACKGROUND

Wilderness Canon at High Desert is a proposed 25 lot subdivision to be located within Tract A, Unit 2 of High Desert. This tract is included in the portion of High Desert zoned SU2-HD RR by the High Desert Sector Plan. Mesa Verde Development Company is the developer of this subdivision.

The zoning classification provides for stormwater management, allows a golf course, a resort/conference center and also a mixture of dwelling unit types. Mesa Verde proposes to develop this site according to the permissive uses in the SU2-HD RG zoning in the Sector Plan. These uses are allowed in the SU2-HD RR area. (SEE EXHIBIT A.)

The SU2-HD RG zoning corresponds, for the most part, to the RG Residential Garden Apartment Zone in the Albuquerque Comprehensive Zoning Code and allows houses, townhouses and low density apartments. (SEE EXHIBIT B.)

The Sector Plan does limit the density in the SU2-HD RR zone to 13 dwellings units per acre. The preliminary plat for Wilderness Canon at High Desert is approved at 6.32 dwelling units per acre, one half the allowed density. (SEE EXHIBIT C.)

The Sector Plan also limits the total number of dwelling units in the SU2-HD RR zone to 300. With the addition of the 25 lots proposed in Wilderness Canon at High Desert, the total number of units developed under this zoning category is 135. The other subdivisions developed within the SU2-HD RR zoning are Wilderness Estates subdivision which contains 27 lots, Wilderness Compound which has 26

lots, and Wilderness Village which has 57 lots. The total 135 units are less than half the allowed density. (SEE EXHIBIT A.)

The RG zoning category refers to the City RT Residential Zone category to determine lot size. The minimum lot size for RT zoned property is 3,600 square feet and 36 foot minimum lot width. (SEE EXHIBIT D.) This plat meets the lot size requirements

RESPONSES TO APPELLANTS' REASONS FOR APPEAL

The responses are numbered to match the Appellants' reasons for appeal in their appeal application.

1. Section 4.A.7 of the High Desert Sector Plan provides for the review and certification of High Deserts plats for conformance with the Sector Plan. (SEE EXHIBIT E.) This review responsibility is given to the High Desert Residential Owners Association (HDROA). This provision as stated on Page 4.4 of the Plan does not require certification that the proposed plat meets all requirements of the Sector Plan. The language merely states "meets the requirements". ~~This language has long been interpreted by the DRB to mean the plat must meet the provisions~~ of Chapter 4, Zoning Regulations, in the Plan.

In compliance with Section 4.A.7 of the Sector Plan, the Development Review Board (DRB) received a letter dated November 6, 2006, from Raymond S. Berg, President of the Board of the HDROA. In that letter, Mr. Berg states the HDROA reviewed the proposed Wilderness Canon at High Desert plat and confirms that the plat is consistent with the underlying zoning requirements of the High Desert Sector Plan. In addition, the letter states that the HDROA agrees that the number of dwelling units in the plat does not exceed the maximum number allowed. (SEE EXHIBIT F.)

The HDROA did submit another letter dated December 5, 2006 and received by DRB at the December 6, 2006 public hearing, in which the Association makes several claims that none of the submissions provided to the Association, (presumably by the developer or his agent), meet the requirements of the Sector Plan. (SEE EXHIBIT G.) Notwithstanding the fact that the December 5, 2006, letter was submitted unreasonably late to the DRB, the DRB did review and consider the contents of the letter.

High Desert Investment Corporation (HDIC), the master developer of High Desert and a primary author of the Sector Plan, submitted a copy of a letter dated October 24, 2006 addressed to Scott Schiabor in which HDIC stated their belief that the Wilderness Canon at High Desert preliminary plat is in conformance with the High Desert Sector Plan. Attached to this letter was a letter from Lawrence Kline, of Denish Kline Associates and one of the primary authors of the Sector Plan. Mr. Kline also states the plat is in conformance with the Sector Plan. (SEE EXHIBIT H.)

There was precedent for this decision. The Wilderness Compound Subdivision, adjacent to the proposed Wilderness Canon on the north, has the same zoning and was developed with similar

density to Wilderness Canon. The Wilderness Compound final plat was signed by the High Desert Residential Owners Association evidencing their approval that the plat complied with the Sector Plan.

In reaching its decision, the Development Review Board considered all documentation and testimony received and heard at the three public hearings on this plat on October 25, 2006, November 15, 2006 and December 6, 2006. It is unusual for a preliminary plat approval to require three public hearings. However, the Board wanted to listen to the comments of all neighbors, the agents, the developer, the High Desert Residential Owners Association, and High Desert Investment Corporation before making its decision.

After review of the Sector Plan, the information mentioned above and various letters received by DRB as well as testimony at the public hearings, the DRB determined that the November 6, 2006 letter satisfied Section 4.A.7 of the High Desert Sector Plan.

2. H. William Fanning of Fanning Bard Tatum Architects wrote an earlier opinion on the compliance of this plat with the Sector Plan. This letter was dated October 24, 2006 and was received by DRB on December 6, 2006. This letter states that the proposed development is consistent with the zoning, lot size & widths and setbacks in the High Desert Sector Plan in "all respects". The second letter from Mr. Fanning was attached to the December 5, 2006 HDROA letter & presented to DRB on December 6, 2006. See Response 1 above. (SEE EXHIBIT I.)
3. This response is the same as Response 1 above.
4. a. This plat is outside the boundaries of the Highlands Design Overlay Zone and not subject to restrictions and regulations regarding decreased density in proximity to Forest Service lands and open space trails. The references in the Sector Plan to decreasing density adjacent to the forest lands and open space trails refer to the area known as The Highlands, found in Section 4.B Highlands Design Overlay Zone. The Highlands is located east of the north/south section line, the area of High Desert within which the City and High Desert Investment Corporation wanted to minimize the visual impact and density of development. (SEE EXHIBIT J.)
 - b. The proposed development is in scale with the existing residences. The existing residences, therefore, comply with the intent of the Sector Plan as does the proposed development. Appellants are not specific as to why they believe the plat is "contrary to the spirit and intent of the Sector Plan".
 - c. Appellants were not specific as to what or how views will be impaired and in what way the proposed subdivision will contrast with existing landforms. Any development in an otherwise undeveloped area has an impact on views and existing landforms.
 - d. At the December 6, 2006, DRB hearing, Bohannon Huston, Inc, agents for Mesa Verde Development, provided DRB with a map showing the slope percentage for the area within which Wilderness Canon at High Desert is located. This exhibit indicates the slope average

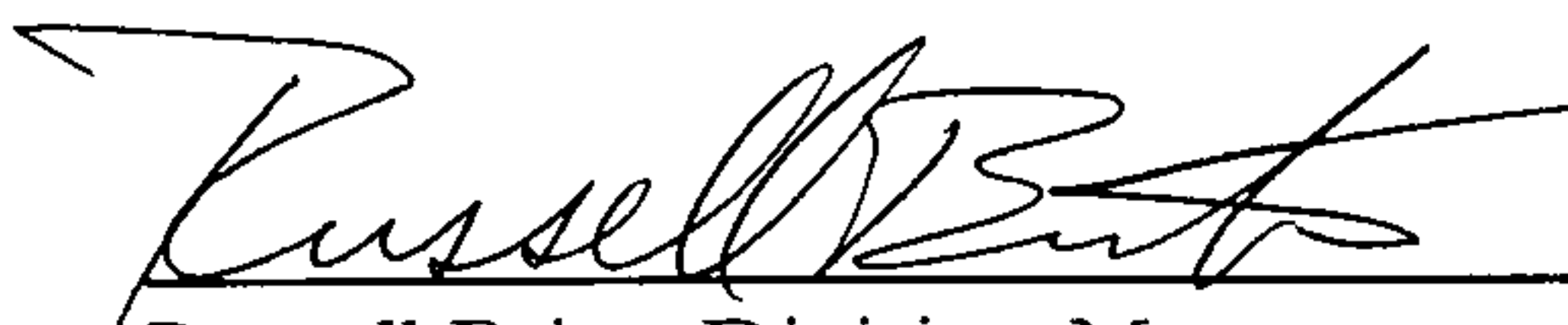
to be less than 10%. (SEE EXHIBIT K) DRB agreed with this conclusion. Accordingly, as a finder of fact, DRB's decision is supported by substantial evidence.

In May 1993 when the High Desert Sector Plan was adopted by City Council, Section 5 the adopting Resolution, R-245/50-1993, referred specifically to the mapping of the 10% slope demarcation line. Then in June 1993, R-292/73-1993, repealed Section 5 of R-245/50-1993. This action in effect eliminated any requirements related to the 10% slope demarcation line from the High Desert Sector Plan. (SEE EXHIBIT L.)

However, High Desert Investment Corporation, developers of the overall High Desert development, chose to re-create the 10% slope line as originally depicted in the Sandia Foothills Policy Plan. In the spirit of compliance, they created two tracts, OS-5 and OS-6. The two tracts contained the property above the 10% slope demarcation line. These two tracts were subsequently dedicated to the City as open space to comply with the no-build requirement. The filing of the High Desert Bulk Plat in November 1993 completed that dedication. OS-5 is adjacent to Wilderness Canon on the eastern boundary. OS-6 is directly to the south of this Wilderness Canon.

-
- e. Traffic should actually move better than originally anticipated in High Desert. 1992 traffic studies for the entire High Desert development assumed 2,730 dwelling units at full buildout. These studies were used as a basis for the design of the transportation system in High Desert. With the addition of the 25 units proposed by this plat, the total number of actual units constructed will be 1,975 or about 27% less than the 2,730 units the 1992 study was based on.
 - f. There is an approved grading and drainage plan for this proposed subdivision. It is approved by the City Hydrologist and follows the intent of the Sector Plan and the City Floodplain and Drainage Ordinances as well as the City Development Procedures Manual (DPM).
5. The application included two variances, a sidewalk waiver and a subdivision design variance. These application requests were approved based on the City Subdivision Ordinance and the Development Procedures Manual. (SEE EXHIBIT M.) It is unclear exactly what city ordinances and state laws Appellants believe were not followed.

APPROVED:


Russell Brito, Division Manager
Development Review Division
Planning Department

- f. Charitable Fund Raising Special Events
 - g. Neighborhood (non-commercial) recycling activities
 - h. Public and community gardens
3. Assisted Living Facility as defined herein including medical care for project residents, but not a hospital for human beings, is permissive.
 4. One Caretakers Quarters for public or private school is permissive.
 5. A maximum of 65,000 net leasable square feet of retail sales and service uses is permissive.

This zone, unlike the other zones described in this section, does not correspond to any existing zoning classification. It provides for stormwater management; the construction of a golf course; and permits a mixture of dwelling unit types, including a resort/conference center and related commercial facilities. It is subject to the following regulations:

**Section 4.A.6:
SU-2 HD•R-R
Recreational/Resort
Zone**

1. Permissive Uses, when pursuant to only the Sector Development Plan:

- a. Uses permissive in the HD•R-G zone.

2. Density: If developed as R•G the total number of units shall not exceed 300.

3. Permissive Uses, when pursuant to the Sector Plan and to a Site Development Plan and Landscaping Plan approved by the Environmental Planning Commission:

- a. Golf Course

- b. Uses Related to a Golf Course , including:

1. Structures incidental to a golf course (shelters, bathrooms, maintenance buildings, and utility housings) provided the aggregate net leasable area of such uses does not exceed 12,000 square feet.
2. Public trails for pedestrian, equestrian, bicycle, and physically disadvantaged use.
3. Private trails and golf-cart paths.
4. Facilities for the maintenance of the common area and trails whether public or private, provided that the aggregate net leasable area of such facilities does not exceed 6,000 square feet.
5. One "Caretakers Quarters" as regulated in the HD•R-1 zone.
6. A construction Office in connection with a specific construction project provided it is limited to a period of one year.

- c. Resort/ Conference Center, with a maximum of 350 hotel rooms, the aggregate of which shall not exceed 245,000 net leasable square feet, and meeting facilities not exceeding 20,000 net leasable square feet; and incidental maintenance and recreational structures not exceeding 12,500 net leasable square feet.

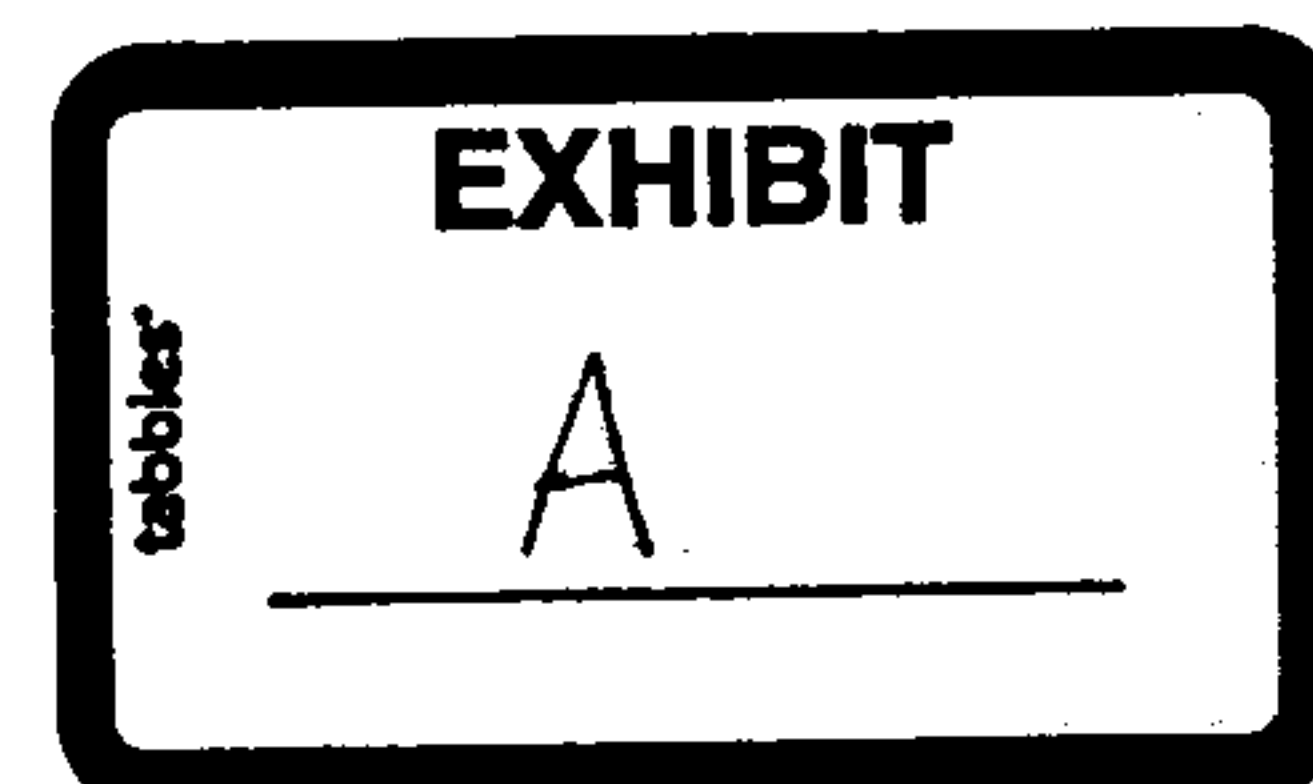
- d. Uses Related to the Resort/Conference Center, including:

1. Swim Club and Tennis Center not to exceed 15,000 net leasable square feet exclusive of structures containing indoor recreational courts and swimming pools.
2. Retail sales of food and drink, including alcoholic drink, for consumption on-premises.
3. Commercial Club for recreational or athletic activity, not to exceed 25,000 net leasable square feet.
4. Golf Clubhouse, not to exceed 50,000 net leasable square feet.

4. Signs: As regulated in the HD•C-1 zone.

5. Conditional Uses

- a. Conditional Uses the HD•R-LT zone, excluding private utility structures.



§ 14-16-2-10 R-G RESIDENTIAL GARDEN APARTMENT ZONE.

This zone provides suitable sites for houses, townhouses, and low density apartments, in the Established and Central Urban areas.

(A) Permissive Uses.

- (1) Uses permissive in the R-T zone.
- (2) Accessory living quarters.
- (3) Apartment.
- (4) Sign, on-premise, as provided in § 14-16-3-5 of this Zoning Code.

(B) Conditional Uses.

- (1) Uses conditional in the R-1 Zone.

(C) Height. Structures shall not exceed 26 feet in height, except as provided in § 14-16-3-3 of this Zoning Code.**(D) Lot Size.**

- (1) Minimum lot area for lots developed with apartments other than townhouses shall be 6,000 square feet. Minimum lot width for lots developed with apartments other than townhouses shall be 60 feet.
- (2) Minimum lot area and width for lots developed only with houses and townhouses shall be as provided in the R-T zone.

(E) Setback.

- (1) There shall be a front-yard setback of not less than 15 feet, except that the length of a driveway shall be not less than 20 feet.
- (2) For lots created after January 1, 2005 and for lots granted conditional use approval, if one of the following conditions is met, then there shall be a front yard setback of not less than 10 feet:
 - (a) Vehicle access is only to the rear yard from an alley, or
 - (b) The garage is set back not less than 25 feet and comprises no more than 50% of the width of the street-facing building façade and driveways and off-street parking areas cover no more than 60% of the area of the front yard
- (3) There shall be a side-yard setback of not less than five feet, except:
 - (a) There shall be ten feet on the street side of corner lots; and
 - (b) There is no required side-yard setback from internal lot lines for townhouses.

EXHIBIT**B**

5. Parking Reserve Areas as defined herein.

6. Lot Size

a. If developed as detached houses, minimum net lot area shall be 7,500 square feet, and minimum lot width shall be seventy-five (75) feet.

b. If developed as townhouses, minimum net lot area shall be 4,200 square feet and minimum lot width twenty-two (22) feet.

7. Floor Area Ratio

a. If developed as detached houses, lots shall have a maximum floor area ratio of 0.65.

b. If developed as townhouses, lots shall have a maximum floor area ratio of 0.70.

8. Clustering of Townhouses

Notwithstanding the provisions of this plan, or any provision of the Comprehensive City Zoning Code, up to eight (8) townhouse units may be clustered on a townhouse site as defined herein provided that a subdivision plat shall be approved by the City showing that: the minimum area of such site is equal to the number of units times the minimum net lot area defined above; that the Off-Street Parking Regulations of the Comprehensive City Zoning Code are met; that the minimum amount of area conveyed for ownership (including the townhouse, any accessory structures, and private outdoor spaces) is not less than 1400 square feet as measured at the ground plane; that proper evidence of common title to the residual lands is evidenced on the plat; and that proper evidence that the residual lands may only be used for common open areas, vehicular circulation, or recreational purposes is also shown on the plat.

**Section 4.A.3:
SU-2 HD•R-T**

This zone corresponds to the R-T Residential Zone in the Comprehensive City Zoning Code and provides suitable sites for houses, townhouses, and uses incidental thereto. It is subject to the same regulations as that zone with the following exceptions:

1. Density: A maximum of 1160 dwelling units is permitted in this zone.
2. Private parks as regulated in the HD•R-1 zone are permitted.
3. Public or private recreational trails as regulated in the HD•R-1 zone are permitted.
4. Parking Reserve Areas as regulated in the HD•R-1 zone are permissive.
5. Floor Area Ratio shall be as regulated in the HD•R-LT zone.
6. Clustering of Townhouses, as regulated in the HD•R-LT zone.

**Section 4.A.4:
SU-2 HD•R-G**

This zone corresponds to the R-G Residential Zone in the Comprehensive City Zoning Code and provides suitable sites for houses, townhouses, and low density apartments. It is subject to the same regulations as that zone with the following exceptions:

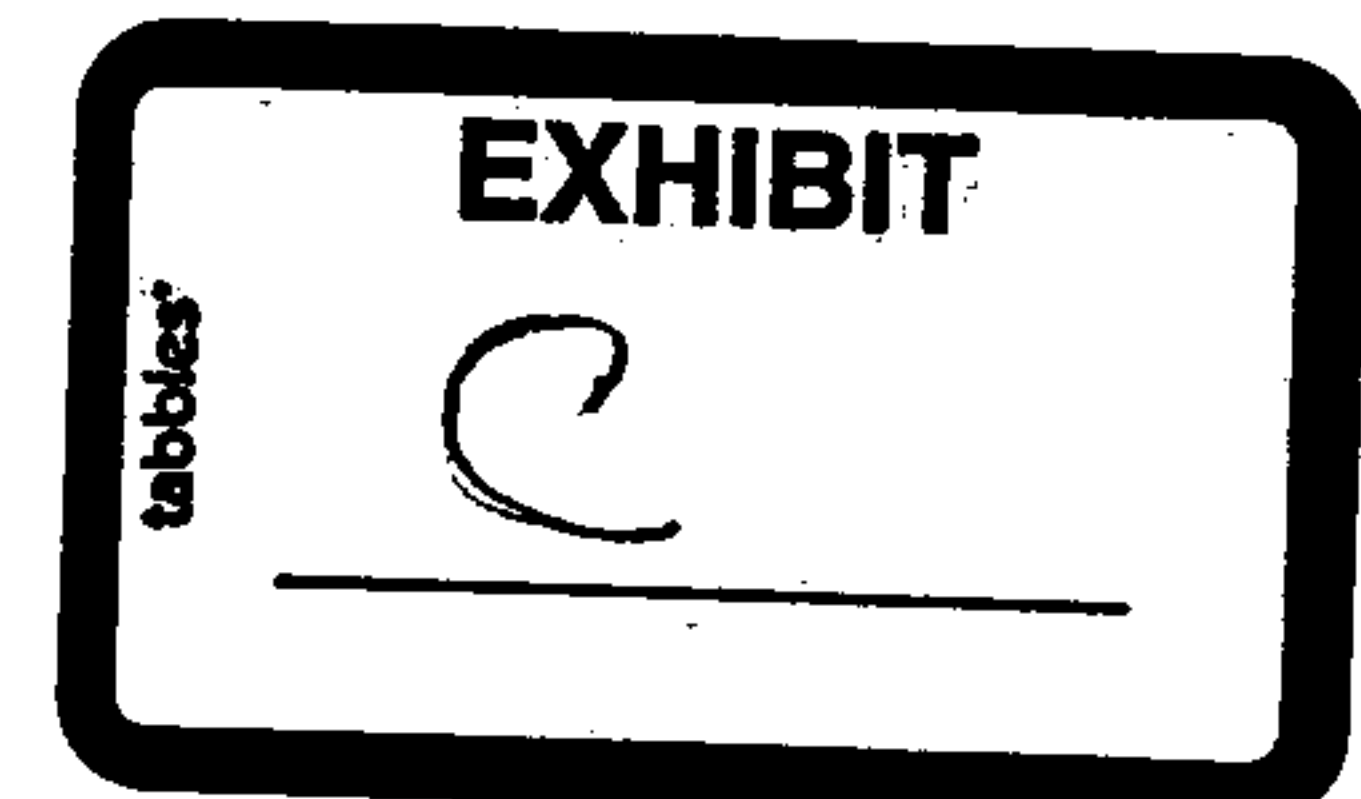
1. Density: A maximum of 430 dwelling units is permitted in this zone; density shall not exceed 13 dwelling units per net acre.
2. Private parks as regulated in the HD•R-1 zone are permissive.
3. Private or public recreational trails as regulated in the HD•R-1 zone are permissive.
4. Parking Reserve Areas as regulated in the HD•R-1 zone are permissive.
5. Clustering of Townhouses, as regulated in the HD•R-LT zone, is permissive.



**Section 4.A.5:
SU-2 HD•C-1**

This zone corresponds to the C-1 Neighborhood Commercial zone in the Comprehensive City Zoning Code and is subject to the same regulations as that zone with the following exceptions:

1. The sale of alcoholic drink for consumption on premises is permissive; and, the sale of alcoholic drink for consumption off premises, as an incidental use within a grocery store, is permissive.
2. The following additional services and special events with outdoor storage and activities are permissive:
 - a. Outdoor retail sales of food and drink including alcoholic drink for consumption on-premises.
 - b. Music, Theater, and Artistic Performances
 - c. Crafts Fairs
 - d. Antique Fairs
 - e. Farmer's Market



§ 14-16-2-9 R-T RESIDENTIAL ZONE.

This zone provides suitable sites for houses, townhouses, and uses incidental thereto in the Established and Central Urban areas.

(A) Permissive Uses.

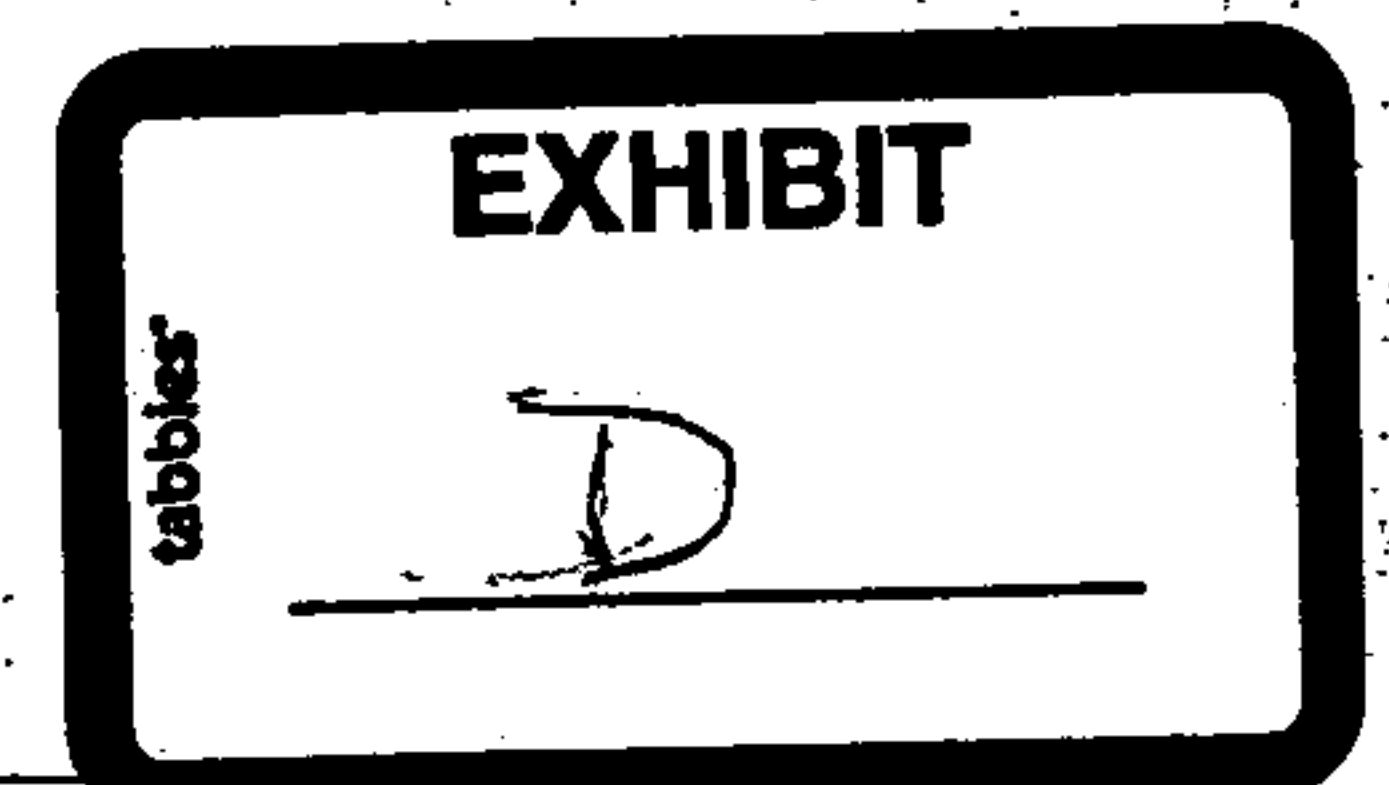
- (1) Uses permissive in the R-1 zone, except:
 - (a) Agricultural animal keeping (see § 14-16-2-6(A)(2)(b)) is not permitted;
 - (b) Front yard parking of recreational vehicles (§ 14-16-2-6(A)(2)(h)3.) is not permitted;
 - (c) Hobby breeders (see § 14-16-2-6(A)(2)(k)) are not permitted; and
 - (d) Houses are not limited to one per lot.
- (2) Townhouses.

(B) Conditional Uses. Uses conditional in the R-1 zone.**(C) Height.** Structures shall not exceed 26 feet in height, except as provided in § 14-16-3-3 of this Zoning Code.**(D) Lot Size.**

- (1) For a townhouse, except as provided in division (2) below, minimum lot area shall be 2,200 square feet per dwelling unit; minimum lot width shall be 22 feet per dwelling unit.
- (2) For a townhouse in a Family Housing Development or for a townhouse with vehicle access only to the rear yard from an alley, minimum lot area shall be 1,760 square feet; minimum lot width shall be 18 feet.
- ~~(3)~~ For a house, except as provided in division (4) below, minimum lot area shall be 3,600 square feet per dwelling unit; minimum lot width shall be 36 feet.
- (4) For a house in a Family Housing Development or for a house with vehicle access only to the rear yard from an alley or for a lot with a detached garage located in the rear yard and accessed by a driveway with a maximum width of 12 feet in the front yard and in the side yard abutting the side of the dwelling, minimum lot area shall be 2,880 square feet; minimum lot width shall be 29 feet.

(E) Setback.

- (1) There shall be a front-yard setback of not less than 15 feet except driveways shall be not less than 20 feet long.
- (2) For lots created after January 1, 2005 and for lots granted conditional use approval, if one of the following conditions is met, then there shall be a front yard setback of not less than 10 feet:
 - (a) Vehicle access is only to the rear yard from an alley, or



**Section 4.A.7:
Provision for
Design Review**

1. Unless otherwise provided herein, the zones described in this Sector Plan shall be developed in accordance with the regulations and procedures of the Subdivision Ordinance and Comprehensive City Zoning Code. Further the High Desert Homeowner's Association or its successors shall certify to the City at time of submittal for approval to the Development Review Board that any proposed plat meets the requirements of the Sector Development Plan, and at time of submittal for building permit for new construction or renovation, that any construction plans meet the requirements of the Sector Plan. The Homeowner's Association shall further certify that the number of units constructed in the zone does not exceed the maximum allowed by the Sector Plan.
2. Where so provided herein, approval of the Planning Director shall mean delegation to the Development Review Board.
3. Where so provided herein, approval of conditional uses shall be subject to the provisions of the Special Exceptions provisions of the Comprehensive City Zoning Code.

**Section 4.A.8:
Definitions**

Unless otherwise provided herein, all terms are defined as they are defined in the Definitions of the Comprehensive City Zoning Code.

1. Area, Net Lot is the lot area remaining after dedication of public right-of-way or the granting of access easements, but prior to the granting of easements for any other purpose.

2. Assisted Living Facility is an apartment or complex of apartments including medical facilities serving only those living on-site, and providing living assistance and skilled nursing care to those residents unable to care for themselves or requiring assistance with day-to-day functions. It does not replace the group residential programs defined in the Definitions section of the Comprehensive City Zoning Code, but is intended, like "caretaker quarters", to provide for an alternative life-style. It does not provide the diagnostic services or treatments associated with hospitals. Such facilities may be subject to licensing by the State of New Mexico.

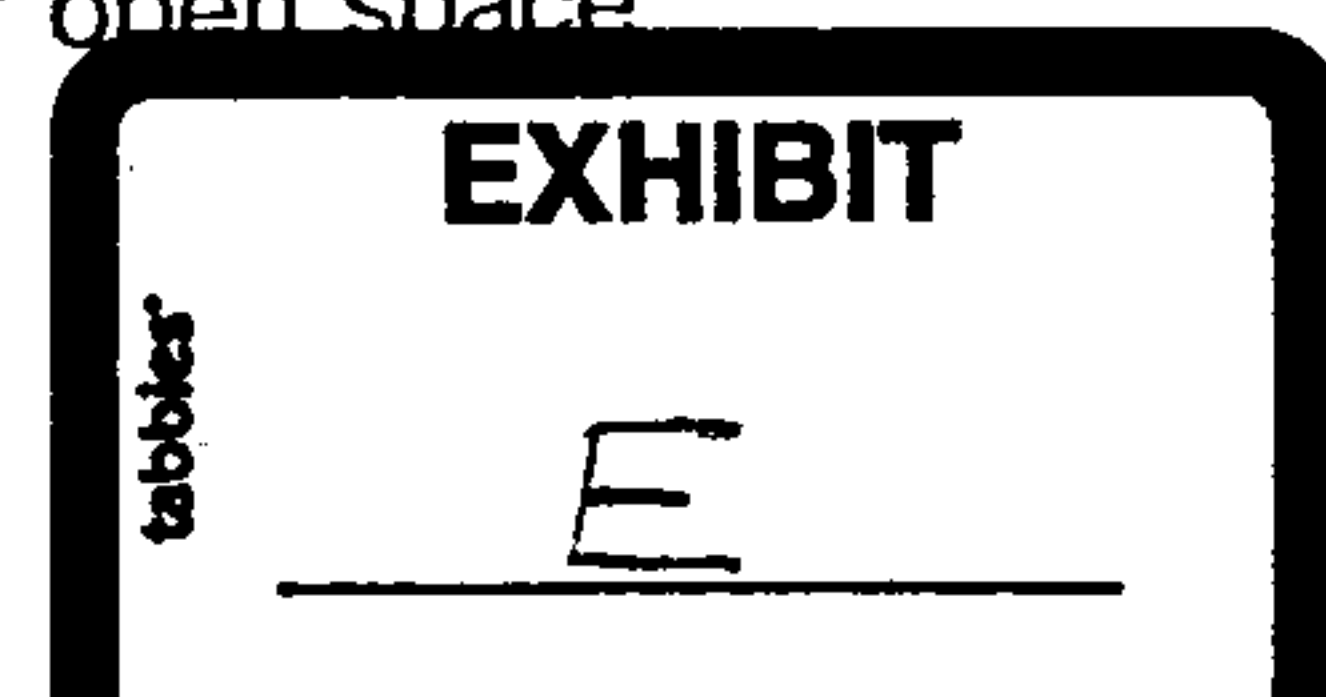
3. Building Envelope means an area proscribed on the plat of an individual lot which limits horizontal development of the lot in response to topographic, drainage, and other natural features of the site.

4. Caretaker Quarters means separate living quarters with not more than one bedroom, bath, and kitchen facilities, contained within or attached to the house or an accessory building on a residential lot.

5. Cluster Townhouse means a group of townhouses on a given site where the majority of land area is held in common and separate title is held only to a living unit, its accessory structures, and private outdoor spaces.

6. Commerce Association means the High Desert Commercial Owner's Association, a New Mexico non-profit corporation, responsible for the administration of all non-residential property and common area within non-residential areas within the community and for the preservation and maintenance of architectural standards for the commercial properties under the Declaration of Covenants, Conditions and Restrictions. Each owner of commercial property in High Desert automatically becomes a member of the Association upon taking title, and remains a member until title is conveyed. Membership is mandatory and cannot be transferred except in connection with the transfer of title to the property.

7. Conservation Easement means an easement granted specifically to a third, non-profit entity for the purpose of entering upon and maintaining property held in common for open space purposes.



HIGH DESERT RESIDENTIAL OWNERS ASSOCIATION
c/o HOAMCO
P.O. Box 21699
Albuquerque, New Mexico 87154-1699

November 6, 2006

Ms. Sheran Matson, Chair
Development Review Board
City of Albuquerque
P.O. Box 1293
Albuquerque, New Mexico 87103

VIA Fax and Hand Delivery


Dear Ms: Matson:

Section 4.A.7 of the High Desert Sector Development Plan requires that the High Desert Residential Owners Association (HDROA) certify to the City at time of submittal for approval to the Development Review Board that any proposed plat meets requirements of the Sector Development Plan. It further requires that at time of submittal for building permit for new construction that any construction plans meet the requirements of the Sector Plan. The Association is also required certify that the number of units constructed in the zone does not exceed the maximum allowed by the Sector Plan.

HDROA has performed a review of the proposed plat through Mr. William Fanning, Fanning Bard Tatum Architects AIA Ltd. Based on that review we believe that proposed plat is consistent with the underlying zoning requirements of the Sector Development Plan. We also agree that the number of units in the proposed plat does not exceed the maximum number of units allowed in the specified zone by the Sector Development Plan.

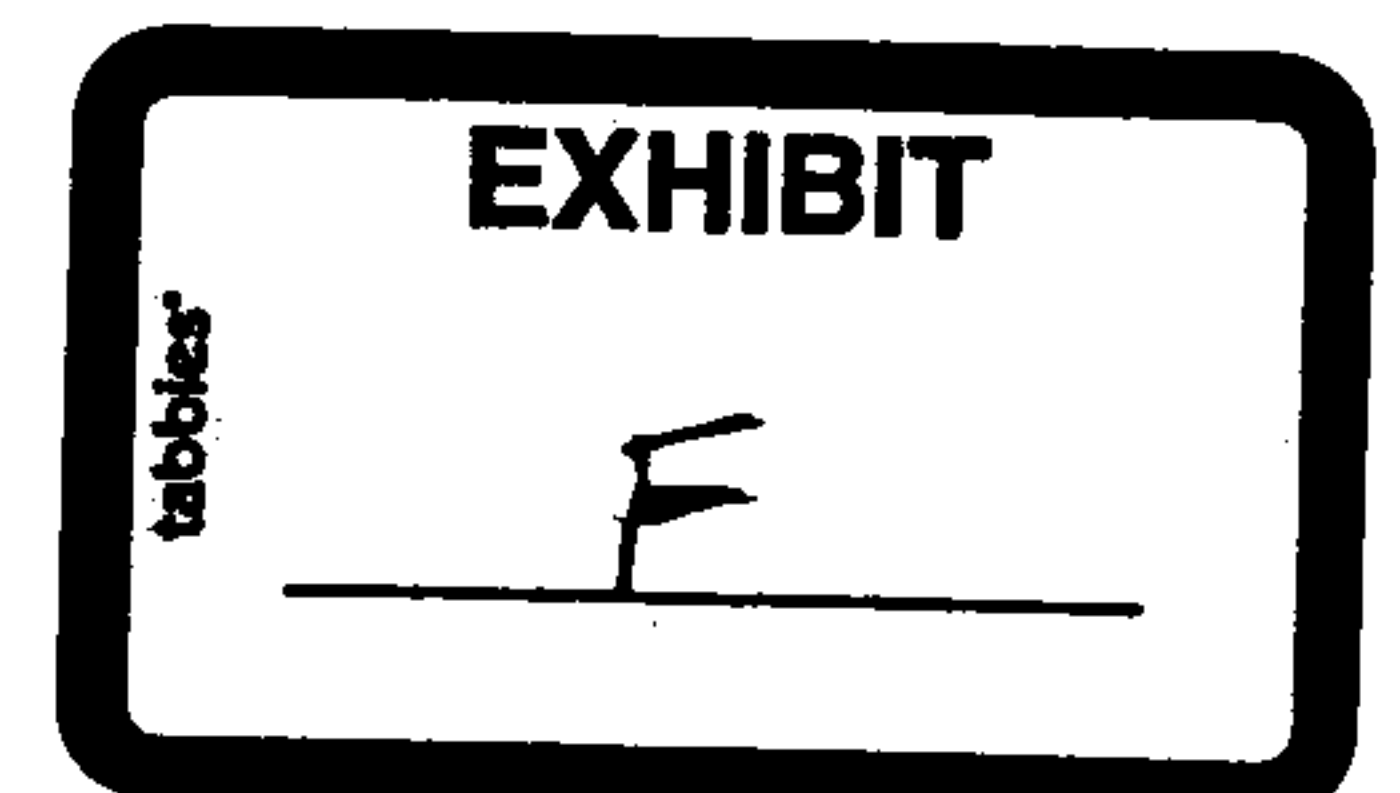
If you have any questions about this opinion please contact me at (505) 294-4112.

Sincerely,



Raymond S. Berg, President of the Board
High Desert Residential Owners Association

cc: Mr. Kevin Patton, Bohannon Huston Inc.
Mr Scott Schiabor, Scott Patrick Homes/Mesa Verde Development
Mr. Douglas Collister, High Desert Investment Corporation



12/06/06

HIGH DESERT RESIDENTIAL OWNERS ASSOCIATION
c/o HOAMCO
P.O. Box 21699
Albuquerque, New Mexico 87154-1699

December 5, 2006

Ms. Sheran Matson, Chair
Development Review Board
City of Albuquerque
P.O. Box 1293
Albuquerque, New Mexico 87103

VIA Hand Delivery

Dear Ms: Matson:

Section 4.A.7 of the High Desert Sector Development Plan requires that the High Desert Residential Owners Association (HDROA) certify to the City at time of submittal for approval to the Development Review Board that any proposed plat meets requirements of the Sector Development Plan. It further requires that at time of submittal for building permit for new construction that any construction plans meet the requirements of the Sector Plan. The Association is also required certify that the number of units constructed in the zone does not exceed the maximum allowed by the Sector Plan.

Because the topics of the High Desert Sector Development Plan are highly technical, the Association has contracted with several professionals who have a variety of specialties in areas of importance to the HD SDP. These include:

- Paul Kienzle, Attorney, Scott & Kienzle, PA
- William Fanning, Principal, Fanning Bard Tatum Architects AIA Ltd
- Kevin Banks, PE, HDR Engineering
- Dean Bressler, PE, HDR Engineering
- Steven Borbas, Adjunct Professor, UNM School of Planning and Architecture

The latest version of the development Plat Plan was not made available until last Friday, Dec 1, so we have not had sufficient time to examine it in detail. However, we have taken incomplete reports from our consultants and assembled a recommendation from them. Some of the reports by these consultants are included with this letter as attachments.

It is the opinion of these consultants that none of the submitted plans meets the requirements of the HD SDP.

Since the deficiencies of the submission are pervasive, we are compelled to comment on the process by which this determination has been made. It should not be the intent of the certification process in the above reference to the HD SDP that the High Desert



Residential Owners Association would be an Engineering Organization that generates certification data to justifying claims that the submitted plan meets or does not meet the requirements of the HD SDP. Rather, the plan submission should be accompanied by clear certification data that the Association's consultants can use to verify whether or not the requirements have been met. Certification data was not part of the submission.

The deficiencies of the submissions are broad and pervasive, and indicate a lack of appreciation the SDP requirements. HDROA has spent thousands of dollars identifying the requirements of the plan and requesting information on how the submission meets those requirements. There are numerous quantitative, substantive requirements in the HD SDP which have still not been addressed by any of the several submissions. Some examples of areas that have not been addressed are the following:

- Data and readable maps verifying that the location of the plat is below the 10% Demarcation Line are not available for a determination that the slope requirement is met (see "Slopes" p 2.2, p3.4 and Table 3.B on p 3.7.)
- The SDP clearly identifies the area in question as part of the "Semi-Urban Residential Zone" (see for example "Semi-Urban Residential Zone" on p 3.4, p 3.15, and p 7.3) and defines the meaning of this term in the context of the HD SDP. There are numerous requirements of this designation that have not been addressed or contradict the submitted plan.
- There are numerous references to requirements related to the existing development, boundaries, areas adjacent to the City Open Space, and zones that transition to the edges of the development that describe requirements on density (See for example "Existing Development" p 3.5, "Project Boundaries and Interfaces" p 3.10, and "Forest Service Boundary" p 3.11.)
- There are repeated and numerous references to the preservation of views, the importance of viewsheds, and the control of development that would otherwise intrude on them (see for example "Scenic Qualities" p3.5, "Viewshed Protection" p 3.9 and "Building Heights" p 3.10)
- The Stormwater Management system must satisfy EPA and City water emission requirements before stormwater enters the storm drain system (see for example "Design Goals" p 7.2 and "Semi-Urban Residential Zones" p 7.3). Calculations based on the "Drainage Report for The Wilderness Canon Subdivision at High Desert" show that an average of almost 10 tons of sediment will need to be removed every year and in a 100-year design basis event alone the amounts will be 5.6 tons. There are no features capable of handling this amount of sediment and no way on the existing drawing of providing service. This is a particularly critical part of the system, as evidenced by the history of nearby detention ponds designed and built by MVD and BHI for this purpose, which have experienced major failures in storms below the design limit. As the organization responsible for maintenance and upkeep of this

system indefinitely into the future, we believe it is a necessary part of the plan that should be shown and should not be deferred to later discovery.

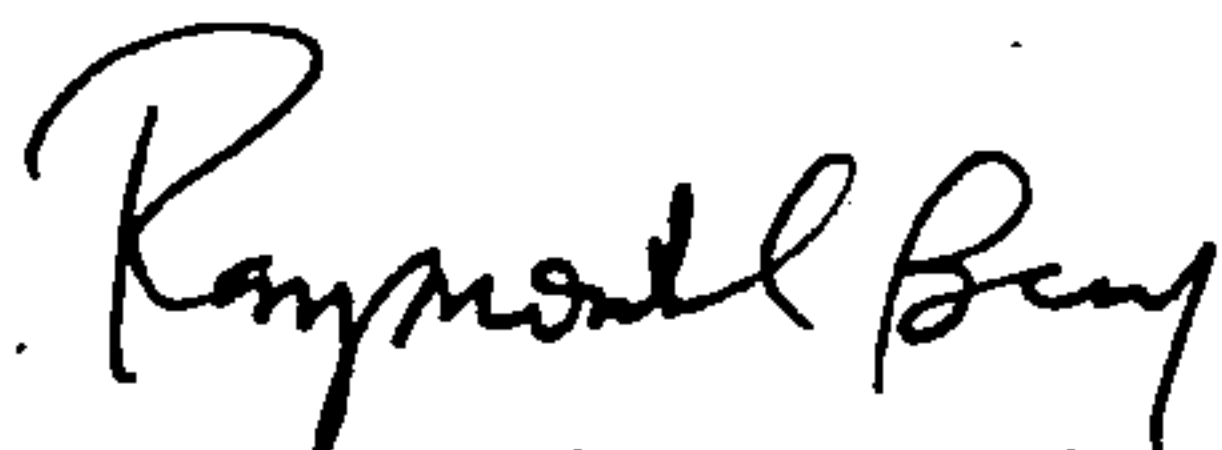
The requirements of the HD SDP are significantly greater than those of the City of Albuquerque Comprehensive Plan for good reason. In the words of the SDP "Issues, Impacts, and Mitigations" section introduction on p 3.1 (*italics added.*)

High Desert is set in the foothills of the Sandia Mountains. Its rolling contours are bounded by the City on one side and by the massive forms of the Sandias on the other. It is home to wildlife and wildflowers and is host to people seeking relief from the urban environment. The outdoors and the relationship of man to his environment are important parts of New Mexico culture. As indicated in the previous section, planning for High Desert began with a thorough assessment of the environmental structure of the land, and a thorough appreciation of what impacts development would have.

Completion of the environmental studies set the stage for the development of a land use plan which would respect natural resources while providing a sustainable urban environment. Market research and social goals establish the mixture of uses and life styles. However, the plan must also direct attention to mitigation of environmental impacts external to the site, and must also comply with the policies set forth in the Albuquerque/Bernalillo County Comprehensive Plan. *The purpose of this section is to document the aspects of this plan which address these issues.*

In communications with the DRB Chair earlier this week we requested that because of the serious, pervasive deficiencies of the proposed plan, that the proposal be deferred indefinitely unless and until the applicant adequately addresses the requirements of the High Desert Sector Development Plan. We renew that request.

Sincerely,

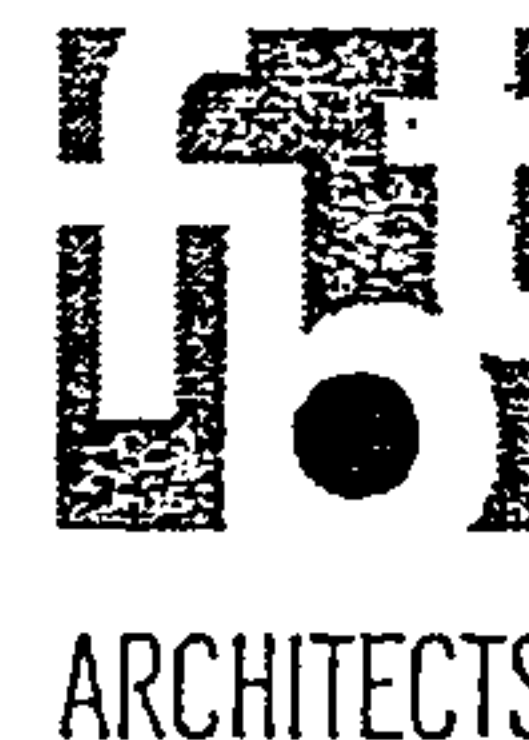


Raymond S Berg, President
High Desert Residential Owners Association
c/o HOAMCO
P. O. Box 21699
Albuquerque, NM 87154

cc: Mr. Kevin Patton, Bohannon Huston Inc.
Mr. Douglas Collister, High Desert Investment Corporation

Attachments: ~~Barlun~~ Barlun designs
Fbt Architects

Rec'd
12/06/06
Ray Berg



December 5, 2006

Mr. Ray Berg, President
High Desert Residential Owners Association Board of Directors
c/o Homeowners Association Management Co. (Hoamco)
6605 Uptown Blvd. NE, Suite 200
Albuquerque, New Mexico 87154-1699

Reference: Sector Development Plan Requirements
Wilderness Canon - Tract A, Unit 2 of Wilderness at High Desert

Dear Mr. Berg:

This letter is a follow-up to one I sent you dated October 24, 2006 in which I outlined requirements for the above tract based upon an interpretation of its zoning. In this letter, I will analyze constraints on development from a more global perspective based upon the High Desert Sector Development Plan.

Location:

The tract that is the subject of this report is located at the southeast corner of the Wilderness at High Desert, a subdivision within the High Desert Sector Plan area. It adjoins single family residential development to the west and north, City Open Space and the Sandia Mountains Wilderness area to the east, and a City Open Space Easement containing the Embudito Arroyo to the south. Beyond the open area on the south is the Trailhead Subdivision, the initial development by High Desert Investment Corp.

Regulations:

Development in High Desert is governed by a "sector plan" or special use zoning district. The High Desert Sector Development Plan was adopted by the City on May 3, 1993 following extensive public hearings before the City's Environmental Planning Commission during 1992. Since then, there have been several amendments to the Plan.

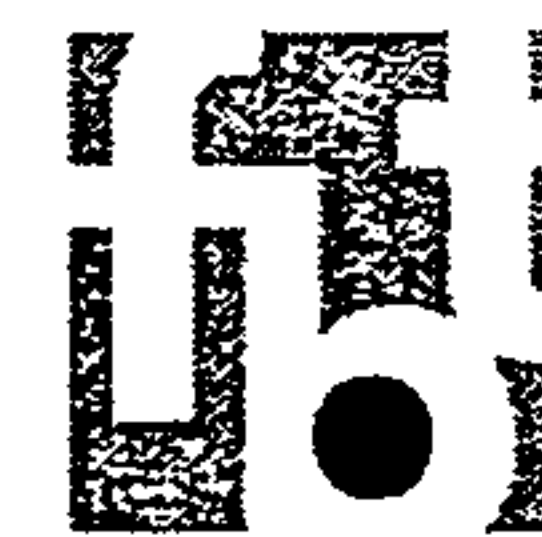
Site Area, Zoning, and Streets:

The site area of Tract A is 3.9653 acres. There are 25 lots proposed for a density of 6.30 du/acre. The Wilderness at High Desert, of which this tract is a part, is zoned SU-2 HD/R-R. This is the only zone in High Desert that does not have a direct City zoning equivalent. This zoning category was created to allow development of the Wilderness at High Desert as a golf resort and conference center however other uses, including a mixture of dwelling unit types, were also permitted in this zone. Based upon the proposed plat, the developer of Tract A is planning to construct single family detached homes. As noted in my previous letter, this development is proposed to conform to requirements of the R-G zone and in turn the R-T zone.

The streets within Wilderness Canon are proposed as private and are to be maintained by the High Desert Residential Owners Association similar to other gated communities within High Desert. Street widths are shown as 26 feet. The front property line of each lot corresponds to the face of curb.

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ARCHITECTS

successors.” The site was apparently mapped at a large scale, thus not recognizing some areas within High Desert as having slopes in excess of 10%. The subject parcel has two areas that substantially exceed a 10% slope, the north side along the rear of lots 4 and 5 with a slope of approximately of 14% and on the southwest side along the rear of lots 19 thru 21 with a slope of approximately of 23%.

The slope condition on the north side has resulted in an odd feature in the street design: Piedra Canto Way appears to be part of a continuous loop road design but in fact is not continuous, being blocked between lots 4 and 5 with retaining walls that separate adjacent grades with a more than eight foot height difference. If this street section were continuous, the street grade would have been excessive. The effect of this condition creates two problems: the street has two dead ends and the pad elevations at lots 4 and 5 differ by about 12', requiring a double retaining wall to separate these two lots.

Street Design:

As noted above, this development has a conventional loop road system except that the Piedra Canto Way is not continuous resulting in two dead end street sections. Since neither of these roads terminates in a cul-de-sac, they would both be problematic for residents and visitors alike. A similar road design in other gated communities of High Desert has already created problems with street parking and subsequent access (both regular and emergency) problems for residents. It should be remembered that these streets will be only 26' wide, narrower than the City standard for residential streets, and are permitted only because they will be private.

Site Drainage:

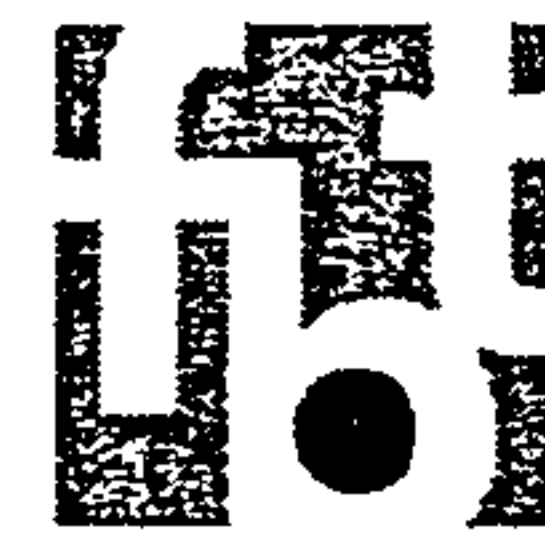
The site does not appear to contain any arroyos. Nonetheless, given slopes in excess of 10% in some locations, runoff could be problematic. Rapidly moving runoff water has a scouring effect that picks up substantial sediment that must be filtered or separated for removal downstream. To overcome this problem along the northeast property line abutting lots 4 thru 10, a 5' wide private drainage easement granted to the High Desert Residential Owners Association is proposed along the rear property lines. This easement is to be finished with a lined channel designed to collect runoff that would otherwise cross the property. The runoff is then directed to a 10' drainage easement between lots 3 and 4. From there runoff water would flow to an underground storm drainage system in Piedra Canto Way.

The 5' drainage structure would be separated from the remainder of the rear yard by a retaining wall. Since this system is located entirely on-site, the effect is to potentially reduce the usable rear yard of each of the lots from 15' deep per code to 10'. While the houses on these lots could be designed somewhat shallower, thus allowing a deeper rear yard, the building pads shown on the Grading Plan are in fact shown 15' from the rear property line. Since the east side of this site abuts a Forest Service Hiking Easement, the drainage channel could not be located off-site.

The proposed plan for Wilderness Canon therefore creates two problems with respect to drainage: a need for a drainage channel that reduces the rear yards of lots and the requirement that Residential Owners Association maintain the easement. This method for handling runoff is not consistent with the Comprehensive Plan requirement in a Semi-Urban Residential Zone that “existing hydrologic conditions will be impacted in a negligible fashion. The sheet flow pattern of the natural surface will generally be maintained; flow rates will be essentially unaffected.” Natural flows are affected to the extent that a lined drainage structure must be built to protect this subdivision.

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City Comprehensive Plan:

High Desert site is located in a Semi-Urban area of the city generally north of Montgomery Blvd. and east of Tramway Blvd. Semi-Urban areas are defined in the Comprehensive Plan as low to moderate density residential areas with densities ranging from 2 to 7.5 DU/acre. As defined in the High Desert Sector Plan on p. 3.15, "These zones are located predominately in the upland areas of the project and will be developed in a manner intended to minimize disturbance to ground cover and existing arroyos. Existing hydrological conditions will be impacted in negligible fashion. The sheet flow pattern of the natural surface will generally be maintained; flow rates will be essentially unaffected." As an underlying principle, property developed in the Semi-Urban Area "shall be consistent with development limitations imposed by topography, soil conditions, groundwater quality, agricultural potential, flood potential, scenic qualities, recreation potential, and existing development; overall gross density shall be up to three dwelling units per acre."

Land Use Concepts:

The section of the Plan titled "Land-Use Transition Concepts" (p.3.2) defines the overall pattern of development within High Desert:

Because of its location, the project must serve as a link between natural open areas and urban activity. Thus uses within the plan area must range from very low intensity recreational and residential opportunities to the level of intensity necessary to provide essential retail and institutional services to its residents. Therefore, the land-use plan is designed around a neighborhood "center" and the transition from that center to natural open areas at its edges.

From the neighborhood center, residential land use densities transition from higher densities in the project center to lower densities at the interface with adjacent lands. For example, apartments within the project are located next to the neighborhood center. This also places the tallest buildings within the interior of the site with lower building along Tramway. Such a relationship provides a more visually pleasing interface with Tramway Boulevard and responds to concerns expressed in the meetings with residents of adjacent neighborhoods. The core area would be surrounded by residential areas at a density generally equivalent to the northeast heights. As development approaches the project boundaries to the north and east, the density continues to diminish, leaving the least dense residential areas (generally equivalent to similar development in Sandia Heights) at the boundaries with natural open space areas.

The proposal for Wilderness Canon is not consistent with these concepts for development in that it would place a relatively high density, two story, development immediately adjacent to City Open Space.

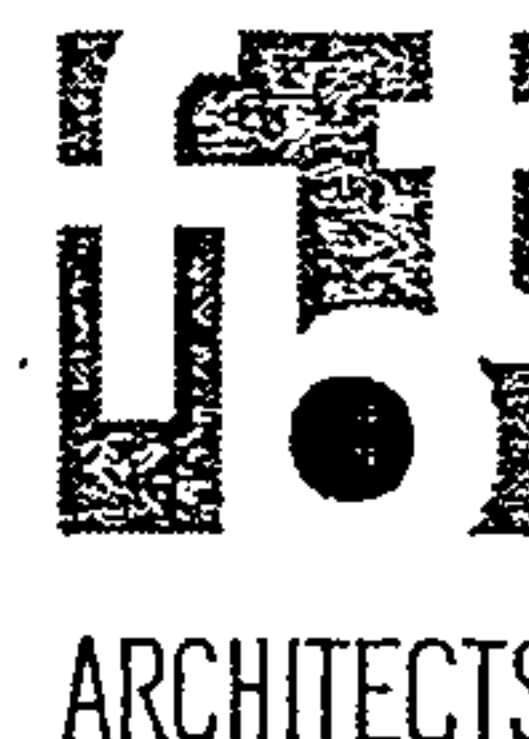
It should be noted that while the general pattern of densities outlined above have been maintained, plans for the neighborhood center and related school and church uses proposed, were abandoned one by one by High Desert Investment Corp. in favor of higher density, gated communities. The rationale given for these changes were essentially economic in nature.

Slope Restriction:

In compliance with the Comprehensive Plan, the Sector Plan reiterated a slope demarcation line of 10%. Therefore it is the intent of the Sector Plan to preserve areas in excess of 10% slope as open space, "either by direct dedication to public entities or by easements retained or controlled by the developer or its

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Protection of Views:

The Albuquerque Zoning Code does not attempt to protect views except by limiting height of buildings. However, the Sector Plan makes various references to protection of views. "Viewshed Protection", p. 3.9, it states "Visual access to the mountains to the east and the City and Mesas to the west will be preserved by the preservation of major arroyos as public or private open space, creation of building envelopes, and limitations on building heights." In the section on "Building Heights", p. 3.10, it is stated that "Building heights and site lighting levels will also be keyed to view preservation. From the neighborhood center, residential land use densities transition from higher densities in the project center to lower densities at the borders with adjacent lands. The lowest structures, governed by the Highlands Design Overlay Zone Regulations and in the Special Regulations related to Glenwood Hills, will be against the boundaries with the Forest Service lands." It is clear that the authors of this Sector Plan intended that development at the perimeter of High Desert and adjacent to public lands be lower than all other areas and be designed to protect views for residents. The proposed development is a particular issue with respect to the Trailhead area of High Desert since the two story homes proposed would have a significant impact on their views of the Sandias.

Density of Development:

The developer is attempting to maximize the development potential of this site under the constraints of the R-T zoning category. While this proposed development falls within the range of densities allowed in the Semi-Urban Zone (up to 7.5 du/acre), it is problematic in several respects noted herein. These problems are a result of existing site slopes; they would not be found here if this site were substantially flatter.

Summary:

The design of this proposed development presents several significant problems. Existing drainage patterns have not been respected, the street design incorporates a broken loop and two dead end streets that create access problems, lots are stepped excessively in several locations requiring high retaining walls between narrow lots, and views of the mountains from the adjacent Trailhead subdivision within High Desert are impacted. Overcoming the problems inherent with this site would be greatly simplified at a lower density of development. As well, the development could then conform to other requirements of the Sector Plan pertaining to lower density at the perimeter of High Desert as noted in the section on "Land Use Concepts" above.

Please feel free to contact me should you have any questions regarding this report.

Very truly yours,

Fanning Bard Tatum Architects AIA Ltd. by

H. William Fanning, Principal

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Rec'd
12/06/06
Ray Burg

December 3, 2006

This Letter of Findings is submitted to the Board of Directors of the High Desert Residential Owners' Association. At their request, a review of the issues related to the Preliminary Plat for Wilderness Canyon was made, through viewing and walking the site and its context, through reading the High Desert Sector Development Plan and through discussions with area residents.

The critical difference between the proposed development of Tract 13, and the objections to that development by the residents of the Trailhead and Wilderness subdivisions is ZONING versus the planning and environmental principles in the HIGH DESERT SECTOR DEVELOPMENT PLAN. Section 4.A.7, Provision for Design Review states that "...the High Desert Homeowner's Association ...shall certify to the City at time of submittal for approval to the Development Review Board that any proposal plat meets the requirements of the Sector Development Plan....." In the following sections, it is clearly shown that the proposed development plat for Tract 13 DOES NOT conform to the Sector Development Plan.

The Sector Plan's goal states that the "High Desert Investment Corporation's approach to the development of the land is a reflection of Albuquerque Academy's continuing concern for the environment.....and intend to make a major contribution to the quality of life in the community by setting the standard (my underlining) for environmentally sound planning in Albuquerque." In fact, the Environmental Evaluation chapter of the Sector Development Plan, developed by a myriad of experts in their fields of geology, hydrology, air quality, cultural resources, paleontology, hazardous materials, landform, habitat, landscape character, and species, has set a very high standard of development, respecting the land, the views and the people who came to settle in this area.

Map 10, Zoning, in fact, is the only disconnect in the Sector Development Plan, because it does not, in great detail, follow the standards set through the Environmental Evaluation. It lays down a general zone over a very large area, without the sensitivity expressed in the description that "land use densities transition from higher densities in the project center to lower densities at the interface with adjacent lands.....As development approaches the project boundaries to the north and east, the density continues to diminish, leaving the least dense residential areas (generally equivalent to similar developments in Sandia Heights) at boundaries with natural open space areas." The proposed development on Tract 13 is adjacent to natural open space..... If the zoning map would have followed the tenets of the

Sector Development Plan, Tract 13 should have been zoned at SU-2 HD-R-1 (Estate Lots), the least dense residential development, or the SU-2 HD-R-LT (Custom Lots) which was used for the Trailheads subdivision, which is similar and adjacent to the Tract 13 site. Furthermore, the existing zone for this tract is SU-2 HD-R-R. which is referred to as a Recreational and Resort zone, including flood plain and resource efficient golf course. No housing is mentioned in the general zone description and this zone does not have a City equivalent (page 3.3)..... Another disconnect is Table 3A, Land Use Allocation, Sector Development Plan, which suggests a Probable Buildout for the HD-R-R zone to have a density of 1.67 units per acre, (and not the 6 units per acre in the proposal).

Map 11, Open Space Plan, indicates part of Tract 13 as a Conservation Trust Easement, supported by Map 15, Floodplains on the Site, and on page 7.2, it mentions that "Conservation easements will be established for the floodplains in these zones." In the definitions, Section 4.A.8, it "means an easement granted specifically to a third, nonprofit entity for the purpose of entering upon and maintaining property held in common for open space purposes." Along the eastern side of Tract 13, a Pedestrian Trail connects one trailhead with the other and provides a major pedestrian and bicycle system for residents and visitors alike. At this time, walking along this trail offers expansive views to the westside, volcanoes, the whole City in fact, as well as views to the Sandias. As mentioned in the Sector Development Plan "with few exceptions, the most distinctive landforms affecting character and perception of the site are the Sandia Mountains, east of the project site. These mountains serve as a scenic backdrop, dominating the perception of the property. A small portion of the foothills of the Sandia Mountains occurs on the site, immediately north of the Embudito Canyon, in the southern portion of the property." With a proposed development on Tract 13, of high density, 2 story tall housing - the views to the west would be severely reduced for the residents and visitors. "Public hiking trails are generally considered to have the highest sensitivity to visual impacts." Furthermore, views to the Sandias will be severely reduced from the Trailhead subdivision, Wilderness Village subdivision and Glenwood North.

Map 4, 10% Slope Demarcation Line, and Map 15, Floodplains on the Site, although the maps are not very detailed or clear, they both seem to indicate that the difficult, more than 10% slopes, will present development problems and some flooding, and most certainly add to flooding, due to the very high amount of hard surfaces for buildings, parking spaces and roads, leaving almost no natural terrain for water percolation. The Sector Development Plan states that "the Sandia Foothills Policy Plan; which applies to all property east of Tramway south of and including Glenwood Hills North, contains slope measurement provision designed to restrict development on the extreme slopes and rock outcrops of the Sandia Foothills." On Map 3, Soils, part of Tract 13 contains Rock Outcrop - Orchids Complex. The 2 story proposed for the houses doesn't comply with the Sector Development Plan's directive under Landforms, in order to mitigate impacts by "limiting building roofline and vegetation heights to protect views across the site, and to minimize contrast with the existing landform."

Previous presentations to the Development Review Board by the Homeowner's Association showed a number of other reasons why the proposed development for Tract 13 did not conform to the Sector Development Plan, such as:

- > the property is located in the Semi-Urban Area of the Comprehensive Plan
- > not the lowest density placed against the forest wilderness and trails
- > traffic and traffic flow from this proposed development would adversely impact on the local road
- > drainage and flooding problems

The finding is (within the very short time I had to review the Sector Plan) that the proposed site development for Tract 13, of 25 units on 4.2 acres, does NOT comply with or is consistent with the language or the intent of the High Desert Sector Development Plan.



Steve Borbas AICP, APA, SCUP
Planner/Adjunct Professor

HIGH DESERT

Keck
10/25/06

October 24, 2006

Scott Schiabor, President
Scott Patrick Homes/Mesa Verde Development
8300 Carmel Avenue #401
Albuquerque, New Mexico 87112

VIA Fax and Hand Delivery

Dear Mr. Schiabor;

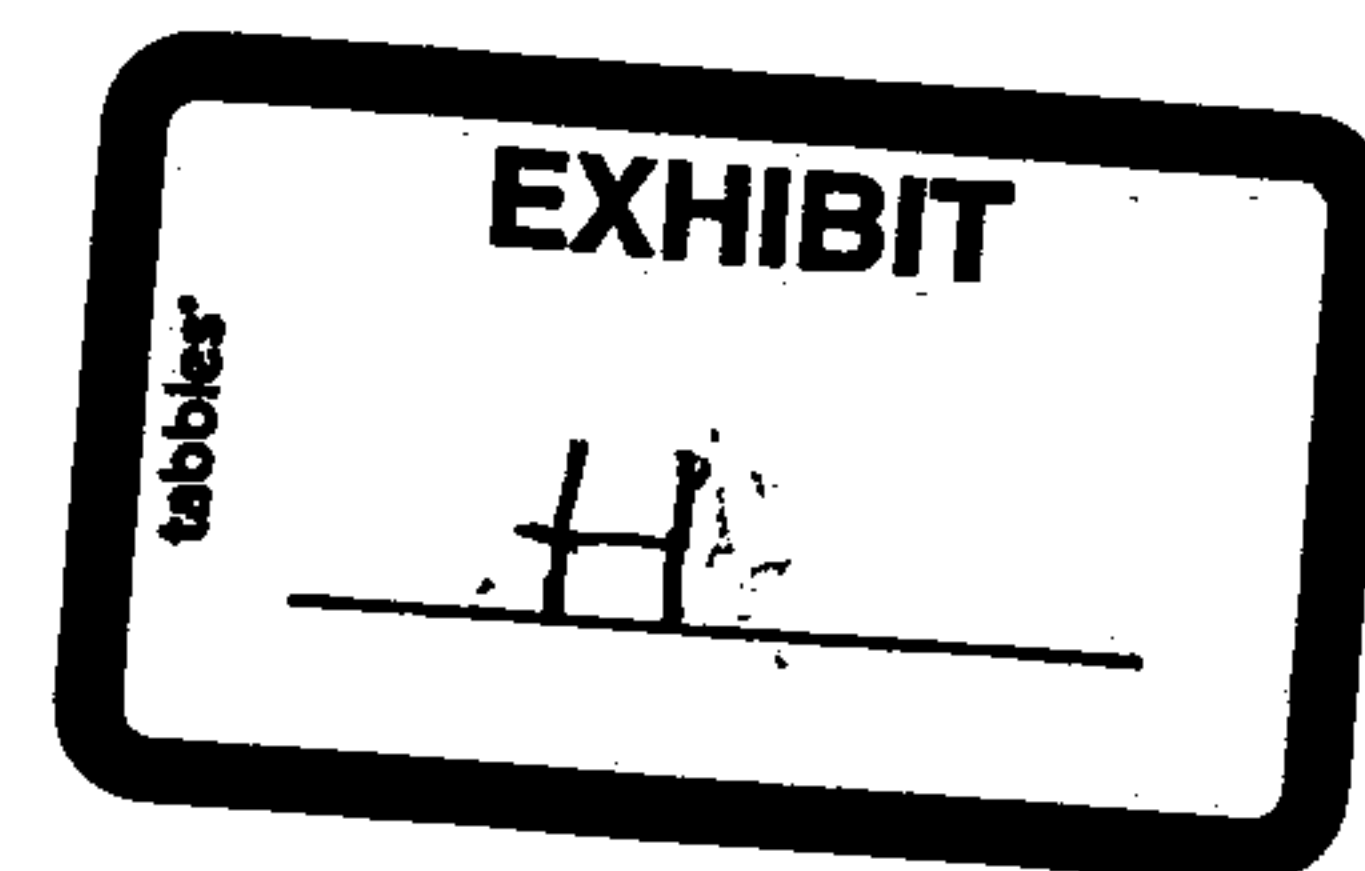
High Desert Investment Corporation ("HDIC"), as Developer of High Desert, is required to review and approve plans for the development of all properties in High Desert to ensure their compliance with the High Desert Sector Development Plan, as amended, other High Desert governing documents and our requirements. In that regard, HDIC has reviewed the proposed preliminary plat, drainage report and associated grading and drainage plans titled Wilderness Canon, dated September 28, 2006, which is a 4.2 acre tract of land zoned SU-2 HD/R-R by the High Desert Sector Development Plan. The zoning allows a variety of uses which includes single family residential with a minimum lot size of 3600 square feet with a minimum width of 36 feet.

The property directly to the north and adjacent to this tract, Wilderness Compound, which you developed, is zoned the same and was platted and developed as single family residential having similar density as this proposed project. That plat was signed by you, HDIC, HDROA and the City of Albuquerque and subsequently recorded.

HDIC has reviewed the proposed preliminary plat and find it in conformance with the High Desert Sector Development Plan. We approve the preliminary plat, drainage report and grading and drainage plan with the following minor conditions:

1. Lower the pad elevation of Lot 5 by three (3) feet on the grading and drainage plan.
2. Add a landscape easement to Lots 1, 2, 10 and 11 to ensure that the existing boulders remain.
3. Tie the perimeter wall into the boulders so they can be seen from public view on the grading and drainage plan.

High Desert Investment Corporation
3791 Southern Blvd., SE Suite 202 Rio Rancho, NM 87124
tel: 505 823-9360 fax: 505 823-9611
e-mail: info@high-desert.com

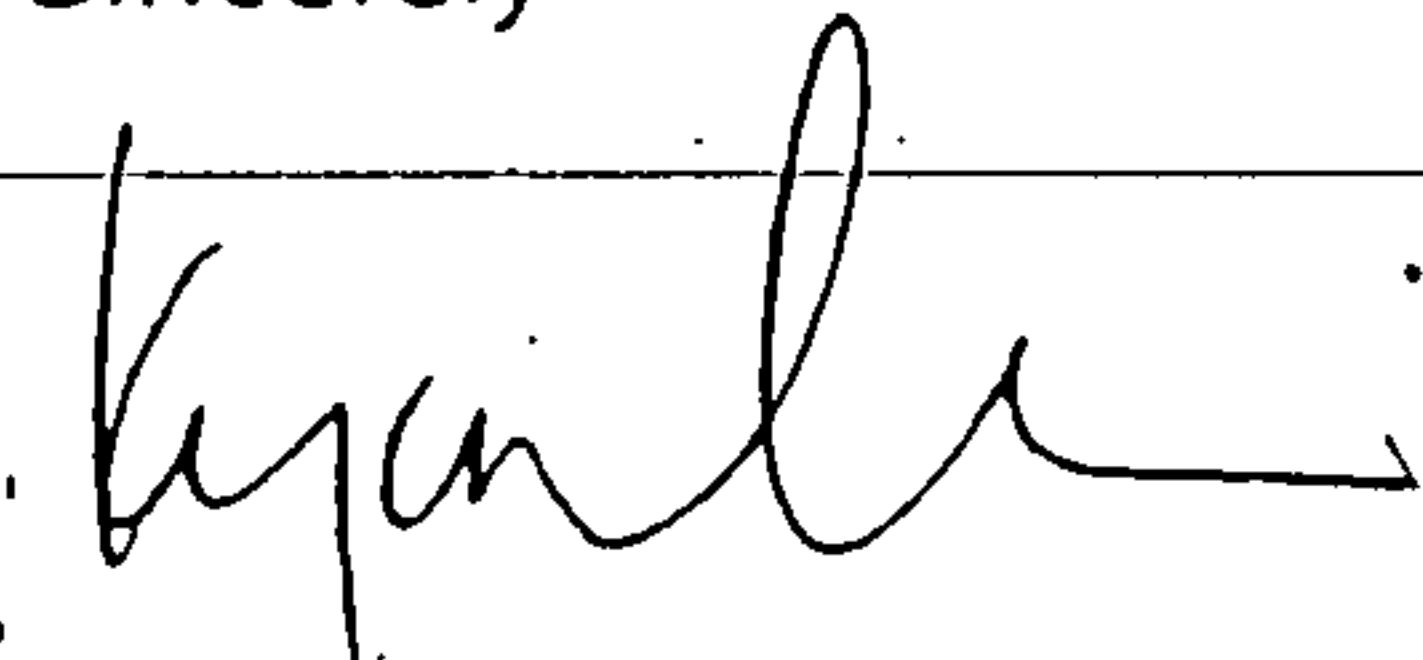


As part of our review process, we requested that Lawrence Kline, FAICP, of Denish Kline and Associates review the proposed preliminary plat for conformance with the High Desert Sector Development Plan and have attached a copy of his review. We have also attached previous correspondence, dated July 12, 2002 between Mr. Kline and Ellen Concini, who at the time was Zoning Enforcement Manager of the City of Albuquerque. Mr. Kline was the principal author of the High Desert Sector Development Plan.

HDIC will also review the construction plans and Final Plat of this project for their compliance with the High Desert Sector Development plan, associated High Desert governing documents and our requirements.

If you have any questions please contact us.

Sincerely



Kym E. Dicome
Vice President

High Desert Investment Corporation

CC: Mr. Kevin Patton, Bohannon Huston Inc.

Mr. Ray Berg, President High Desert Residential Owners Association

Ms. Sheran Matson, Chair of the DRB, City of Albuquerque



DENISH + KLINE ASSOCIATES

October 20, 2006

Mr. Douglas H. Collister, President
High Desert Investment Corporation
3791 Southern Boulevard SE
Rio Rancho NM 87124

re: Proposed Plat of Wilderness Canyon at High Desert

Dear Mr. Collister:

I am in receipt of a copy of the proposed plat of the above referenced subdivision. As one of the original draftors of the High Desert Sector Plan, you have asked me to review this plat for compliance with the Sector Plan with regard to the subdivision and zoning regulations contained therein. I have concluded that the proposed subdivision is in compliance with the Sector Plan.

Specifically I have reviewed the Sector Plan, the Comprehensive City Zoning Code, and a letter originally signed by myself on July 12, 2002 to Ellen Concini, who was on that date the Zoning Enforcement Manager of the City of Albuquerque.

With regard to density:

1. The site is zoned SU-2 HD•R-R "High Desert Recreational/Resort". The Sector Plan at § 4.A.6 defines the uses allowed in the zone under certain regulatory configurations. "Golf Course", "Uses Related to a Golf Course", and "Resort/Conference Center" would be permissive if a Site Plan for Building Permit was taken through the Planning Commission review process. This was never done - therefore the only permissive use allowed today is "Uses Permissive in the HD•R-G Zone", with the further caveat that "if developed as R•G the total number of units shall not exceed 300."
2. The proposed subdivision would contain 25 single-family units. Added to the 110 units that exist in the R•R zone today (this figure was provided by you) the density limitation of the SU-2 HD•R-R zone would not be exceeded. Thus there is no issue of density.

With regard to zoning:

1. The SU-2 HD•R-G zone at §4.A.4 of the Sector Plan clearly states that HD•R-G is equivalent to the same designation in the Comprehensive City Zoning Code, i.e., §14.16.2-10 R-G "Residential Garden Apartment Zone". The R-G Zone then "pyramids" on top of the R-T Zone (§14.16.2-9

Mr. Douglas H. Collister
October 20, 2006
Page 2

of the Zoning Code), which clearly permits the uses of the R-1 Zone (§14.16.2-6) where the first permissive use listed is "House, one per lot". "House" is defined in the Zoning Code (§14.16.1-5) as "A single-family detached dwelling unit; a building containing only one dwelling unit."

Therefore there is no question that a single family detached dwelling is a permissive use in the HD-R-G zone.

With regard to lot width and size :

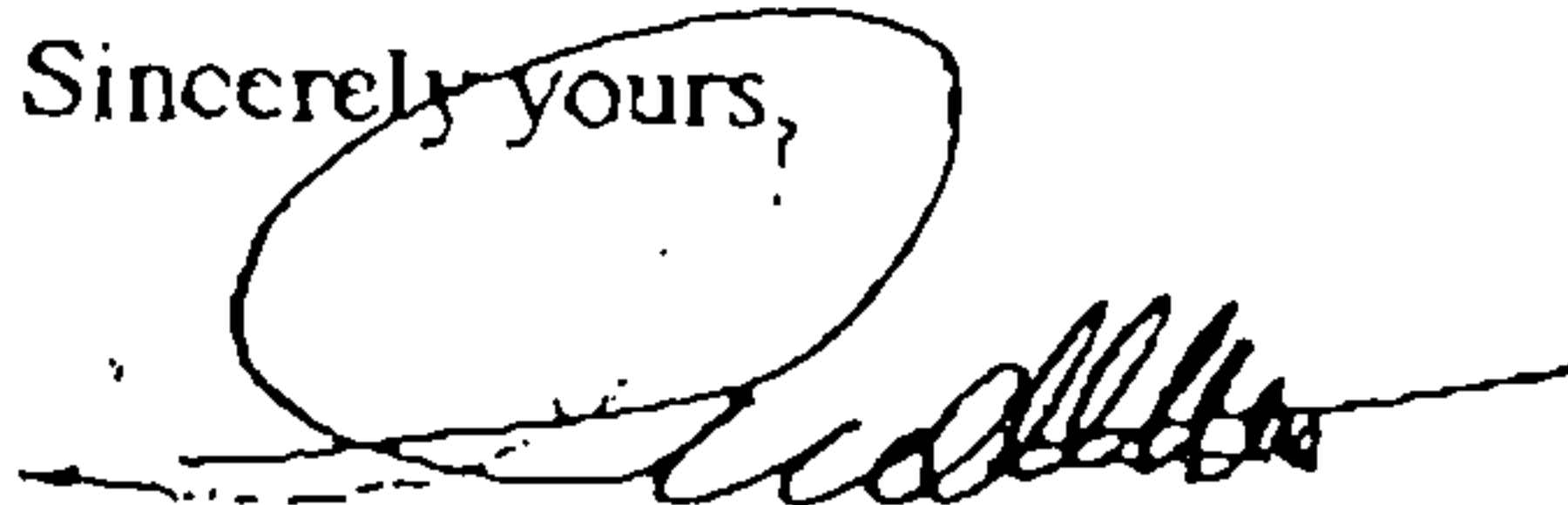
1. By the same "pyramid" the lot size requirements of the R-T zone apply. §14.16.2-9.D.3 of the Zoning Code states that the lot width requirement is "For a house..... minimum lot area shall be 3600 square feet per dwelling unit; minimum lot width shall be 36 feet." I have examined the proposed plat: although two of the lots are "flag lots", all the lots appear to comply with the definition of "Lot Width" contained in §14.16.1-5 of the Zoning Code. All appear, according to the proposed plat, to contain the requisite minimum of 3600 square feet.

In brief:

- The proposal is consistent with the zoning of the property.
- The proposal is consistent with density limitations on the property.
- The proposal is consistent with the lot width and lot size requirements for the property.

I am not privy to construction plans, so I cannot speak to compliance with height regulations, so I will only note there is a 26-foot height limit.

Sincerely yours,



Lawrence Kline FAICP

Rec'd
12/03/06



October 24, 2006

Mr. Ray Berg, President
High Desert Residential Owners Association Board of Directors
c/o Homeowners Association Management Co. (Hoamco)
6605 Uptown Blvd. NE, Suite 200
Albuquerque, New Mexico 87154-1699

Reference: Proposed development of Tract A, Unit 2 of Wilderness at High Desert

Dear Mr. Berg:

In response to your request, I have completed a review of the regulations governing development in High Desert, related correspondence, and the preliminary plat and other civil engineering drawings prepared by Bohannon Huston Engineering. I have also met with Mr. Jack Bayse, City of Albuquerque Zoning Enforcement to discuss the proposed development. Following are the facts related to this project as I understand them along with my conclusions.

Location:

The tract that is the subject of this report is located at the southeast corner of the Wilderness at High Desert, a subdivision within the High Desert Sector Plan area. It adjoins single family residential development to the west and north, City Open Space and the Sandia Mountains Wilderness area to the east, and a City Open Space Easement containing the Embudito Arroyo to the south. Beyond the open area on the south is the Trailhead Subdivision, the initial development by High Desert Investment Corp.

Regulations:

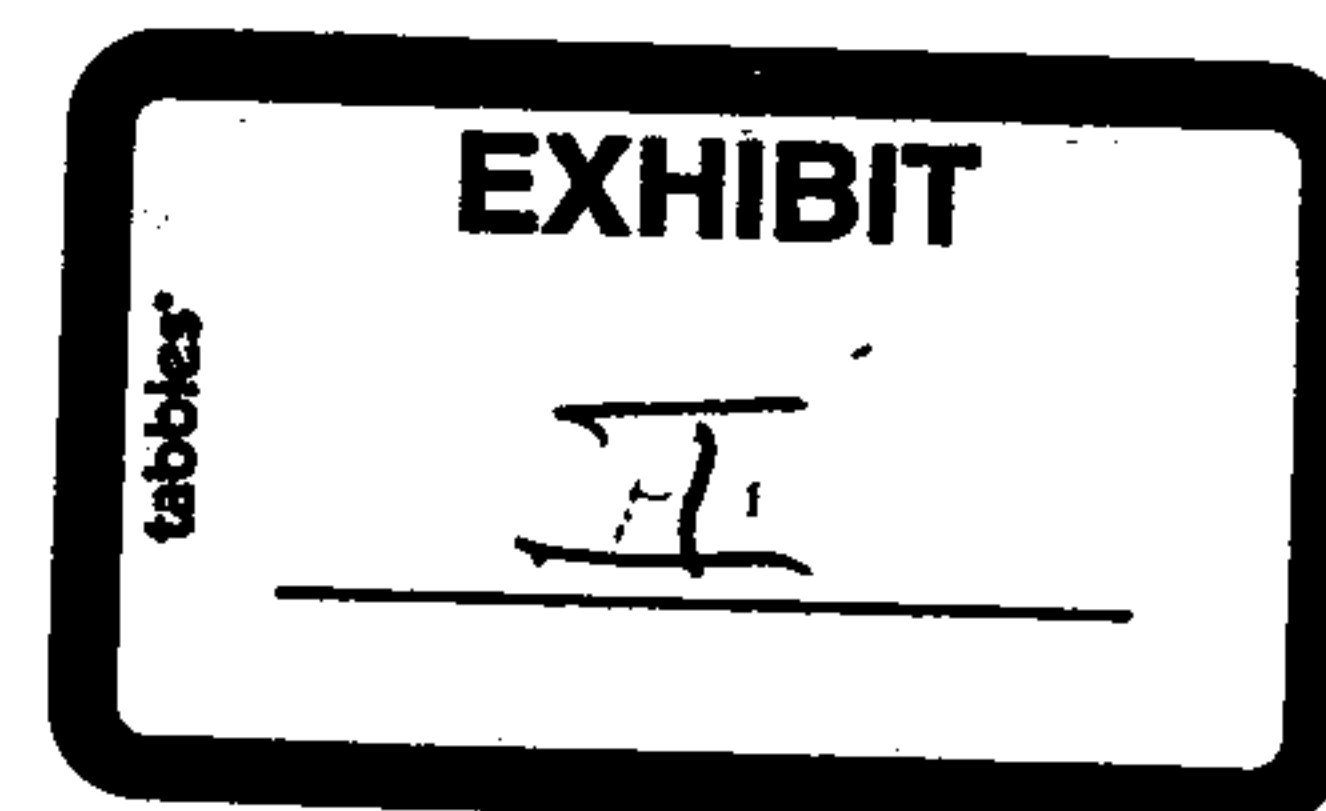
Development in High Desert is governed by a "sector plan" or special use zoning district. The High Desert Sector Development Plan was adopted by the City on May 3, 1993 following extensive public hearings before the City's Environmental Planning Commission during 1992. Since then, there have been several amendments to the Plan.

Site Area and Zoning:

The site area of Tract A is 3.9653 acres. It is zoned SU-2 HD/R-R. This is the only zone in High Desert that does not have a direct City zoning equivalent. This zoning category was created to allow development of the Wilderness at High Desert as a golf resort and conference center however other uses, including a mixture of dwelling unit types, were also permitted in this zone. It is the intention of the developer of Tract A to construct single family detached homes.

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Section 4.A.6: SU-2 HD R-R (page 4.3 of Sector Plan) notes that uses permissive in the HD R-G zone are also allowed. The HD R-G zone is outlined in Section 4.A.4: SU-2 HD R-G, page 4.2, of the Sector Plan. This zone, unlike the R-R zone, corresponds to the R-G Residential Zone in the City Zone Code. Referring to the City Zone Code, the R-G zone in turn allows uses permissive in the R-T zone. This is the appropriate zone for development of Tract A with single family detached homes. Minimum lot size for a house in R-T is 3,600 sf with a minimum lot width of 36 feet. Attached to this report are pages 47 and 48 of the City Zone Code, 7/2003 edition, entitled R-T Residential Zone along with pages 49 and 50 of the Zone Code related to the R-G Zone.

Streets:

The streets within Tract A are proposed as private and are to be maintained by the High Desert Residential Owners Association similar to other gated communities within High Desert. Street widths are shown as 26 feet measured face-to-face. The front property line of each lot corresponds to the face of curb.

Opinion:

I believe that the proposed development is consistent with the underlying zoning in High Desert in all respects. Lot sizes and widths exceed minimums required in the R-T zone and setbacks noted on the Preliminary Plat are consistent with this zone. Structures may not exceed 26 feet in height in this zone except as outlined in Section 14-16-3-3, Supplementary Height Regulations. Based upon the 25 lots proposed, the density is 6.30 DU/acre.

It should be noted that other, more intense, development such as townhouses or low density apartments are also permitted within the R-G zone. I would suggest that you contact the City Traffic Engineer with respect to the design of the private streets proposed in this development.

Please feel free to contact me should you have any questions regarding this report.

Very truly yours,

Fanning Bard Tatum Architects AIA Ltd. by

H. William Fanning, Principal

Fanning Bard Tatum Architects AIA, Ltd.
6100 Indian School Rd. NE Ste 210
Albuquerque, NM 87110

Phone 505/883.5200
Facsimile 505/884-5390
Web www.fbtarch.com

8. Homeowners Association means the High Desert Residential Owner's Association, a New Mexico non-profit corporation, responsible for the administration of all residential property and common area within residential areas within the community and for the preservation and maintenance of architectural standards for the residential properties under the Declaration of Covenants, Conditions and Restrictions. Each owner of residential property in High Desert automatically becomes a member of the Association upon taking title, and remains a member until title is conveyed. Membership is mandatory and cannot be transferred except in connection with the transfer of title to the property.

9. House means a single family detached dwelling unit, containing not more than one dwelling unit and one Caretaker Quarters unit.

10. Lot means a tract or parcel of land consistent with the zoning provisions of this plan platted and placed on the County Clerk's records in accordance with all applicable laws and ordinances

11. Walls and Fences are those walls and fences situated within building envelopes which are primarily for the purpose of enclosing private areas, mitigating noise, and providing security. They are generally non-structural and should be consistent with the architectural materials and colors of the structures to which they are related.

12. Parking Reserve Area designates areas reserved for off-street parking detached from the residential unit it serves which might otherwise be required by the parking regulations. Parking reserve areas shall:

1. Be within 300 feet along the nearest path of travel of the unit they are intended to serve.
2. Shall not contain more than 10 parking spaces.
3. Shall be landscaped in accordance with the General Landscaping Regulations of the Comprehensive City Zoning Code.

13. Residential Zone for the purpose of this Plan means the HD•R-1, HD•R-LT, HD•R-G, and HD•R-R zones.

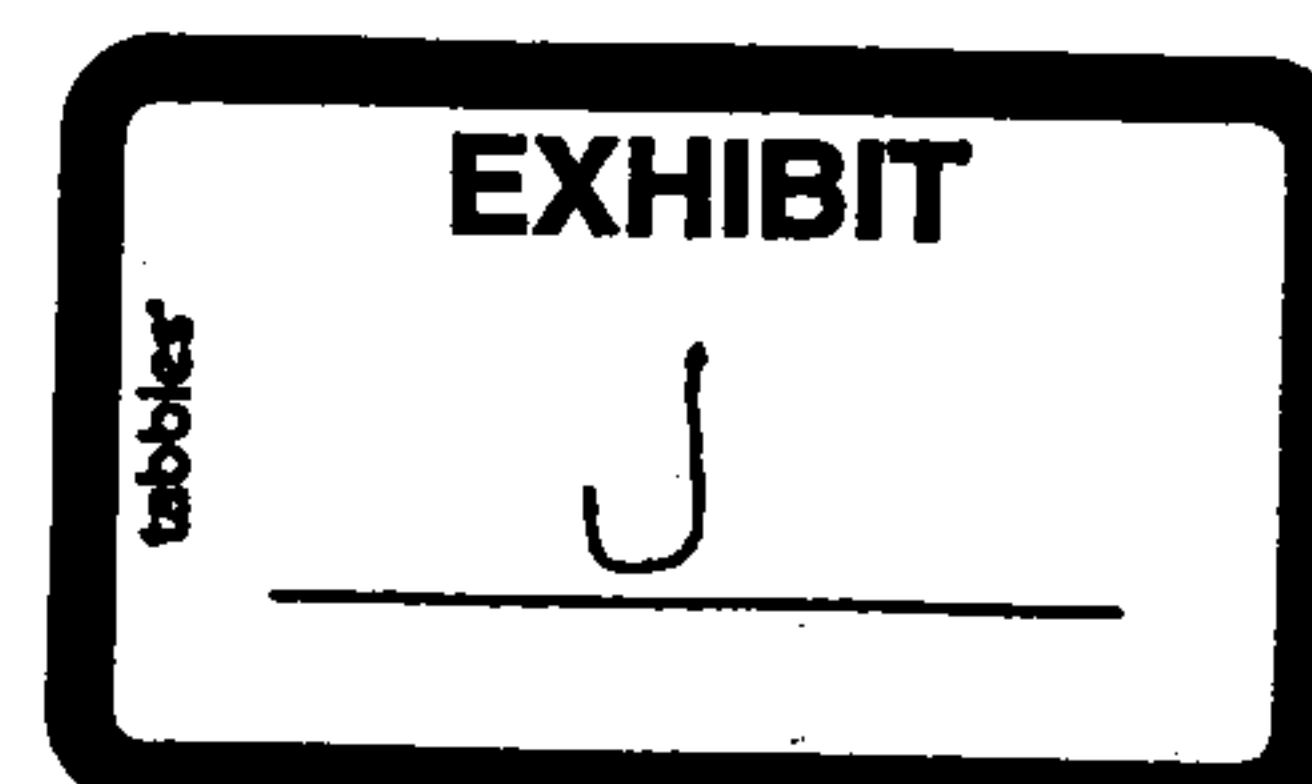
14. Townhouse Site means a property intended for the development of townhouses for condominium ownership, wherein the size of the site is determined by multiplying the number of units desired by the required minimum lot size of the zone. The plat of a townhouse site must show the ground plane area allocated to each unit to be demised, and must certify that the remainder of the site is to be held in common ownership and used for common purposes.

As noted before, one of the main principles driving the High Desert Sector Plan is the transition from open areas to urban uses. Nowhere is this transition more important than at the project boundary with Simms Park Access Road, and U.S. Forest Service Lands. The following regulations, to be jointly administered by the City and High Desert, are designed to ensure a successful transition.....

These guidelines apply to all construction in the HD•R-1 and HD•R-LT Zones of the Sector Plan east of the eastern boundary of section 26, Township 11-N, Range 4-E. This area is commonly known as "the Highlands".

The following issues are addressed, and are enforceable, as part of the zoning granted by the City of Albuquerque:

- Land Use Intensity
- Building Height
- Building and Roof Color and Reflectivity



Section 4.B:
Highlands
Design
Overlay Zone

Section 4.B.1:
Area of
Application

Section 4.B.2:
Enforcement

High Desert Sector Plan
October 1, 1995 Revision

- Roof-Lines and Roof-Massing
- Roof-Top Equipment
- Topography
- Landscaping

All parties should be aware that many other controls in the form of Covenants and Restrictions apply to construction within the Sector Plan area.

All construction in the Highlands Design Overlay Zone is subject to the development criteria and policies established by the Sandia Foothills Area Plan, except that Policy B, streets parallel to contour, and Policy H, densities do not apply.

**Section 4.B.3:
Land Use
Intensity**

Development within the Highland Design Overlay Zone shall be limited to one-hundred sixty five (165) single family detached residences as governed by the HD•R-1 and HD•R-LT zones previously described.

**Section 4.B.4:
Building Height
and Screening**

Building Height shall be subject to the following criteria:

- a. From the highest point of the natural grade adjacent to any wall of the building in question, building height exclusive of chimneys shall not exceed nineteen (19) feet.
- b. No vertical wall plane, exclusive of chimneys, shall exceed twenty-two (22) feet in height as measured from the highest point of natural grade at its base.
- c. The overall height of a structure, exclusive of chimneys, from the highest point to the lowest, measured at natural grade, shall not exceed twenty-six (26) feet.

**Section 4.B.4.d.1,
2, 3 was amended
by the City of
Albuquerque on
December 20, 2001
and text reflects
the amendment**

d. To minimize the visual impact of residential structures on the approach to Simms Park, the following requirements apply when a building is within 250 feet of the north property line of the High Desert development:

1. No part of a structure or building, other than a chimney, shall be higher than any straight line beginning five feet above the finished grade at the centerline of Simms Park Road just north of High Desert and extending through any point 16 feet over the average natural grade along the north line of the platted building envelope;
2. Topography and existing or planted native vegetation (at maturity), either within High Desert or in the National Forest, shall substantially (at a minimum - 75%) block the view from Simms Park Road at its centerline (from the points defined below) of the north line of the platted building envelope;
3. For the purposes of this section, sightings shall be taken from 90 degrees (perpendicular) from the centerline of Simms Park Road to the centerline of the north line of each platted building envelope and then 45 degrees generally northwest from the centerline of the north line of the platted building envelope back to the centerline of Simms Park Road.

e. In order to better buffer the view from Simms Park to the east High Desert will contract with the City's Open Space Division to provide native and naturalized evergreen and semi-evergreen trees and shrubs (including pinons and/or junipers) equal to five gallons or better, to be planted in the City's park in order to better obscure the buildings in the Highlands of High Desert.

NOTE: The Zoning Code definition of height of a building does not apply to this section.

**Section 4.B.6:
Building Color**

Hue is an important a characteristic of color within the viewshed area as is the reflectivity of the color. Just as bright, saturated colors should be avoided, so should dark, deep toned colors which give the impression of excess mass. Likewise, a narrow limit on reflectivity is specified to avoid the impression of either very light or dark colors which contrast with their background. As with the other regulations in the viewshed area these regulations are intended to assure an architecture which grows out of its landscape rather than being superimposed upon it or in contrast to it.

The predominant color of the building may be chosen from the set of twelve pre-approved samples below, or others closely approximating them. Generally, approved colors include the yellow ochres, ochres, browns, dull reds, and grey greens of the natural landscape of the mesa and in the foothills. These colors have been chosen for their compatibility with the environment, as well as their harmony with one another.

Oriental [*] Tierra Mocha	Oriental Mesa	Oriental Rancho Brown	Oriental Saddle Tan
Oriental Desert Adobe	El Rey [*] Buckskin	El Rey Driftwood	El Rey La Luz
El Rey Santa Fe Brown	El Rey Fawn	El Rey Adobe	El Rey Cottonwood

**Table 4.B:
Approved
Building Colors**

^{*} Local Manufacturer's Name

All the pre-approved colors have a "light reflective value" of 40% or less and may be used anywhere within the area governed by these regulations. Other colors may be submitted for specific approval related to a specific site, but they also must have an "LRV" of 40 or less. The material samples shown are of stucco; this does not prohibit the use of other materials, provided the color and reflectivity standards are met.

**Section 4.B.7:
Reflectivity**

In keeping with New Mexico tradition, accent colors on front doors, window sash, and other incidental elements is allowed as long as, in the opinion of the Homeowners's Association, the accent color does not overwhelm the building's basic color or create a visual distraction from the adjacent streets, lots, or public areas. The same standards for coloration also apply to such appurtenances as exterior artwork or sculptures.

**Section 4.B.8:
Accent Colors**

While not governed in terms of color, reflectivity standards also apply to glazing. Metallic coated, or mirrored glass with a transmissivity of less than 85% of incident light is prohibited. The heat transmission characteristics of glass are not addressed by this standard.

**Section 4.B.9:
Glazing**

Since roofscapes form an important part of the visual environment, they must be carefully designed. In keeping with the goals for visual harmony and sensitivity to predominant historical New Mexico styles, pitched roofs are strongly discouraged in favor of flat or parapeted types.

**Section 4.B.10:
Roof-Lines**

If pitched roofs are proposed, they must comply with the following:

1. Maximum slope of 4.0 in 12
2. No ridges or peaks may be silhouetted against the skyline. They must abut a parapet or wall which is higher.
3. No metal roofs are allowed.
4. No asphalt shingles are allowed.
5. Tile roof materials must be of the following type or characteristic:
 - a. 2-part molded.
 - b. Variegated colors darker than the building walls.
 - c. Non-reflective
 - d. Mudded or grouted joints
 - e. Serpentine in pattern
6. No mechanical equipment or skylights may be located in pitched roofs.

High Desert Sector Plz
October 1, 1995 Revision

Roof materials are governed by the same reflectivity standard (40% LRV) as wall materials.

**Section 4.B.11:
Rooftop
Equipment**

Roof-mounted mechanical equipment is prohibited on any roof, unless in the judgement of the Homeowner's Association it does not adversely affect views from public streets, public spaces, or other lots. Even if permitted, such equipment must be screened from view from such public streets, public spaces, and lots. Such screening must comply with the color and reflectivity standards described above.

**Section 4.B.12:
Provision for
Design Review**

The High Desert Homeowner's Association or its successors shall certify at time of submittal for building permit approval that any proposed plan for new construction or renovation within the Highland Design Overlay Zone meets the requirements of the special controls imposed by this section. Appeal from the interpretation of the Zoning Enforcement Manager is to the Environmental Planning Commission.

The additional guidelines suggested here are administered by the Homeowner's Association through its Covenants and Restrictions, and are enforceable only through the provisions of this sector plan; refer to Section 4.A.7: Design Review.

**Section 4.B.13:
Massing and
Articulation
Recommendations**

In order to preserve the visibility of the natural environment, building masses should be predominately horizontal rather than vertical, but should avoid the appearance of unbroken, unnatural planes or horizontal lines. Unless otherwise approved by the Homeowner's Association, each structure shall be composed of at least three visual building masses distinguished from one another by both horizontal and vertical offsets of at least two (2) feet. The height of each mass shall be measured from its highest adjacent natural grade. At least three distinct masses shall be perceivable in each building elevation. While it is anticipated that buildings will follow natural site contours, nothing in these guidelines shall prohibit residences with a single floor level provided the building height requirements previously described are otherwise met. The floor or roof plan of each structure should clearly show the extent of each building with relevant information pertaining to its height above grade.

Surface articulation and visual strength are also important factors in creating the perception of appropriate mass. Therefore, all doors and windows not protected by overhangs or portales shall be recessed at least four (4) inches as measured from the door surface or window sash to the exterior face of the finished wall.

**Section 4.C:
Glenwood Hills
"Panhandle"**

The following restrictions shall apply to development south of the Embudito Arroyo in the "panhandle" area, and are hereby adopted as part of the Sector Plan:

1. The area of development will be defined on the west and south by a 200' buffer granted as a permanent private conservation easement.
2. Development shall consist of 29 single family residential units.
3. Structures shall not exceed nineteen (19) feet in height as defined by the Comprehensive City Zoning Code.
4. A sidewalk will be provided from the Glenwood Hills/Cedarbrook intersection through the subdivision to the Simms Reservoir Trailhead parking lot.
5. A conventional drainage system, connecting to existing stormwater improvements in Glenwood Hills, will be employed

In addition, the following transportation improvements will be provided within Glen wood Hills at High Desert's expense:

1. The east bound leg of Glenwood Hills Drive and Cedarbrook intersection will be reconfigured to more efficiently channel traffic and to attempt to increase sight distance as much as possible.
2. Sidewalks will be constructed in the vicinity of the Larchmont/Montgomery intersection.

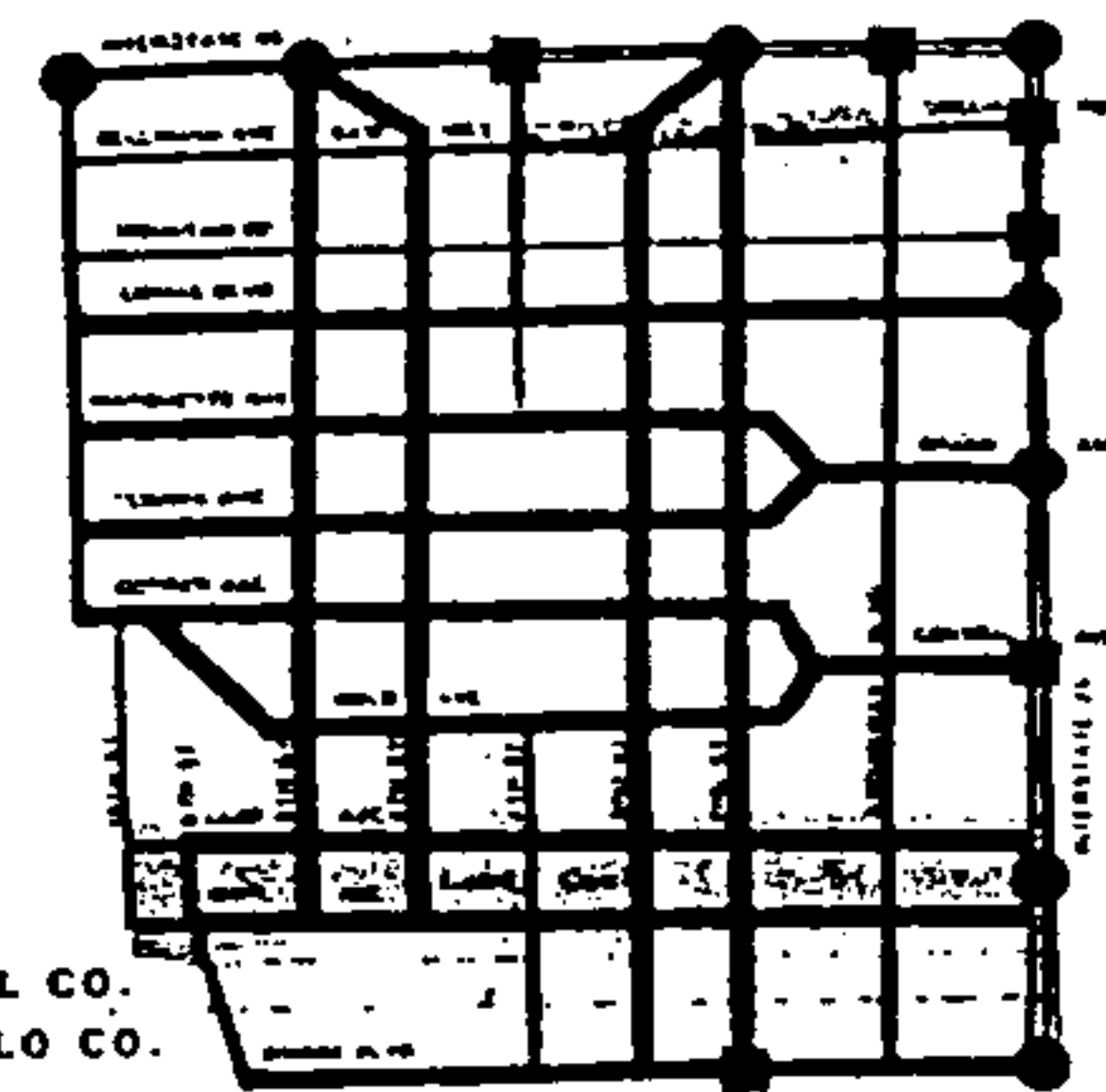
EXPLANATION

- EXISTING PROPOSED**
- Interstate (includes tollage roads)
- Limited Access (see addendum for additional information)
- Principal arterial
- Minor arterial
- Collector
- Dashed lines indicate proposed alignment
- Grade separation
- Interchange
- Location study corridor (where proposed alignments have not been established but are under consideration)
- Subarea (where street network evaluation is in progress)
- Future Potential corridor

NOTES

Major streets are classified according to their anticipated traffic service function, not by the size of the facility. Facilities shown as "Limited Access" have access limitations greater than normally would be anticipated. Subareas and Corridors are identified for the conduct of intensive systems planning and location studies. Facilities are shown as existing if they are officially started with some right-of-way dedicated, not necessarily the amount needed. Right-of-way standards for streets classified by this map and more detailed information regarding the items noted above are contained in the Addendum to the Long Range Major Street Plan for the Albuquerque Urban Area.

INSET



SANDOVAL CO.
BERNALILLO CO.

HIGH DESERT

**Long Range
Major Street Plan
for the
Albuquerque Urban Area**

This Plan Map reflects long range transportation system policies adopted collectively by local elected officials. It provides a framework for the short and medium range planning and development projects programmed in the Transportation Improvement Program for the Albuquerque Urban Area.

Reviewed and Recommended by the Transportation Coordinating Committee and adopted by the Urban Transportation Planning Policy Board of the Middle Rio Grande Council of Governments, August 13, 1991.

Tim Kline
Chairman, MRGCOG/UTPPB

MAP 13: Long Range Major Street Plan

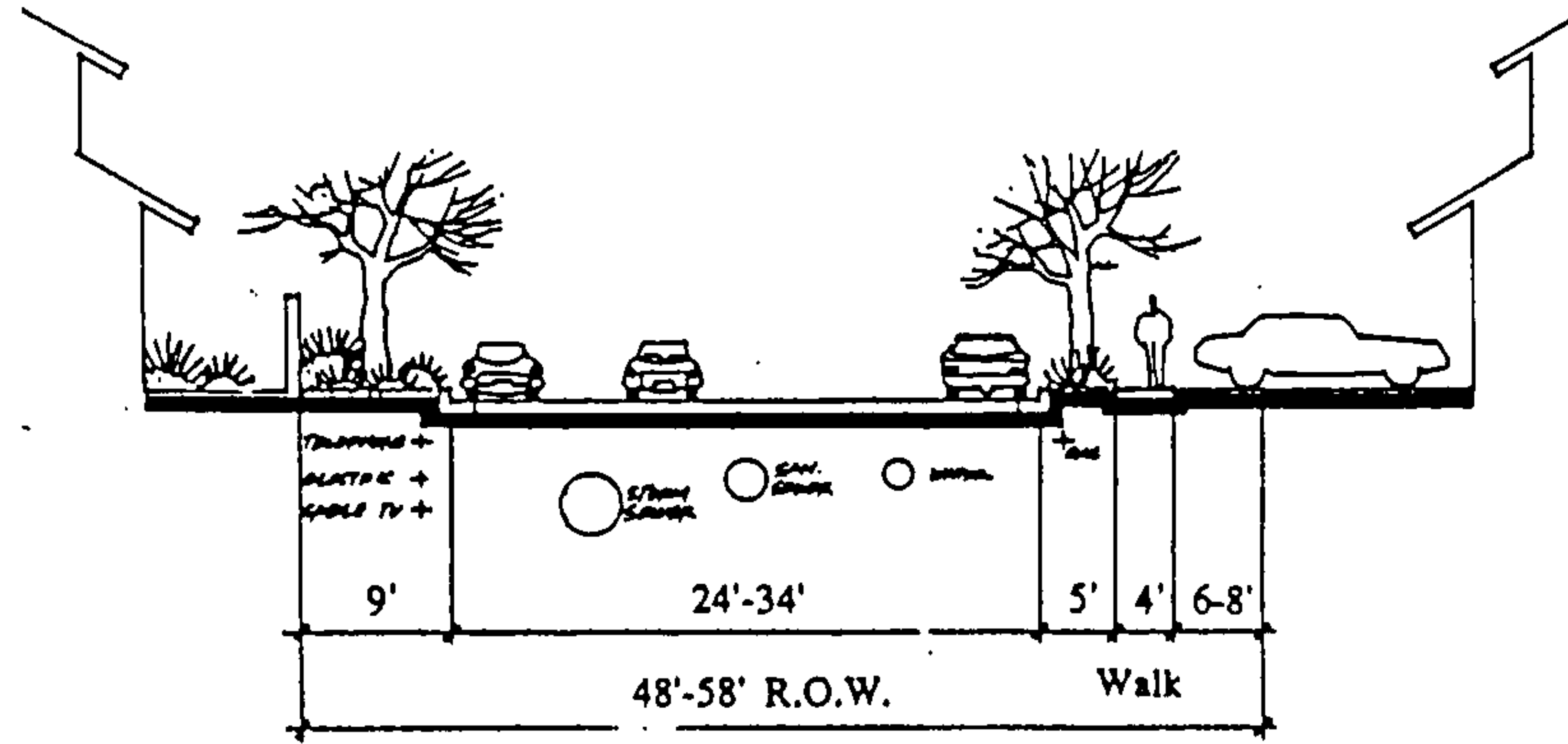
PREPARED BY



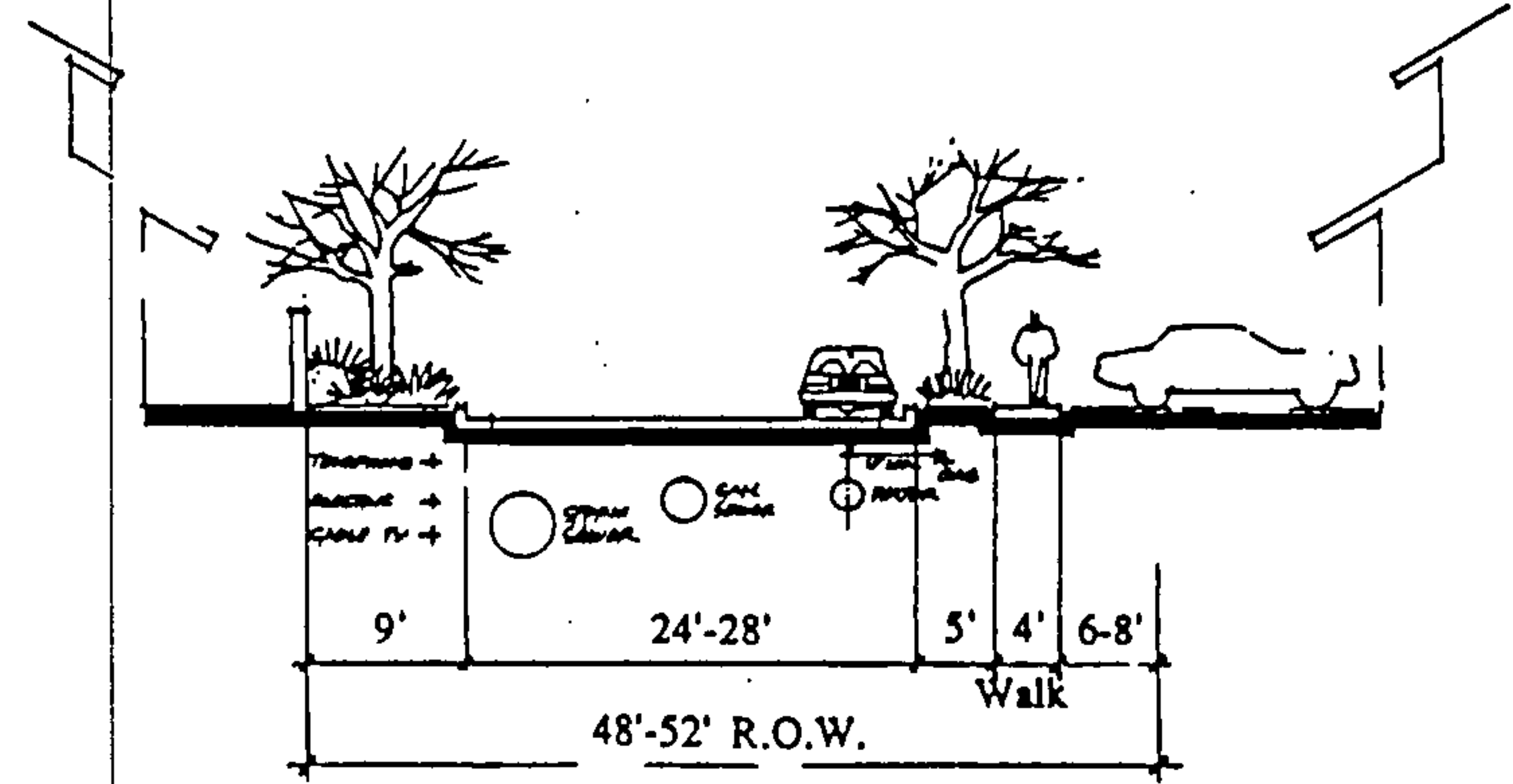
Middle Rio Grande
Council of Governments
of New Mexico

317 Commercial N.E., Suite 300
Albuquerque, N.M. 87102 (505) 247-1750

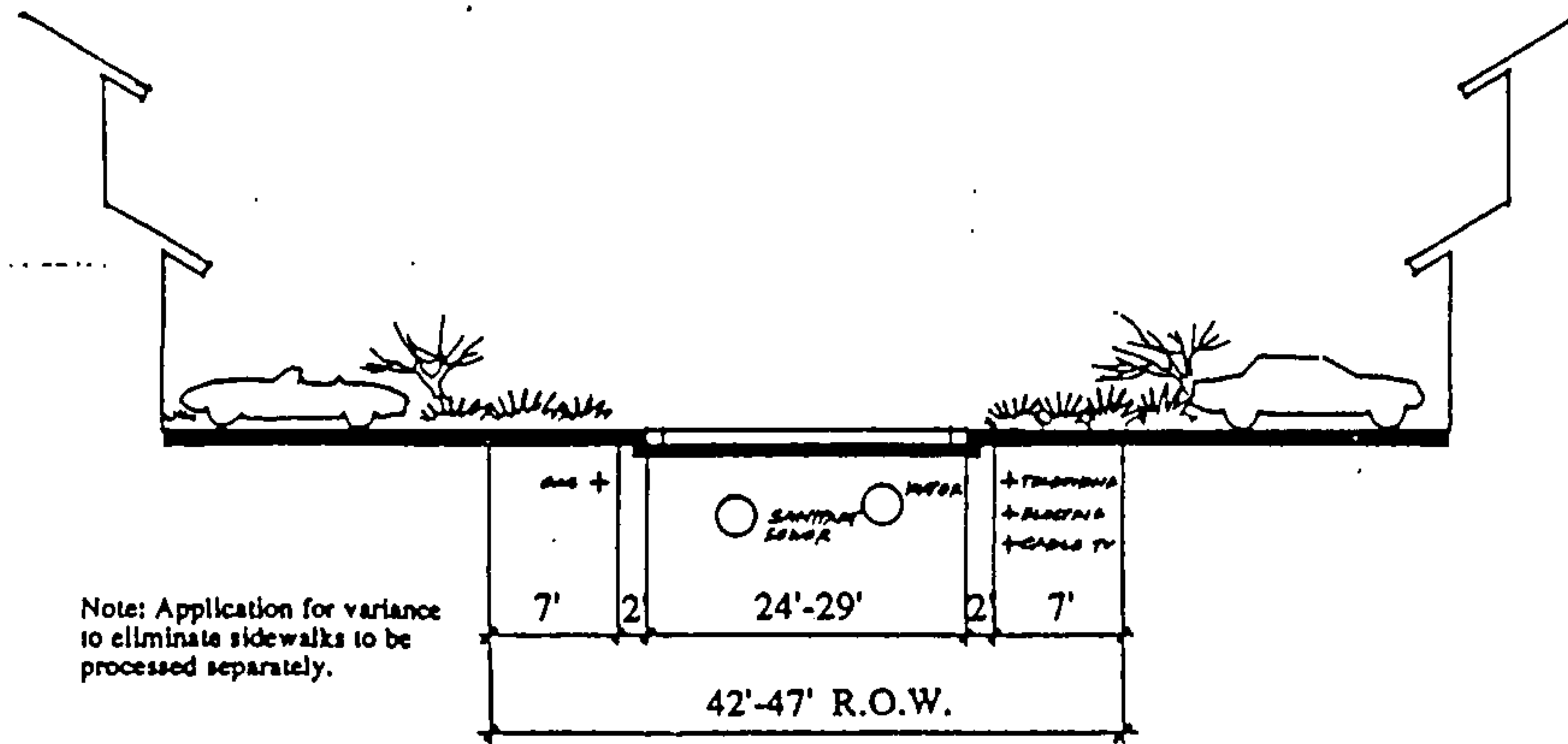
August 1991



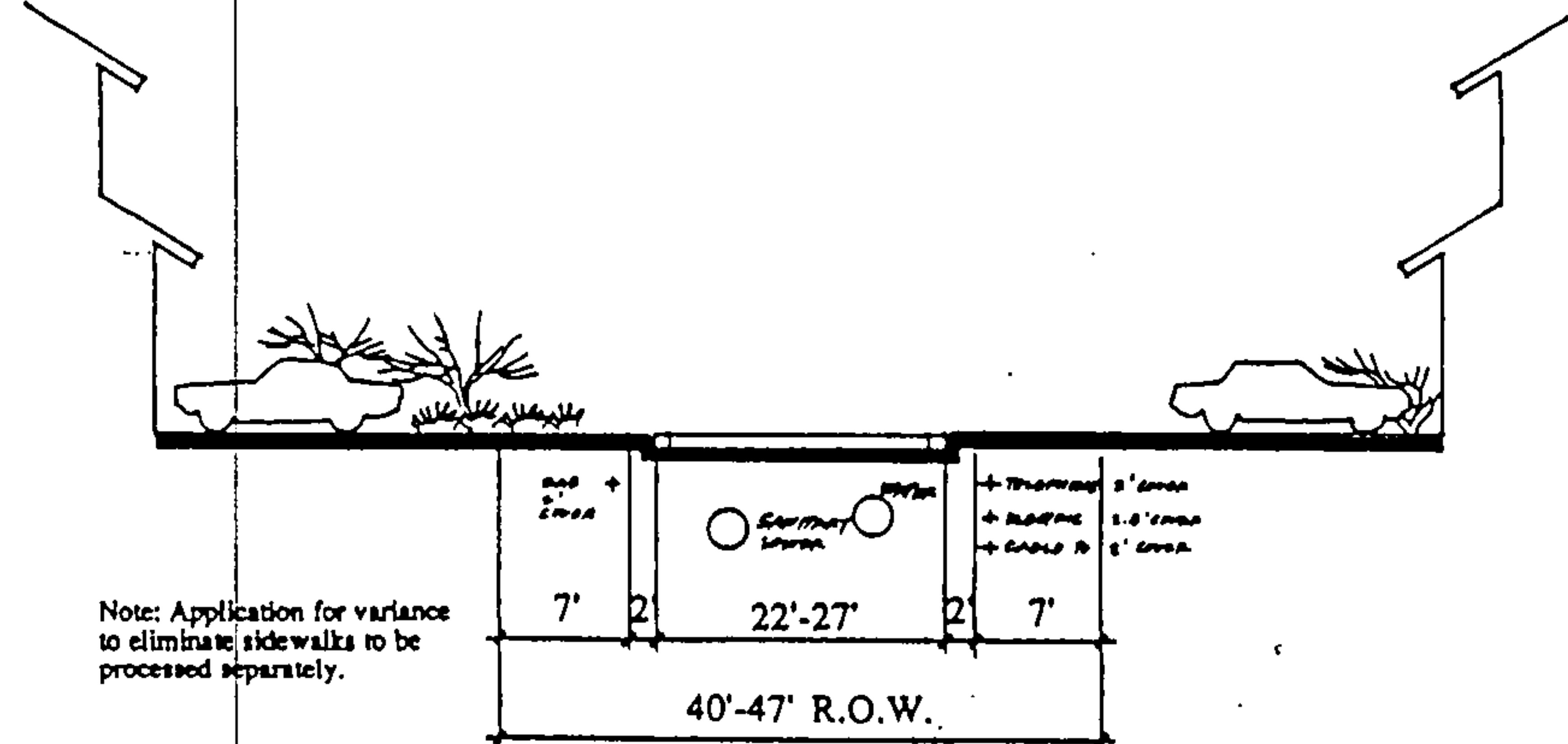
Normal Street



Access Street



Local Street - Estate Section



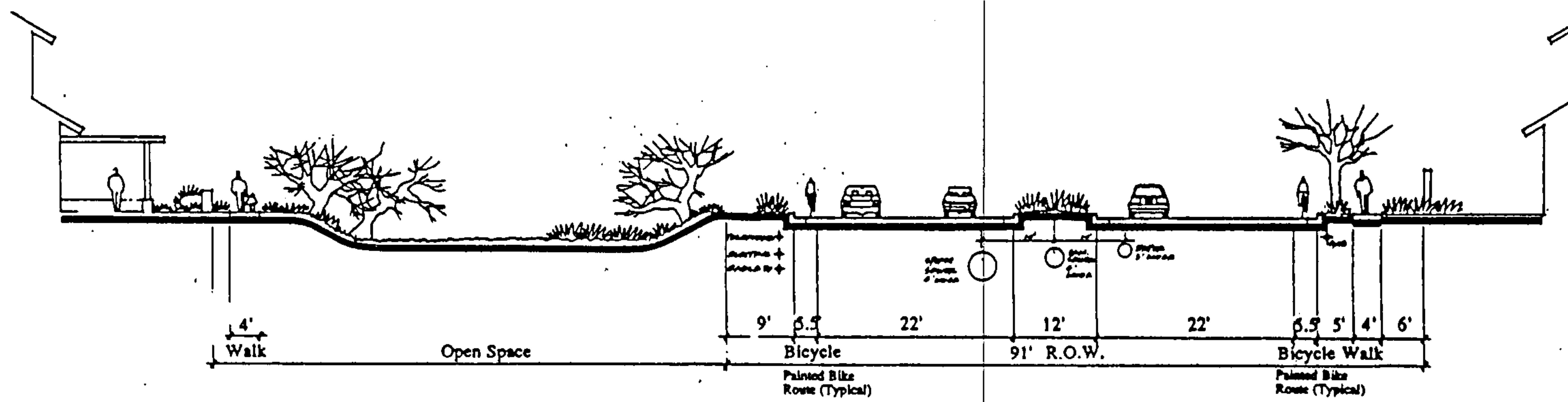
Access Street - Estate Section

Street Sections

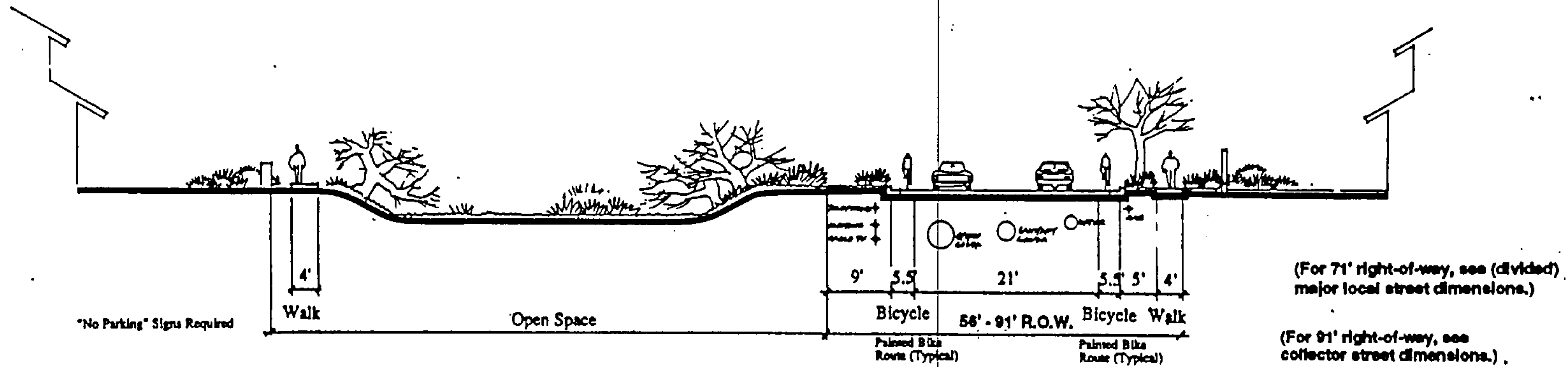
Date: April 11, 1992

UTILITIES ADDED: 8/20/92

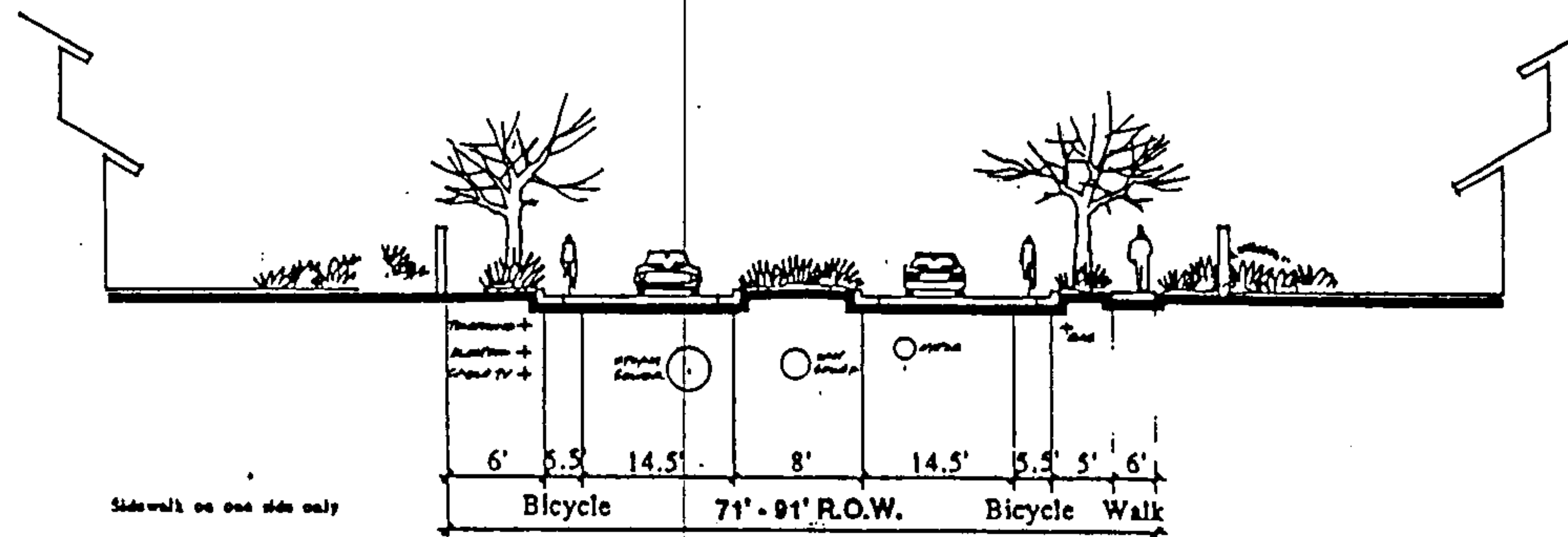
HIGH DESERT
INVESTMENT CORPORATION



Collector Streets



Major Local Street



*For 91' right-of-way, see collector street dimensions.

(Divided) Major Local Street

HIGH DESERT
INVESTMENT CORPORATION

Street Sections

Exhibit A

resub
12/06/06
BAINC

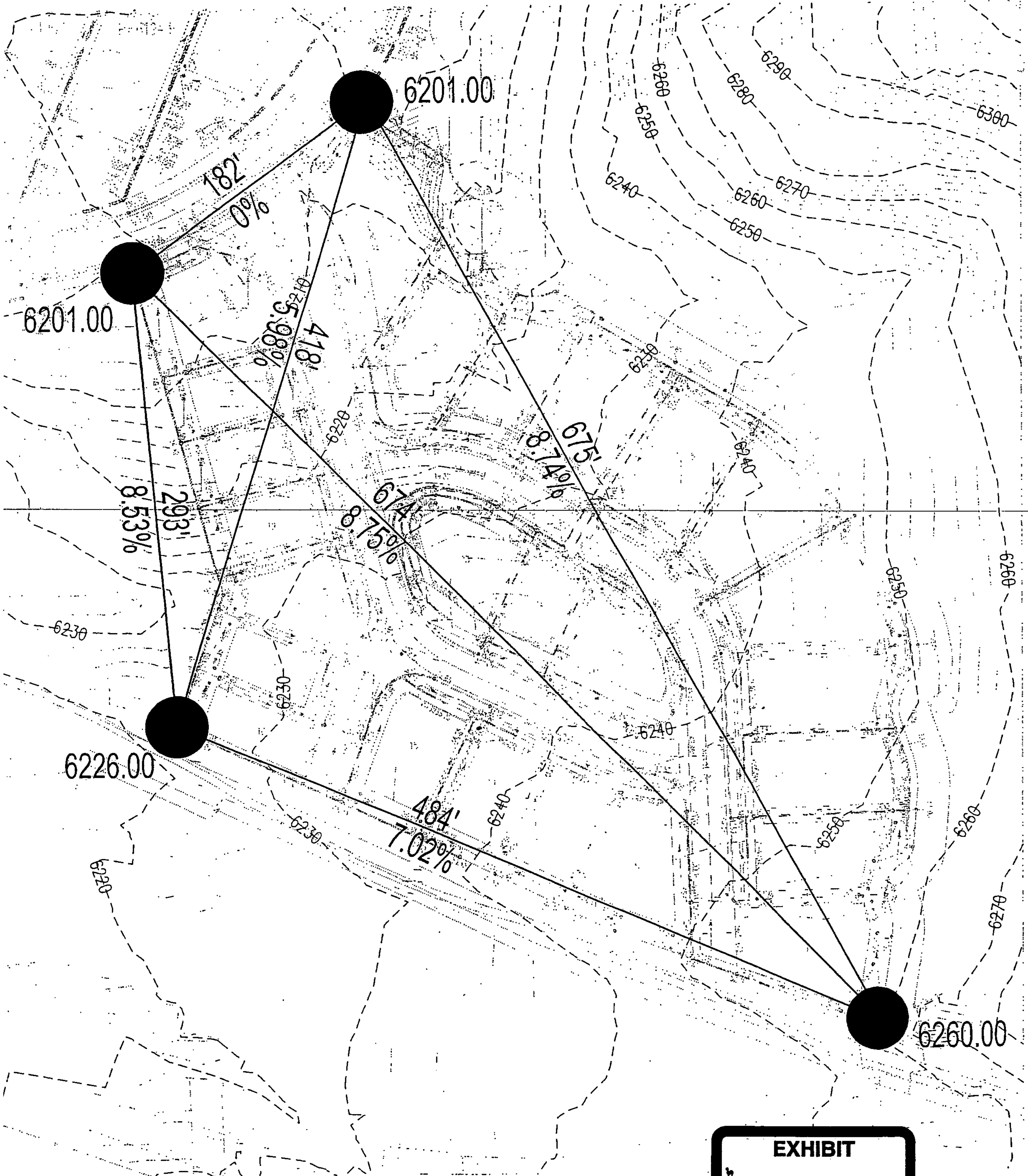


EXHIBIT
tabbles
K

1"=80'

CITY of ALBUQUERQUE
TENTH COUNCIL

COUNCIL BILL NO. R-245 ENACTMENT NO. 50-1993

SPONSORED BY: Deborah E. Lattimore

RESOLUTION

1
2 ADOPTING THE HIGH DESERT SECTOR DEVELOPMENT PLAN AS A RANK 3
3 SECTOR DEVELOPMENT PLAN, ESTABLISHING THE ZONING, AND ADOPTING
4 A DESIGN OVERLAY ZONE, ALL AS SPECIFIED IN THE HIGH DESERT SECTOR
5 DEVELOPMENT PLAN.

6 WHEREAS, the Council, the Governing Body of the City of Albuquerque,
7 ~~has the authority to adopt plans for physical development within the planning~~
8 and platting jurisdiction of the City as authorized by New Mexico Statutes and
9 by the City Charter as allowed under home rule provisions of the Constitution of
10 the State of New Mexico; and

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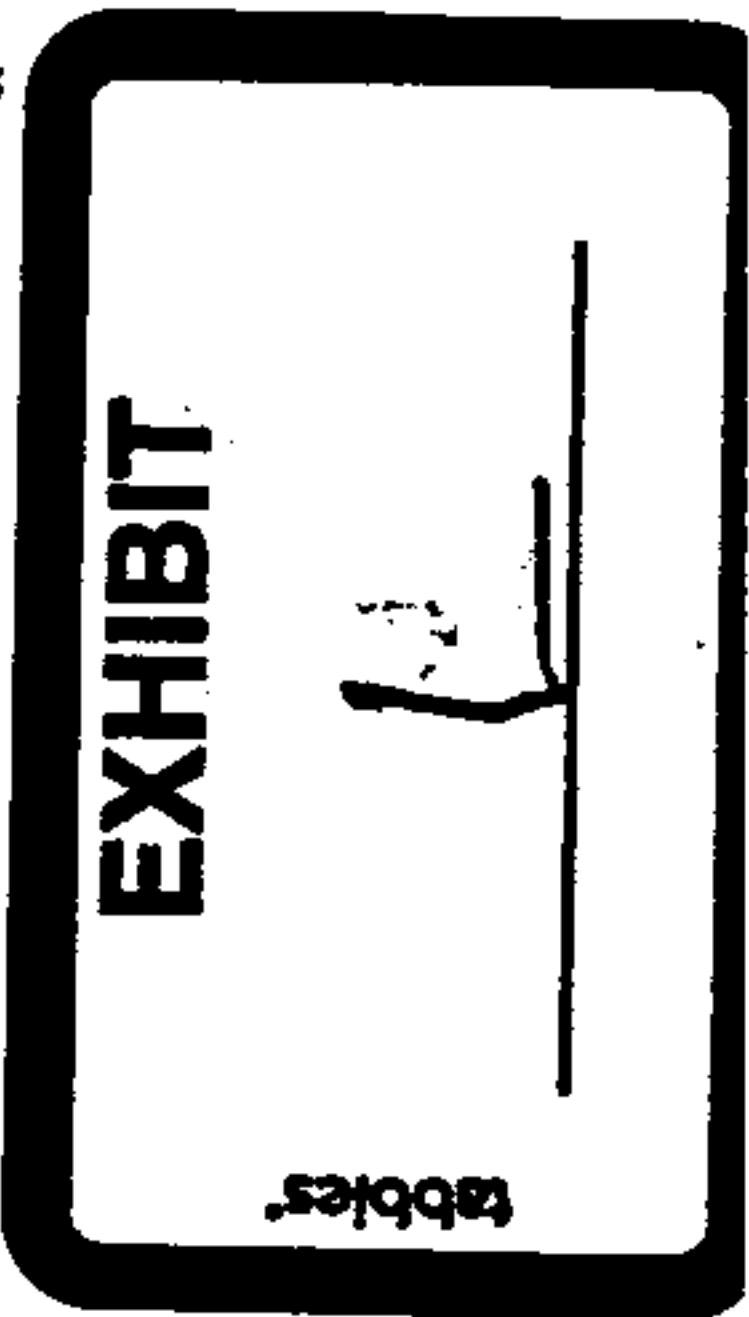
11 WHEREAS, the Council recognizes the need for sector development plans
12 to guide the City, County, other agencies, property owners and other individuals
13 to ensure orderly development and effective utilization of resources; and

14 WHEREAS, the Council recognizes the need for design guidelines for
15 development of lands which contain highly scenic natural features or physical
16 setting, or have highly significant views; and

17 WHEREAS, the High Desert Sector Development Plan has been reviewed
18 by the official planning bodies having jurisdiction over the plan area in
19 accordance with the interests and needs of the area residents and property
20 owners as expressed through public meetings; and

21 WHEREAS, the High Desert Investment Corporation has prepared a sector
22 development plan to guide future development of the plan area by addressing
23 requirements for public services, land use, zoning, and design; and

24 WHEREAS, the Environmental Planning Commission has reviewed and
25 recommended the adoption of the High Desert Sector Development Plan at



1 a public hearing on December 18, 1992, finding the plan consistent with the provisions
2 of the Albuquerque/Bernalillo County Comprehensive Plan and other adopted City plans
3 and policies; and

4 WHEREAS, this plan is a creative and innovative response to development of
5 the last large tract of land within the Sandia Foothills at the edge of urban
6 development; and

7 WHEREAS, it is appropriate, consistent with this sector development plan, to
8 amend the Comprehensive Plan to designate the area which is known as the Highlands
9 as Semi-Urban Area; and

10 WHEREAS, the area hereby planned is simultaneously being annexed by action
11 of Bill No. O-93 of the Tenth Council.

12 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
13 ALBUQUERQUE:

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14 ~~Section 1. The High Desert Sector Development Plan, attached hereto is hereby~~
15 adopted as a Rank 3 sector development plan. All development activities within the
16 plan area shall be guided by this plan.

17 Section 2. The zone map, adopted by Section 7-14-46.C. R.O. 1974 is hereby
18 amended to reflect the zoning specified in Section IV of the attached High Desert
19 Sector Development Plan.

20 Section 3. The Design Overlay Zone, as proposed in the attached High Desert
21 Sector Development Plan and recommended for adoption by the Environmental
22 Planning Commission, is hereby mapped reflecting the boundaries of the 165 acre area
23 known as the Highlands shown in Section IV of the attached High Desert Sector
24 Development Plan.

25 Section 4. The design standards contained in Section IV of the attached High
26 Desert Sector Development Plan are hereby adopted and shall be enforced within the
27 boundaries of the Design Overlay Zone.

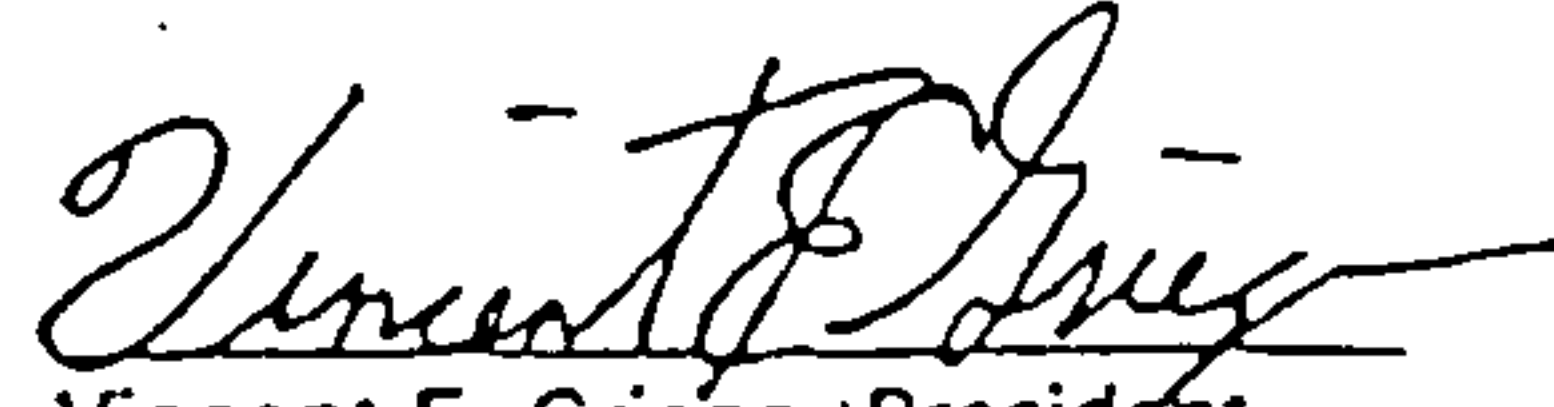
* 28 Section 5. The 10% slope demarcation line shall be mapped to designate those
29 areas for flood control/recreation open space purposes with the intent of public
30 agencies purchasing these areas or, in the event the land is not purchased by a public
31 agency, development of the land shall be subject to additional policies stated in the
32 High Desert Sector Development Plan.

33 Section 6. The Trail along Simins Park Access Road shall be provided as
1 described in the attached letter of agreement.

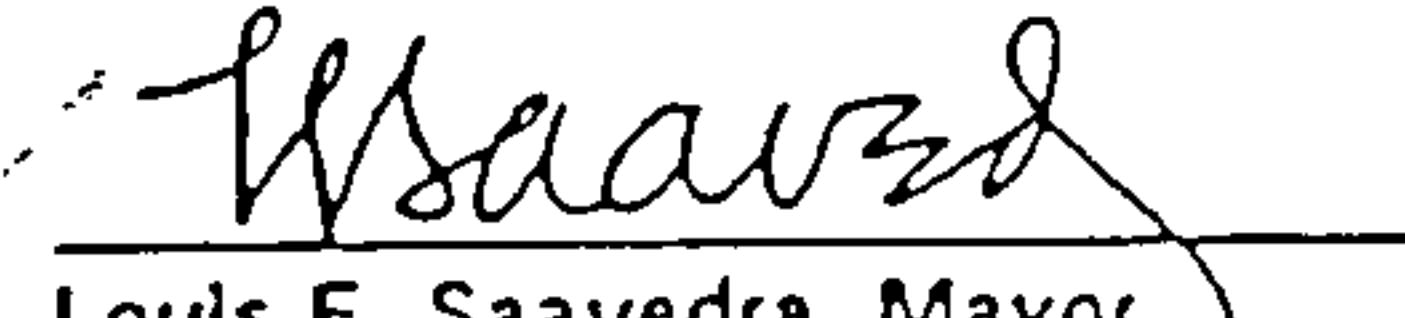
1 PASSED AND ADOPTED THIS 3rd DAY OF May, 1993.

2 BY A VOTE OF 8 FOR AND 0 AGAINST.

3 Yes: 8
4 Excused: Gallegos

5 
6 Vincent E. Griego, President
7 City Council

8
9 APPROVED THIS 26th DAY OF MAY, 1993.

10
11 
12 Louis E. Saavedra, Mayor
13 City of Albuquerque

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14 ATTEST:

15 
16 City Clerk

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CITY of ALBUQUERQUE
TENTH COUNCIL

COUNCIL BILL NO. R-292 ENACTMENT NO. 73-1993

SPONSORED BY: Deborah E. Lattimore

RESOLUTION

1
2 REPEALING SECTION 5 OF RESOLUTION 50-1993, CONCERNING THE HIGH
3 DESERT SECTOR PLAN.

4 WHEREAS, Resolution 50-1993 was adopted by the Council on May 3,
5 1993; and

6 WHEREAS, an amendment deleting Section 5 was adopted by the
7 Council but was inadvertently overlooked in the enrolling and engrossing
8 procedure; and

9 WHEREAS, the Council is desirous of eliminating this clerical error from
10 Resolution 50-1993.

11 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY
12 OF ALBUQUERQUE:

13 That Section 5 of Resolution No. 50-1993 is hereby repealed.

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PART 6: VARIANCES FROM MINIMUM STANDARDS

§ 14-14-6-1 GENERAL.

4

(A) The Development Review Board may vary the provisions of Part 3 of this article, Minimum Standards for the Design of Subdivisions and the *Development Process Manual* in cases:

(1) Where varying from the normal requirements will encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning;

(2) Where extraordinary hardship or practical difficulty may result from strict compliance with the minimum standards;

(3) Where the county standards of public infrastructure improvements and/or standards for franchised and private water and sanitary sewer systems are deemed appropriate by the Development Review Board and geographical locations are not in the city and are unlikely to be added to such urban systems; or

(4) Involving bulk land subdivisions where use of the land for building purposes is not expected by the Development Review Board prior to further subdivision or zoning site development plan approval. Provisions of Part 5 of this article may also be waived under these circumstances.

(B) In the case of subdivisions governed by an approved site development plan, the Development Review Board normally should grant a variance to assure conformance with that approved development plan.

~~(C) In accordance with an SU-2 Sector Development Plan adopted pursuant to Section 14-16-2-23 (C)(4) of the Zoning Code, the Development Review Board may vary the minimum standards for the design of subdivisions as specified in Part 4 of this article and in the *Development Process Manual*. This division (C) shall terminate and be repealed effective January 1, 1993; variances granted under the terms of this division shall remain in force for the duration provided in the specific variance.~~

('74 Code, § 7-16-7A)

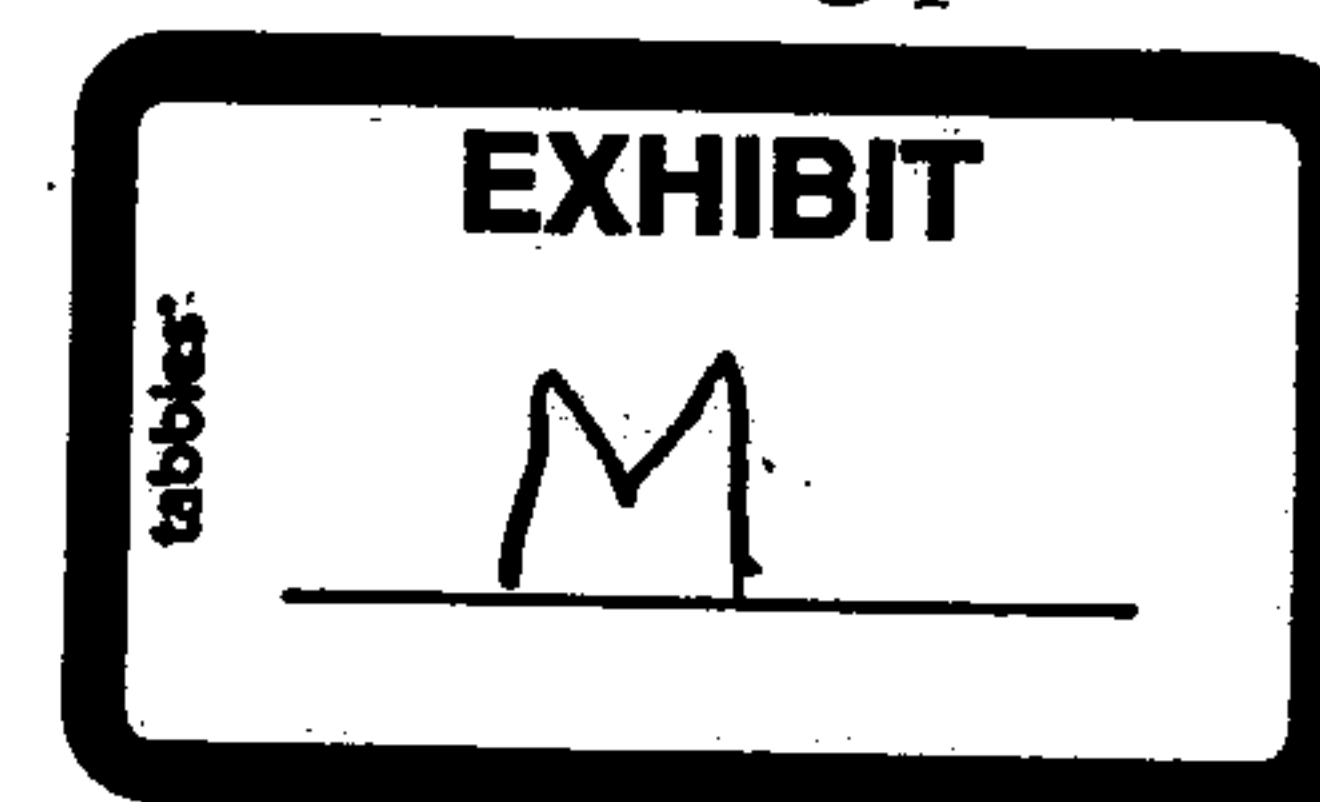
§ 14-14-6-2 CONDITIONS.

(A) In approving variances, the Development Review Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of this article.

(B) Any waiver of provisions of Part 5 of this article shall require notice of waiver as approved by the Development Review Board to be placed on the final subdivision plat and on a separately recorded document.

(C) Where a variance is based upon a bulk land transfer, significant development shall require subsequent additional public agency review for further subdivision or for zoning site development plan approval; such review and approval must be more comprehensive than issuance of a building permit.

('74 Code, § 7-16-7B)



§ 14-14-6-3 FINDINGS.

(A) If the variance is requested pursuant to § 14-14-6-1(A) and (B), the Development Review Board shall not approve variances unless it shall make findings, based upon the evidence presented to it at a public meeting, that:

(1) The variance will not be injurious to the public safety, health or welfare, or to adjacent property, the neighborhood or the community; and

(2) The variance will not conflict significantly with the goals and provisions of any city, county, or AMAFCA adopted plan or policy, the applicable zoning ordinance, or any other city code or ordinance; and

(3) The variance will not permit, encourage or make possible undesired development in the 100-year Floodplain; and

(4) The variance will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements; and

(5) One or more bases listed in § 14-14-6-1 applies.

~~(B) If the variance is requested pursuant to § 14-14-6-1(C), the Development Review Board shall not approve variances unless it shall make findings, based upon evidence presented to it at a public meeting, that:~~

~~(1) The variance will not be injurious to the public safety, health or welfare, or to adjacent property, the neighborhood or the community; and~~

~~(2) The variance will be consistent with the goals and provisions of the city, county and AMAFCA adopted plans and policies, and the sector development plan; and~~

~~(3) The variance will not permit, encourage or make possible undesired development in the 100-year floodplain; and~~

~~(4) The variance will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements; and~~

~~(5) The variance will promote the availability of affordable housing or is justified as a pilot project to determine whether such new standard should be made city wide to promote the availability of affordable housing.~~

~~(6) This division (B) shall terminate and be repealed effective January 1, 1993; variances granted under the terms of this division (B) shall remain in force for the duration provided in the specific variance.~~

('74 Code, § 7-16-7C)

§ 14-14-6-4 PROCEDURES.

(A) Normally, an application for a variance shall be submitted in writing by the subdivider at the

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AC-07-2

06DRB-01411; 01412; 01413; 01414; 01415
(PROJECT #1004989)

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NOTICE OF APPEAL	12 - 13
NOTICE OF HEARING	14 – 15
<hr/>	
AMENDED NOTICE OF HEARING	16 – 17
AMENDED NOTICE OF HEARING	18 – 19

City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION	S	Z	ZONING & PLANNING
<input type="checkbox"/> Major Subdivision action			<input type="checkbox"/> Annexation
<input type="checkbox"/> Minor Subdivision action			<input type="checkbox"/> County Submittal
<input type="checkbox"/> Vacation	V		<input type="checkbox"/> EPC Submittal
<input type="checkbox"/> Variance (Non-Zoning)			<input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning)
SITE DEVELOPMENT PLAN	P		<input type="checkbox"/> Sector Plan (Phase I, II, III)
<input type="checkbox"/> for Subdivision Purposes			<input type="checkbox"/> Amendment to Sector, Area, Facility or Comprehensive Plan
<input type="checkbox"/> for Building Permit			<input type="checkbox"/> Text Amendment (Zoning Code/Sub Regs)
<input type="checkbox"/> IP Master Development Plan			<input type="checkbox"/> Street Name Change (Local & Collector)
<input type="checkbox"/> Cert. of Appropriateness (LUCC)	L	A	APPEAL / PROTEST of...
STORM DRAINAGE	D		<input checked="" type="checkbox"/> Decision by DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals
<input type="checkbox"/> Storm Drainage Cost Allocation Plan			

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

NAME: Carl and Lillian Fester, Robert & Kathy Pelletier + Eric & Janet Lentz
 ADDRESS: Pelletier
 CITY: _____ STATE _____ ZIP _____ E-MAIL: _____
 Proprietary interest in site: _____ List all owners: _____

AGENT (if any): Hess & Yntema PA PHONE: 505-956-5433
 ADDRESS: Box 1748 FAX: 505-272-2879
 CITY: Albuquerque STATE NM ZIP 87103 E-MAIL: hess@oman-law.com

DESCRIPTION OF REQUEST: Appeal of DRB

Is the applicant seeking incentives pursuant to the Family Housing Development Program? Yes. No.

SITE INFORMATION: ACCURACY OF THE LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. Tract A, Unit 2, Wilderness @ High Desert Block: _____ Unit: _____
 Subdiv. / Addn. Wilderness @ High Desert
 Current Zoning: _____ Proposed zoning: _____
 Zone Atlas page(s): _____ No. of existing lots: _____ No. of proposed lots: _____
 Total area of site (acres): _____ Density if applicable: dwellings per gross acre: _____ dwellings per net acre: _____
 Within city limits? Yes. No, but site is within 5 miles of the city limits.) Within 1000FT of a landfill? _____
 UPC No. _____ MRGCD Map No. _____
 LOCATION OF PROPERTY BY STREETS: On or Near: _____
 Between: _____ and _____

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z_, V_, S_, etc.): Project # 1004989, 06 DRB 01411 through 01415

Check-off if project was previously reviewed by Sketch Plat/Plan?, or Pre-application Review Team?. Date of review: _____

SIGNATURE Hess & Yntema DATE 12-18-06
(Print) Hess & Yntema _____ Applicant Agent

FOR OFFICIAL USE ONLY

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>0600</u>	<u>APPEAL</u>	<u>AP</u>	<u>\$ 190.00</u>
<input checked="" type="checkbox"/> All fees have been collected	<u>01768</u>		<u>ADV</u>	<u>\$ 50.00</u>
<input checked="" type="checkbox"/> All case #s are assigned				\$ _____
<input type="checkbox"/> AGIS copy has been sent				\$ _____
<input checked="" type="checkbox"/> Case history #s are listed				\$ _____
<input type="checkbox"/> Site is within 1000ft of a landfill				\$ _____
<input type="checkbox"/> F.H.D.P. density bonus				\$ _____
<input type="checkbox"/> F.H.D.P. fee rebate				\$ _____
	Hearing date <u>APPEAL</u>			Total <u>\$ 240.00</u>
<u>Oliver Person</u>	<u>12/18/06</u>	<u>APPEAL</u>	<u>1004989</u>	
Planner signature / date				

Form revised 4/04

FORM A: APPEAL

Appeal to the Zoning Board of Appeals regarding:

DECISION OF THE ZONING HEARING EXAMINER

___ Project number of case being appealed; _____

___ Application number of case being appealed; _____

- ___ Reason for the appeal *
- ___ Appellant's basis of standing as an appellant *
- ___ Letter of authorization from the appellant if this application for appeal is submitted by an agent
- ___ Copy of the Official Notification of Decision regarding the matter being appealed
- ___ Fee (see schedule)

Appeal to the Landmarks and Urban Conservation Commission regarding:

CERTIFICATE OF APPROPRIATENESS DECISION OF THE PLANNING DIRECTOR OR STAFF

___ Project number of case being appealed; _____

___ Application number of case being appealed; _____

- ___ Reason for the appeal *
- ___ Appellant's basis of standing as an appellant *
- ___ Letter of authorization from the appellant if this application for appeal is submitted by an agent
- ___ Copy of the Official Notification of Decision regarding the matter being appealed
- ___ Fee (see schedule)

Appeal to the Environmental Planning Commission regarding:

DECLARATORY RULING OF THE ZONING ENFORCEMENT OFFICER

___ Project number of case being appealed; _____

___ Application number of case being appealed; _____

- ___ Reason for the appeal *
- ___ Appellant's basis of standing as an appellant *
- ___ Letter of authorization from the appellant if this application for appeal is submitted by an agent
- ___ Copy of the Official Notification of Decision regarding the matter being appealed
- ___ Fee (see schedule)

Appeal to the City Council through the Land Use Hearing Officer regarding:

- ADMINISTRATIVE AMENDMENT OR DECISION OF THE PLANNING DIRECTOR OR STAFF
- DETERMINATION OR ACTION OF THE ENVIRONMENTAL PLANNING COMMISSION
- DETERMINATION OR ACTION OF THE DEVELOPMENT REVIEW BOARD
- ACTION OF THE ZONING BOARD OF APPEALS REGARDING AN APPEAL
- DECISION OF THE LANDMARKS AND URBAN CONSERVATION COMMISSION

___ Project number of case being appealed; 100 4989

___ Application number of case being appealed; 06 DRB 01411 through ~~01415~~ 01415

- Reason for the appeal *
- Appellant's basis of standing as an appellant * - Nearby landowners
- Letter of authorization from the appellant if this application for appeal is submitted by an agent
- Copy of the Official Notification of Decision regarding the matter being appealed
- ___ Fee (see schedule)

* Criteria for reasonable appeals and criteria for standing as an appellant are given in Zoning Code §14-16-4-4. Any appeal must meet these criteria to be heard. The applicant should review these and other relevant documents carefully before preparing an application for appeal.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

Hersel Yntema
Applicant name (print)
12-18-06
Applicant signature / date



Form revised 10/04 & March 2005

- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers
06CC - - 01768

Oliver Senora 12/18/06
Planner signature / date

Project # 1004989

FESLER/PELLETIER/LENTZ

**REASONS FOR APPEAL OF DRB APPROVAL OF
PRELIMINARY PLAT (06DRB - 01411 through 014115)**

1. The DRB's decision was arbitrary and capricious because the DRB required a certification from the High Desert Residential Owners Association as to whether the proposed preliminary plat complies with the applicable High Desert Sector Plan, but then ignored the certification of the Association that the proposed preliminary plat does not comply with the Sector Plan.
2. The decision was arbitrary and capricious because the DRB could not have and did not evaluate the matters set out in the letter dated December 5, 2006 from Fanning Bard Tatum Architects AIA, Ltd.
3. The proposed preliminary plat does not comply with the Sector Plan because the Association has not certified that the proposed plat meets the requirements of the Sector Plan, and that certification is required for submission of the proposed preliminary plat.
4. ~~The proposed preliminary plat does not meet the requirements of the Sector Plan because,~~
among other reasons:
 - a. the proposed development is densest against forest wilderness and trails;
 - b. the proposed development is not in scale to the existing residences in the immediate area and otherwise is contrary to the spirit and intent of the Sector Plan;
 - c. the proposed development will impair views and will contrast with the existing landform;
 - d. the proposed development appears to violate the "10% Demarcation Line" set out in the Sector Plan, and the proposed development appears to violate the intent of protecting or minimizing the impact of areas with 10% or greater slope;
 - e. the proposed development will generate traffic problems contrary to the intent of the Sector Plan; and
 - f. the proposed development will generate drainage problems contrary to the intent of the Sector Plan.
5. The various grants of "variances" by the DRB do not meet the requirements of state law and City ordinances.

CARL FESLER and LILLIAN FESLER
5005 CUMBRE Del SUR
Albuquerque, NM 87111-2988


December 11, 2006

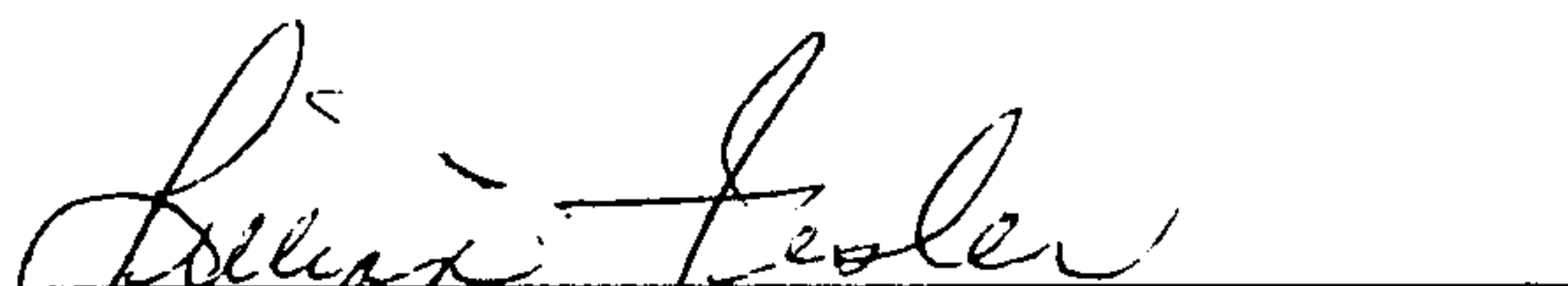
City Planning Department

Appeal
DRB Approval of Preliminary Plat
06DRB - 01411 through 014115

Ladies/Gentlemen:

This letter is to authorize Oman & Yntema P.A. (Hess Yntema) to represent us in an appeal of the DRB decision dated December 6, 2006 for Project #1004989 (Wilderness Canon at High Desert).


CARL FESLER


LILLIAN FESLER

ROBERT PELLETIER and KATHY PELLETIER
5123 High Desert Place NE
Albuquerque, NM 87111

December 11, 2006

City Planning Department

Appeal
DRB Approval of Preliminary Plat
06DRB - 01411 through 014115

Ladies/Gentlemen:

This letter is to authorize Oman & Yntema P.A. (Hess Yntema) to represent us in an appeal of the DRB decision dated December 6, 2006 for Project #1004989 (Wilderness Canon at High Desert).



ROBERT PELLETIER



KATHY PELLETIER

**JANET AND ERIC LENTZ
5109 HIGH DESERT PLACE NE
Albuquerque, NM 87111**

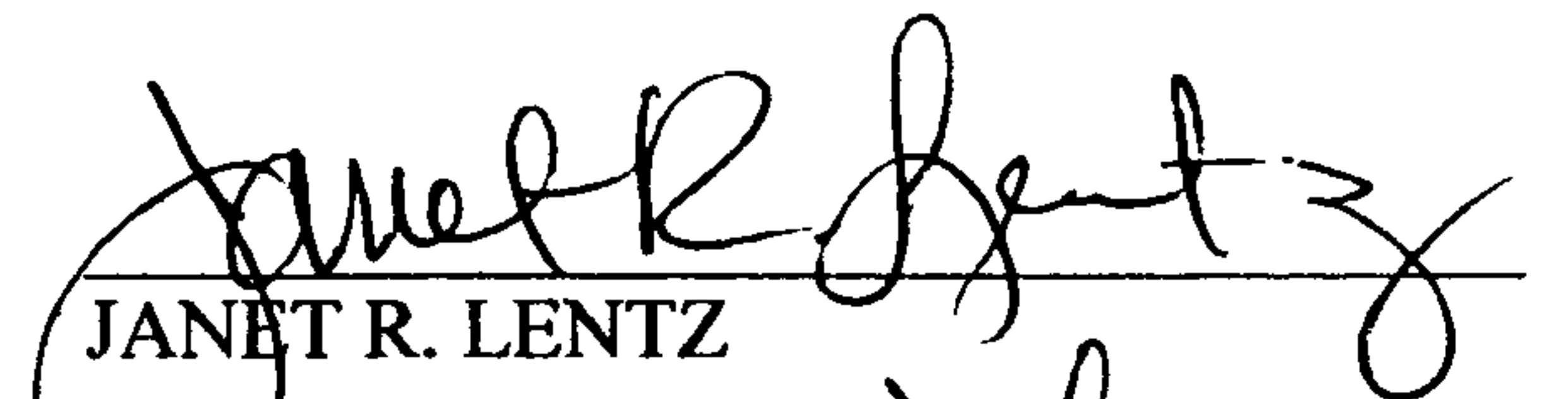
December 13, 2006

City Planning Department

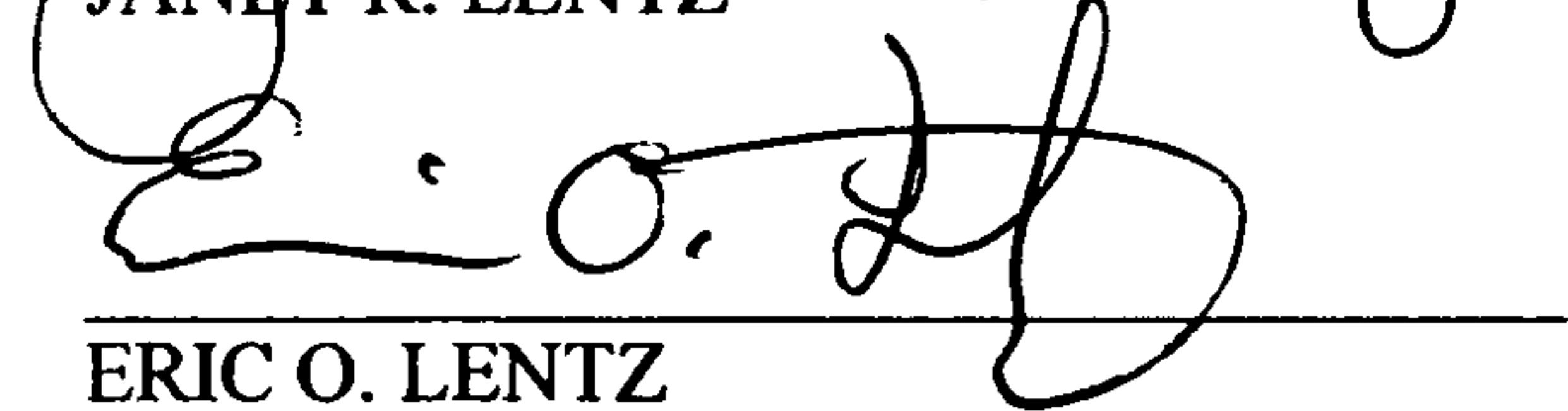
Appeal
DRB Approval of Preliminary Plat
06DRB - 01411 through 014115

Ladies/Gentlemen:

This letter is to authorize Oman & Yntema P.A. (Hess Yntema) to represent us in an appeal of the DRB decision dated December 6, 2006 for Project #1004989 (Wilderness Canon at High Desert).



JANET R. LENTZ



ERIC O. LENTZ



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

December 6, 2006

1. **Project # 1004989**
06DRB-01411 Major-Preliminary Plat Approval
06DRB-01412 Major-Vacation of Public Easements
06DRB-01413 Minor-Subd Design (DPM) Variance
06DRB-01414 Minor-Sidewalk Waiver
06DRB-01415 Minor-Temp Defer SDWK

BOHANNAN HUSTON INC agent(s) for MESA VERDE DEVELOPMENT CO request(s) the above action(s) for all or a portion of Tract(s) A, UNIT 2, WILDERNESS @ HIGH DESERT (to be known as **WILDERNESS CANON @ HIGH DESERT**) zoned SU-2, HD/R-R, located on HIGH DESERT PL NE, between TRAILHEAD RD NE and EMBUDITO VIEW CT NE containing approximately 4 acre(s). [REF: 06DRB-00933, 04DRB-00713, 04DRB-01723] [~~Deferred from 10/25/06 & 11/8/06 & 11/15/06 & 11/22/06 & 11/29/06~~] (F-23)

At the December 6, 2006, Development Review Board meeting, with the signing of the infrastructure list dated 12/6/06 and approval of the grading plan engineer stamp dated 11/7/06 the preliminary plat was approved with the following findings:

1. The November 6, 2006 High Desert Residential Owners' Association Letter satisfies the intent of Section 4.A.7 of the High Desert Sector Plan based upon past High Desert Residential Owners' Association letters submitted for previous preliminary plats in High Desert.
2. Planning agrees that the preliminary plat submitted for Wilderness Canon at High Desert complies with the zoning, density and lot size requirements of the High Desert Sector Plan.
 - a. Specifically, residential uses in the SU2-HD RR zoning must conform, according to the Sector Plan, to the SU2-HD RG zone. The sector plan states the total number of dwelling units cannot exceed 300. Wilderness Canon's preliminary plat contains 25 lots or 25 dwelling units. High Desert Investment Corporation has stated for the record that the SU2-HD RR zone currently contains 110 units. So even with the addition of these 25 lots, the total is well below the 300 unit limit.

**OFFICIAL NOTICE OF DECISION****PAGE 2**

- b. One dwelling unit per lot as proposed also conforms to City's RT zoning category to which the SU2-HD RG zoning refers for use and lot size.
- c. The lot sizes shown on the submitted plat conform to the RT zoning category.
3. The developer must include this statement on the final plat: "The property on this plat is subject to a Pre-Development Facilities Fee Agreement with the Albuquerque Public Schools recorded at [insert recording information here]."

The vacations were approved as shown on Exhibit B in the Planning file, subject to these findings and conditions:

FINDINGS:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements.
2. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.

CONDITIONS:

1. The vacated property shall be shown on a replat approved by the Development Review Board and the approved replat shall be filed for record with the Bernalillo County Clerk's Office within one year.

A subdivision design variance from minimum DPM standards concerning internal streets was approved as shown on Exhibit C in the Planning file.

A sidewalk variance for waiver of sidewalks was approved as shown on Exhibit C in the Planning file. The temporary deferral of construction of sidewalks on the interior streets was approved as shown on Exhibit C in the Planning file.

If you wish to appeal this decision, you must do so by December 21, 2006, in the manner described below.

**OFFICIAL NOTICE OF DECISION****PAGE 3**

Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal. If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

~~Please note that the vacation of all plats, rights-of-way, and easements are void after one year from the final appeal date referenced above if all conditions are not met (The effective date of Development Review Board approval is the hearing date plus the 15-day appeal period.) (REF: Chapter 14 Article 14 Part 7-2 (E)(3)(6) Revised Ordinance.)~~

Please note that a Preliminary Plat approval date is the date of the DRB action plus the 15-day appeal period. The Preliminary Plat approval expires one year from that date. The DRB must take action on the Preliminary Plat Extension prior to the expiration of the approval or the Preliminary Plat approval is null and void. (REF: Chapter 14 Article 14 Part 3-4 (E) Revised Ordinance.)

Sheran Matson, AICP, DRB Chair

Cc: Bohannon Huston Inc., 7500 Jefferson NE, 87109
Mesa Verde Development Co., 8300 Carmel Ave NE, 87122
John Salazar, Rodey Law Firm, P.O. Box 1888, 87103
Kym Dicome, High Desert Investment Corp., 3791 Southern Blvd SE, Rio Rancho, NM 87124
Douglas Collister, 8524 Snakedance Ct NE, 87111
Ray Berg, 13501 Osage Orange NE, 87111
Debra & Jay Greenhood, 13409 Embudito View Ct NE, 87111
Sam & Jennie Baca, 5000 Cumbre del Sur NE, 87111

**OFFICIAL NOTICE OF DECISION****PAGE 4**

Arinta Liem, 13419 Wilderness Pl NE, 87111
Robert Pelletier, 5123 High Desert NE, 87111
John Farrow, 2400 Meadowview NW, 87110
Keith Gainer, 5516 Carmelita-NE, 87111
Conrad & Marcella Stahly, 5015 Cresta del Sur NE, 87111
Patricia Wittman, 4905 Cresta del Sur Ct NE, 87111
Rob Erickson, 2621-1/2 Granite Ave NE, 87104
Larry Garcia, P.O. Box 1576, Los Lunas, NM 87031
Pat Stovall, 6604 Rogers Ave NE, 87110
Angela Ness, 13213 Manitoba Dr NE, 87111

Charles Young, 13105 Enchantment Ln NW, 87111
Ken Wesselman, 4613 Huntington Dr NE, 87111
Anne Marie Morosin, 13109 Manitoba Dr NE, 87111
Ed Hernandez, 1219 Blue Quail NE, 87112
Alan Clipperton, 13501 Embudito View Ct NE, 87111
Jack Eichorn, 6316 Bobcat Hill Ln NE, 87111
Tarin Davies, 13209 Manitoba NE, 87111
Joe Witte, 1570 West Ella Dr NE, 87048
Armando Lara, 13415 Piedra Grande NE, 87111
Kathleen Conlin, 1021 Orchard NW, 87102
Jeni Turgeon, 720 Tramway Ln NE, #6, 87122
Janet Lentz, 5109 High Desert Place NE, 87111
Carl Fesler, 5005 Cumbre del Sur NE, 87111
Don Kellor, 5004 Cresto del Sur NE, 87111
Christine Ranier, 5016 Cresta del Sur Ct NE, 87111
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.
File

**ONE STOP SHOP
CITY OF ALBUQUERQUE PLANNING DEPARTMENT
Development & Building Services**

PAID RECEIPT

APPLICANT NAME

Carol Lilian Foster, Robert & Kathy Pelletier

AGENT

Wess Yntema and Eric & Janet Lentz

ADDRESS

PROJECT & APP #

1004989 (0600 01768)

PROJECT NAME

Wilderness @ High Desert

\$ _____ 441032/3424000 Conflict Management Fee

\$ _____ 441006/4983000 DRB Actions

\$ 190.00 441006/4971000 EPC/AA/LUCC Actions & All Appeals

\$ 50.00 441018/4971000 Public Notification

\$ _____ 441006/4983000 DRAINAGE PLAN REVIEW OR TRAFFIC IMPACT STUDY***
 Major/Minor Subdivision Site Development Plan Bldg Permit
 Letter of Map Revision Conditional Letter of Map Revision
 Traffic Impact Study

\$ 240.00 TOTAL AMOUNT DUE

*****NOTE: If a subsequent submittal is required, bring a copy of this paid receipt with you to avoid an additional charge.**

12/19/2006 11:59AM LOC: ANN
 X RECEIPT# 00068639 WSH 008 TRANSH 0021
 ACCOUNT 441006 Fund 0110
 ACTIVITY 4971000 TRSL JS
 TRANS AMT \$240.00
 J24 Misc \$50.00

DUPLICATE
 City Of Albuquerque
 Treasury Division

DUPLICATE
 City Of Albuquerque
 Treasury Division

12/19/2006 12:00PM LOC: ANN
 X RECEIPT# 00068640 WSH 008 TRANSH 0021
 Account 441018 Fund 0110
 Activity 4971000 TRSL JS
 Trans Amt \$240.00
 J24 Misc \$50.00
 CK \$240.00
 CHANGE \$0.00

-11-

Thank You

Counterreceipt.doc 6/21/04

CITY OF ALBUQUERQUE



Planning Department

Richard Dineen, Director

Development Review Division

600 2nd Street NW – 3rd Floor

Albuquerque, NM 87102

NOTICE OF APPEAL

December 19, 2006

TO WHOM IT MAY CONCERN:

The Planning Department received the attached appeal on December 18, 2006. You will be notified by mail as to when this appeal will be heard before the Land Use Hearing Officer.

Please refer to enclosed Bill (F/S OC-04-6, Land Use Hearing Officer Rules of Procedure and Qualifications) for any questions you may have regarding the Land Use Hearing Officer rules of procedure.

Any questions you might have regarding Land Use Hearing Officer policy or procedure that are not answered in the enclosed bill can be answered by Crystal Ortega, Clerk to the Council, (505) 768-3100.

P.O. Box 1293

CITY COUNCIL APPEAL NUMBER: AC-07-2

Albuquerque

PLANNING DEPARTMENT CASE FILE NUMBERS: Project #1004989
06DRB-01411; 01412; 01413;
01414; 01415

New Mexico 87103

APPELLANT(s): Carl & Lillian Fesler, Robert & Kathy Pelletier, and
Eric & Janet Lentz

www.cabq.gov

AGENT: Hess Yntema
Oman & Yntema, P.A.
Post Office Box 1748
Albuquerque, NM 87103

cc: Carl & Lillian Fesler, 5005 Cumbre del Sur, Albuquerque, NM 87111-2988
Robert & Kathy Pelletier, 5123 High Desert Place NE, Albuquerque, NM 87111
Janet & Eric Lentz, 5109 High Desert Place NE, Albuquerque, NM 87111
Hess Yntema, Oman & Yntema, P.A., Post Office Box 1748, Albuquerque, NM 87103
Bohannon Huston, Inc., 7500 Jefferson NE, Albuquerque, NM 87109
Mesa Verde Development Co., 8300 Carmel Avenue NE, Albuquerque, NM 87122
John Salazar, Rodey Law Firm, Post Office Box 1888, Albuquerque, NM 87103
Kym Dicome, High Desert Investment Corp., 3791 Southern Blvd SE, Rio Rancho, NM 87124
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December 19, 2006

AC-07-2

Page 2 of 2

Charles Young, 13105 Enchantment Ln NW, Albuquerque, NM 87111
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Christine Ranier, 5016 Cresta del Sur Ct NE, Albuquerque, NM 87111
Marilyn Maldonado, Planning Department - 4th Floor, 600 2nd St NW, Albuquerque, NM 87102
Crystal Ortega, Clerk to the Council, City/County Building - 9th Floor
DRB File

CITY OF ALBUQUERQUE

Planning Department

Richard Dineen, Director

Development Review Division

600 2nd Street NW – 3rd Floor
Albuquerque, NM 87102



NOTICE OF HEARING

January 4, 2007

Carl & Lillian Fesler
5005 Cumbre del Sur
Albuquerque, NM 87111-2988

Robert & Kathy Pelletier
5123 High Desert Pl NE
Albuquerque, NM 87111

Eric & Janet Lentz
5109 High Desert Pl NE
Albuquerque, NM 87111

AC-07-2 – 06DRB-01411; 06DRB-01412; 06DRB-01413; 06DRB-01414; 06DRB-01415; Project #1004989 Hessel Yntema, agent for Carl & Lillian Fesler, Robert & Kathy Pelletier and Janet & Eric Lentz, appeal the Development Review Board's (DRB) approval of a Preliminary Plat for all or a portion of Tract(s) A, Unit 2, Wilderness @ High Desert (to be know as Wilderness Canon @ High Desert) zoned SU-2, HD/R-R, located on High Desert Pl. NE, between Trailhead Rd. NE and Embudito View Ct. NE, containing approximately 4 acre(s). (F-23) Sheran Matson, Development Review Board Chair

P.O. Box 1293

The City of Albuquerque Land Use Hearing Officer will hear the above appealed case on **Thursday, January 18, 2007**. The hearing begins at **9:30 am** and will be held in the Council Committee Room, #9081, 9th floor of the Albuquerque/Bernalillo County Government Center, One Civic Plaza NW.

Albuquerque

Submittal of new information or questions regarding the hearing with the Land Use Hearing Officer should be directed to Council Services, c/o Crystal Ortega, One Civic Plaza NW, 9th Floor, Albuquerque NM 87102, (505) 768-3100.

New Mexico 87103

A copy of the record submitted to the Land Use Hearing Officer copies will be available by January 12, 2007, in the Planning Department, Plaza del Sol Building, 600 2nd Street NW, 3rd Floor. Please call (505) 924-3889 to request a copy.

www.cabq.gov

Sincerely,

Barbara J. Findley
Administrative Assistant

cc: Hessel Yntema, Oman & Yntema, P.A., Post Office Box 1748, Albuquerque, NM 87103
Bohannon Huston, Inc., 7500 Jefferson NE, Albuquerque, NM 87109
Mesa Verde Development Co., 8300 Carmel Avenue NE, Albuquerque, NM 87122
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January 4, 2007

AC-07-2

Page 2 of 2

Charles Young, 13105 Enchantment Ln NW, Albuquerque, NM 87111
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Marilyn Maldonado, Planning Department - 4th Floor, 600 2nd St NW, Albuquerque, NM 87102
Crystal Ortega, Clerk to the Council, City/County Building - 9th Floor
DRB File

CITY OF ALBUQUERQUE

Planning Department

Richard Dineen, Director

Development Review Division

600 2nd Street NW – 3rd Floor
Albuquerque, NM 87102



AMENDED NOTICE OF HEARING

January 11, 2007

Carl & Lillian Fesler
5005 Cumbre del Sur
Albuquerque, NM 87111-2988

Robert & Kathy Pelletier
5123 High Desert Pl NE
Albuquerque, NM 87111

Eric & Janet Lentz
5109 High Desert Pl NE
Albuquerque, NM 87111

AC-07-2 – 06DRB-01411; 06DRB-01412; 06DRB-01413; 06DRB-01414; 06DRB-01415; Project #1004989 Hessel Yntema, agent for Carl & Lillian Fesler, Robert & Kathy Pelletier and Janet & Eric Lentz, appeal the Development Review Board's (DRB) approval of a Preliminary Plat for all or a portion of Tract(s) A, Unit 2, Wilderness @ High Desert (to be know as Wilderness Canon @ High Desert) zoned SU-2, HD/R-R, located on High Desert Pl. NE, between Trailhead Rd. NE and Embudito View Ct. NE, containing approximately 4 acre(s). (F-23) Sheran Matson, Development Review Board Chair

P.O. Box 1293

The City of Albuquerque Land Use Hearing Officer will hear the above appealed case on **Tuesday, March 6, 2007**. The hearing begins at **9:30 am** in the Vincent E. Griego Chambers, Basement Level, Albuquerque/Bernalillo County Government Center, One Civic Plaza NW.

Albuquerque

Submittal of new information or questions regarding the hearing with the Land Use Hearing Officer should be directed to Council Services, c/o Crystal Ortega, One Civic Plaza NW, 9th Floor, Albuquerque NM 87102, (505) 768-3100.

New Mexico 87103

If you would like a copy of the record submitted to the Land Use Hearing Officer copies will be available after February 20, 2007, upon request in the Planning Department, Plaza del Sol Building, 600 2nd Street NW, 3rd Floor. Please call (505) 924-3889 to request a copy.

www.cabq.gov

Sincerely,

Barbara J. Findley
Administrative Assistant

cc: Hessel Yntema, Oman & Yntema, P.A., Post Office Box 1748, Albuquerque, NM 87103
Bohannon Huston, Inc., 7500 Jefferson NE, Albuquerque, NM 87109
Mesa Verde Development Co., 8300 Carmel Avenue NE, Albuquerque, NM 87122
John Salazar, Rodey Law Firm, Post Office Box 1888, Albuquerque, NM 87103
Kym Dicome, High Desert Investment Corp., 3791 Southern Blvd SE, Rio Rancho, NM 87124
Douglas Collister, 8524 Snakedance Ct NE, Albuquerque, NM 87111
Ray Berg 13501 Osage Orange NE, Albuquerque, NM 87111
Debra & Jay Greenhood, 13409 Embudito View Ct NE, Albuquerque, NM 87111
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Larry Garcia, PO Box 1576, Los Lunas, NM 87031
Pat Stovall, 6604 Rogers Ave NE, Albuquerque, NM 87110
Angela Ness, 13213 Manitoba Dr NE, Albuquerque, NM 87111

January 11, 2007

AC-07-2

Page 2 of 2

Charles Young, 13105 Enchantment Ln NW, Albuquerque, NM 87111
Ken Wesselman, 4613 Huntington Dr NE, Albuquerque, NM 87111
Anne Marie Morosin, 13109 Manitoba Dr NE, Albuquerque, NM 87111
Ed Hernandez, 1219 Blue Quail NE, Albuquerque, NM 87112
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Joe Witte, 1570 West Ella Dr, Corrales, NM 87048
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Jeni Turgeon, 720 Tramway Ln NE #6, Albuquerque, NM 87122
Don Kellor, 5004 Cresto del Sur NE, Albuquerque, NM 87111
Christine Ranier, 5016 Cresta del Sur Ct NE, Albuquerque, NM 87111
Marilyn Maldonado, Planning Department - 4th Floor, 600 2nd St NW, Albuquerque, NM 87102
Crystal Ortega, Clerk to the Council, City/County Building - 9th Floor
DRB File

CITY OF ALBUQUERQUE

Planning Department

Richard Dineen, Director

Development Review Division

600 2nd Street NW – 3rd Floor
Albuquerque, NM 87102



AMENDED NOTICE OF HEARING

February 21, 2007

Carl & Lillian Fesler
5005 Cumbre del Sur
Albuquerque, NM 87111-2988

Robert & Kathy Pelletier
5123 High Desert Pl NE
Albuquerque, NM 87111

Eric & Janet Lentz
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AC-07-2 – 06DRB-01411; 06DRB-01412; 06DRB-01413; 06DRB-01414; 06DRB-01415; Project #1004989 Hessel Yntema, agent for Carl & Lillian Fesler, Robert & Kathy Pelletier and Janet & Eric Lentz, appeal the Development Review Board's (DRB) approval of a Preliminary Plat for all or a portion of Tract(s) A, Unit 2, Wilderness @ High Desert (to be know as Wilderness Canon @ High Desert) zoned SU-2, HD/R-R, located on High Desert Pl. NE, between Trailhead Rd. NE and Embudito View Ct NE, containing approximately 4 acre(s). (F-23) Sheran Matson, Development Review Board Chair

P.O. Box 1293

The City of Albuquerque Land Use Hearing Officer will hear the above appealed case on **Thursday, March 15, 2007**. The hearing begins at **9:30 am** in the Vincent E. Griego Chambers, Basement Level, Albuquerque/Bernalillo County Government Center, One Civic Plaza NW.

Albuquerque

Submittal of new information or questions regarding the hearing with the Land Use Hearing Officer should be directed to Council Services, c/o Crystal Ortega, One Civic Plaza NW, 9th Floor, Albuquerque NM 87102, (505) 768-3100.

New Mexico 87103

Copies of the record submitted to the Land Use Hearing Officer will be available after March 1, 2007. Please call (505) 924-3889 prior to picking up a copy.

www.cabq.gov

Sincerely,

Barbara J. Findley
Administrative Assistant

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Crystal Ortega, Clerk to the Council, City/County Building - 9th Floor
DRB File

DRB MINUTES FROM THE OCTOBER 25, 2006, DEVELOPMENT REVIEW BOARD MEETING.

3. Project # 1004989

06DRB-01411 Major-Preliminary Plat Approval
06DRB-01412 Major-Vacation of Public Easements
06DRB-01413 Minor-Subd Design (DPM) Variance
06DRB-01414 Minor-Sidewalk Waiver
06DRB-01415 Minor-Temp Defer SDWK

BOHANNAN HUSTON INC agent(s) for MESA VERDE DEVELOPMENT CO request(s) the above action(s) for all or a portion of Tract(s) A, UNIT 2, WILDERNESS @ HIGH DESERT (to be known as **WILDERNESS CANON @ HIGH DESERT**) zoned SU-2, HD/R-R, located on HIGH DESERT PL NE, between TRAILHEAD RD NE and EMBUDITO VIEW CT NE containing approximately 4 acre(s). [REF: 06DRB-00933, 04DRB-00713,, 04DRB-01723] [*Deferred from 10/25/06*] (F-23)

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

Kevin Patton, Bohannon Huston Inc., 7500 Jefferson NE, 87109
Charles Young, 13105 Enchantment Ln NW, 87111 for
Mesa Verde Development Co., 8300 Carmel Ave NE, 87122
Kym Dicome, High Desert Investment Corp., 3791 Southern Blvd SE, Rio
Rancho, NM 87124
Douglas Collister, 8524 Snakedance Ct NE, 87111
Jack Eichorn, 6316 Bobcat Hill Ln NE, 87111

PERSONS SPEAKING IN OPPOSITION:

Ray Berg, 13501 Osage Orange NE, 87111
Debra & Jay Greenhood, 13409 Embudito View Ct NE, 87111
Sam & Jennie Baca, 5000 Cumbre del Sur NE, 87111
Arinta Liem, 13419 Wilderness Pl NE, 87111
Robert Pelletier, 5123 High Desert NE, 87111
John Farrow, 2400 Meadowview NW, 87110
Keith Gainer, 5516 Carmelita NE, 87111
Conrad & Marcella Stahly, 5015 Cresta del Sur NE, 87111
Patricia Wittman, 4905 Cresta del Sur Ct NE, 87111
Rob Erickson, 2621-1/2 Granite Ave NE, 87104
Larry Garcia, P.O. Box 1576, Los Lunas, NM 87031
Pat Stovall, 6604 Rogers Ave NE, 87110
Angela Ness, 13213 Manitoba Dr NE, 87111
Ken Wesselman, 4613 Huntington Dr NE, 87111

Original

PERSONS SPEAKING IN OPPOSITION:

Anne Marie Morosin, 13109 Manitoba Dr NE, 87111
Ed Hernandez, 1219 Blue Quail NE, 87112
Alan Clipperton, 13501 Embudito View Ct NE, 87111
Tarin Davies, 13209 Manitoba NE, 87111
Joe Witte, 1570 West Ella Dr NE, 87048
Armando Lara, 13415 Piedra Grande NE, 87111
Kathleen Conlin, 1021 Orchard NW, 87102
Jeni Turgeon, 720 Tramway Ln NE, #6, 87122

STAFF PRESENT:

Dr. Matt Schmader, Superintendent Open Space Division

ALL PERSONS WERE SWORN IN

CHAIR MATSON: We are now on Item 3, if you will state your names please and then describe your project for us.

MR. PATTON: My name is Kevin Patton and I'm with Bohannon Huston agents for Mesa Verde Development requesting preliminary plat approval today as well as grading plan approval, vacation actions, a design variance and a request a waiver for design variance.

We are here today to take testimony from the public as well as hear agent's comments. Madam Chair we are in receipt, I think you are as well, of a letter from a legal representative from the High Desert Residential Owner's Association requesting a 14 to 21-day deferral. We have no objection to a 14-day deferral but again would like to receive comments the Board members, agencies as well as testimony from the public.

CHAIR MATSON: Kevin, before we proceed if you will explain your project please.

MR. PATTON: I would be happy to. Do you have a microphone?

CHAIR MATSON: You can just pick that one up if you want to go over by the board.

MR. PATTON: I'll try this. This map here, this orthophoto map that you see right here is the High Desert Master Plan Community. It's approximately 1,000 acres. Tramway is located on the left side of this map and is west. Spain is located here and extends up from Tramway. Here is Academy. Academy turns into High Desert Place that travels down to this location.

This tract here is Tract 13 which is referred to as the Wilderness and we have the Wilderness Estates, the Wilderness Village and the Wilderness Compound located right here.

We have a remaining 4 acre parcel that was not developed when we came in and developed this portion of Tract 13. We left a 4 acre parcel and that's what we are here to discuss. Our proposal today is that we are requesting, I'll move over to this side here, this is our preliminary plat request of the 4 acre parcel.

It's adjacent to a City of Albuquerque Open Space tract right here. On this City of Albuquerque Open Space tract is a trail which is to remain. There has been no request to vacate that trail at any time. We did meet with City Open Space officials yesterday. Mr. Ray Berg, who is the President of the High Desert Residential Owner's Association was at that meeting as well as a representative from City Engineer's Office. We walked this trail. There has been discussions early on in the summer concerning some damage that happened to this trail based on storm water, rainfall that fell over this last summer. It had damaged this trail again, just water coming off the mountain. The High Desert Residential Owner's Association had some questions concerning that. We had as we were looking to develop this we indicated that we would come in here and be willing to talk with the City about maybe joint efforts and possibly putting some permanent solutions in here to reduce the erosion of that trail. By no means has it ever been discussed to remove that trail. Only to improve that trail to reduce some of the erosion that happened. Again, if a number of you folks have ever used that trail, then you are aware of how badly that was cut this last summer.

Again, back to our project we are looking at 25 single family detached homes on just over 4 acres in this location. It will be a private road that dead ends at this location. There is currently an existing water line that crosses this site here. We are asking to vacate that easement and relocate the water line so that's it's located within a roadway. That is one request of the vacation action that you see before you. The other is right in this location. When we did this development here we had granted a temporary public drainage easement for the purposes of receiving waters that came off the City Open Space and across this undeveloped tract which then, the natural topography took it to this ponding location, where it was intercepted by a pipe and then conveyed under the roadway to the arroyo to the north.

Since we are looking to develop this area that drainage easement, which was labeled temporary, is no longer required. We are working with both the City Open Space and City Hydrology of City Engineer's Office concerning the drainage in this area. When we develop this the drainage will be caught in the roadways and then we'll have inlets in the road and will extend this pipe up to receive that water which again then heads north. Madam Chair is there anything else?

CHAIR MATSON: Kevin would you clearly go over what you are proposing to vacate with this preliminary plat application?

MR. PATTON: I just did that.

CHAIR MATSON: You did? I'm sorry.

MR. BINGHAM: Except for...

MR. PATTON: There is an easement that surrounds the boulder outcropping at this area right here. That is an easement that was granted back in 1993 as an easement to the High Desert Residential Owner's Association. When this tract was created there's a portion of this 4 acre tract where the easement and the tract overlap. There's a small piece of that easement that's in this corner. Currently we have indicated that we would like to vacate that. That is a private easement. That has to be approved by the High Desert Residential Owner's Association. If it's decided that the easement is to remain we will just keep that easement at that corner. But that should not affect the preliminary plat.

CHAIR MATSON: Just to reiterate, you are not proposing to vacate any portion of any existing trails is that correct?

MR. PATTON: That is correct. We are not requesting to vacate any trails whatsoever. Again, as I had indicated, we have indicated that we might come in here and put some permanent improvements in to make this trail better so that it reduces its maintenance and reduces its erosion problem that the trail has every rainy season. Again, I think if Mr. Berg is here today he might be able to speak to the meeting that we had with the City Open Space and the concepts that we came up with concerning that.

CHAIR MATSON: Did you also mention that during the time that you do temporarily close the trail for improvements that you will also provide an alternate route?

MR. PATTON: Madam Chair, that's a good point. If for some reason the City would like us to go in there and make some permanent improvements to improve this trail, we have indicated that it would probably be best to close it temporary say 30-60 days maximum. In the interim, that trail since it leads up to here from the trailhead parking lot, there is an existing trail that goes along here that access the street, it would come back to here and then we would connect back to the trail at this location. We would have signs and a detour while this work, if it's agreed to happen, and we have to close the trail temporarily we would have an alternate route in the interim.

CHAIR MATSON: Thank you. The other person sitting there with you would you state your name please.

MR. YOUNG: Charles Young, I represent Mesa Verde Development. I'm the designer for Scott Patrick Homes as well.

CHAIR MATSON: Did you have anything you wish to say Mr. Young at this time?

MR. YOUNG: No, not at this time.

CHAIR MATON: Okay. We are going to go to public comments then. What I'd like to do is just go through a few do's and don'ts so we make sure that everybody has an equal opportunity to speak.

Please be courteous, that is the most important thing. Wait for the person speaking to stop speaking before you begin. It's often wisest to appoint a spokesperson or two. The reason for that is we are going to allow 2 minutes for each speaker. If you are going to say the same thing somebody's already said, if you will just indicate that. The other thing we could do too is have a show of hands so that you all don't have to come up and say the exact same thing. That will save some time too. It will allow us to focus on the each relevant point better. Because of the cramped quarters and the room, we apologize for not having enough chairs this morning, but we would have been a lot more cramped were we meeting upstairs. If you are outside the meeting room, please be courteous to staff and other people in here. Keep your conversations low so that we don't get disrupted. Finally, the agent will reply to comments made by each speaker when that speaker is finished unless he wishes to waive it.

Okay, Ray Berg, the President of the High Desert Residential Owner's Association has asked to speak first.

MR. PATTON: Madam Chair may I interrupt for a moment. What I'd like to also do is just indicate that High Desert Investment Corporation is here. Doug Collister, Kym Dicome and Jack Eichorn who were basically the creators of the Master Planned Community that you see. They have indicated that they are open to address questions if the Board or the public has questions. I thought I would enter that. I also have a letter from them of their review of our application that I'd like to enter into the record and give you if I could.

CHAIR MATSON: Okay, thank you. Mr. Berg if you will come up first please, unless you are yielding to the attorney that you've appointed?

MR. BERG: Yes.

CHAIR MATSON: Did you wish to follow him then Mr. Berg?

MR. BERG: Yes.

CHAIR MATSON: So you are Mr. Erickson? If you'll state your name please and your address and then tell us why you are here.

MR. ERICKSON: Good morning, my name is Robert Erickson and I'm here on behalf of the High Desert Residential Homeowner's Association. The association has requested that I present some of its preliminary comments but more importantly that I request, and I suppose explain to you, why they are requesting a 14 to 21 day deferral.

The High Desert Residential Neighborhood Association is a neighborhood association made up of approximately 1,500 residents living next to and in some cases adjacent to Mesa Verde's proposed subdivision. Many of the other members of the association are here today and will present very brief comments.

The preliminary plat proposed by Mesa Verde today is governed by the High Desert Sector Development Plan. Pursuant to the subdivision regulations Mesa Verde's plat must necessarily comport with that plan in order for it to be approved.

In that vein, the sector development plan itself requires that the High Desert Residential Neighborhood Association actually served by Mesa Verde's proposed plat meets with the development plans requirements.

In spite its good faith efforts the association simply has not had enough time to properly evaluate the plat. To undergo it's required certification process. It's on that basis that the association requests a deferral.

I want to assure you that the association takes its roll and particularly the certification process seriously. To that end the association has hired an architect, they've hired a hydrologist to review Mesa Verde's submissions. The association has not yet seen the reports from those professionals however it's my understanding that at least one of those reports is due to be delivered as early as this afternoon. It will take a period of time, of course, for the association to review those and to meet with it's board and to ultimately make it's determination regarding certification.

For the sake of clarity I'll briefly describe just a few of the issues that the association may have with the plat. Again, it's at its preliminary stages and it's difficult to flush out all the issues.

First, the proposed density doesn't appear to comport with the development plan. The development plan specifies that a decrease in overall density from the center of the sector to the edge of the sector especially where the sector is adjacent to open space which is the case here.

The development plan initially specifies the transition from high density to low density. It appears that the opposite may occur as currently presented.

Second, the proposed plat doesn't appear to comport with the development plans prohibition on building on grades with 10% slope or greater. Finally, the association has a variety of other concerns including traffic, traffic flow, drainage, general safety and fire danger and aesthetics. I'll leave it to some other members of the board to address those issues. That of course isn't a complete list and that presents precisely the case why the association is requesting more time to further investigate, to speak to the experts it's already hired and to come up with some sort of consensus regarding its certification.

The association requests 21 days. Mesa Verde has tentatively agreed to a 14 day deferral. I'll leave it to the Board's good judgment which it chooses, 21 days or 14 days. I suspect there may be some other concerns that the Board may have with Mesa Verde's proposal. I respectfully suggest that 21 days doesn't prejudice Mesa Verde in light of what I suspect will be coming from this Board as well.

The association submitted a letter yesterday. I'd like to make that part of the record by reference. I additionally have a petition with me today with signatures of many of the members of the association requesting the deferral. I'd like to make that part of the record as well. Thank you and I'll take any questions to the extent that I can answer them.

CHAIR MATSON: The only question that I have is in your letter you state that you are asking on behalf of the Resident's Association for a 14 to 21 day deferral.

MR. ERICKSON: That's correct.

CHAIR MATSON: So have they changed their minds and they want 21? Can they possibly live with 14?

MR. ERICKSON: We can live with 14. Again, I'll leave that to the Board's good judgment. I suspect there's room for compromise in that area with the developer as well.

CHAIR MATSON: All right, thank you.

MR. BINGHAM: I have a question. Can you tell me who the Hydrologist is that you've hired to review the drainage plan?

MR. ERICKSON: Off the top of my head I'm not aware. I'm sure Mr. Ray Berg who is the president of the association can field that question for you.

MR. BINGHAM: Okay.

CHAIR MATSON: That's it for now, thank you. Mr. Patton, wherever you went if you, at some point, want to address comments let me know. Otherwise we will just keep going okay?

MR. PATTON: Just continue to go on.

CHAIR MATSON: Mr. Ray Berg please. Good morning. It's nice to put some faces to people I've been talking to on the phone.

MR. BERG: Yes, isn't it. I want to thank you for allowing me to address you this morning on this.

CHAIR MATSON: I'm sorry Mr. Berg would you state your name and address please.

MR. BERG: I'm Ray Berg. I'm President of the Board of the High Desert Residential Owner's Association. I live at 13501 Osage Orange Rd NE. My purpose here today is to just express some of the concerns we have about the proposed development. Mr. Patton mentioned the drainage issue. I wanted to mention that the ponds that he is talking about in the summer's rains was essentially destroyed by the amount of rain that we had. We have concerns about how the proposed drainage would continue to be able to handle the amount of rain and runoff that it would need to handle.

The second issue that we have has to do with the traffic problem. Mr. Dean Brussler, who is a professional engineer and a traffic engineer and a member of our board, has estimated that in his opinion the two streets immediately below the development at Embudito Court and Pedro Grande Place are probably the 2 most hazardous intersections in High Desert. Largely because of the very short viewing distance for people entering High Desert. The traffic load at the upper of those, Embudito Court would be increased by 156% by just adding the traffic from the proposed development. There would be similar increases in the streets below. Moreover, the overall traffic would be increased and would have to be funneled into a single point of exit and entry into the entire area. Right now at build out has 110 homes, I believe, and would go up to 135 homes. It would be almost a 25% increase.

With regard to the trail access we did walk the area with Kevin and while the proposals look like about as good as you can do in some of the areas, we still have concerns about how the water would be handled so that large amounts of damage are continuing to be created both there and in the section that would have to handle the runoff down into the pond or towards the pond. That covers the main points that I wanted to make.

CHAIR MATSON: Thank you very much.

MR. BINGHAM: Mr. Berg, can you tell me who you hired to review the drainage plan?

MR. BERG: Mr. Kevin Banks.

MR. BINGHAM: Kevin Banks. Thank you. I just wanted to know who I would be hearing from. I'm sure he's going to talk to me about the plan.

CHAIR MATSON: Debra Greenhood? If you'll state your name and address please.

MS. GREENHOOD: I'm Debra Greenhood and I live at 13409 Embudito View Court NE in Albuquerque. I just wanted to expand very briefly on the comments that Mr. Berg made regarding the public safety issue and traffic.

I think it's important to note that this is one large cul-de-sac. A very large cul-de-sac with one entrance. When you come up from Tramway you are heading east on Spain to the mountains. You deadend at the end of Spain, you turn right on High Desert Road to head south into all of the Wilderness. That comprises Wilderness Village, Wilderness Estates and the Wilderness Compound which Mr. Berg said at complete build out is going to have about 110 homes. To add 25 to this would be quite large. What you have is when you make that intersection at Spain and High Desert Road you have about a mile until you get into Wilderness Village which is where this proposed plan is going to be.

It's a very long road. Its two-lanes. What we are talking about is a public safety issue in terms of fire danger, emergency vehicle access. If you already have 110 homes, you're looking at a minimum of 220 cars going in and out of there. If you add 25 more homes you are looking at a minimum of adding 50 more cars. If you want to have emergency vehicles coming in and out and you want human beings trying to get out in the case of an emergency this is the only egress and ingress for this entire area. This is of grave concern because of the fact that we are really abutting an open space, a beautiful open space, the Sandia Wilderness with Embudito Arroyo and this public hiking trail. Already this summer there was a home fire. It was actually a home under construction on High Desert Place which is very close to where this proposed development is. Additionally, there was a fire in the arroyo. What I wanted to mention was that fire vehicles had a lot of trouble getting up there because again, one long road in from Tramway and Spain, one long road in. This is of grave concern when you add more people and more dwellings.

Additionally, I wanted to mention something when he talked about the public hiking trail, the water and erosion. Not only is that going to be a problem but if you actually walk that trail and you look up there and it is a public hiking trail.

We all know that the Sandia Mountains, that whole area is a real landmark for Albuquerque. We get a lot of people up at that hiking trail. If this proposed development goes in it's sort of a horseshoe shape. If you go around that trail, which they propose to have the trail go around the perimeter of that proposed development, everywhere you turn you will not see any more of Albuquerque. That entire view will be blocked because, as they failed to mention, according to the proposed plan these are one and two-story homes. This will be very obtrusive on that hill. I know that if you look at the compound at Wilderness there are 26 homes I believe on 5 some acres. Yes, that's considered dense, however, that is not as obtrusive, it's tucked in against the side of the mountain and they are only one-story homes. Plus, those lots are just a slight bit bigger than less than a sixth of an acre. These homes would be on an elevated area with a high slope very obtrusive not only to the public hiking on that trail but to all the rest of the people in that area. It would change the whole nature of what the Wilderness was advertised to be by Mesa Development Corporation and Scott Patrick Homes when all of these people came out and bought the homes there.

CHAIR MATSON: Your time is just about up.

MS. GREENHOOD: Okay, well you know what at that point I will say thank you.

CHAIR MATSON: Arinta, will you pronounce your name for me please?

MS. LIEM: Arinta.

CHAIR MATSON: Liem is it?

MS. LIEM: May I stand here?

CHAIR MATSON: You'll have to hold the microphone though.

MS. LIEM: There is one last thing I would like to say is my name is Arinta Liem and I live at 13419 Wilderness PI NE, which is the third street down from the project. I'm here strongly opposed to Project #1004989. Everything I have to say has been said so there is one last thing. According to this project there is two streets. Not the cul-de-sac not the dead end. It is impossible to put 26 homes. Definitely impossible. We are not trying to stop the development. I just want to, this is high density for 4 acres of land, with a narrow street and one entrance in and out. What if there is an emergency vehicle and fire here? What are you going to do? You need to redesign, less density and wider entrance and maybe some open space. In the first place, I was shocked when this place was supposed to be in the first place they (inaudible) to open space from the developer to the home owners. It's a beautiful place for Albuquerque, it's really beautiful because boulders with stone so beautiful, here is a house, here is just a boulder on the mountain and it goes all the way to Sandias. It is very, very beautiful.

Once you put houses that are too dense this can do nothing but ruin the whole Albuquerque like the monument. I define this as a monument for Albuquerque. Please consider this hearing is not appropriate for these 25 homes on this property. Thank you.

CHAIR MATSON: Ms. Liem do you live in part of High Desert or do you live in Glenwood Hills?

MS. LIEM: In Wilderness Place about three streets down from the project. We just moved in 5 months ago. I admire the name of Wilderness. I admire the place. My husband is a retired physician and we are so happy until this. It is not good for us and the people who live here it's very dangerous. Fire, emergency vehicle, people who get heart attacks. Ambulance may not get in and out very easily. Thank you.

CHAIR MATSON: Sam Baca? If you'll state your name and address please.

MR. BACA: I'm Sam Baca. I'm on the Board of Directors for the High Desert Association and I also live in High Desert Trailhead Village. I'd like to thank you for allowing us to come here and testify. I'll try not to repeat what they've said but I'd like to expand in those areas.

We've been looking at the sector plan and we are not experts that's why we hired a planner. Preliminaries show that they are not consistent with the sector plan. In many areas it states that as you go outward, particularly toward open space, towards the mountains, there is supposed to be less density. This is probably one of the highest density areas that they are proposing if not the most dense area. It's two-story. They talk about Compound, it's almost as dense. It's about 25 homes and 5 acres and it's in a low area where you can't see it too well and it's only one-story. That's what bothers us particularly as a Board member that it's not consistent.

Another area there are slopes. If it's above 10% grade it's also supposed to be less dense so you can get a mountain view. Also preserve some of that environment. Once again, it's very high density.

Traffic and public safety I'm very interested in. I put well over 30 years in law enforcement not only in Albuquerque but in the Tampa Bay area of Florida. It's definitely a hazard. Right now there is 110 homes you add an additional 25 you put 25 more homes and the calculation done by Dean Bressler that's an additional 250 flow of traffic going in and out a day. That's going to create a problem. As a public safety we've had an arson mentioned and we also had a fire up in the mountains. We were very fortunate that the winds didn't blow it into the High Desert because we would have had major problems. Having been in law enforcement you try to get vehicles and people out of there on one way in and one way out, plus emergency vehicles, you've got a major problem.

Hopefully, we are putting everybody on notice on that in case something happens. Those are some of our big concerns. The drainage is a big concern. There's been some water damage already. We've had 93 people sign petitions in two of the villages plus Glenwood Hills which isn't part of High Desert but they are part of it in enjoying the scenery out there. The theme wilderness they might as well change. They might as well put metropolitan because people go over there and they walk the trails and it kind of goes away from the theme on it. With that I'll go ahead and end it. There is a lot more we'd like to look at. I appreciate your considering at least 21 days. I personally think we need more time than that. But two weeks if that's what you decide we'll try to get it in. There's a lot of issues we have to address on it. Thank you very much.

CHAIR MATSON: Thank you Mr. Baca. Jennie Baca?

MS. BACA: Good morning. I'm Jennie Baca and I live at 5000 Cumbre del Sur Ct NE. I live in Trailhead. I agree with every single thing that everyone here has been saying. The density, especially the safety of the residents there now and the safety of the residents intended to live there is a very high issue. One thing that hasn't totally been brought up is the position of this development is probably going to be settled on one of the highest points at the foothills. There's a beautiful rock formation and then there's this development where the land goes up and then it goes right up into the foothills. That whole area there is going to be totally destroyed for the preservation of our mountains, the scenic views of the hikers. We live right behind Embudito Canyon parking lot and at 5:30 in the morning we have people lining the streets to get in to go hike up there. I don't believe they are going to be very happy about seeing all of the metropolitan homes and the two-story homes put in there. Once the two-story homes are put in you will have absolutely no view of the City and no view of the mountains. I know aesthetically that is going to be one of the important things for a lot of the people that live up there too besides the safety. Everything everyone has said is really of a fair nature to everyone because we are up there because we love the views, we love the mountains, we love the nature, we love the smell of the air and the little animals that live up there are totally going to be disoriented and that's another thing we are worried about and that is environmental issues. Thank you.

CHAIR MATSON: You're welcome. John Farrow?

MR. FARROW: Good morning, my name is John Farrow. I am a local attorney and I am here on behalf of the Albuquerque Roadrunner's Club. I am a runner myself and I am a member of that club. While I happen to live in the North Valley which has its own set of trails I am well familiar with the Foothills Trails as well and use them on a regular basis. Aside from being a long time runner I am a Director of the Duke City Marathon which was just run this past weekend and I'm also on the Board of Directors of the Roadrunners Club of America which is a national running organization with some 200,000 members.

From this experience I can tell you that the City of Albuquerque has a very unique reputation across this country as a wonderful place to live and visit if you want to be active. Our trail system is one of the big reasons for that. National running magazines have called Albuquerque a mecca for runners. It's no surprise that many world class, world record holding runners come here to train and some of them to live after their careers are over.

I understand from the proposal that there is no request to vacate the nearby trail. That's not really the concern. The concern is the access to that trail because our foothill trails are all fairly restrictive with respect to access to begin with. When someone goes around talking about further restricting that access you have the undivided attention of not only the running community but those who use the trails for walking and cycling. That is the real concern here that any access to that trail being vacated or restricted is definitely something that a group of runners and active people will object to.

CHAIR MATSON: Okay. Mr. Farrow would you also give your address for the record please.

MR. FARROW: My address is 2400 Meadowview NW here in Albuquerque.

CHAIR MATSON: Thank you. Keith Gainer? If you'll state your name and address for the record please.

MR. GAINER: Keith Gainer, 5516 Carmelita NE. I'm a hiker and a mountain biker and I use that trail access quite often in the summer. I'm kind of concerned because we've already lost Otero Canyon to the military and I worry that you start putting houses backing up to our trail system and then maybe 5 or 10 years later the homeowners association might decide that there are traffic problems or things like that and then they are threatening the access to the trail altogether. I've seen this happen in other cities. I also am concerned about the impact to the views and things like that. Thanks.

CHAIR MATSON: Thank you. Conrad Stahly?

MR. STAHLY: Good morning, my name is Conrad Stahly. I live at 5015 Cresta del Sur NE in Trailhead Village which is directly across the arroyo from this Wilderness Canon area. My principle concern is the inconsistencies in the High Desert Sector Plan in that the density seems to be increasing as we get closer to the periphery of the development. From where I sit the principal impact would be visual. This Wilderness Canon area is the highest point of the Wilderness Village area. Putting this many houses on that small amount of land and particularly making some of them 2-story homes would completely destroy the view. A second issue that I have is with the safety access. In the 10 years that I've lived where I am we've had 3 significant fires up in that area.

One home in the Trailhead Village alone where one of the homes under construction burned completely to the ground. There's been no attempt at reconstruction. The second one concerned some vandals who set fire in the area of the trail access, right off of the parking lot up there. The emergency vehicles were not able to locate the parking lot at all. I had to run down actually about 3 blocks to flag down a fire engine and have them go to the proper street. The third one being the fire this past spring where a home under construction was burned directly across the arroyo from us and I called the emergency number 911 and tried to direct them to the that fire location. Not knowing what the street numbers are on the opposite side of the arroyo I couldn't tell them what the number was. I told them the street name but I couldn't tell them what the number was. The result was that the fire engine showed up in my driveway. I had to give them my address as well. At the end of the event the arson inspector showed up in my driveway as well. I'm concerned about safety aspects and I'm very much concerned about the aesthetic aspects of the proposal. Thank you.

CHAIR MATSON: Thank you Mr. Stahly. Marcella Stahly?

MS. STAHLY: I'm Marcella Stahly and I live at 5015 Cresta del Sur Ct NE. That is in Trailhead Village. My concerns are pretty much what have been brought up before. One, the density. Two, the fact that there is a slope that is greater than is recommended in the sector plan and the traffic and the inability of the emergency vehicles to get into that area. Thank you.

CHAIR MATSON: Thank you. Patricia Wittman?

MS. WITTMAN: My name is Patricia Wittman. I live at 4905 Cresta del Sur Ct NE and I agree with everything that has been said. I just am, in particular, concerned about the natural environment and the beauty of the Sandia Mountains. Albuquerque is known for being such a wonderful place because the Sandias are so close to the City. Right now when you walk the trail you walk along side of a wall. I just think it's sad that it's all for money. Thank you.

CHAIR MATSON: You're welcome. Larry Garcia?

MR. GARCIA: Good morning, my name is Larry I Garcia. I am a voting member of High Desert Association. I am at 5305 High Desert Place NE. I agree with everything that has been said. I've got about four bullet points that I'd like to go over with you. 1) Is impact. What is this density going to do to (a) the environment (b) pollution and (c) safety. Under those headings obviously there's water, drainage, fire danger, wildlife, views and noise. On the way in here this morning I was listening to KNKT, a radio station, and there was a commercial about the planned community in Mariposa which is part of High Desert. It said that it was a planned community in harmony with the environment. Totally two different places but again advertising sells.

I own 3 acres here at 5305 but I was only allowed to build on a 15,000 square foot pad. Now we have 25 homes being built on 4 acres. We do need more time, I believe, to consider this for each one of you to look at your own departments and view. This is for the good of the whole of the community of High Desert and the good of the whole of Albuquerque. So please give us a little more time so that we can review this and not build this in harshness. Thank you.

CHAIR MATSON: Thank you. Pat Stovall?

MR. BINGHAM: He got his questions answered.

CHAIR MATSON: He did? Thank you. Angela Ness?

MS. NESS: Good morning. My name is Angela Ness and I live at 13213 Manitoba Dr NE which is part of the Glenwood Hills neighborhood. I have sent an email to you Ms. Matson this morning. It detailed a number of our concerns. My husband is here as well.

CHAIR MATSON: Okay.

MS. NESS: The items that I'd like to bring to your attention that have not been discussed in much detail are the following. First, the time of notification is a significant issue. This meeting was scheduled with only 20 days notice to the public hearing. I was a member of the Glenwood Hills Neighborhood Association that brought to this development committee concerns about the Wilderness Development originally. At that time, the 4.1 acre plat that is now to be developed was under discussion. High Desert Development Corporation, in writing, attested that they would give notice to the Glenwood Hills Neighborhood Association as well as the people purchasing homes in this new area about the fate of the 4.1 acres. That happened with very limited notice. Yet sixty home owners from High Desert and Glenwood Hills showed up last week at a meeting because of their concern about this development plan. So why the secrecy if it's such a great plan.

The second issue is that I'm a parent of school age children attending Albuquerque Public Schools. My children are now at Eldorado High School. I noticed that on the notice that was here this morning there is a point about the schools. That the schools will be able to handle the increased development in High Desert. I would like to point out that the original sector plan included a school. That school was dropped from the plans and it has been filled up with homes. This is the first year, and it is an anomaly, that Eldorado High School has been under enrolled. This has not been true. We are facing a crisis in Albuquerque Schools because of lack of consideration of developers for planning for schools for our children.

I would like to point out that the Glenwood Hills Neighborhood Association is extremely opposed to this plan and a letter has been sent to you by email from Virginia Leroy who is the Vice-President of the Association and the Land Use Chairman. My own property is at least .6 acres. We live adjacent to the open space and view the planned tract. I have a concern about property value here. These homes to be built are not in keeping with either the Trailhead homes that exist at High Desert or the Glenwood Hills Neighborhood homes that abut this. We've heard from other homeowners in the Wilderness.

Finally, the issue of fire cannot be reiterated strongly enough. I can't tell you how terrifying it is to wake up in the middle of the night and smelling a fire and seeing it across your backyard. A house burning down to the ground with just a little bit of desert open space separating you from it.

Finally, it was stated at the beginning of this meeting that when the trail access would have to be temporarily blocked that there would be rerouting of the trail through the current Wilderness. We heard from the residents in that area that all the gates to and from the Wilderness Trails have been locked. So will they be unlocked? Will they be permanently unlocked? We heard issues about trail access that I think are significant. The other point to make is that as this development has grown next to the trail. The trail space is abutting a steep mountainous area. Therefore, there is very little room for sharing this trail between hikers and bikers. So it's very difficult even to step out of the way. With additional narrowing of the trail it actually becomes a public safety issue. Thank you.

MR. PATTON: Madam Chair may I take an opportunity just to address some of the questions.

CHAIR MATSON: State your name please.

MR. PATTON: Kevin Patton with Bohannon Huston agents for Mesa Verde Development. If I could just address some comments real quick. I would just like it noted that Bohannon Huston and Mesa Verde Development did submit a copy of our proposed plan to the Glenwood Hills Neighborhood Association over 90 days ago. We met with the voting members meeting for the Glenwood Hills Neighborhood Association at which we presented our project. We found no objection to our plan. In fact, the president of the neighborhood association had indicated that we had met any concerns that they had at that time. So, we are unaware of any concerns from the neighborhood association board members. So I would like that noted that we did meet with them over 90 days ago and attended a voter members meeting.

CHAIR MATSON: Okay. When everyone is done here I have a list of a few things we probably need to go through okay?

MR. PATTON: Yes ma'am.

CHAIR MATSON: Thank you. Doug Collister?

MR. COLLISTER: Madam Chair my name is Douglas Collister, President of High Desert Investment Corporation. I live at 8524 Snakedance Ct NE in High Desert. There's been a lot of interest in this and concern about this issue as there was from the very first day that we proposed to incorporate High Desert property into the City and the master plan. At the same time, Glenwood Hills people said it's always been open space. It should stay open space and so we're hearing a lot of the same kinds of issues that we've heard on every single step of the development process that we have taken through High Desert.

The planning was exacting, it was carefully done and while there's been lots of discussion about transition of densities and interfacing with the open space. It think, in fact I know, that was primarily directed towards the northeast part of High Desert where that was done. Specifically an area that extends east of the section line that runs through High Desert and is also east of the Wilderness Area. Special care was taken with that area. It became known as the design overlay zone and special requirements and design requirements were there. Size of lots, height of structures, massing of structures, color of construction, setbacks from the property line. In terms of densities in other areas, the Wilderness area was actually zoned to accept that. Tract 13 was zoned to accept 300 units. All of the traffic studies that were done at the time were predicated on using that 300 number. In addition to that, the traffic studies that were done incorporated the build-out of 2,730 units, a projected build-out within the community. When, in fact, there is going to be something on the order of 2,200. Substantially under that full build-out that was contemplated in the traffic study.

The trail that is in question here is not going to be changed. Access to that is not going to be changed in any way that I am aware of. The trail was located by myself, Mr. Eichorn who is here in the meeting at this time, representatives from the City of Albuquerque's Open Space Department and representatives from the Trail Committee of the City of Albuquerque. It was clearly understood at the time that the trail was located where it is by all concerned that there would be development adjacent to that trail and that some of it could be dense. Because while in the northeast section in the design overlay zone the City had a special interest because of that extension past the section line closer to Elena Gallegos and Simms Park to protect view shed there. They did not have that concern as it approached the Glenwood Hills area and in fact there is language in the sector plan that provides that the densities there would be similar to what was experienced in Glenwood Hills.

As you know, there are apartments, condominiums and town homes as well as single family residences in Glenwood Hills. I think that is done.

The 10% grade line that has been discussed there were maps in the sector plan that defined where that was and that was the demarcation line and in fact that pretty much starts on the eastern side of this trail at the rock outcropping.

However I think that may even be a moot point because within the sector plan itself there is a later resolution and amendment to the plan that deleted that 10% requirement. I don't think that's even comes into play on this issue.

There is no question but what the land is steep and that's part of the reason that we approved and we think it's appropriate to have a higher density development. Because of the smaller lots it is much easier to take up the grade changes and have less impact on the surrounding land. The part of the trail that goes past this that is adjacent to this on the Embudito is maybe 100 yards and the trail that is on the east side of the development, is again, also 100 yards. I know I'm running out of time. The property that trail is located in and adjacent to it is City of Albuquerque Open Space which we gave to the City with the understanding that there would be development where it is and it could be up to 300 units. Thank you.

CHAIR MATSON: Mr. Collister can I ask you one question?

MR. COLLISTER: Yes ma'am.

CHAIR MATSON: You did mention 300 units in Tract 13, what does that encompass?

MR. COLLISTER: Tract 13 encompasses the Wilderness Estates Subdivision, the Wilderness Village Subdivision, the Wilderness Compound and this 4 acre tract that is being called I believe Wilderness Canons.

CHAIR MATSON: Okay, thank you.

MR. COLLISTER: Surely.

CHAIR MATSON: Charles Young?

MR. YOUNG: I have no comment right now.

CHAIR MATSON: Ms. Ness, I can just give you a short period of time.

MS. NESS: I would like to ask two questions of Mr. Collister. He indicated that there were condominiums in Glenwood Hills. I would like him to articulate where those condominiums are because they are on Tramway to clarify. They are not in the upper part of the neighborhood where we are talking about.

CHAIR MATSON: Okay. Thank you. I hate to start going backwards. So let's keep going this way and then if you still have questions we'll come back okay. Yolanda Padilla?

MS. PADILLA: I'm Yolanda Padilla with Bohannon Huston and I have no comment.

CHAIR MATSON: Ken Wessellman?

MR. WESSELLMAN: My name is Ken Wessellman and I live at 4613 Huntington Dr NE it's in the old section of Glenwood Hills. I've been a trail user for over 15 years running and biking. I transit this part of the trail rather quickly and end up east of the northern area which they have done nicely. Lower density I think. I would just say when they first talked about developing High Desert there was some concerns that 'gosh, they're moving into the open space and trails', but what they've done so far as been pretty nice. Even the section where we come down right in here where these houses are developed and the trail goes by them. The trail access is real nice. You guys have left a nice space in between the trail. That would be the one question that I have for you Kevin is it going to be the same space off the center of the trail pretty much to the walls of those houses that you have already existing?

MR. PATTON: If I may, we are working with the City Open Space folks again. We met with two of their folks yesterday. We are also including in that discussion the President of the High Desert Residential Owner's Association. The trail is located where it is today. We're talking about the possibility of permanent improvements to reduce the erosion. In that, we may be shifting the trail back and forth to address drainage concerns. As far as proximity to the proposed wall around that perimeter I'd have to go back and view how we did the Wilderness Compound just to see how it is. I would imagine it would be somewhat similar but again I don't control that. That's going to be controlled, because that property is owned by the City, the location of that trail is also going to be dictated by the City.

CHAIR MATSON: What I would suggest Kevin is that perhaps you include Mr. Wessellman or someone who uses the trail often in your planning. I'm sure that would be okay with City Open Space. You may want to give him your phone number and contact information.

MR. PATTON: I would prefer the City since they own the trail.

MR. WESSELLMAN: Sure.

CHAIR MATSON: I see Matt Schmader shaking his head yes in the back.

MR. WESSELLMAN: One other point here right now I can transit that area rather quickly. There's a lot of people out on that trail that are 65, 70, 75 years old. Their walking doesn't take them much further past the existing houses that are there now. I can see myself in another few years when I'm not riding a bike or running and I'm walking. A large portion of my time on the trail is going to be spent right around those houses. I would like to echo that fact that I think the density of these houses is going to be a huge eyesore. I can appreciate somebody having an investment and wanting to maximize their investment. I understand that. I would probably be the same way. This is going to be an impact on a number of people for however long Albuquerque is here. The older we get the more time we're going to spend in that one area. Two-story houses of that density are going to greatly impact the current aesthetic beauty that is there right now on the trail. So I think there is a misrepresentation as one of the ladies pointed out in trying to say the density in Glenwood Hills for one thing, why not match the density that's up northeast. Why out here as we come south we don't have to have that kind of lower density because it's aesthetically pleasing just because of Elena Gallegos out there. In any case, the density in Glenwood Hills is no where close to what they're proposing there. If he's using condominiums or something I don't know where he's getting them. I live right in the center of old Glenwood Hills and everything east of me are bigger lots. Probably a third of an acre so I would just like some consideration to that density especially. Thank you.

CHAIR MATSON: Thank you. Anne Marie Morosin?

MS. SENOVA: Ms. Morosin had to leave.

CHAIR MATSON: Okay thank you. Ed Hernandez?

MR. HERNANDEZ: Ed Hernandez and I live at 1219 Blue Quail not actually in High Desert but John Farrow of the Albuquerque Roadrunners and a mountain biker pretty much expressed some of my concerns. The only thing I will add is that I'm pushing 70 so some of my running has slowed down. I notice the walls more than probably a faster runner. They are an eyesore. You no longer see the Downtown area. I'm sure from the lower trails you don't see the mountains. It's more an aesthetic issue with me and of course an environmental issue. Thank you.

CHAIR MATSON: Thank you. Alan, I can't read your last name, but you live at 13501 Embudito?

MR. CLIPPERTON: I'm Alan Clipperton and my concerns have been expressed.

CHAIR MATSON: Thank you very much. Jack Eichorn?

MR. EICHORN: My name is Jack Eichorn and I live at 6316 Bobcat Hill Pl in High Desert. I'm also the Senior Vice-President with High Desert Investment Corporation. I have no comments. I would stand available for questions from the Board.

CHAIR MATSON: Tarin Davies?

MS. DAVIES: My name is Tarin Davies and I live at 13209 Manitoba NE. I'm a resident of Glenwood Hills. My home backs up on the open space right on the side of Embudito Arroyo so my backyard looks out on the view of where this development would be. I'm a trail user. I use those trails everyday. I really value the beauty and serenity of the open space. Most of my concerns have already been stated. I do have one additional thing I'll say. Overall my concern is the density of the proposed development is inappropriate. I think it's out of integrity with the spirit of the wilderness. This thing in the sector development plan that says the density will decrease as it approaches the wilderness. That's been voiced by many people and I agree with that. I was very active four years ago. There was a lot of discussion between Glenwood Hills and High Desert Development Corporation at that time. There was an agreement signed between Glenwood Hills and High Desert. Also at the time there was an agreement made between Mr. and Mrs. Keller from Trailhead and High Desert. The Keller's I believe are out-of-town and not able to be here right now. In that agreement, it was explicitly stated that High Desert would notify Mr. and Mrs. Keller and myself, my name was in that agreement, well in advance, as soon as development plans became known for this area. That was so there could be some discussion and to make sure it was, I'm going to read the thing.....there are two points in this agreement: "High Desert and Mesa Verde and its successors shall advise all potential purchasers in the Wilderness, in writing, in the Purchase Agreement, of the possible land uses for the 4.2 acre tract which has not yet been planned. High Desert and Mesa Verde will consult with Mr. and Mrs. Keller regarding the wording of this disclosure." My point is that I think, like there was a lot of attention given to giving us advance notice of what the plans were and I think they were deliberately evasive in letting the Kellers know and me know and the Ness's know. We were the people most active in this discussion four years ago.

The second point in this agreement says: "High Desert and Mesa Verde and its successors shall advise Mr. and Mrs. Keller and Tarin Davies in writing at the earliest reasonable time when a land plan and use is developed for the 4.2 acre tract." That certainly was not done. I think we were deliberately kept out of the loop because they knew we would have objections to something of this density.

CHAIR MATSON: When did you find out about the development?

MS. DAVIES: Two or three weeks ago. I first found out, there was a newsletter put out by Steve Ciepiela the President of the Glenwood Hills Neighborhood Association. There was a newsletter put out and I think I got that maybe three weeks ago.

CHAIR MATSON: Okay.

MS. DAVIES: Then there were the neighborhood meetings which we attended.

CHAIR MATSON: I think you and I talked over the phone Ms. Davies about how the Development Review Board is not empowered to enforce private agreements unfortunately. I understand your point.

MS. DAVIES: I understand. Thank you.

CHAIR MATSON: Thank you. Kym Dicome? Nothing at this time. Okay. Joe Witte?

MR. WITTE: My name is Joe Witte and I live at 1570 West Ella Dr NE in Corrales, 87048. I just wanted to say that while I appreciate the developer stating that they have no plans to interfere or vacate the easement to the trails. I would like it as a matter of policy that anytime a development interferes or impacts trail systems that are of such public importance that they have a perpetual easement put into place for that instead of stating that they have no plans. That doesn't guarantee that they won't develop it or interfere with it. So I think that needs to be made permanent. Thank you.

CHAIR MATSON: Thank you. Armando Lara?

MR. LARA: My name is Armando Lara and I live at 13415 Piedra Grande NE in the Wilderness Village. I agree with everything that has been said to date. A few issues on the egress and ingress into the area. Also to note that we do have the trailhead right off of High Desert which is near Spain. You have a very large number of vehicles of people who do not live in the area that park in that area. I'm not sure of the number of spaces in that parking area, but certainly it accommodates quite a large number. You have that increased access and when we are talking about public safety we're talking about just the possibility of safety type of issue occurring also during the day when there is quite a bit of movement in and out of that trailhead parking lot. In fact, on some occasions cars have been parked actually on High Desert because there's not sufficient room within the parking lot. Also, on my particular street, Piedra Grande it's very difficult currently on the egress leading, coming out of my street, turning left, which would be north onto High Desert. It's a very extreme curve there and in fact you almost when you exit have to drive into the oncoming lane to insure that nobody is coming around that curve when you are exiting.

Currently, the way it is now with the current density it presents quite a challenge. I anticipate the likelihood of accidents occurring again because of this increased density. I would just like to end my comments with what concerns me to a great extent, maybe has nothing really to bear upon any decisions that are taken, but the lack of transparency when we bought our home on Piedra Grande. I do not recall ever having been told that yes, there was a tract up there, 13, it was only referred to in the vaguest of terms. If I had been told what was planned and had signed an agreement acknowledging that I would have taken into consideration my purchasing a very expensive home in that area. I would say that the same for those people that live toward the corners of those streets as my street Embudito and the others understanding that with such high density you would have an increased number of vehicles along that area. Road noise et cetera. To me it's disturbing with Scott Patrick Homes with its high reputation that its always maintained that for whatever reason, intended, unintended but there was secrecy as one previous speaker had mentioned. That disturbs me and I think that's evidenced by the number of people who have come here and expressed their interest about this particular development. Thank you.

CHAIR MATSON: Thank you. Kathleen Conlin?

MS. CONLIN: My name is Kathleen Conlin and I live at 1021 Orchard NW right Downtown. I came to just speak for the overall view. To put up fences and say well this is the east side, this is the west side, this is downtown. It affects all of us. These developments are affecting all of us with dirt in the air constantly. Terror about where we are going to get our water. We're interested really in clean air, good food and clear water. What these developers seem to be running City politics. An example would be the Anderson Farm, Oxbow open space which are now high density developments putting through the Montano Bridge. Water is an issue. Definitely to take more space to develop leaves less for the replenishment of the aquifer. Then we get into wildlife issues. Where there should be a boundary where wildlife is not interfered with. Where they are allowed to live. We cannot keep having Animal Control tranquilize bears and run off deer and have people complaining as they are moving higher up into the mountains where are these animals going to go? Are they just going to kill them off and then great we're left with nothing. The only thing that developments have to offer as far as I'm concerned is more sewer and more garbage. That's all people I can see have contributed actually to this planet as a whole. I would suggest that this development stop and all development stop until the San Juan Chama Project proves that it works. Otherwise nobody's going to have water and we don't even know if this project is going to work or the water is not going to make us sick. Everybody's counting on something that hasn't been proven. I have a huge objection to the building materials that are being used which are particle board, the glues are very toxic, there's no disclaimer on this when people buy these homes. We're fourth in the nation for childhood cancer and nobody knows where that's coming from. We could look around at what's being done in this State, in this City and try and look at it with an overall view.

This isn't just affecting the Glenwood Hills area. It's going to affect the Downtown, it's going to affect the Westside and it's my opinion that we should really stop and think of what we want, how we want to live is the same as other animals and plants and so forth. Thank you.

CHAIR MATSON: Thank you. Jeni Turgeon?

MS. TURGEON: My name is Jeni Turgeon and I live at 720-6 Tramway Lane NE north of this area. However, I am a frequent trail user of this area and I did have three really quick points to make here. My first is that while the developer is stating that trail users are really losing anything. They are losing one really important thing and that is the experience of having the trail. I would like to agree with the loss of aesthetics with this development coming in that area.

My second issue is actually a question. I would like to know if there has been an Environmental Impact Study conducted in this area. There is a lot of wildlife in here and as we have additional homes being placed in here we are further restricting the passageways for wildlife. That does have a lot of implications down the road. I would like to know if that study has been conducted.

Thirdly, there has been mentioned of work behind the scenes with the City Albuquerque Open Space to work on these trails. I would like to see something very specific in writing what the exact plan is rather than some ideas here and there. In addition, with developing this plan I would like to see the involvement of residents in this area and also trail users including the hikers, the bikers and so on. That's it for my points.

CHAIR MATSON: That ends the list of people. Is everyone who is here to speak or would like to speak had a chance to do so? Is it Debbie? Debra. All right, quickly please. Would you state your name please.

MS. GREENHOOD: Debra Greenhood a resident at Wilderness Village. I'm really gratified to see how many people showed up here today for a variety of reasons. I just wanted to reiterate a couple of things. To go back to what we had said earlier. We may not have a lot of Wilderness residents available here in person today because first of all it isn't completely built out yet. It's a fairly new development. I can tell you that on that petition that you have in your possession there are 94 signatures over two-thirds of which are Wilderness residents both Wilderness Estates, Wilderness Compound and Wilderness Village. I personally circulated that petition and when I spoke with these people face to face. What I want to tell you on behalf of them is that they not only signed the petition in opposition to the currently proposed plan but they are very upset because they feel, and it's a strong word, but they feel betrayed.

I would say 90% of the people on these developments purchased homes through the Scott Patrick Homes Building which is part of Mesa Verde Development and they don't feel that they were appropriately or clearly informed about what was happening up there. They had asked questions but as someone else mentioned it wasn't clearly stated what was going on there. These residents who bought from this development corporation are very upset.

Just to go back to that safety issue, because we are talking about a lot of safety for a lot of things. When you think about, I understand what Mr. Collister said, that there were 300 dwellings approved there. When you think about the possibility of 135 dwellings on one egress and one ingress, one entrance, one exit, that's a lot of fire danger. A lot of public safety. I would hate to think and I understand that developers are in the process, in the business of making money and developing property. I understand that. Albuquerque has always prided itself in being different. My husband and I just moved here 5 months ago for the reasons that Albuquerque is a City that understands that everything isn't just about development and money. That we think about the people here. So we have to think about the public safety issues as well.

CHAIR MATSON: Okay, thank you. Mr. Baca and then this will need to be it.

MR. BACA: Just one point and I'll be quick. I know Doug Collister, Mesa Development and the architects have come to the meeting. We appreciate it. Some of our board meeting, some of the voting member meetings and they made themselves available. They stressed that they had up to 300 homes of density that they could build in Wilderness. They said we are fortunate that they didn't put 50 some homes in those 4.2 acres and that they just went with 25. My only question is if they had 300 homes to build density or whatever they build why didn't they do it in the center as stated in the sector plan and as they went out lessened the density. My only explanation and speculation is because that's prime land and they could sell the homes there and the land much higher than they could at a lower area. Thank you.

CHAIR MATSON: Mr. Patton, if you'd come up I have a few questions and some of the other Board members may have some as well. If you make sure you speak loudly so everybody can hear.

Access to the trail, there was a question about whether or not the access would remain the same and also if and when it's closed for improvements how will it be accessed if there are gates at one of the subdivisions. One of the subdivisions has gates on it that would close off, they're saying, part of the alternate access to the trail that you outlined.

MR. PATTON: Madam Chair, Kevin Patton with Bohannon Huston agent for Mesa Verde Development. Again, we are working with Matt Schmader and the City Open Space and again if there is work done, and we haven't indicated that we are doing any work right now with this trail. If for some reason this needs to be temporarily closed for improvements on this trail along this stretch, we would utilize the existing trail here and an asphalt lined path. There is a gate right now because there is a wall, but that gate would be left open, again with concurrence from the High Desert Residential Owner's Association. We would also provide some trail and some fencing, and so that it's very clear, we would also provide some signing for folks who are using that trail. Again, I don't believe we would be removing any access to that trail.

CHAIR MATSON: Have you discussed this with the Resident's Association or not yet?

MR. PATTON: No, we have. Again, Ray Berg if he is still here could speak to that and maybe give some of his concerns or comments concerning that. Again, at that meeting yesterday that was discussed and it seemed at the time with Ray, because Ray and I did talk about that. It would be a possibility but again I would defer to Ray to maybe speak to that point as well.

CHAIR MATSON: Okay, we may just wait until a later date to actually hash out some of these issues. It looks like it's going to be deferred anyway. There was reference to an outcropping. Where is that outcropping located?

MR. PATTON: Madam Chair that easement that I had referenced before encompasses the outcropping. It's also located right there I believe (Kevin used a pointer to show location). I have a better exhibit if you'd like me to bring that up

CHAIR MATSON: No, that's fine. So that's going to remain. The outcropping is not going to be disturbed then is that correct?

MR. PATTON: That is correct. Except for the request, just to let you know, that small triangle easement right there (Kevin used a pointer to show location) where the tract boundary and the easement cross one another there is a request right now, but again, that request needs to be approved by the Residential Owner's Association.

CHAIR MATSON: Okay. There was reference to the 10% slope but I did notice that there is an amendment existing at the beginning of the sector plan that did away with that requirement.

MR. PATTON: Yes ma'am. That was repealed by the Council and is referenced in the sector development plan.

CHAIR MATSON: Okay. Let's see, Environmental Impact Statement, do you know whether High Desert Investment Corporation did an Environmental Impact Statement?

MR. PATTON: Madam Chair an Environmental Impact Analysis was done with the Master Plan. It was not required. It was done by SWCA for High Desert Investment Corporation. It was updated then again when we developed Tract 13. There was no adverse impact found in that analysis or that report.

CHAIR MATSON: Okay. There was some reference to some development happening and the schools struggling to keep up. Would you like to address that.

MR. PATTON: Madam Chair in your comments, the public comments that have been received today you will note the comment from APS which indicates that the developments of the 25 lots proposed should accommodate. The surrounding schools should be able to accommodate our proposed development.

CHAIR MATSON: The other thing I'm surprised you didn't notice is the Council Resolution that was passed that says "beginning November 1 any preliminary or final plat that is approved they have to have gone to the APS staff and signed a pre-development facility fee agreement" which means that each lot that's developed from thence forth will have an amount of money attached to it so that the schools will be better able to keep up with the development.

MR. PATTON: Madam Chair we are aware of that. Again, from the comments provided it's our assumption that APS has indicated that there is sufficient capacity at this time with the schools that will be affected.

CHAIR MATSON: Okay. The last thing that I have written down here is reference to density and where it's supposed to occur according to the sector plan. Would you like to address that please.

MR. PATTON: Madam Chair I can. Again, there is a statement in the Policy Section of the sector plan that references a concept. Others may be better versed to address this. My understanding of it is that you have the town center which is here and it talks about density diminishing as you move north and east of this area. That is consistent with what has been developed over time. Again, north adjacent to Simms Park Road and Sandia Heights and east as we head beyond the section line and the design overlay zone and again consistent with how this was zoned and what was proposed. Again, that also references Sandia Heights in that area. It's inconsistent with the zoning. If this was to also diminish from this location as you head south and east then it would be inappropriate for this area to be zoned for 13 du's per acre. I might just state again from the zoning that we do talk about 300 units. Again we have 110 currently and we are looking to add 25 where we could 50.

As far as the traffic goes the traffic study that was submitted and supported the sector plan and the master plan had anticipated a worse case which would allow for 300 units. There's been reference to a single entry and exit along High Desert Place but I would contend that we have that here in the Highlands, which again has a single entry that supports over 100 homes as well as other single entries. The Overlook and other estate lots that have a single entry that support a number of homes on that single street.

CHAIR MATSON: Mr. Patton has that traffic study been provided to the Resident's Association or do they already have a copy of that what you are referring to?

MR. PATTON: Madam Chair I couldn't answer that. I did not provide a copy to them. Again that's on file with the City of Albuquerque and public knowledge and again since we are with our last 4 acre parcel and additional 25 units, in my opinion, has very very little impact on the overall development. Again given my knowledge of the master plan and knowing that we were well below what we could be.

CHAIR MATSON: Do you have a copy of that study that you could give to the Resident's Association?

MR. PATTON: I could if asked. Let me just mention that we have met with the High Desert Residential Owner's Association twice and had offered any information that they would like including traffic. We have not been requested a copy from them so we've made ourselves available to the board members. Again we did meet with the voting members at a meeting and present this case. We have been open. I think we have been very transparent. We offered our service and met with the Glenwood Hills Neighborhood Association and have been open to meeting with anyone and have stated that.

CHAIR MATSON: Okay. Mr. Berg was shaking his head that he would like to have a copy of that study. You might provide him with one if you would please.

MR. PATTON: Yes ma'am.

CHAIR MATSON: Okay. Do any other Board Members have questions of Kevin or any of the speakers at this point? (No one responded). Okay.

MR. PATTON: Do you want to go through your comments?

CHAIR MATSON: Yes, we can go through the comments we have for now I guess and then see what happens later. Parks?

MS. SANDOVAL: Parks has no objection to the request. I would like to defer comments to Matt Schmader with Open Space to comment on the trail issues specific to the open space parcel.

CHAIR MATSON: State your name for the record please.

DR. SCHMADER: My name is Dr. Matt Schmader I'm the Superintendent of the Open Space Division.

CHAIR MATSON: Okay and why are you here.

MS. SANDOVAL: You did have comments on the staff report and there have been comments that the developer has been working with you and your division. I just want your comments in the public record as to that.

DR. SCHMADER: Madam Chair and Christina we have been in contact with Bohannon Huston about the trail design. The trail does need construction work because it's actually lower and acts as a conveyance for some of the natural drainage that comes from the foothills. So in order to fix the trail in conjunction with any development that may happen adjacent to it we try to time it so that the access for any equipment that may be needed is done before any subdivision work. So we are in the process right now of designing erosion control and trail improvements so that the trail will be permanently fixed. It's a difficult trail reconstruction but we are already looking at it and it's going to work very well. We want to make sure that the trail is continuously open and we want to make sure that the trail using public is not inconvenienced. We've heard from a number of users today who clearly use it often and really appreciate it and we're committed to making sure that it stays open or any reroutes are worked out with the development process. Ultimately we will end up with a better section of trail in that area.

MS. SANDOVAL: There was a comment made by someone that they were concerned that the trail would go away in the future. Can you just reiterate what's in the plans.

DR. SCHMADER: That section of trail is owned by the City of Albuquerque as a permanent part of the Trails System. It's an extremely important link from the Embudito Trailhead going north up towards the Elena Gallegos. It's our intention to have it be continuously open and it would never be eliminated from the City's Trail System.

MS. SANDOVAL: Thank you. The only thing that I would like to add is that any improvements that are committed to between Open Space and the developer would be placed on the Infrastructure List which is signed by this Board. Those improvements will be guaranteed financially by the developer and we would be approving those in conjunction with Open Space review.

DR. SCHMADER: That is correct and also Madam Chair and Christina there may be some additional even performance bonding to insure that any improvements that happen that there's a life span for making sure there is some funding to fine tune all of that.

CHAIR MATSON: Hydrology?

MR. BINGHAM: Just for the record, I did make comments on the drainage report that was submitted and one of those comments was to make sure that open space and the trail itself was not impacted or improved because of the heavy rains and erosion of that trail. Until Open Space and the developer and myself could have met on the requirements I couldn't approve the drainage report therefore I couldn't approve the subdivision. I think we are working very well with the Open Space people and the developer and their engineer to make sure it works for everyone. Until the report is done though I can't comment on the pond vacation until we know where the other one how that's going to work with the other improvements. I would have been find approving the waterline easement and the subdivision design variance and the sidewalk deferral. The Development Process Manual (DPM) very clearly states that this type of development can have the types of street slopes that were shown on the grading plan. They are within the design requirements that is prevalent all over the City. I think if we are going to have a deferral two weeks minimum is my preference since I'm on vacation next week.

CHAIR MATSON: Planning's comments. I'd like to make a little disclaimer to start for those of you who may not understand what the Development Review Board is all about. We are a technical board and we are required to follow adopted City policies, ordinances and plans. We are not a design board. That's how we differ from the Environmental Planning Commission. Our job is making sure those ordinances, plans and Council Resolutions are upheld. With that in mind, if the Zone Code or an adopted sector plan allows the density proposed in a plat application, the Development Review Board cannot require a lesser density or a higher density. We have looked at the sector plan. We've looked at what's planned in this development and the proposed density is within the range of the SU-2 RG HD zoning in the plan to which the SU-2 HD RR refers for residential development. Page 4.4 of the sector plan requires a signature from the homeowner's association certifying that the plat meets the requirements of this plan. I think that was already brought up. We are waiting hopefully to get that. We have no objections to the requested vacations, sidewalk waiver or deferral. We defer to Transportation on the Sidewalk Design Variance. We do have some requirements about the perimeter wall design and I think Kevin you and I can talk about that outside here. The Infrastructure List will, if there's plants, we need to have a Landscape Maintenance Agreement listed on the Infrastructure List as well as an Irrigation Meter. The wall itself needs to be listed on the Infrastructure List so the engineer can certify that whatever the approved design is that it has been followed. I think that is it for Planning. Utilities?

MR. GREEN: I have no objection to the vacation request. No objection to the sidewalk waiver and deferrals. Regarding preliminary plat the copy I have failed to include a waterline easement across Lot 5. Your infrastructure list will need to include the removal of the existing waterline in the easement being vacated. That's all the comments I have on that.

CHAIR MATSON: Transportation?

MR. GALLEGOS: With respect to the preliminary plat actions that have been requested we have no objection to the subdivision design variance, no objection to the vacation request, no objection to the sidewalk waiver or deferrals as shown. On your infrastructure list obviously you need signage per DRC (Design Review Committee). I don't know if street lights are required for the sector plan, whether this area requires them or not, but if they are you need to have that. It's usually a general note on the back of the infrastructure list. I did receive through email your approval for the use of the hammerhead in-lieu of a cul-de-sac up on the top end from Fire and Solid Waste. You need the Maintenance and Beneficiaries for both Tract A and Easement A which is basically the road and the sidewalk easement as shown. Again, I also expect to see the trail improvements on the infrastructure list. I would like for the traffic study to be turned over to Mr. Ray Berg and I'm assuming he is going to have Mr. is it Dean Ressler who you are dealing with?

MR. BERG: Yes.

MR. GALLEGOS: To take a look at those issues. There were a number of other traffic issues that were brought up. I think people see that they are related to the subdivision but they are not part of the subdivision itself. I mean there was one comment about the cul-de-sac up top. We've dealt with that with a hammerhead. I think we need to show, when you meet with these folks, how the private gated entrance works with the widened street sections in those things, to allow people to turn around. There was a number of other intersections that were brought up, I think, within the subdivision. While those aren't quite related to the infrastructure list, Mr. Berg, if Mr. Ressler and yourself come up with some of these issues it might be appropriate for us to address those through the Traffic Operations Sections whether it might be some extra signing or striping for some of these site distance problems that were brought up.

MS. MATSON: Okay, how long would you like to defer Mr. Patton?

MR. PATTON: We have no objection, there was a request made by the High Desert Residential Owner's Association to defer 14 to 21 days. We have no objection, if the City so chooses, the 14 days.

MS. SENOVA: That is November 8th.

MS. MATSON: You wouldn't consider 3 weeks?

MR. PATTON: At this point what I'd like to do is shoot for the 2 weeks and then we can always re-evaluate that to see if 3 weeks is necessary.

MS. MATSON: All right. Also I'd like to remind you, have you been in contact with Ms. Watson over at legal?

MR. PATTON: No I have not. We'll go ahead and call her.

MS. MATSON: Okay, if you feel the need to do that, it might be a good idea.

MR. PATTON: Thank you Madam Chair, Board members.

MS. MATSON: Okay, we'll defer for now to November 8th. This is the notice you will get of that hearing. You will not get any other notice. We'll see you in two weeks.

DRB MINUTES FROM THE NOVEMBER 8, 2006, DEVELOPMENT REVIEW BOARD MEETING.

5. Project # 1004989

06DRB-01411 Major-Preliminary Plat Approval

06DRB-01412 Major-Vacation of Public Easements

06DRB-01413 Minor-Subd Design (DPM) Variance

06DRB-01414 Minor-Sidewalk Waiver

06DRB-01415 Minor-Temp Defer SDWK

BOHANNAN HUSTON INC agent(s) for MESA VERDE DEVELOPMENT CO request(s) the above action(s) for all or a portion of Tract(s) A, UNIT 2, WILDERNESS @ HIGH DESERT (to be known as **WILDERNESS CANON @ HIGH DESERT**) zoned SU-2, HD/R-R, located on HIGH DESERT PL NE, between TRAILHEAD RD NE and EMBUDITO VIEW CT NE containing approximately 4 acre(s). [REF: 06DRB-00933, 04DRB-00713, 04DRB-01723] [*Deferred from 10/25/06 & 11/8/06*] (F-23) **DEFERRED AT THE AGENT'S REQUEST TO 11/15/06.**

Neither the applicant nor the agent were present.

The following action was taken:

The above request was deferred at the agent's request to November 15, 2006.

DRB MINUTES FROM THE NOVEMBER 15, 2006, DEVELOPMENT REVIEW BOARD MEETING.

10. Project # 1004989

06DRB-01411 Major-Preliminary Plat Approval

06DRB-01412 Major-Vacation of Public Easements

06DRB-01413 Minor-Subd Design (DPM) Variance

06DRB-01414 Minor-Sidewalk Waiver

06DRB-01415 Minor-Temp Defer SDWK

BOHANNAN HUSTON INC agent(s) for MESA VERDE DEVELOPMENT CO request(s) the above action(s) for all or a portion of Tract(s) A, UNIT 2, WILDERNESS @ HIGH DESERT (to be known as **WILDERNESS CANON @ HIGH DESERT**) zoned SU-2, HD/R-R, located on HIGH DESERT PL NE, between TRAILHEAD RD NE and EMBUDITO VIEW CT NE containing approximately 4 acre(s). [REF: 06DRB-00933, 04DRB-00713, 04DRB-01723] [*Deferred from 10/25/06 & 11/8/06 & 11/15/06*] (F-23) **DEFERRED AT THE AGENT'S REQUEST TO 11/22/06.**

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

Kevin Patton, Bohannon Huston Inc., 7500 Jefferson NE, 87109

Charles Young, 13105 Enchantment Ln NW, 87111 for

Mesa Verde Development Co., 8300 Carmel Ave NE, 87122

Kym Dicome, High Desert Investment Corp., 3791 Southern Blvd SE, Rio Rancho, NM 87124

Douglas Collister, 8524 Snakedance Ct NE, 87111

PERSONS SPEAKING IN OPPOSITION:

Ray Berg, 13501 Osage Orange NE, 87111

Arinta Liem, 13419 Wilderness Pl NE, 87111

Janet Lentz, 5109 High Desert Place NE, 87111

Carl Fesler, 5005 Cumbre del Sur NE, 87111

Don Kellor, 5004 Cresto del Sur NE, 87111

Sam Baca, 5000 Cumbre del Sur NE, 87111

CHAIR MATSON: We are on Agenda Item 10, Project #1004989, Wilderness Canon at High Desert.

ALL PERSONS WERE SWORN IN

CHAIR MATSON: Okay Mr. Patton if you will introduce yourself please and explain the project one more time.

MR. PATTON: Madam Chair and members of the Board my name is Kevin Patton and I'm with Bohannon Huston agents for Mesa Verde Development requesting preliminary plat approval as well as vacations of three easements we have on this site. We met three weeks ago before the Board and obtained comments from both the Board and the parties that were at that meeting. We deferred for two weeks and then again another week to continue to address questions. Since that time we have obtained a letter from the High Desert Residential Owner's Association certifying that we are in conformance with the sector plan. Mr. Ray Berg, President of the High Desert Residential Owner's Association is here and can probably speak to that and may as we continue. I think that's pretty much it. Again we are here to address any additional comments that may surface but we look for approval today.

CHAIR MATSON: Have you met with any of the folks who expressed concerns three weeks ago between then and now?

MR. PATTON: Madam Chair I know we have spoken and gotten documents to some of these folks. I know Mr. Charles Young who is with Mesa Verde Development has had some additional meetings that I was not involved in that he can speak to.

CHAIR MATSON: Mr. Young if you'll introduce yourself please.

MR. YOUNG: Madam Chair Charles Young, Mesa Verde Development Corporation. We did meet with four members or four private residents of surrounding neighborhoods. Mr. Sam Baca, Janet Lentz, Tarin Davies and a Mrs. Pelletier. Scott Schibor and I discussed their concerns. We talked about their concerns and actually made several, actually nine commitments that we would agree to if there was no opposition to our project.

CHAIR MATSON: Okay, do you have a list of those?

MR. YOUNG: I do.

CHAIR MATSON: Is this an extra copy?

MR. YOUNG: Yes.

CHAIR MATSON: What I'd like to do is lay down a ground rule or two. I won't go over the ones that I talked about last time because I think most of you folks have been here at the last meeting. The only thing that I would like to say is we have several people who would like to speak. The comments that you made at the last hearing are on public record so you do not need to reiterate those. The ones about the traffic et cetera, et cetera. So I'd prefer that you would not do that because it will just extend the hearing longer and we've already got those comments on record. If any of you still feel the same way, you can just state that for the record and we'll understand.

If you've got something totally new you'd like to talk about that's fine. With that in mind, Arinta Liem? If you'll go up to where one of the microphones is please or you can just stand there.

MS. LIEM: I'd like to stand.

CHAIR MATSON: Okay.

MS. LIEM: I read all those commitments but none of those should be the subject. All I am concerned with is that you take into consideration to reduce the amount of houses from 25 to 12 maximum 15. Then none of the problems should arise anymore. Looking at the Wilderness Compound at the time we still lived in Texas, now when I moved in 6 months ago, I don't think this is the right place for that expensive subdivision near the open space for the hikers sake. Bikers and people who hike, American taxpayer who have the right to hike on the side of the U. S. Forest Mountain that you don't have to worry about being behind the houses at the Compound. Dogs may bark at you. With 25 homes you will build 2-story and with 12 to 15 you don't have to.

When I look at the map here the 3 houses on the island will be eliminated if that's what you desire and make it around here because this is Lot 22, this is #1, or 11 whatever and these 3 make it 25. If you eliminate these 3 lots then make it here like 7 and 8 just around here and make here like an island or street light maybe. It will look so beautiful even for the buyer. You may build less houses but you will build faster and you maybe make the same amount of money because 1-story is more expensive than 2-story. If the hiker is already experiencing on Wilderness Compound then you are worried about the neighborhood. That's not hiking, hiking you're supposed to feel with nature not behind somebody's houses. If you build 25 homes it will be worse because 4 acres, the Compound is 5 acres. There is another thing, your 2-story the hikers will be looking at that's not hiking. They have the right to hike on the U.S. Forest Land without being worried about neighborhood dogs barking there are so many houses.

CHAIR MATSON: Ms. Liem but your time is up. If you want to make just one more statement that's fine.

MS. LIEM: One more statement is please consider this if you have artist rendering to draw to the one I just told you, make an island instead of 3 houses, then you look at it carefully. If you have a relative that wants to buy the house which one would you buy. This is kind of uphill and people can see it and I don't think it's very attractive. I believe you will sell it faster and make all home owners happy. It will eliminate all the problems that we talked about 3 weeks ago.

CHAIR MATSON: Raymond Berg if you'll come up please. You can either stand or someone will relinquish their seat hopefully. Good morning. If you'll state your name and address for the record please.

MR. BERG: I'm Raymond Berg. I'm the President of the Board of Directors of the High Desert Residential Owner's Association. Thank you for allowing me to address you this morning. I believe you should be in receipt of the letter from us regarding the evaluation of the zoning and number of units.

CHAIR MATSON: Yes I did.

MR. BERG: I trust that is satisfactory.

CHAIR MATSON: Yes it is, thank you.

MR. BERG: We had expressed concern about two issues. One was a traffic issue that related to traffic on High Desert Place and I believe Mr. Gallegos that you are in receipt of communication from Dean Bressler in that regard?

MR. GALLEGOS: I am.

MR. BERG: Was this satisfactory for explaining what our concerns are?

MR. GALLEGOS: I know what the concerns are. I'm not sure I agree with his analysis of the situation out there. I have forwarded an email based on his previous email to me to Operations to take a look at the situation. Unfortunately, these are already previously platted lots. This is not really the subject of this particular area in here where there could be something done with easements or anything in order to remove those walls. Operations is taking a look at it. I'm not sure if there is striping or something out there that might alleviate the situation.

MR. BERG: Okay. So he's in ongoing communication with you about that.

MR. GALLEGOS: Yes.

MR. BERG: Okay. The other issue that we had some real concerns about had to do with drainage. We have seen a number of proposals from Bohannon Huston regarding drainage ideas. We have a couple of continuing concerns about that. One being the safety of having a concrete drainage feature immediately adjacent to a trail that's used heavily by bicycles and a lot of pedestrians and at least potentially equestrian users. We would like that to be somehow folded into the mix. I understand that a number of these things get treated or discussed at another kind of hearing. I nevertheless think that they are important to be put into the record so that they are an integral part of the treatment or any solution that is proposed for it. That's basically my concerns.

CHAIR MATSON: Thank you Mr. Berg. Janet Lentz? Ms. Lentz I believe that you are new so I will tell you that one of the rules that I put down last time was that you try and limit your comments to 2 minutes. Okay, you already know that. Thank you. If you'll say your name and address please.

MS. LENTZ: My name is Janet Lentz. I am a resident of Wilderness at 5109 High Desert Place. Over the last several weeks I have been researching the history of this project as well as that of the Wilderness overall. At least two of your committee members have been very helpful in explaining and clarifying some of the factual and procedural information regarding these hearings.

I'd like to also mention that I have a Masters in City and Regional Planning, an MBA with a focus on Strategic Planning and I'm a writer. One of the things that I focus very heavily on in all of those arenas is the internal logic of a document. I will tell you that this sector plan is one of the most inconsistently illogical internally that I have seen. The lack of internal consistency relates to Tract 13 overall. I've also been communicating with the residents and trying to solicit their input for this procedure as well as other procedures we are looking at. I was in the meeting with Scott Schibor and Charlie Young as he mentioned. I communicated the document you have in hand from Scott Schibor to the residents. The comments received fall into two camps equally noted. One is very similar to Ms. Liem's comments to try to limit it to 12 to 15 units. This is a far cry from the 2 to 4 units that were told to the residents that would be developed there. The other camp is to not have anything even that dramatic and we'd like to proceed through the official process of the Development Review Board all the way to City Council to try to secure rezoning of this site. Usually, based on all the elements that you have heard in the previous meeting. At this time nobody wishes to approve the agreement from Scott Schibor and presented or the development as planned.

I do not have everyone on my email list for these communications so we will be calling a full neighborhood meeting early next week to update the residents and discuss their options and get their inputs for this process as well as other legal processes we might pursue.

CHAIR MATSON: Okay thank you. Carl Fesler? Good morning.

MR. FESLER: My name is Carl Fesler, legally Walter Carl Fesler, a resident of Trailhead at 5005 Cumbre del Sur NE. I was out of the country at the last meeting as was unable to attend. I was not aware of what transpired. I reviewed with some of the neighbors what had happened and one of the points it was mentioned that the 10% demarcation line was not a factor. I was reading through the plan and I discovered that the ordinance, the deletion that was referred to by Mr. Collilster was a clerical correction of the ordinance approving the plan. The ordinance itself notes that the plan is consistent with provisions of the Albuquerque Bernalillo County Comprehensive Plan and other adopted City plans and it goes on through its whereas is and then states in Section 1, "the High Desert Sector Development Plan attached hereto is hereby adopted as a Rank 3 Sector Development Plan. All development activities within the plan shall be guided by this plan."

There was Paragraph 5 which did mention the 10% slope demarcation was a clerical error and was not to be included in it. So it would appear to me that the plan in its entirety has been approved by the City for planning. It did not exclude the 10% demarcation.

The second section, when we talk in the zoning that I had questions on that have not been clarified. The SU-2 HD RR zoning it talks about permissive uses when pursuant to only the sector development plan which I would assume meets its restrictions and guidelines uses the HD RG zone. In the fifth section of that description, since this particular zone did not exist in the City classification talked about conditional uses would use the HD RLT zone with an exclusion. It does not identify at any point when a conditional usage would be. I would assume this would be determined by the Board and other people in the purview of the plats.

The Comprehensive Plan basically states that it is complied in terms of doing the slope demarcation. That they do have a detailed map indicating what it is. In looking at the Albuquerque GIS Data Website it would appear this plat over at least half of its duration exceeds the 10% line and the plat is located between an open space referred to as The Knoll and between the Forest Service land. Between the high ridge lines if you were to look at the again the 2 foot contour lines starting from the top of the knoll counting downwards you find that to drop 26-feet in elevation you are almost on the far side of the plan. The proposal is to put 6, 26-foot zoned houses in that area which basically would destroy the view of the knoll from the trailhead parking lot for the general public. That is also not consistent with the plan guidelines in terms of conforming to the land mass. This is a natural scenic saddle that is there.

The plan has stated consistently that low density uses are to be placed against the forest wilderness peak access and open space boundaries. The developer has used a variety of densities within the Wilderness Village all zoned the same. So the density has nothing to do with that zoning it's what the developer is choosing to put in there.

Contrary to the plan, the proposed plat is the highest density in the Wilderness Village. The arroyo frontage density is comparable to Glenwood Hills it's over twice the density of the adjacent village of Trailhead which is supposed to be considered when you are matching or pairing up with adjacent villages as an impact.

CHAIR MATSON: Are you almost done sir?

MR. FESLER: Yes.

CHAIR MATSON: Okay.

MR. FESLER: I should note the Trailhead wasn't in existence at the time. Because of the latitude provided to the developer by the zoning of that area it creates a greater responsibility for both them and the High Desert Home Owner's Association to review proposed developments to insure that they are in compliance with the plan itself. This particular plat does not appear to be meeting the restrictions in terms of transitions, land form protection and merges with other areas.

CHAIR MATSON: Do you live in High Desert sir?

MR. FESLER; Yes, I identified myself as a resident of Trailhead.

CHAIR MATSON: I'm sorry I didn't hear you.

MR. FESLER: Your response is similar to that for a long time we have gotten from the board when we have brought our concerns to them. It took us a long time to get a security patrol and a bunch of other things. We are one of the oldest and the smallest development in High Desert.

CHAIR MATSON: I'm not sure what you mean by my response?

MR. FESLER: Am I a resident of High Desert.

CHAIR MATSON: I didn't hear you give your subdivision name.

MR. FESLER: I'm sorry. I stated that at the first.

CHAIR MATSON: Okay. Thank you.

MR. FESLER: That is frequently a question, oh that's part of High Desert, people don't recognize it.

CHAIR MATSON: Yes. I know it is. I'm sorry. Sam Baca I believe you were here last time. Do you have new issues to bring up?

MR. BACA: I do.

CHAIR MATSON: Okay.

MR. BACA: Madam Chairman and Board members I'm Sam Baca. I live at 5000 Cumbre del Sur NE in Trailhead. I have to wear two hats today. One as a board member and one as a resident. I hope I didn't have to sign up twice. First as our president Ray Berg stated he did sign the letter. We just saw the letter for the first time last night and I guess he sent it November 6 and we approved it. What we approved I'll read "Based on the review we believe the proposed plat is consistent with the underlying zoning requirements of the sector plan."

We also agree the number of units in the proposed plat does not exceed the maximum number allowed in this specific zone by the sector plan. That's what the board reviewed and that's what we are saying. The zoning obviously is there and we agree that they are consistent with it and the number of homes. That's all. At least as a board member I asked that question. Is that the only thing we are agreeing with and the answer was yes. Not the rest of the sector plan.

Second we are concerned as we talked about the drainage, and I'm not going there, but also 30 some years in law enforcement, traffic is a concern. A major concern. The site view getting out and to the places is a hazard. If you have a forest fire, which we've had one in the last two years, it's a hazard on that. Second I'm taking my board hat off and putting my residents hat on, and I'd like to just state that we had a meeting with Scott Patrick and Charlie here and they made some consensus to what they'd like to change. The two we really wanted were not changed. One was the density, the number of homes there and also the amount of two-stories. I believe almost all of them were two-story and they did agree to maybe drop one or two of them. I just wanted to relay that to you. Thank you.

CHAIR MATSON: Okay. Thank you. Don Kellor? State you name and address please.

MR. KELLOR: I'm Donald Kellor and my address is 5004 Cresta del Sur Ct NE that's in the Trailhead Subdivision part of High Desert. The first part of High Desert. I'm a voting member for High Desert. I just want to emphasize a few things to the Board that I'm not sure how well you've studied the sector development plan but I'd like to read a verbatim a few items which address the density and there are many others that I won't read. Section 3.2 talks about land use concepts. "The land use plan is designed around a neighborhood center and the transition from that center to the natural open areas at its edges. From the neighborhood center residential land use densities transitions from higher density in the project center to lower densities at the interface with adjacent lands....leaving the least dense areas generally equivalent to similar developments in Sandia Heights at boundaries with natural open space areas." I don't think the plan is in conformance with that.

Section 3.5 near the bottom "The plan also respects its urban neighbors and their influence on the site setting. The lowest density uses are placed against the forest wilderness, park access and existing open space boundaries. The northern and southern (where we are) boundaries maintain land use intensities similar to Sandia Heights and Glenwood Hills".

Section 3.7, third paragraph "Those areas corresponding to those which would be protected through imposition of the 10% slope demarcation line found in the Sandia Foothills are to be preserved".

Lastly, Section 3.10, Forest Service Boundaries. "Townhouses surrounded by common public or private open areas may form adjacent land use. This will provide a) low density transition to the public lands on the border of the property." Those are verbatim quotes and I want you to consider those when you consider the plans. Thank you. I have a copy of those comments if you'd like them.

CHAIR MATSON: Thank you that would be helpful. We can put them in the file then. Thank you. Okay, Kym Dicome did you wish to say anything this morning.

MS. DICOME: Not unless you have something to ask me.

CHAIR MATSON: Okay. Mr. Collister?

MR. COLLISTER: Not unless you have anything.

CHAIR MATSON: All right. Mr. Patton do you have responses? Anything you'd like to say?

MR. PATTON: Madam Chair I would at this time I would defer. I'd like to hear comments from the Board members and then maybe at that time address any questions that you all may have as well as what we've heard here today

CHAIR MATSON: Okay. Parks?

MS. SANDOVAL: Kevin what is the status of working with Open Space on the trail issue?

MR. PATTON: We are working with Matt. What we did do is we worked with Brad concerning the drainage issue. At this time what we are proposing is with what we have before you is to intercept the flow on our site, redirect it and convey it into the storm drain system. We have met with Brad. Brad agrees with what we are proposing at this time. Then what we would like to do from there is actually continue discussions with Matt as well as the High Desert Residential Owner's Association about maybe revising that. Our thoughts associated with drainage and doing some improvements on the City Open Space. What we are proposing now doesn't require any input at this time from the City Open Space except for I think that Mr. Berg had indicated or they are concerned with the ribbon channel and its proximity. I think that we've addressed that with some comments outside of this office earlier this morning just concerning keeping a smooth water fence on Timber Post along the property line if indeed we do have a ribbon channel there to help protect folks that are riding or walking in that area. Again, we are going to have ongoing discussions with Matt but at this time it is not needed for approval.

MS. SANDOVAL: So none of the trail improvements are on the infrastructure list at this time then?

MR. PATTON: That is correct.

MS. SANDOVAL: Then in the conditions that you prepared you had said that Mr. Berg was involved in those trail discussions and I guess what is his role in that process?

MR. PATTON: I'll let Mr. Berg address that.

MR. BERG: I guess I have maybe two roles in that. Since I'm the President of the Board of the Residential Owner's Association. The Board is responsible for overseeing anything that High Desert Residential Owner's Association has responsibility for. The other aspect of it is that we have as volunteer group within the development of primarily owners who adopted that section of trail for the City Open Space and the Forest Service since the trail itself is probably on both. So we do maintenance activity on that and we would like to see it be a tractable kind of job.

MS. SANDOVAL: I understand that you know Brad has reviewed and that the drainage is being accomplished off of open space property. I do have a bit of a concern though in that at the last meeting when a lot of trail users were here. There were comments made that we would be addressing improvements to the trail through the infrastructure list. So I do have a little bit of concern that those people are not at this meeting to hear that we're still pursuing that outside of that process.

MR. PATTON: Madam Chair, Christina at that time we were looking at making improvements in the City's Open Space. We currently don't have an easement. Our development has no impact drainage wise on the trail and what's causing some of the problems with the trail at this time. Our client is still open to meeting with City Open Space in doing that. If we can accomplish addressing the drainage without affecting the City Open Space or the trail again I don't believe it's our obligation to address a problem that we have no control over.

MS. SANDOVAL: I understand that. I just am trying to prevent a problem in perception later on down the line that people understood that commitments would be made through the infrastructure list process and so that's just more of a comment. I don't have a problem approving it at this time. I just wanted that stated for the record that at the last meeting that was the procedure that had been recommended to mitigate the problem.

MR. GALLEGOS: That's what I have written down in my notes.

MR. PATTON: Madam Chair, Christina and Wilfred we're willing to do that. If we amend anything to include any improvements on the City Open Space that affects that trail we are willing to add those to the infrastructure list.

MS. SANDOVAL: My other hesitation is that I haven't received any communications from Open Space and I realize that Matt's been out-of-town and it may have been hard for you all to coordinate with him. Since I do represent them and they were at the last meeting where that commitment was also expressed I do have some hesitation. I understand that you're not responsible for their problems but at the same time I want to make sure that we are all on the same page. I'll wait to see what other Board members comments are before I decide how I want to proceed.

CHAIR MATSON: Hydrology?

MR. BINGHAM: I did get a new grading and drainage plan dated 11/7/06 which I did approve. I do concur that a fence along that ribbon channel would be a requirement to separate the two users so to speak, the drainage and the hikers. It was difficult to put an open ended trail improvement requirement on the infrastructure list. So accepting the drainage on-site seemed like the next best thing. I do work with the DRC (Design Review Committee) and their construction plans do have to come across my desk as well. Inherently there will be some improvement to the trail if they keep the drainage off the trail. So Kevin and I will be working closely on the construction plans as well and also Matt in Open Space. That was the deal I made with them as well to try to get the best trail and project for all concerned. If you feel it needs to be on the infrastructure list and it isn't then we can't approve. I think I can get that done through the construction plan process. I would have no objection to any of the vacations or sidewalk deferrals.

CHAIR MATSON: Okay. In terms of Planning comments. First of all, Kevin do you have the APS Agreement?

MR. PATTON: Madam Chair I do. Would you like the original or a copy of that?

CHAIR MATSON: It doesn't matter as long as we get one. All right thank you. Mr. Berg I'd like to ask you a question. The question has actually been raised here today that the letter that you provided to us that's required in Section 4.A.7 of the High Desert Sector Plan. Do you believe that this letter states that the proposed development meets all the requirements of the sector plan?

MR. BERG: The evaluation that we had done addressed the two issues that were specifically identified in the letter. As to what other requirements I guess I'd have to admit that it's a complex enough thing that I'm not just sure which other requirements we would be requested to approve? It was my understanding that those were the two things that were being requested by the relevant statement in the sector development plan.

CHAIR MATSON: Okay. It says that “the High Desert’s Home Owner’s Association or its successors shall certify to the City at the time of submittal for approval of the Development Review Board (DRB) that any proposed plat meets the requirements of the sector plan and at the time of submittal for building permit.” What it’s asking is for a blanket statement I would guess. That’s my interpretation of it, saying that it does meet the requirements of the sector plan. It does mention down further...”the Home Owners Association shall further certify that the number of units constructed in the zone does not exceed the maximum allowed by the sector plan”. Which you did put in there but I don’t see language in here that says that you actually believe that it meets the requirements of the sector plan.

MR. BERG: I guess I have to go back and ask one of my experts. That’s beyond my level of expertise.

CHAIR MATSON: All right. We may need to defer to do that then. What I would like to do is have that statement in the letter or if there is some disagreement that you have with the provisions of the sector plan, I’d like to have them specifically stated in the letter. Otherwise I’d like to have in addition to what’s already here, a statement saying that you believe that it meets the requirements of the High Desert Sector Plan.

MR. BERG: Okay, that’s the specific language you would like to see?

CHAIR MATSON: Yes. It’s quoted right here in 4.8.7, do you have a copy of the sector plan?

MR. BERG: I have.

CHAIR MATSON: All right. It’s on page 4.4 and that’s our comments for now. Utilities?

MR. GREEN: In regards to water and sewer I believe you corrected the infrastructure list to add the removal of the existing line?

MR. PATTON: Madam Chair, Roger Green we did do that.

MR. GREEN: I have no further comments so I have no objection to the preliminary plat.

CHAIR MATSON: Transportation?

MR. GALLEGOS: You have a copy of my staff comments from last time. I think the only two issues that I still have outstanding are, there’s actually a couple of them, is signage per DRC (Design Review Committee) on the infrastructure list. Are you doing residential street lights?

MR. PATTON: At this time we do not propose lights within the subdivision. We will determine that at DRC (Design Review Committee) and let you know.

MR. GALLEGOS: Would you add the signage to the infrastructure list?

MR. PATTON: I did not but I can do that Wilfred.

MR. GALLEGOS: Then again with the platting action and I'll look for it at the final plat, is the maintenance and beneficiaries for Tract A and Easement A. Going back to Christina's comments I was under the impression that we were going to have the trail improvements on this infrastructure list. They are a site that is abutting this. I see it no different then a site abutting a public street where we would get infrastructure for that. No other comments Madam Chair.

CHAIR MATSON: Okay. Mr. Berg we would like to have the new letters as expeditiously as possible so that we don't hold up our decision too long. Could you do it within a week?

MR. BERG: I could certainly try.

CHAIR MATSON: Okay. Then also you can work on the issue of the trails on the infrastructure list. So we will defer to November 22, 2006.

MR. PATTON: Thank you.

CHAIR MATSON: You will need to pay a deferral fee this time. I left you off the hook the last time. This will be the only notice you will get of that hearing next week. If you plan on coming take note please. Thank you.

DRB MINUTES FROM THE NOVEMBER 22, 2006, DEVELOPMENT REVIEW BOARD MEETING.

6. Project # 1004989

06DRB-01411 Major-Preliminary Plat Approval

06DRB-01412 Major-Vacation of Public Easements

06DRB-01413 Minor-Subd Design (DPM) Variance

06DRB-01414 Minor-Sidewalk Waiver

06DRB-01415 Minor-Temp Defer SDWK

BOHANNAN HUSTON INC agent(s) for MESA VERDE DEVELOPMENT CO request(s) the above action(s) for all or a portion of Tract(s) A, UNIT 2, WILDERNESS @ HIGH DESERT (to be known as **WILDERNESS CANON @ HIGH DESERT**) zoned SU-2, HD/R-R, located on HIGH DESERT PL NE, between TRAILHEAD RD NE and EMBUDITO VIEW CT NE containing approximately 4 acre(s). [REF: 06DRB-00933, 04DRB-00713, 04DRB-

01723] [*Deferred from 10/25/06 & 11/8/06 & 11/15/06 & 11/22/06*] (F-23)
DEFERRED AT THE AGENT'S REQUEST TO 11/29/06.

Neither the applicant nor the agent were present.

The following action was taken:

The above request was deferred at the agent's request to November 29, 2006.

DRB MINUTES FROM THE NOVEMBER 29, 2006, DEVELOPMENT REVIEW BOARD MEETING.

1. Project # 1004989

06DRB-01411 Major-Preliminary Plat Approval
06DRB-01412 Major-Vacation of Public Easements
06DRB-01413 Minor-Subd Design (DPM) Variance
06DRB-01414 Minor-Sidewalk Waiver
06DRB-01415 Minor-Temp Defer SDWK

BOHANNAN HUSTON INC agent(s) for MESA VERDE DEVELOPMENT CO request(s) the above action(s) for all or a portion of Tract(s) A, UNIT 2, WILDERNESS @ HIGH DESERT (to be known as **WILDERNESS CANON @ HIGH DESERT**) zoned SU-2, HD/R-R, located on HIGH DESERT PL NE, between TRAILHEAD RD NE and EMBUDITO VIEW CT NE containing approximately 4 acre(s). [REF: 06DRB-00933, 04DRB-00713, 04DRB-01723] [*Deferred from 10/25/06 & 11/8/06 & 11/15/06 & 11/22/06 & 11/29/06*] (F-23) **DEFERRED AT THE AGENT'S REQUEST TO 12/6/06.**

Neither the applicant nor the agent were present.

The following action was taken:

The above request was deferred at the agent's request to December 6, 2006.

DRB MINUTES FROM THE DECEMBER 6, 2006, DEVELOPMENT REVIEW BOARD MEETING.

1. Project # 1004989

06DRB-01411 Major-Preliminary Plat Approval

06DRB-01412 Major-Vacation of Public Easements

06DRB-01413 Minor-Subd Design (DPM) Variance

06DRB-01414 Minor-Sidewalk Waiver

06DRB-01415 Minor-Temp Defer SDWK

BOHANNAN HUSTON INC agent(s) for MESA VERDE DEVELOPMENT CO request(s) the above action(s) for all or a portion of Tract(s) A, UNIT 2, WILDERNESS @ HIGH DESERT (to be known as WILDERNESS CANON @ HIGH DESERT) zoned SU-2, HD/R-R, located on HIGH DESERT PL NE, between TRAILHEAD RD NE and EMBUDITO VIEW CT NE containing approximately 4 acre(s). [REF: 06DRB-00933, 04DRB-00713, 04DRB-01723] [*Deferred from 10/25/06 & 11/8/06 & 11/15/06 & 11/22/06 & 11/29/06*] (F-23) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 12/6/06 AND APPROVAL OF THE GRADING PLAN ENGINEER STAMP DATED 11/7/06 THE PRELIMINARY PLAT WAS APPROVED WITH FINDINGS. THE VACATIONS WERE APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. A SUBDIVISION DESIGN VARIANCE FROM MINIMUM DPM STANDARDS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE. A SIDEWALK VARIANCE FOR WAIVER OF SIDEWALKS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE. THE TEMPORARY DEFERRAL OF CONSTRUCTION OF SIDEWALKS ON THE INTERIOR STREETS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE.**

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

Kevin Patton, Bohannan Huston Inc., 7500 Jefferson NE, 87109

Charles Young, 13105 Enchantment Ln NW, 87111 for

Mesa Verde Development Co., 8300 Carmel Ave NE, 87122

Kym Dicome, High Desert Investment Corp., 3791 Southern Blvd SE, Rio Rancho, NM 87124

Douglas Collister, 8524 Snakedance Ct NE, 87111

John Salazar, Rodey Law Firm, P.O. Box 1888, 87103

PERSONS SPEAKING IN OPPOSITION:

Ray Berg, 13501 Osage Orange NE, 87111

Debra Greenhood, 13409 Embudito View Ct NE, 87111

Sam Baca, 5000 Cumbre del Sur NE, 87111

Christine Ranier, 5016 Cresta del Sur Ct NE, 87111
Arinta Liem, 13419 Wilderness Pl NE, 87111
Janet Lentz, 5109 High Desert Place NE, 87111
Carl Fesler, 5005 Cumbre del Sur NE, 87111

CHAIR MATSON: We are on Agenda Item #1, Project 1004989, Wilderness Canon at High Desert.

ALL PERSONS WERE SWORN IN

CHAIR MATSON: Good morning.

MR. PATTON: Good morning Madam Chair, Board members, my name is Kevin Patton and I'm with Bohannon Huston agents for Mesa Verde Development. We are here today from a deferral from last week. We were looking for additional information from the High Desert Residential Owner's Association concerning their review. Mr. Ray Berg, I saw him in the back, he may be able to speak to that. Again, what we'd like to do today is from a number of deferrals ago there were some points that were made we would like to address some of those points. And enter into the record some of the comments that have been shared and our response to some of those issues.

CHAIR MATSON: Okay.

MR. PATTON: Do you want me to go ahead and start or do you want to start with the additional information that was requested from the homeowner's association. How would you like to proceed?

CHAIR MATSON: Why don't you go ahead with your comments Mr. Patton and then we'll get to the Residential Owner's Association.

MR. PATTON: As indicated in the sector plan we're looking for certification from the High Desert Residential Owner's Association. One of those refers to zoning and density. I think you are in receipt of the original letter from Mr. Ray Berg, the President of the High Desert Residential Owner's Association. I'm not sure if he provided a copy of the letter from Mr. Bill Fanning who had given his original review. I received a copy of that. I would like to give you a copy for your records if you don't have that.

CHAIR MATSON: Okay, I'd appreciate that. Thank you.

MR. PATTON: Again, Mr. Fanning and Mr. Berg may want to add to this since they have had additional time to review this but I would like it noted that in the October 24, 2006 letter to Mr. Berg from Mr. Fanning on the second page his opinion states "I believe that the proposed development is consistent with the

underlying zoning in High Desert in all respects.” Then again there is other information in there that you can read that addresses his review.

CHAIR MATSON: Okay.

MR. PATTON: Again, you are in receipt of Mr. Ray Berg's letter to you dated November 6, 2006 in which it indicates that they believe it is in conformance with the existing zoning as well. Again, Mr. Berg may want to add to his comments here later on. You should also be in receipt of a letter from Mr. Collister dated November 20, 2006 which covers a number of points. Again, I may cover some of those as I go through some points but Mr. Collister addressed the High Desert Residential Owner's Association required their approval at the time of plat. Land use zoning in accordance with the sector plan, proposed development subject to the 10% slope demarcation line where the no-build area density associated with this development. Then the trails, environmental impacts and traffic issues. I think you are in receipt of that letter as well.

CHAIR MATSON: Yes.

MR. PATTON: I also provided you a letter last week on November 28, 2006 that indicated again that we felt that the first letter from the Residential Owner's Association, Mr. Berg's letter dated November 6, 2006, we felt that was in conformance with what's required with the sector plan. Again we defer to the Board's judgment with that.

CHAIR MATSON: Okay.

MR. PATTON: Associated with the sector development plan, in our conformance with that, you are also in receipt of a letter from Kym Dicome who represents the High Desert Investment Corporation who has reviewed our submittal package. It's a letter to Scott Schiabor dated October 24, 2006.

CHAIR MATSON: Yes.

MR. PATTON: We wanted to make sure your copy also included a review from Lawrence Kline so I wanted to give you that to make sure because when we looked in the file and made copies we didn't notice that.

CHAIR MATSON: It's here now if it wasn't before. But you can certainly give me another copy if you'd like to. It was dated October 20, 2006 I believe.

MR. PATTON: Yes ma'am.

CHAIR MATSON: Thank you.

MR. PATTON: Again, what I'd like to do is note that Mr. Kline in his review has also found that our package and our request is in conformance with the sector plan and the zoning for this area as well. Just to note that as indicated in Ms. Dicome's letter that Lawrence Kline was one of the authors of the sector development plan when it was approved many years ago.

Maybe we ought to start with the 10% slope demarcation line. I know this has been an issue that folks have raised. What I'd like to do is I've brought some exhibits. As you know there is a map 4 in the sector plan that indicates that area, or delineates the 10% demarcation line. As Mr. Collister has stated in previous hearings on this item that the line was established with the bulk land plat back in the beginning which created the open space tract. Let me point to that. We have this area here which is City Open Space. That originally was not City Open Space. That was dedicated, that was part of the High Desert Development, that was part of the original land. The slope demarcation line created the western boundary of that tract which again, as indicated in the sector plan, that those areas above. The demarcation line should be dedicated to the City as public open space and that was done.

CHAIR MATSON: Mr. Patton can I interrupt you for just a second. When you say the western boundary of the tract, you are referring to Tract 13 is that correct? The original tract.

MR. PATTON: It's the east boundary of Tract 13 right here. The tract was one large tract. So Tract 13 was carved out at the same time that the parcel was carved to create or dedicate the City Open Space.

CHAIR MATSON: Okay.

MR. PATTON: I have a blow up. This area shaded in blue right here again originally was part of the High Desert Master Plan. Then when they created the bulk land plat back in 1993 they carved out Tract 13 and they also carved out this tract and dedicated it to the City Open Space because it was above the 10% demarcation line.

CHAIR MATSON: Okay, thank you.

MR. PATTON: At the same time this area down here, within Trailhead, that is south of the existing reservoir was also, I didn't shade it blue my apologies, but was also part of that demarcation area and was also dedicated to the City of Albuquerque as open space.

There's been questions on the slope within this tract. I have an 8-1/2 x 11 exhibit I'd like to provide that I also sent to Mr. Berg that gives the average slope across the property.

CHAIR MATSON: Okay thank you.

MR. PATTON: The exhibit you see before you is a diluted grading plan. Basically you have 4 points which are the 4 corners of the boundary. I've given you the pre-development elevation at those corners. I've also given you the slope, a straight line between each of the corners, the distance between and the slope. You'll notice again that we have the maximum slope across the site. In doing this is about, the worse case is 8.75, an 8.74, an 8.53, an 5.98, an 7.02 and then it's flat in the front. Indicating that the average slope across the site is less than 10%. Again is not within the 10% demarcation line that is east of our site. The 10% demarcation line is addressed in Mr. Collister letter dated November 20, 2006 of which I thought Mr. Collister did a good job of explaining that.

We'd also like to note, I think we've indicated this in previous testimony at the hearing that is our belief that again that Section 5 in the sector plan referring to the demarcation line was repealed so it becomes a non-issue in our mind as well. What we want to do is explain that even if it remained this area is not included in that.

CHAIR MATSON: It's your opinion then that all of the references throughout the plan are no longer valid even though it only mentions only one particular area?

MR. PATTON: If we can read that Resolution. Located in the sector plan Council Bill #R-292, Enactment No. 73-1993, indicates "Repealing Section 5 of Resolution 50-1993, concerning the High Desert Sector Plan. Whereas, Resolution 50-1993 was adopted by the Council on May 3, 1993; and whereas, an amendment deleting Section 5 was adopted by the Council but was inadvertently overlooked in the enrolling and engrossing procedure; and whereas, the Council is desirous of eliminating this clerical error from the Resolution 50-1993. Be it resolved by the Council, the governing body of the City of Albuquerque: That Section 5 of Resolution No. 50-1993 is hereby repealed."

If you go to the actual section in the ordinance Council Bill No. R-245, Enactment No. 50-1993, Section 5, "The 10% slope demarcation line shall be mapped to designate those areas for flood control/recreation open space purposes with the intent of the public agencies purchasing these areas or, in the event the land is not purchased by a public agency, development of the land shall be subject to additional policies stated herein the High Desert Sector Development Plan." If that's repealed then that's no longer the issue. It is no longer subject to the additional policy stated herein.

CHAIR MATSON: Okay, I understand.

MR. PATTON: I'd also like to address again the zoning. We've talked about this being a permissive use. Again it's zoned HD RR with the permissive use referring to HD RG. Again we believe we are in conformance with that. We've had a number of reviews which I've mentioned from Bill Fanning and Lawrence Kline.

CHAIR MATSON: Okay.

MR. PATTON: Again there's been a question concerning density also in the transition areas. As the sector plan indicates for RG we are allowed to build 300 units. Currently there are 110 with the Wilderness Estates, Wilderness Village and Wilderness Compound. We are adding 25 which would increase this to 135. Far below the 300 that's allowed. It also talks about transitions as are adjacent to the forest boundary and the adjacent boundaries. I'd like to also just refer to this exhibit that I've shaded in blue here. That sector plan provides that transition. It refers to town homes. Town homes are narrow lots they are not 80-foot wide lots. Again, the sector plan refers to town homes in a transition. It talks about a buffer and providing open space. That's been done. That was done when we granted the City Open Space in blue here, private open space here below and open space knoll here as well. So this development that we're looking at that's before you is surrounded by open space that was dedicated either to the public or private entities with previous platting. I think people or folks are trying to look at this and saying that you need to provide additional buffer and I think that's incorrect. I think that's already been done.

CHAIR MATSON: Okay.

MR. PATTON: Just talking about the number of units if you look at the zoning designation for RR it encompasses about 180 acres. Again if we have 135 units on 180 acres our du's per acre is very low. If we just looked at this Tract 13 of 73 acres with the number of units we are proposing in the scheme of things, 135 we are at 1.85 du's per acre. If you use the 180 within the zone we're at 0.75 du's per acre within that zone. We feel that is not very dense. There may be areas but again you've got to look at the big picture. We think the sector plan also and this area, this zone, refers to a variety of products. I don't think it's intent is to have all very wide, very big lots. I think there is a mixture. Again it refers to town homes at other places in the sector plan associated with this area. Again we think we're accomplishing that and I think we are also being very sensitive to this project with our grading plan and how we've gone about that and what's been proposed.

There were some points concerning safety, traffic also with fire. I would like to note that we do have a plan approved by both the Fire Marshal and Refuse concerning the proposed roadway layout within our project. I think Mr. Gallegos has also spoken to the traffic issues.

We are also willing to do some additional signage outside of this project to accommodate an existing situation I think with site distance.

I think we've addressed the trail access issue and again we did give testimony that again we weren't removing the trail. I think everybody's aware of that at this time.

We have indicated that we are willing to do some or provide some improvements within the existing City Open Space to address some drainage issues that the Residential Owner's Association has commented on. We have added to our infrastructure list. The developer's indicated that they are willing to either do some improvements within the City Open Space to address that issue up to a certain amount, or just provide the City some money to do that on their own. So again we just want to honor our commitment that we had made with our first meeting.

I think we've talked about our impact to schools. I think we have a draft agreement with Albuquerque Public School System. Again there were no adverse comments from APS concerning the proposed development.

I know drainage has come up as an issue as well. We are in receipt of a letter from Mr. Brad Bingham indicating that we are in conformance with and we have an approved grading plan. At this time we are discussing installing a ribbon channel along our boundary. Just to note that we are proposing an inlet at the end of that ribbon channel that accommodates two times the 100 year storm event. Which accommodates a clogging factor which should address issues associated with sediment and floatables as well. There may be issues of whether or not floatables or sediment can make its way down the arroyo. That happens currently with the arroyos that we have. There is nothing to stop sediment or floatables that go through High Desert at this time in this area.

What I'd like to do is stand for any questions. I may have some response to additional comments that are made at this time. I would also like if John Salazar, who is our legal representative, he would like to go ahead and talk at this time or he may want to wait until the end again as well.

MR. SALAZAR: Madam Chair if I may I think Kevin has covered our points. I'd just like to make one point.

CHAIR MATSON: Mr. Salazar would you please give your name please first of all.

MR. SALAZAR: Yes, I'm John Salazar and I'm with the Rodey Law Firm representing the applicant.

CHAIR MATSON: Thank you.

MR. SALAZAR: Madam Chair I believe Kevin Patton has covered the points. The only thing I'd like to say is there has been a lot of discussion about the use. There is no question that the use proposed is a permissive use. It's within the zone RR High Desert zone. The plat and all the submittals comply with the technical requirements of the City. There is no question about the use. In terms of whether it complies with the sector plan, I think one thing that's very important to be aware of is the sector plan itself indicates on page 4.1 when it goes into the zoning regulations following in a discussion about guidelines and ideas and concepts for High Desert. What they are trying to achieve with open space, transition zones. As Kevin has pointed out Wilderness Canon is very sensitive to its neighbors by, in effect, creating open space all around it so that the neighboring properties interact with open space not the development itself.

The sector plan itself indicates that the zone, this is on page 4.1 right in the introduction to the zoning regulations "the zones in terms described below were devised for the purpose of carrying out High Desert Sector Plan". So the plan had all these goals and concepts. Then it put the zones in there which by definition comply with the sector plan. That's how the zones were chosen and they were tailored. We have here a zone in which we are proposing a permissive use and by definition the plan indicates if your use is consistent with the zone which is proposed in the sector plan your use is consistent with the sector plan by definition. That's the only point I'd like to make Madam Chair. I am available if there are questions later.

CHAIR MATSON: Thank you. Do any of the Board members have questions of either Mr. Salazar or Mr. Patton at this time? No. Okay thank you. Mr. Berg I would like to call you up first if that's okay. If you'll state your name and address please first of all.

MR. BERG: My name is Ray Berg and I live at 13501 Osage Orange Rd NE in Albuquerque. I'm the President of the Board of Directors of the High Desert Residential Owner's Association. First I just wanted to state that we received the latest version of the plat only last Friday and have not had a significant amount of time to look through it. There are some substantive differences between that and earlier versions of the plat that were submitted. Nevertheless, we have tried to put together a statement regarding our opinion of the proposed plat. I would like to submit that to the Board together with the letters that came from two of the consultants that we used in this regard. I'll comment on that.

CHAIR MATSON: Okay. Have you provided copies to Mr. Patton of this information yet?

MR. BERG: I have the main copy which I will provide him.

CHAIR MATSON: Okay thank you.

MR. BERG: Here is the letter. We believe that the requirements of the sector plan are significantly greater than those of the City and its various zoning and other plans for several reasons. I've mentioned on this letter that they refer to numerous attributes in the High Desert area. Then at the bottom of this section indicates that the purpose of this whole document is to document those aspects of the plan which address these particular issues that are the attributes.

We believe based on the opinions of the people that we have used referenced that the plan is not in compliance. I'd like to just mention a couple of those. This issue of the slope has come up numerous times. I think it's fair to say that there is a significant area in that property that exceeds 10%. Now we could go up and find points just like Mr. Patton's but which show slopes that are greater than 10% over significant parts of the property. What we asked for was the documentation that shows that this place, this location is really allowed by the 10% demarcation line. We also believe that the 10% demarcation line is still active in that the references throughout the document exist to the 10% slope. In this Section 5 was not really adding those it was actually adding a provision to allow development above the 10% slope. That was deleted from the City Council Resolution.

With respect to boundaries the plan clearly indicates that the area is semi-urban residential as defined in the plan itself. There are numerous attributes of the semi-urban residential area that have not been addressed by the plan.

I've mentioned a number of others here including other references to boundary zones around the property, existing development in forest service and open space boundaries. One that we think continues to be a serious problem is that of the Storm Water Management System. The calculations of the drainage report itself indicate that every year on average there will be about 5.6 tons of sediment that have to be handled by the system. Then the 100-year situation, I'm sorry, every year on average there would be about 10 tons of sediment and the single 100-year storm itself would be 5.6 tons. This is not an insignificant amount of sediment that has to be handled by this system and it should be delineated on the plan itself.

There are numerous other deficiencies in the plan. We don't think that the Owner's Association should have to be discovering these. They should be dealt with as part of the plan. We don't believe that they have. Thank you.

CHAIR MATSON: Okay. Thank you Mr. Berg. Mr. Patton do you have responses?

MR. PATTON: I do. One of the things I would like to do is talk about the 10%. I know that Mr. Berg has indicated that you could go within the site and find again topography that indicates that there may be an area, a small isolated portion of the site that has an existing grade greater than 10%. Again let me just reiterate that Mr.

Collister has given testimony here and indicated where that demarcation line is. We also have a map in the sector plan that indicates that and we've indicated that again this area is not within the 10% demarcation line or above that line. I've got a quick drawing to show you. I believe Bohannon Huston was involved in creating Map 4 so I was trying to find Map 4 that was enclosed in the sector plan to see if I could locate that and whether it would give us a clear indication. I was unable to locate that map. In my review of looking for this map I did come across a slope map that was done back in 1991 for the Albuquerque Academy when we were working on this project. This is half, this is the southern half of High Desert. I apologize for the colors but that's what we had back then.

The area that you are looking at, this is the existing reservoir, this is Trailhead Subdivision, the road that comes up through Trailhead and then the parking lot. This area here is the Embudito Arroyo, this is the knoll that we are looking at, this is the area that was dedicated as City Open Space. The different colors in our legend here indicate again the slopes. Zero to 10%, 10% to 20% and so forth. You'll notice that the area that we are looking at developing the Wilderness Canon is in the area here. The orange area is the area between zero and 10%. The pink is the area between 10% and 20%. You will notice that the Wilderness Village and Compound we can go throughout.

Throughout High Desert there are areas that you can pick isolated areas with slope greater than 10% that have been developed. That was not the intent. Again when establishing the 10% demarcation line this area is not above that line. I think that you've got to look at an average across the site and we've done that with the exhibit that we provided you.

I think we've addressed again I think there is a misinterpretation by Mr. Berg and the folks reviewing this. I think again just to note that we've been working on this site. We have a number of folks, Lawrence Kline, Mr. Collister, Ms. Dicome who have all worked on this, know the intent, helped author the sector plan and are aware of the requirements. Again as we have indicated we provide a transition from the forest service and the neighbors so again we have done that.

I think, Mr. Berg, when he talks about just receiving the recent plat this last Friday, the only difference on that, I don't believe there was any difference on the preliminary plat. There was a change on the grading plan to just make sure we had located the ribbon channel that is proposed along our eastern boundary within our boundary. There have been issues associated with setbacks which are not reflected and in no way have we indicated on the preliminary plat or the grading plan where a setback is. These were brought up by Mr. Berg in a phone conversation we have had with him. We do believe we've provided sufficient drawings for the preliminary plat and the grading plan. Again we have experts such as Mr. Bingham who reviewed and approved our plan as well as getting comments from the Board.

Again mentioning the letters from Mr. Collister, Mr. Kline, Ms. Dicome and so forth. Even Mr. Berg's original letter as well as Mr. Fanning's original letter have noted that we are in conformance.

CHAIR MATSON: Okay thank you. In terms of the rest of the people on the sign in sheet this is the third public hearing as you're probably all too well aware that we've had on this project. The Board is well aware of where most of you stand. What I would like to do is ask if any of you have anything totally different that we haven't heard before to say this morning. Otherwise I think we'll probably just limit Mr. Berg to the one that can actually make comments because we've already heard everything twice. So does anybody who's signed up have something that we haven't heard before or that you're not aware that we've heard before this morning? Mr. Fesler?

MR. FESLER: My name is Carl Fesler and I reside at 5005 Cumbre del Sur NE in the Trailhead Subdivision. I have just as yet have seen some of this and I would like to make an observation and comment. With respect to the slope map...

CHAIR MATSON: Mr. Fesler you'll need to take the microphone with you or you can use the pointer that Mr. Patton has.

MR. FESLER: Thank you Mr. Patton. Within the Trailhead Subdivision there are several portions that again it's a mixture of the less than 10% and over 10%. When we look at the proposed plat which basically comes across this area again there is a significant percentage that is above 10. Part of it is zero to 10. The ridgeline directly affects those views. In their presentation they had indicated that the open space arroyo and the open spaces provided the buffer zone. When Trailhead was built there was a 35-foot setback to any building envelope. I would presume that's because at that time at least it was considered not sufficient protection of the views if we were to build out to the edge of the plot. Those were some comments I felt appropriate based on the information that I've just heard.

What I had not brought up before was in addition to Planning Guidelines which again I had given my response to you in a letter of November 21, 2006 which responding to Mr. Collister's letter of the 20th. In addition to that the Declaration of Covenants, Conditions and Restrictions for High Desert Residential properties which were made in 1993 by the High Desert Corporation. In essence imposed restrictions on the property that were mutually beneficial under a general plan of improvement for the benefit of owners of each portion of their properties. It also noted that the declarant which was High Desert Investment Corporation had created High Desert as a residential and recreational development and in furtherance of it and every other owner's interest has established a general plan of development for High Desert as a Master Planned Community.

And it continued that they were promulgating the High Desert's general plan of development in order to protect all owner's quality of life and collective interest the aesthetics and environment within the properties.

During this entire discussion they seemed to ignore that the original and oldest Village in Trailhead was built to protect views of the people behind us and up in the mountains. The proposed development that they are doing is putting a high density wall on a level about us that we would be looking through in order to see our view of the mountains. This is inconsistent with the guidelines that we were given. It's inconsistent with the protection of our quality of life for all of the residents within Trailhead and it is also inconsistent with all of the advertising and promotions that High Desert has done in the development and promotion of the High Desert Community. Thank you for the opportunity to speak.

CHAIR MATSON: You're welcome. Is there anyone else that has something new to say? Mr. Baca? When I start to recognize you, you know this has been going on too long.

MR. BACA: I'm flattered that you recognized me. Thank you for allowing us to come up here. Some of the new stuff...

CHAIR MATSON: Would you please your name and address?

MR. BACA: My name is Sam B. Baca and I live at 5000 Cumbre del Sur NE. I'm a resident of Trailhead and also Board of Directors. I've had the opportunity to talk to several consultants. Most of them there is a conflict of interest because they either work with Mesa Verde or they work with Scott Patrick or they work with High Desert Development. Most of them could not look at this and give us an opinion because there is a conflict of interest. We did go to the University of New Mexico and there's a planner as you have the copy of their letter there. He's also an urban designer and has a lot of experience. I had an opportunity to talk to him and if you read the letter and I talked to him personally and things that aren't in the letter. It's very obvious, according to him, that they are not in compliance. It is not consistent and I'm sure the rest will be self-explanatory on this letter.

MR. PATTON: Madam Chair if I may I don't have a copy of that. Can I get a copy of that by chance?

CHAIR MATSON: Claire would you make him a copy please. In fact if you wouldn't mind making him copies of all three of these.

MR. BACA: There is a section that I'd like to read from the sector plan and it's very important. "The plan also respects its urban neighbors, their influence on the site setting, the lowest density uses are placed against the forest, wilderness, park access and existing open boundaries.

The northern and southern boundaries maintain the use of intensities similar to Sandia Heights, Glenwood Hills respectively.” What this is saying is they respect the urban neighbors. Trailhead is an urban neighbor Glenwood Hills. It takes a significant amount of the sights away from numerous homes in that area. I think that along it’s not in compliance.

CHAIR MATSON: What page were you on?

MR. BACA: This is 3.5 and it’s 1, 3, 4, 5 paragraphs down.

CHAIR MATSON: Thank you.

MR. BACA: Also anybody that’s been to that site Tract 13 and they look up it’s very obvious with the people who’ve been there and I’m not an expert but we did bring experts. It’s well above 10% slopes and we’re talking about a significant amount of that land. I’m not sure why that shows low pockets but go up there and take a look at it and see the significant slopes on that. I know we’ve met with Mesa Verde, we’ve met with Scott Patrick representatives and High Desert representatives three or four times. The Board as well as residents. The first time they spoke they painted a beautiful picture. They had everything covered. As we went along we’re finding out it’s not as pretty as they painted it. There’s a lot of obvious conflicts that weren’t brought to our attention. Such as there’s going to be one-story and two-story homes. We found out later there’s going to be 1 one-story home and it’s going to be at the lowest level. The rest are two-story homes that take the sites and they are going to be 26-feet high on that. They had numerous options and decisions to make that they could have made those 25 homes they’re talking about in the lower areas. There are a lot of acres out there. They chose to select the highest area, prime land, and I feel that the reason it’s about money. That’s basically what it is. They can sell those premium lots out there. They take away the sights. They take away the whole concept and theme of Wilderness and its neighborhoods on that. Thank you.

CHAIR MATSON: You’re welcome. You do realize that the zoning allows two-story homes correct?

MR. BACA: It does. But the picture they painted was there was going to be combinations of one-story and two-stories and we found out they’re all two-stories except for one. They even considered maybe knocking one more down to one-story. Thank you.

CHAIR MATSON: Would you please come up. Is it Debra?

MS. GREENHOOD: Yes, oh my goodness what a good memory. I’m Debra Greenwood and I live at 13409 Emudito View Ct NE in Albuquerque. I am a resident of the Wilderness, it’s actually the Wilderness Village part of the Wilderness. I do have something additional to add. First I have a question for

Mr. Patton. Could you tell me how many homes are going to be two-story?
Have you decided for sure?

MR. PATTON: Madam Chair, Board, ma'am I actually don't determine that. Maybe Charles Young could determine that. I think that's determined by who purchases the home. I don't know if they could tell you. Let me let Charles Young with Mesa Verde Development Scott Patrick Homes answer that.

MS. GREENHOOD: Okay.

CHAIR MATSON: Mr. Young if you'd state your name please first of all.

MR. YOUNG: Charles Young of Mesa Verde Development. The site is zoned to do two-story buildings. We have at least two that will be single levels to the two that are adjacent to the Wilderness Village to not overlook Lots 1 and 22.

MS. GREENHOOD: Those are actually bordering High Desert.

MR. YOUNG: Right.

MS. GREENHOOD: The lowest portion of that.

MR. YOUNG: Right. As to not overlook these lots which Scott Patrick owns here. Whether or not we'll make all of these two-story homes is yet to be determined but we want the ability to be able to do that.

CHAIR MATSON: It's partially up to what the homeowner wants is that correct?

MR. YOUNG: Yes ma'am.

CHAIR MATSON: Thank you.

MS. GREENHOOD: Just so I understand this correctly it could be all two-story homes but are you saying that you are definitely making those two lots. This is part of the inconsistency. Initially when the homeowners were called together rather hastily for a meeting in the middle of October and we were presented with all of these plans. What we were initially told by Mr. Young as well as other representatives of Mesa Verde was that it was going to be one and two-story homes that they were going to be very consistent with the surrounding area. As Mr. Baca pointed out the inconsistency that has come up is that the information keeps changing. Based on what information you give me that's what I need to point out to the Board this morning. So, as I understand it, you really don't have any particular plan. It could be 25 two-story homes. It could be 23 one-story homes and 2 two-story homes.

MR. YOUNG: We want the flexibility to do two-story homes. It is going to be a combination of two and one-story homes. The number we have not yet determined. We have determined that Lot 1 for sure we've combined two lots prior to this plan here we had 26 lots. We wanted to have that one adjacent to the Wilderness Village, Lot 1 to make sure that would be a single level being adjacent to the Wilderness Village. So we combined two lots to make one just to make sure we had plenty of room to do a large enough single story home. We've also tried to make this one larger. Whether or not that one for sure will be two-story we're planning on it now but it could possibly be a two-story as well as all of these lots.

MS. GREENHOOD: Could be. Okay thank you. That's really the first chance that I've had to ask that question. How many two-story homes are there going to be? If I may, can I stand up there and point something out.

CHAIR MATSON: Why don't you use the pointer instead.

MS. GREENHOOD: This right here is High Desert Place. Before I go any further can I just ask is there ever any opportunity that the Development Review Board makes a field trip?

CHAIR MATSON: We do.

MS. GREENHOOD: You do.

CHAIR MATSON: Yes.

MS. GREENHOOD: You do so there have been occasions when you've done site inspections in particularly unusual circumstances if it's warranted.

CHAIR MATSON: Yes or if we need information that we can't get there yes.

MS. GREENHOOD: What I wanted to point out is that if you were to come into the entire Wilderness tract. It comes down a long road here. Then you come in all the way up here. This is the highest road in all of Wilderness. This is called High Desert Place. Now where this proposed plan comes off is this driveway is going to be coming in here and these are all houses around here. Now if you were to continue along this road there is a large rock pile over here. There is a public trailhead that people can walk into. You walk around this way. The trail goes all the way around the perimeter of this proposed development. If you walk around that trail and a lot of people do because this isn't just being used by Wilderness, by High Desert residents. In fact, as you saw at the meeting that you had several weeks ago there were people that were here in response to a tiny little article in the Albuquerque Journal saying that maybe the trail was going to be closed. When they found out the trail wasn't going to be closed they breathed a sigh of relief. My feeling and a lot of other people feel that if the

bikers, the hikers, the walkers all the people that use all of High Desert and this wonderful trail that goes all the way around here, all the way around here and actually continues all the way around all of High Desert. If they were to find out what was going to happen if there were in fact all two-story homes even primarily two-story homes in this development I believe that this would a large impact. Not only on the Wilderness and on High Desert but this would impact all of Albuquerque. This is why I'm asking if you ever do field trips. If you were to walk around this trail and you walk at every angle right now because this is all open you have the most incredible vistas of all of Albuquerque from the south all the way to the north. Seventy-five miles to the west you are looking at Acoma. I think actually that's detailed in Mr. Borbas' letter from the University of New Mexico the planner. If you have 26-foot high homes going all the way around here what happens is as you walk here just about at this point when you get to where those homes start, that entire vista is not only blocked it's obliterated. You cannot see anything. If the homes are 26-feet high you are looking at the back of a wall, the back of a wall, the back of a wall, the back of a wall all the way around here.

The other thing I wanted to point out and that's why a field trip might be necessary is right in this area where this is open space, right up against this trail it's a big pile of rocks. You've got 26-feet of wall going all the way around here with whatever setbacks you finally decide back there depending on whether it's the back of the house or the side of the house. Even so you've got a tiny trail right up against this wall and rocks right up against here. You've got hikers, bikers, mountain bikers. I personally wouldn't mountain bike on that trail because it's bumpy, but they do it. They are flying around that area. I personally feel and so do a lot of other people this would be a great impact environmental impact on the people that use this trail in Albuquerque.

You keep talking about you've got open space dedicated next to these places. That's great. Except this is a very unusual tract. Not only does it really go against the sector plan in terms of having less dense areas next to open space but you've got a really tight area for public use. Which is why we keep talking about the safety issues, the fire issues, the traffic issues. But for this if you were to walk up there you would see what happens when you've got 26-feet of wall going all the way around that entire place. A huge chunk of what the public sees is going to be gone.

MR. PATTON: If I could let me address some of that. I think you have brought up some points. One thing we want to remind folks of some testimony ago Mr. Collister did speak when again this area right here, this open space was granted or dedicated to the City, a trail did not exist in here. Mr. Collister walked that area and created that trail with the City Open Space. When he walked that, as is testimony indicated, the City Open Space folks as well as other folks that may have joined them from the City were aware that we were going to have a wall and development adjacent to this property. That was the intent. As well as this

trail here that we have. Both of those trails were created by the High Desert Development. They wouldn't be in existence without this. Again it's something that was planned and the trails came in first. So we have people who are enjoying those trails and saying 'well now that we have this trail here we don't want you to build' well that's not part of the master plan. So that's how we address that.

I think that the safety issues that you've raised we're not changing anything. The boundary is still what we're proposing at this point which could change. We could move the wall closer if we made improvements to the City Open Space to address drainage. We've talked about that so that's a possibility. Currently right now what we are proposing is still a smooth wire fence on Timber Post that's no different than what's out there today from a safety standpoint. So, I don't know, from a safety standpoint how we are affecting that. Again right here I think we've improved the safety because we went in and provided some bank protection that was required with the master drainage study and at that time created the trail. So the trail is protected again by the improvements that were constructed and paid for by the developer with the intent of developing this property.

CHAIR MATSON: Ms. Greenhood I think the point that I need to make to you is that this Board is a technical review board and we are empowered to approve preliminary plats. We do not have the power to require the developer to put all one-story or all two-story homes.

MS. GREENHOOD: I understand.

CHAIR MATSON: I understand your point but there is nothing that we can do to prohibit him from doing that or saying no you can't do it because the zoning allows it. We are not like the Environmental Planning Commission who sometimes has that discretion. We don't.

MS. GREENHOOD: I understand. I just really wanted it on the record and I just wanted to respond to something that Mr. Patton just said. I think it's admirable that High Desert Development put in the trails. But High Desert Development actually isn't Mesa Verde Development. The zoning and the changing of what happened on that small little tract of land happened long after that trail was placed. So yes the trail was placed but then the zoning changed afterwards. Prior to that it wasn't supposed to be quite so dense was it?

MR. PATTON: No ma'am. The zoning hasn't changed. The sector plan was approved in 1993 at the same time that the developer dedicated the open space. The zoning was in place prior to the trail being in place.

MS. GREENHOOD: I wasn't aware of that. I thought that the zoning for this particular 4 acre tract had been changed within the last 5 years.

MR. PATTON: No ma'am.

MS. GREENHOOD: Well that's my mistake. I did want to also mention that this speaks to the safety issue which is the traffic issue which is the water drainage issue.

CHAIR MATSON: Ms. Greenhood we've heard all that before. I hate to cut you short okay. Thank you.

MS. GREENHOOD: Thank you very much.

CHAIR MATSON: Anyone else? Mr. Baca it needs to be very brief please.

MR. BACA: Sam Baca and I'd just like to correct an issue that was made that there is no, I believe he said, High Desert Development put the trail in? I was born and raised here in Albuquerque and used that trail many times. They may have improved it. They may have made it a little better but that trail has always existed on that.

CHAIR MATSON: All right thank you. Do you have any closing comments?

MR. PATTON: Madam Chair just to address that same issue that Mr. Baca just raised. Mr. Collister is in the audience. It's my understanding from the shaking of his head that that is not the case. So if the Board would like Mr. Collister might be able to speak to that otherwise it's our opinion that trail did not exist and that it was established by Mr. Collister and the City of Albuquerque with this master planned community.

CHAIR MATSON: The Open Space trail is actually outside this proposed plat so I think we'll let that issue go. Do you have any closing comment?

MR. PATTON: If you'd let me just confer with counsel?

CHAIR MATSON: Okay.

MR. PATTON: Madam Chair, Board members again there is no additional closing remarks except for the fact that we think we are diligent in trying to meet with the neighborhood association. That we have met the requirements of the sector development plan in that again, Mesa Verde I think and Scott Patrick Homes have done a wonderful job within the High Desert Master Planned Community. I think they have a number of subdivisions within a number of folks probably live in their homes. I think they do a good job and want to make sure that we create a community. We think we've done that. Thank you.

CHAIR MATSON: Those of you who have signed up this morning but did not speak we will make sure that you get written notice of any action that we're taking here this morning. I just wanted to let you know that.

Okay we're going to start and go around to the various Board members, we'll start with Parks?

MR. FLORES: The note on the infrastructure list for a trail, Christina has a little more background with this project in that she wanted to know if there was a verification note of some \$5,000 amount?

MR. PATTON: Right and I have that actually on the infrastructure list. I can give you a copy. We've added a note to the infrastructure list. I apologize I didn't get you a copy so let me do that now. We have indicated on there that we would either make improvements within the City's Open Space up to \$5,000 or we would provide that amount to the City to make their own improvements within the City's Open Space. I did have a conversation with Matt Schmader the Director of the City Open Space who said that was sufficient and he was happy with that. I've also I think we may hear from Wilfred and Brad as well.

MR. FLORES: Okay. That's all.

CHAIR MATSON: Hydrology?

MR. BINGHAM: With respect to the vacation request of the waterline and the open space easement and the public drainage easement I have no objection. I do have an approved grading and drainage plan dated 11/7/06 so I'll be ready to sign the infrastructure list. With respect to the comments on the sediment and floatables typically that's covered with a Storm Water Pollution Prevention Plan during the actual construction of the project not in the drainage report. Sediment bulking of the storm drain is inherent in there design. We did look at that. I've been in this business a long time so I know there is sediment all over town. I'm ready to approve this project.

CHAIR MATSON: Okay. I'm going to go to Utilities until I get my voice back.

MR. BALCH: I have a minor comment on the infrastructure list. You need to add removal of the 6-inch line, I mean actually take it out of the ground and the easements to be vacated.

MR. PATTON: I can add that.

CHAIR MATSON: Is that it?

MR. BALCH: That's it.

CHAIR MATSON: Transportation?

MR. GALLEGOS: I have no objections to any of the requests today with the changes to the infrastructure list.

CHAIR MATSON: Okay. In terms of Planning's comments hopefully my voice will make it. The November 6, 2006 High Desert Residential Owner's Association letter satisfies the intent of Section 4.8.7 of the sector plan based upon past High Desert Residential Owner letter submitted for previous preliminary plats in High Desert. Planning agrees that the preliminary plat submitted for Wilderness Canon at High Desert complies with the zoning, density and lot size requirements of the sector plan. Further we believe the plat submitted complies with intent of the High Desert Sector Plan with regard to Planning issues. The other Development Review Board members have spoken to their areas of expertise. Specifically, residential uses in the SU-2 HD RR zoning must conform according to the sector plan to the SU-2 AD RG zone. The sector plan states the total number of dwelling units cannot exceed 300. Wilderness Canon's preliminary plat contains 25 lots or 25 dwelling units. High Desert Investment Corporation has stated for the record that the zone currently contains 110 units so even with the addition of these 25 lots the total is well below the allowed 300. One dwelling unit per lot is proposed also conforms to the City's RT zoning category to which the SU-2 HD RD zoning refers for use and lot size. The lot size shown on the submitted plat conform to the RT zoning category.

So Planning also has no objection the preliminary plat. I'm going to go ahead and do the approvals. Do you have any further comments?

MR. PATTON: Madam Chair I just wanted to address Utility Development's comment. We do have the removal already on the infrastructure list.

MR. BALCH: You do?

MR. PATTON: Page 2 top.

MR. BALCH: Okay.

CHAIR MATSON: With the signing of the infrastructure list dated today and approval of the grading and drainage plan dated November 7, 2006 the preliminary plat is approved subject to the provisions of the Subdivision Ordinance. We are also approving the vacations as shown on Exhibit B in the Planning file also subject to the provisions of the Subdivision Ordinance. The applicant has one-year to file the final plat showing the vacation. We are also approving the sidewalk variance as shown on Exhibit C in the Planning file for waiver of sidewalks and the Subdivision Design Variance from minimum DPM (Development Process Manual) standards as also indicated on Exhibit C in the

Planning file and the temporary deferral of construction of sidewalks on the interior streets as shown on Exhibit C. Approval of this variance is subject to the provisions of the DPM (Development Process Manual).

The condition of final plat is that you have your Albuquerque Public Schools (APS) Pre-development Fees Agreement recorded prior to application for final plat.

The finding is that the November 6, 2006 letter received from Mr. Berg of the High Desert Residential Owner's Association complies with the intent of the High Desert Sector Plan. We're done.



City of Albuquerque

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April 17, 2007

To all interested parties:

The following appeals are on the agenda of the **Monday, May 7, 2007** City Council meeting, which will begin at 5:00 p.m. in the Vincent E. Griego Chambers, Basement Level, 1 Civic Plaza NW:

AC-07-2 Hess Yntema, Agent for Carl & Lillian Fesler, Appeals the Development Review Board's Approval of a Preliminary Plat, Vacation of Public Easements, Subdivision Design (DPM) Variance; Sidewalk Waiver; and Temporary Deferral of Sidewalk, Tract(s) A, Unit 2, Wilderness @ High Desert (to be known as Wilderness Canon @ High Desert) Zoned SU-2, HD/R-R, Located on High Desert Place NE, Between Trailhead Road NE and Embudito View Ct NE

AC-07-3 Paul M. Kienzle III, Agent for High Desert Residential Owners Association, Appeals the Development Review Board's Approval of a Preliminary Plat, Vacation of Public Easements, Subdivision Design (DPM) Variance; Sidewalk Waiver; and Temporary Deferral of Sidewalk, Tract(s) A, Unit 2, Wilderness @ High Desert (to be known as Wilderness Canon @ High Desert) Zoned SU-2, HD/R-R, Located on High Desert Place NE, Between Trailhead Road NE and Embudito View Ct NE

The City Council will have a full hearing on the subject appeals.

If you have any questions, I can be reached at 768-3100.

Sincerely,


Crystal Ortega
Clerk of the Council



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

April 2, 2007

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To all interested parties:

The following appeals are on the agenda of the **Monday, April 16, 2007** City Council meeting, which will begin at 5:00 p.m. in the Vincent E. Griego Chambers, Basement Level, 1 Civic Plaza NW:

AC-07-2 Hess Yntema, Agent for Carl & Lillian Fesler, Appeals the Development Review Board's Approval of a Preliminary Plat, Vacation of Public Easements, Subdivision Design (DPM) Variance; Sidewalk Waiver; and Temporary Deferral of Sidewalk, Tract(s) A, Unit 2, Wilderness @ High Desert (to be known as Wilderness Canon @ High Desert) Zoned SU-2, HD/R-R, Located on High Desert Place NE, Between Trailhead Road NE and Embudito View Ct NE

AC-07-3 Paul M. Kienzle III, Agent for High Desert Residential Owners Association, Appeals the Development Review Board's Approval of a Preliminary Plat, Vacation of Public Easements, Subdivision Design (DPM) Variance; Sidewalk Waiver; and Temporary Deferral of Sidewalk, Tract(s) A, Unit 2, Wilderness @ High Desert (to be known as Wilderness Canon @ High Desert) Zoned SU-2, HD/R-R, Located on High Desert Place NE, Between Trailhead Road NE and Embudito View Ct NE

The City Council will be voting to either "Accept" or "Reject" the Land Use Hearing Officer's recommended Decision, therefore, public testimony is generally not taken at this time. Should the City Council reject the Land Use Hearing Officer's recommended Decision, the appeals will then be scheduled for a full hearing before the City Council at a date no earlier than the next regular meeting of the full Council.

If you have any questions, I can be reached at 768-3100.

Sincerely,


Crystal Ortega
Clerk of the Council

Attachments:
Land Use Hearing Officer's Recommendation
Excerpt from the Council's Rules of Procedure

LAND USE HEARING OFFICER'S RECOMMENDATION

APPEAL NO. AC-07-02

Project No. 1004989

Carl Fesler & Lillian Fesler, et al, Appellants,
Mesa Verde Development Company, Party Opponents.

And

APPEAL NO. AC-07-03

Project No. 1004989

High Desert Residential Owners Association, Appellants,
Mesa Verde Development Company, Party Opponents

I. PROCEDURAL BACKGROUND

The matters presented in these two consolidated cases involves two appeals from a decision of the Development Review Board (DRB). On September 29, 2006, Mesa Verde Development Company (Mesa Verde) submitted an application to the Albuquerque Planning Department for Preliminary Plat approval for a 25 tract subdivision (Wilderness Canon) on a 3.96 acre tract of land within the High Desert Master Planned development.

The DRB held three public hearings on the application. At the last hearing, on December 6, 2006, the DRB approved Mesa Verde's application with conditions. On December 18, 2006, Carl Fesler, Lillian Fesler, Robert Pelletier, Kathy Pelletier, Janet Lentz and Eric Lentz (Fesler, *et al.*), through legal counsel, filed an appeal of the DRB decision. Then, on December 21, 2006, the High Desert Residential Owners Association (HDROA), through legal counsel, filed their timely appeal.

The Appeal Hearings before this Land Use Hearing Officer were consolidated and held on March 13, 2007. At the Appeal Hearing additional evidence was accepted. Additional evidence which was not accepted includes 9 photos submitted by Appellants' Fesler, *et al.* These photos were rejected on the basis that they included computer generated drawings superimposed on the landscape depicting subjective and speculative renditions of the housing components and their foundations.

II. ISSUES PRESENTED

The Fesler, *et al.* appeal and the appeal of the HDROA present the same issues and allegations of error. Appellants generally claim that the DRB decision approving the 3.9 acre, 25 tract subdivision was done in disregard of the admonitions and the requirements of the High Desert Sector Development Plan (HSDSP). Specifically, Appellants maintain that the HSDSP requires that the density of Wilderness Canon be much less than the proposed 6.3 dwelling units per acre.

Appellants next argue that the "intent" of the HSDSP is to proscribe development on landscape grades of 10% or more within the master planned community. In support, Appellants also

1 argue that the City of Albuquerque Comprehensive Plan embodies a policy with similar constraints.
2 It is undisputed that 5 of the proposed 25 tracts in this subdivision sit on areas having slopes that are
3 either at, or exceed 10%. Appellants argue that the DRB disregarded the HDSDP and the City of
4 Albuquerque Comprehensive Plan in allowing development on landscape grades exceeding 10%.

5
6 In addition, Appellants claim that the intent of the HDSDP in regards to traffic, stormwater
7 and drainage management is violated by the proposed internal streets and by the components of the
8 plan for Wilderness Canon for drainage and run-off.

9
10 Finally, it is undisputed that the HDSDP requires that the “High Desert Homeowners
11 Association or its successors shall certify to the City....that any proposed plat meets the requirements
12 of the Sector Development Plan.”¹ At the DRB public hearing the HDROA approved the zoning and
13 land use allocation in a prior certification and, then, in a second letter refused to further certify that
14 the subject plat meets all the requirements of the HDSDP. In approving the plat, the DRB
15 circumscribed the reach of the certification authority of the HDROA and held that the certification
16 authority described in Section 4.7.A.1 is limited to the standards in Section 4 of the HDSDP— zoning
17 and construction design. Appellants oppose the DRB limitation on the scope of the certification
18 authority and further contend that the City lacked authority to approve the plat until it receives
19 certification from the HDROA that the plat meets all the requirements of the HDSDP.

20 21 22 **III. STANDARD OF REVIEW**

23
24 A review of an appeal is a whole record review to determine if there is error:

- 25
26 1. In applying adopted city plans, policies, and ordinances in arriving at the decision;
27 2. In the appealed action or decision, including its stated facts;
28 3. In acting arbitrary, capriciously or manifestly abusive of discretion.

29
30 The decision and record must be supported by a preponderance of the evidence to be upheld.
31 *Whether the evidence is, or is not supported by a preponderance of the evidence in the record, the*
32 *Land Use Hearing Officer may not substitute his judgment for that of the reviewing Body below.* The
33 Land Use Hearing Officer’s opinion is advisory to the City Council. The Hearing Officer may
34 recommend that the Council “grant, in whole or in part, an appeal, deny, in whole or in part, an
35 appeal, or remand an appeal for reconsideration if the remand is necessary to clarify or supplement
36 the record, or if the remand would expeditiously dispose of the matter.”² Decisions of the City are
37 presumably valid and the burden of proving otherwise rests upon a party seeking to void such
38 decision.

¹ See HDSDP, Page 4.4, Section 4.A.7.1.

² See Rules of the Land Use Hearing Officer adopted by the City Council, February 18, 2004. Bill No. F/S OC-04-6.

1 **IV. DISCUSSION**

2
3 The Wilderness Canon subdivision is one of other subdivisions approved by the DRB and
4 pursuant to the master planned High Desert Community and to the HDSDP. Wilderness Canon is
5 a 25 tract division on a 3.96 acre tract of land located within Tract A, Unit 2 of High Desert Plan.
6 It encompasses a density of 6.30 dwelling units per acre (D/U's). The precise geographic position
7 of the subdivision within the High Desert master plan is of importance to the requirements of the
8 HDSDP and the density scheme envisioned therein.
9

10 The subdivision sits to the South and to the East of the Wilderness Village subdivision of
11 the High Desert master plan. The Eastern border of Wilderness Canon is a buffer encompassing City
12 of Albuquerque open space. East of the City's open space land is the U.S. Forest Service land.
13 Directly South of the subdivision is additional open space which provides a buffer to the Trailhead
14 subdivision of the High Desert master plan. The Northwest side of the subdivision borders with the
15 Wilderness Village subdivision within the master plan.
16

17 The record demonstrates that the Wilderness Canon subdivision carries a zoning
18 classification of SU2-HD-RR. It is undisputed that up to 13 dwelling units per acre are permissively
19 allowed in the SU2-HD-RR zone. Notwithstanding, the total number of dwelling units permitted,
20 pursuant to the HDSDP, in the collective SU2-HD-RR zones within the entire High Desert master
21 planned community is 300 dwelling units.³ With the addition of the 25 tracts in the Wilderness
22 Canon subdivision, the total developed tracts in the High Desert master plan that are zoned SU2-HD-
23 RR will be 135.
24

25 The issues in this matter all relate to interpretations of various sections and language of the
26 HDSDP. Accordingly, an understanding of the organization of the HDSDP will add to the analysis
27 and is worth a brief discussion. The HDSP is organized into 8 sections. Sections 1 and 2 delve into
28 the history, accomplishments, and the environmental features and considerations of, and for, the
29 High Desert community. Section 3 summarizes and defines the overall land use density and zone
30 concepts contemplated in the HDSDP for the High Desert community. It also provides
31 recommendations for mitigating and meshing development with the environmental concerns
32 described in Section 2. Section 4 is the keystone to the HDSDP, providing the detail of the zoning
33 and construction design schemes in High Desert.
34

35 Sections 5, 6, 7 and 8 provide the framework of the technical studies and considerations that
36 were completed, and which formed the basis for the City's approval of the High Desert master plan.
37 Each of these sections also provide further recommendations and approaches for managing traffic
38 issues, stormwater, air quality, and utility infrastructure concerns as development progresses in High
39 Desert.

³ The developed lands which are also zoned SU-2-HD-RR in the High Desert master planned boundaries include: Wilderness Estates (27 tracts); Wilderness Compound (26 tracts); Wilderness Village (57 tracts); and, Wilderness Canon (25 tracts).

1
2 **1. Density**
3

4 I Find that the Party Opponents and the City Planners, by a preponderance of the evidence
5 have shown that there was substantial evidence in the record to support the DRB's approval of the
6 density arrangement for the Wilderness Canon subdivision. Although, the DRB could have included
7 more detail in its findings, the literal application of the density transitions conceptually required in
8 the HSDSP pertains to the lands of High Desert which are to the North and East of the neighborhood
9 core of High Desert. Moreover, although the HSDSP contemplates lower densities at the lands
10 interfacing with the U.S. Forest Service lands, the Wilderness Canon subdivision does not border
11 the U.S. Forest Service lands, and, therefore the DRB approval was not unreasonable.
12

13 Appellants argue that the HSDSP requires that densities in the center of the of High Desert
14 should be greatest. There is support for this conclusion in the HSDSP. From the community's core
15 neighborhood (highest density areas) development is to recede as it transitions to the outer
16 boundaries of the master planned community.⁴
17

18 The zoning scheme in High Desert is somewhat elaborate and provides the foundation for
19 the establishment of the density transitions contemplated in the HSDSP. There are seven separate
20 zones in High Desert and one overlay zone. Residential uses are permissive in five of the zones.
21 These five residential zones each provide for density variations in residential uses. As stated above,
22 the highest density residential zone is the R-G zone, at 13 D/U's per acre; thus allowing for
23 clustering of apartments and townhouses. The next highest density is the R-R and the R-G zones
24 both allowing residential densities at up to 13 D/U's per acre. Next, is the R-T zone which allows
25 up to 10 D/U's per acre. The lowest density zone is the R-1 zone. The R-1 zone allows a density
26 at 1 D/U per acre. Theoretically, the positions of the various zones within High Desert generally
27 provide assurance that the density scheme described in the HSDSP will be followed.
28

29 As stated above, the zoning scheme in the HSDSP dictates that the neighborhood core exist
30 where residential densities are at their highest. The RG zone allows densities at 13 D/U's per acre,
31 encompasses 33.1 acres of land and is the only area within High Desert which has this zone
32 classification. It represents the "neighborhood core." This neighborhood core is surrounded on all
33 sides and buffered by lower density zones and actual uses. An exception, however, is on the North
34 side where the neighborhood core provides the single retail and commercial zone, C-1. North of the
35 C-1 zone is additional lower density zones (R-T zone and further North, the R-1 zone).
36

37 Appellants argue that the HSDSP requires that, as development progresses outward from the
38 neighborhood core, density must recede. Therefore, under their interpretation of the transition
39 concept in the HSDSP, Wilderness Canon should be at a lower density than the density of the
40 Wilderness Village subdivision (which is closer to the neighborhood core than the Wilderness
41 Canon).

⁴ See HSDSP, Section 3, Page 2, "Land-Use Transition Concepts."

1 It is unquestioned that the density of the Wilderness Canon subdivision is greater than the
2 density of the Wilderness Village subdivision to the Northwest. It does, however hold a higher
3 density than the density of the Trailhead subdivision to the South which is further from the
4 “neighborhood core” than is the Wilderness Canon.
5

6 All the evidence of the zone schemes in High Desert lends support that the density of the
7 Wilderness Canon need not be lower than the density of the Wilderness Village subdivision; as long
8 as there is a “transition from that [neighborhood core] center to natural open areas at its edges.”⁵
9 [Wilderness canon is buffered with additional open space at the interface with the U.S. Forest lands.]
10

11 Moreover, in relation to the neighborhood core, and specifically, to provide a “visually
12 pleasing interface to Tramway Boulevard...” the transition concept described in Section 3.2 is for
13 the express purpose of addressing and mitigating specific “concerns” to the “north and east” areas
14 of High Desert. Wilderness Canon is located South and East of the neighborhood core. Wilderness
15 Canon is far removed from Tramway Boulevard. Additionally, there is no evidence in the HDSDP
16 for similar concerns relating to the Southern lands of High Desert, and, the approved zoning for
17 Wilderness Canon embraces and is consistent with this conclusion. I, therefore, find that the DRB
18 did not act erroneously, arbitrarily, or capriciously in concluding that the density of Wilderness
19 Canon satisfied the HDSDP.
20

22 2. Slopes

23

24 Appellants claim that development cannot occur on lands having grades greater than 10%.
25 In support of this prohibition, they cite to Sections 2.7, 3.4 and 3.7 of the HDSDP. Appellants also
26 contend that the intent of the City’s Comprehensive Plan supports their position as well. Mesa Verde
27 and the City Staff, on the other hand assert that there are no prohibitions in the HDSDP for
28 development on grades exceeding 10%. I agree and Appellants concede this point.
29

30 In addition, Appellants’ contend that the average grade of the entire 3.96 acres is below 10%,
31 and therefore the intent of the HDSDP, if any, is satisfied. The DRB, apparently agreed. How the
32 DRB dealt with the grades is the most troubling part of these consolidated appeals. Yet I do not find
33 error in their assessment. It is uncontested that five of the 25 tracts in Wilderness Canon sit on
34 portions of land which exceed 10% grades.
35

36 First, the 10% demarcation line, although repealed by the City Council in June, 1993, is
37 inapplicable as the development is not within the parameters contemplated in the 10% demarcation
38 line areas. I do agree, however, there are conditions and admonitions for development on grades
39 exceeding 10% in the High Desert community.
40

41 The historical purpose for mapping slopes within High Desert was to effectuate dedications

⁵ See HDSDP, Section 3, Page 2, paragraph 2.

1 and easements for open space of bulk lands which have slopes exceeding 10%. Section 2.7, cited
2 by Appellants, is not a prohibition for development on lands with grades exceeding 10%. It
3 specifically sets out recommendations for mitigation measures in the event that development has to
4 occur on these slopes.

5
6 Section 3.4, cited by Appellants, provides no support for their position. Section 3.4 provides
7 the basis for the mapping of slopes within the High Desert area— to demarcate and dedicate
8 easements. Similarly, Section 2.2, cited by Appellants, provides historical information. There are
9 no conditions or restraints in these sections. The evidence in the record evidences that dedication
10 of sufficient lands with grades exceeding 10% preceded the subject development. I cannot read a
11 prohibition into the HDSP or the Comprehensive Plan where there is not one.

12
13 Comparably, Section 3.7 in the HDSDP provides little or no help in support of Appellants’
14 position. The five tracts that have grades exceeding 10% have not been shown to exist on “areas of
15 arroyo sideslope.” Section 3.7 specifically speaks to mitigation when development occurs on “areas
16 of arroyo sideslope greater than 10%.” Id. Appellants concede that “[t]he site does not appear to
17 contain any arroyos.”⁶ In addition, Appellants have not shown that Mesa verde has not done
18 anything to mitigate the effects of development on tracts 4, 5, and 19-21.

19
20 The Comprehensive Plan, Section II-7, policy e, which was also cited by Appellants, requires
21 that the City “shall” regulate as appropriate “wherever slopes exceed 10%” by enforcing
22 development standards in the Sandia Foothills Plan.⁷ Yet the Sandia Foothills Plan (a rank II plan),
23 adopted in 1983, does not include the High Desert master planned areas. Accordingly, Section II-7,
24 policy e, of the Comprehensive Plan is inapplicable to High Desert. Although I am troubled by the
25 averaging of slopes which the DRB apparently approved, I cannot find that the DRB acted contrary
26 to any prohibitions or recommendations within the HDSDP in approving tracts 4, 5, 19, 20, and 21.

27 28 29 **3. Traffic, Streets, Hydrology, and Views**

30
31 The issues regarding traffic, drainage and views brought up in Appellants’ appeals is
32 unsupported by the HDSDP and is unsupported by the facts. Appellants claim traffic problems will
33 increase, and therefore, a new traffic impact study must be performed. It is obvious that traffic
34 increases proportionately with development. This alone is not grounds for reversal or a remand or
35 requiring a Traffic Impact Study (TIS). The evidence in the record, which was not contested, is that
36 the TIS was performed in the master planning of High Desert. The TIS at that time accounted for
37 development which far exceeds the actual development which has been approved. The approved

⁶ See H. William Fanning, AIA, Letter dated December 5, 2006.

⁷ Section II-7, policy e also refers to areas in the 10% demarcation line, however, as stated above, the City Council in 1993 repealed Section five of the City Resolution adopting the HDSDP and which provided the authority and intent for preservation within this line.

1 transportation system which preceded this subdivision was approved to handle at least 2,730 D/U's
2 at full buildout. With the addition of Wilderness Canon, a total of 1,975 D/U's will be erected in
3 High Desert. Under these facts, Appellants have not, and cannot demonstrate a need for a new TIS.
4

5 Appellants also claim that the internal streets are too narrow, much narrower than other
6 similar systems in Albuquerque. Yet, the HDSDP contemplates, and encourages narrow internal
7 streets in High Desert.⁸
8

9 The City's Hydrologist, Engineers, and open space expert approved the grading and drainage
10 plans submitted by Mesa Verde. Appellants hired experts to review the plans. Yet, their experts
11 have not shown how the grading and drainage plans do not satisfy the Development Procedures
12 Manual (DPM) or the City's Floodplain and Drainage Ordinance. In addition, Appellants have not
13 demonstrated how the HDSDP is violated by the grade and drain plans. Appellants claim that the
14 amount of sediment, which is required to be removed each year, is grounds for further study. They
15 also claim that the stormwater system approved for Wilderness Canon is deficient for handling the
16 sediment build-up. Finally, they contend that the drainage plan for handling runoff is not consistent
17 with the Comprehensive Plan.⁹ Yet Appellants have not shown how the construction of a lined
18 drainage easement is violative.
19

20 The Appellants also contend that the views of the Sandia Mountains by the residents at the
21 Trailhead subdivision will be impaired by the development of Wilderness Canon. They further
22 contend that Mesa Verde's plat violates the viewshed requirements of the HDSDP. Yet, Appellants
23 have not pointed to any ordinance, rule, or requirement that is violated in this regard. I note for the
24 City Council that there are no view studies that are required (or even recommended) in the HDSDP.
25 Although, I agree with Appellants, that the views will be impaired to some extent, particularly with
26 respect to residents of the Trailhead subdivision. However, if a view study, and, or means of
27 preserving views is not furnished in the HDSDP or elsewhere, it would be arbitrary to create rules
28 and safeguards where none can be found.
29
30

31 **4. Certification** 32

33 I find that the DRB appropriately narrowed the certification authority of the Residential
34 Owner's Association to the criteria of Section 4 of the HDSDP. Implicit in this finding is that 1)
35 there is clear precedent to support this limitation; 2) Appellants have too much of a stake in the
36 outcome to carry-out the limitless authority which they seek; and, 3) The statutory construction of
37 the HDSDP is consistent with the DRB's interpretation.
38

39 The City staff submitted argument that the DRB has had the opportunity to interpret the

⁸ See HDSDP, Section 3.11, Forest Service Boundary.

⁹ See H. William Fanning, AIA, Letter dated December 5, 2006.

1 certification language of the HDSDP on at least one prior occasion. Appellants did not refute this
2 testimony. The DRB limited the certification authority of the HDROA when it held public hearings
3 on the Wilderness Compound subdivision. The certification of the HDROA, which was approved
4 by the HDROA at that time, was limited to the land use allocation and zoning criteria of Section 4
5 of the HDSDP.
6

7 Consistent with this precedent, HDROA President, Raymond S. Berg, proffered a letter to
8 the DRB, certifying that the Wilderness Canon subdivision satisfies the zoning requirements and
9 land use allocation criteria of the HDSDP.¹⁰ The DRB employed this approval as the basis that the
10 proposal satisfied the HDSDP. For reasons not shown in the record, Mr. Berg submitted a second
11 letter claiming that the subdivision does not satisfy “all” the requirements of the HDSDP.
12

13 Appellants’ position would allow the HDROA to essentially have a discretionary veto
14 authority over development within High Desert—a power without clear bounds for control. The
15 subjective authority is evidenced by the arguments of Appellants in this consolidated appeal. For
16 example, as shown above, the HDROA concludes that the Wilderness Canon will “generate traffic
17 problems...” and “drainage issues contrary to the intent of the Sector Plan.”¹¹ Yet, Appellants cannot
18 point to any express language prohibiting the development on these grounds alone. Similarly,
19 Appellants have not been able to clearly articulate each and every requirement in the HDSDP that
20 the Wilderness Canon plat does not satisfy.
21

22 Their position leaves too much room for supposition and interpretation of the language in
23 the HDSDP. Without a clear demarcation of authority to what must be certified, the HDROA could
24 place itself in a position that it could never certify a plat. We must remember the HDROA is in a
25 unique position. Indeed, as many of the residents of the HDROA have testified, they do not want
26 their views or trails obstructed. Any additional development runs afoul of this position. Simply
27 stated, the HDROA has too much of a stake in the outcome to be given such unfettered veto
28 authority over development within High Desert. Without language that clearly and unequivocally
29 supports Appellants’ position, I am not willing to expand the limits beyond what the City has already
30 done; nor can I find that it is the intent of the HDSDP to delegate so much power to an entity having
31 so much stake and interest in the outcome. The City, as a neutral third party, is in a better position
32 to judge the merits of the subjective language of the HDSDP as it applies to Development.
33

34 The City, counsel for Appellants’ and for Mesa Verde acknowledge that the certification
35 language of Section 4.A.7 of the HDSDP is ambiguous. This is especially so when read in isolation
36 to the many parts within it. However, when read together with the similar language in footnote 1
37 of Section 3.4.A and the language of Section 4.B.12, it was not an abuse of the DRB’s discretion to

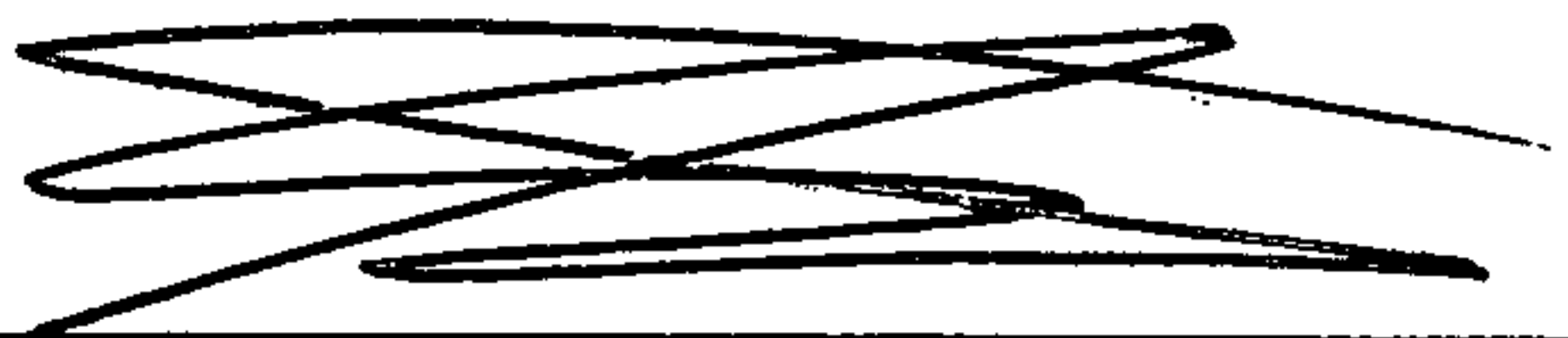
¹⁰ See Letter from Raymond S. Berg, dated November 6, 2006, Page 10 (record submitted by John Salazar, Rodey Law Firm) (Exhibit K of City of Albuquerque Interoffice memorandum, dated January 12, 2007.)

¹¹ Appeal Brief of HDROA, Page 19 City Record.

1 give the certification language the same meaning as it did in previous approvals. The construction
2 of the HSDP clearly supports a narrow application of this authority to the realm of land use
3 allocation, zoning, and specific design issues at construction.
4

5
6 **IV. RECOMMENDATION**

7
8 After listening to arguments of counsel, testimony of expert witnesses and lay witnesses, and
9 after reviewing the entire record of these consolidated appeals, I respectfully recommend that the
10 City Council deny these appeals for the reasons in this opinion.
11

12 
13
14

March 25, 2007

15 Steven M. Chavez, Esq.
16 Land Use Hearing Officer
17
18

**Excerpt from the City Council's Rules of Procedure (3/2006)
Regarding the Hearing of the Land Use Hearing Officer's
Recommended Decision by the City Council***

The Hearing Officer shall enter his or her findings and recommended decision ("decision") within 5 days after the close of the hearing and shall forward the decision and findings to the parties and the Council within 5 days of entering the decision.

When the Council receives the Hearing Officer's findings and decision, the Council shall place the decision on the agenda of the next regular full Council meeting provided that there is a period of at least 7 days between the receipt of the decision and the Council meeting. The parties may submit comments to the Council regarding the Hearing Officer's decision and findings provided such comments are in writing and received by the Council and the other parties of record four days prior to the Council meeting.

The Council shall vote whether to accept or reject the Hearing Officer's decision and findings. A motion to reject or accept the Hearing Officer's decision and findings must be approved by a majority of the membership of the Council.

The Council may accept the decision and amend the findings of the Hearing Officer if such an amendment is consistent with the decision of the Hearing Officer.

If the Hearing Officer's decision is rejected, the appeal shall be scheduled to be heard by the full Council no earlier than the next regular meeting of the full Council.

If the Hearing Officer rules are in conflict with the Zoning Code, the Zoning Code shall prevail. If the Hearing Officer rules are silent regarding an area that is addressed by the Zoning Code, the Zoning Code shall apply.

*For the complete set of rules that apply to land use appeals, see the City Council Rules of Procedure, which can be viewed on the Council's website at <http://www.cabq.gov/council>

Matson, Sheran A.

From: Curran, Kevin J.
Sent: Friday, May 04, 2007 12:02 PM
To: Matson, Sheran A.
Subject: FW: City Council Appeals set for 5/7/2007 | AC-07-02 and AC-07-03


Kevin J. Curran
Assistant City Attorney
t 505-924-3995
f 505-924-3440
kcurran@cabq.gov

After all the jacks are in their boxes, and the clowns have all gone to bed, you can hear happiness staggering on down the street, footsteps dressed in red.... and the wind cries Mary. Jimi Hendrix (1967)

From: Margaret Romero [mailto:MRomero@rodey.com]
Sent: Friday, May 04, 2007 11:59 AM
To: Curran, Kevin J.
Subject: FW: City Council Appeals set for 5/7/2007 | AC-07-02 and AC-07-03

Kevin,

Forwarding the message below from Paul Kienzle regarding the appeal. Please call.

	<p>Margaret Y. Romero, Esq. Rodey, Dickason, Sloan, Akin & Robb 201 Third St., NW #2200 Albuquerque NM 87102</p> <p>tel: (505) 768-7288 fax: (505) 768-7395 mromero@rodey.com www.rodey.com</p>
---	--

This message is confidential and may be protected by the attorney-client privilege. If you believe that it has been sent to you in error, please reply to the sender that you received the message in error and then delete it. Thank you.

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

From: Paul Kienzle [mailto:paul@kienzlelaw.com]
Sent: Friday, May 04, 2007 10:41 AM
To: lmason@cabq.gov; bthompson@cabq.gov
Cc: 'Hessel E Yntema III'; John Salazar; Margaret Romero
Subject: City Council Appeals set for 5/7/2007 | AC-07-02 and AC-07-03

5/4/2007

The parties request a 30 day deferral of the appeals to allow additional time for them to work out their differences.

Mr. Yntema and Mr. Salazar consent to the deferral.

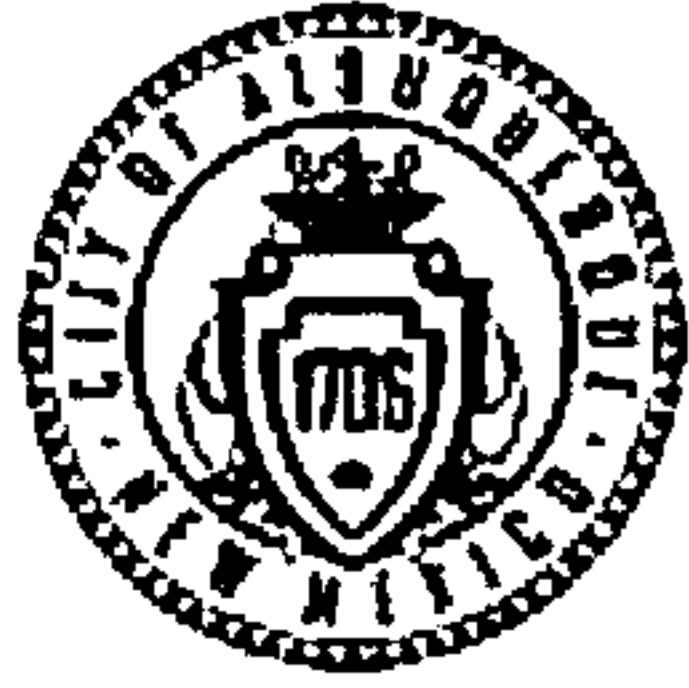
Would you please notify the City Council of the deferral request and make arrangements to re-set the appeals for hearing approximately 30 days hence?

Please contact me with any questions or comments. Thank you.

Paul M. Kienzle III
Scott & Kienzle, P.A.
P.O. Box 587
Albuquerque, NM 87103-0587
(505) 246-8600; FAX (505) 246-8682

paul@kienzlelaw.com

5/4/2007



"Kym Dicome"
<kdicome@high-desert.com>

01/08/2007 01:57 PM

To <smatson@cabq.gov>

cc

bcc

Subject Unit count for Wilderness (previously Tract 13)

Sheran;

Here is the breakdown of existing and proposed unit count:

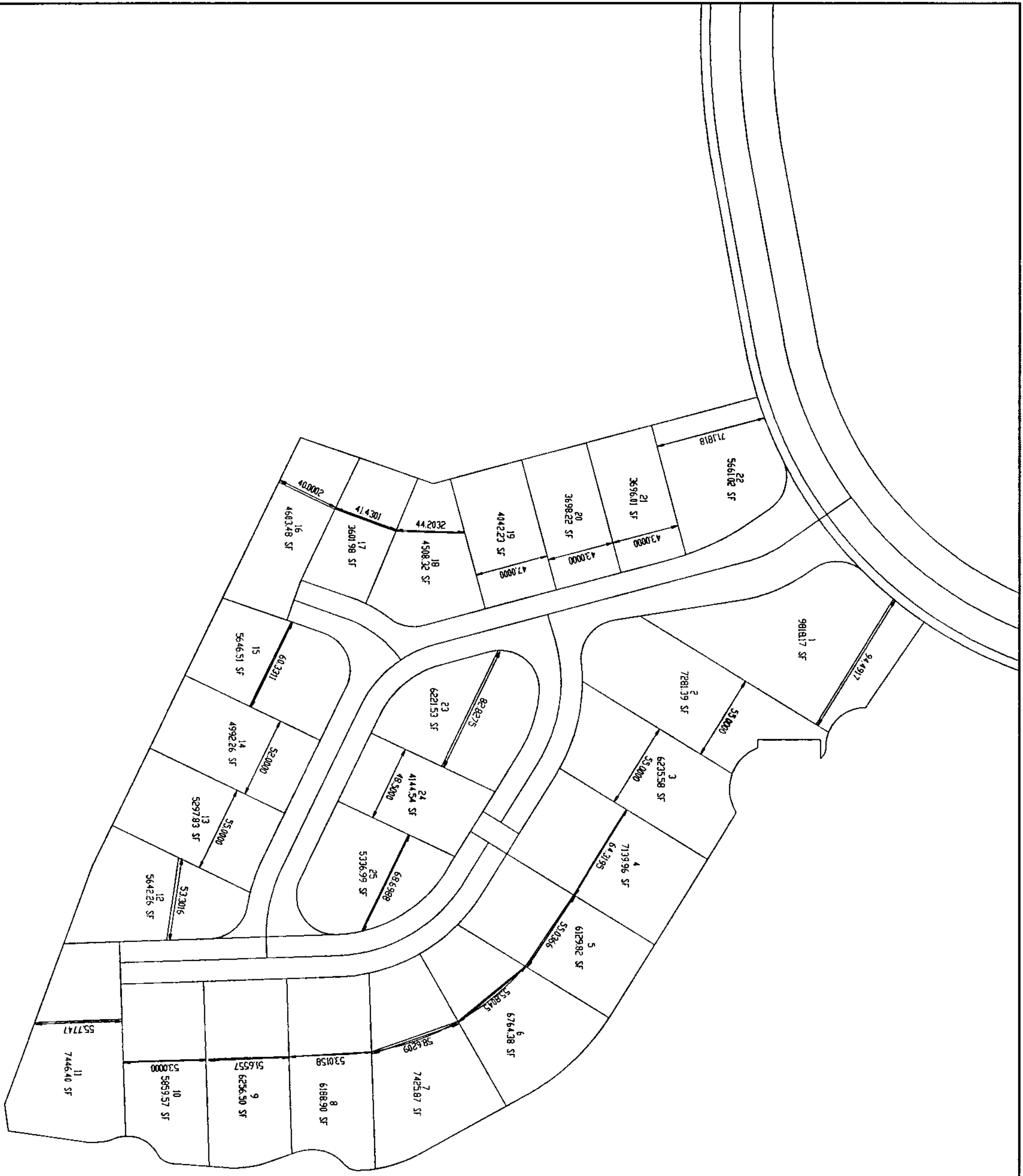
Wilderness Estates	27 lots
Wilderness Compound	26 lots
Wilderness Village	57 lots
Wilderness Canon	25 lots

Totaling 135 lots out of the maximum allowed 300.

Hope you had a good holiday. Sorry to hear about Don Newton. How sad to not feel like you have another route!

Kym E. Dicome
Planner/Vice President
High Desert Investment Corporation
3791 Southern Boulevard SE
Suite 202
Rio Rancho, New Mexico 87124
505-823-9360
505-823-9611 (fax)

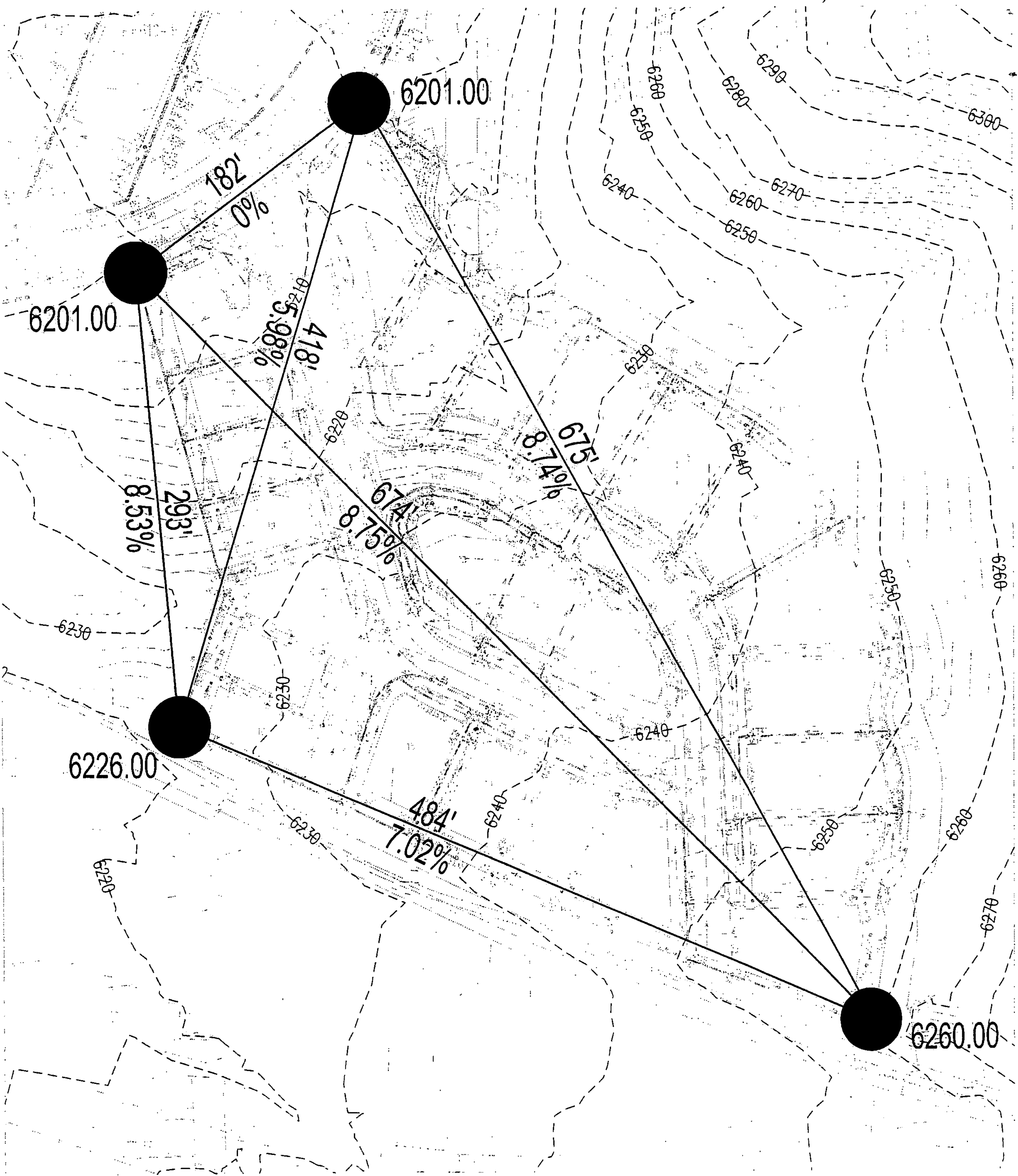
✓



K. Patton
1/8/06

Exhibit A

Resub
12/06/06
BHI, INC



1"=80'

Mesa Reprographics
5901 Lomas Blvd. NE
262-2046 office
256-9435 fax

Date: 12/18/06

PLEASE CALL/DELIVER COPIES & INVOICE TO:

Scott & Kuenzle, P.A.
Attn: Rob Erickson
201 3rd St. NW, Ste. 1570
Albuquerque, NM 87102
→ 505/246-8600

PLEASE RETURN ORIGINALS

TO: **City Of Albuquerque**
Planning Department /Publications
2nd Level (on the west side from the entry area)
600 2nd St. NW Suite 201

CONTACT: Sandy Handley @ 924-3861 or ~~Tim Sims @ 924-3895~~ **ANDREW GARCIA 3858**

DRB
DOCUMENT: PROJECT FILE # 1004989

RELEASED TO: MIKE MARTIN MESA

DATE: 12 18

RETURNED TO: Andrew Garcia

DATE: 12/19/06

Comments
on this
false
info.

NOTICE
DID YOU SEE THIS SIGN:

REQUEST

MAJOR SUBDIVISION PRELIMINARY
PLAT APPROVAL, VACATION OF
PUBLIC EASEMENT

The Development Review Board of the City of Albuquerque will hold a public hearing in the Plaza Del Sol Hearing Room, Basement, Plaza Del Sol Building, 600 2nd St. NW, on OCTOBER 25, 2006 at 9:00 AM and such additional dates as may duly be established. All persons have a right to appear at such hearing. For information on this case or instructions on filing written comments, you may call the City Planning Department at (505) 924-3860.

Required to be posted from OCTOBER 10, 2006 to OCTOBER 25, 2006
by BOHANNAN HUSTON INC (505) 823-1000
applicant/agent 4987 phone

REFER TO FILE# 100 2319 / 06 DRB 01411, 01412

It is illegal for any unauthorized person to remove or tamper with this sign. 14.42 Revised Ordinances of Albuquerque N.M. 11.4

PROBABLY NOT, BECAUSE IT IS CLEVERLY LOCATED ON THE STREET IN HIGH DESERT, AND FACING THE STREET. IT IS A PROPOSAL TO ELIMINATE PUBLIC ACCESS TO THE TRAIL ALONG THE FOOTHILLS BEHIND THE HOUSES OF THE HIGH DESERT DEVELOPMENT. THIS WILL EFFECTIVELY

CLOSE THE BIKE AND RUNNING TRAIL ALONG THE FOOTHILLS

IF YOU UTILIZE THE TRAIL FOR ENJOYMENT ALONG THE FOOTHILLS, I WOULD RECOMMEND THAT YOU INQUIRE ABOUT THIS PROPOSAL AND FIGHT IT. CALL (505)924-3860 TO INQUIRE ABOUT THIS PROPOSAL. REFER TO FILE # 1004989/06DRB01411,01412. IF IT THREATENS THE FOOTHILLS TRAIL AND IS SOMETHING YOU CARE ABOUT I WOULD RECOMMEND TRYING TO ATTEND THE MEETING ON OCTOBER 25, 2006 AT 9:00AM IN THE PLAZA DEL SOL HEARING ROOM, BASEMENT, PLAZA DEL SOL BUILDING, 600 2ND ST. NW.



"Theisen, Lisa"
<ltheise@sandia.gov>
10/25/2006 08:14 AM

To csenova@cabq.gov
cc
bcc
Subject Easements in high desert

#3

To Whom it may concern:

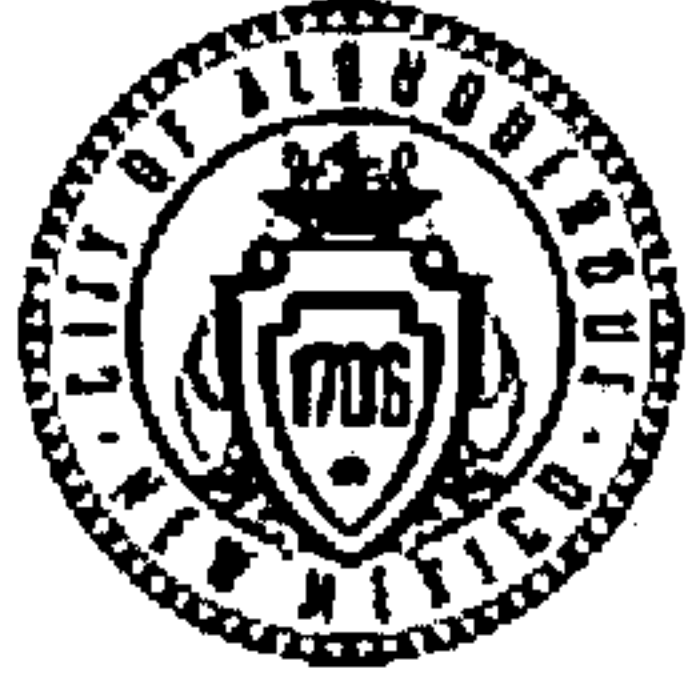
I am writing in response to a change in the easements along the foothills trail. Access to the open space and wilderness areas is why Albuquerque is so special and wonderful. The trails have been there for years and people have had access to these trails for years.

In has been more recently, that people have purchased property in high desert, they chose to build and move to these areas, where some of the houses were quite close to existing trails. Now they want public easements to go away.

This is not right and I believe that the change in plat on public easement needs to be denied.

Sincerely
Lisa Theisen

Lisa Theisen
phone: (505) 844-6241
fax: (505) 844-0011
email: ltheise@sandia.gov



Caroline Smith
<caroline@unm.edu>
10/24/2006 05:05 PM

To smatson@cabq.gov

cc

bcc

Subject DRB hearing 10/25 - Project # 1004989 06DRB-01412

Hello,

I am writing about the DRB hearing tomorrow, specifically about project 1004989 06DRB-01412, the Vacation of Public Easements, relating to the Wilderness @ High Desert development.

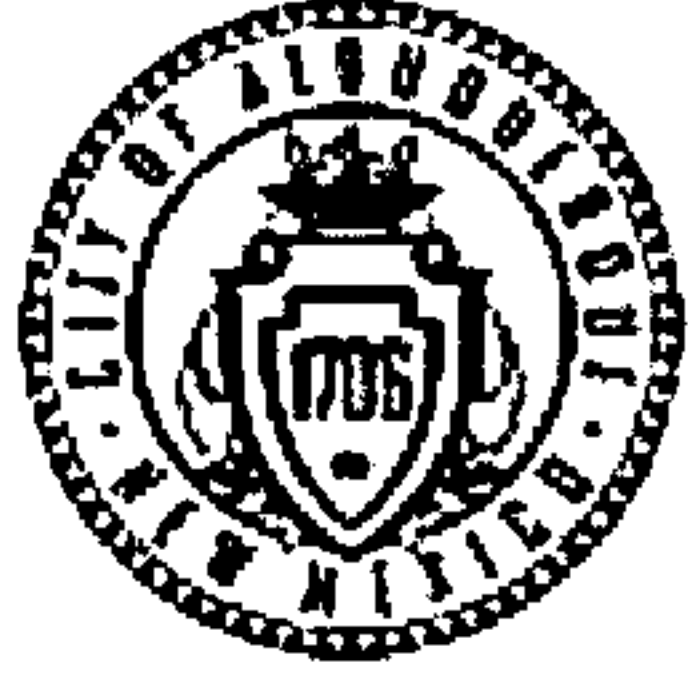
As a trail user in the area concerned, I am extremely disturbed by the proposal to close public access to trails. The open space - public land owned by the citizens of Albuquerque - is a crucial element in creating the quality of life that the city prides itself on. The recent recognition of the Bosque Trail as a "Top 10" trail shows how important recreation opportunities are.

As a property owner in the Foothills, I consider that full access to the open space is one of the prime factors in making this a desirable part of town in which to live.

I would also like to point out that trails must not be broken up into short sections. Long, continuous routes are essential for walking, running or biking. Closing even short sections breaks up the available routes, making them far less usable.

I hope the DRB will ensure that development at High Desert does not result in the destruction of that community's most precious asset.

Sincerely,
Caroline Smith



#3
"Steve Buerger"
<steve.buerger@gmail.com>

10/25/2006 11:02 AM

Please respond to
steve.buerger@gmail.com

To smatson@cabq.gov

cc

bcc

Subject Proj 1004989 / 06DRB-01411, 06DRB-01412

Dear Ms. Matson:

I recently became aware that a proposal before your board, referenced by project # 1004989 / 06DRB-01411 and 06DRB-01412 would result in the closure of a significant portion of foot trails in the Sandia foothills. Although my work schedule prevents me from attending today's meeting, I would like to express my concern that approval of this proposal would provide a benefit to a relatively small group of residents and a developer at the expense of the greater Albuquerque community.

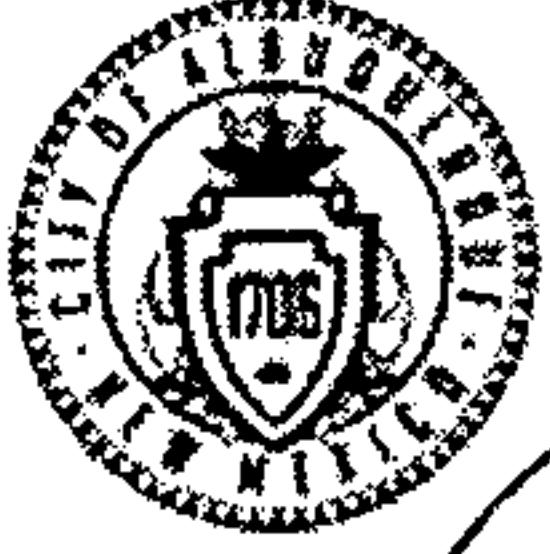
My wife and I recently became homeowners in the South Glenwood Hills neighborhood, but even before we lived in the foothills we regularly enjoyed the advantages offered by easy access to trails close to the city. In fact easy access to the mountain wilderness is one of the most important elements that makes Albuquerque a special place to live. We moved here just one year ago from the East Coast and have quickly come to appreciate this special feature of Albuquerque that few cities of its size can rival. To begin to encroach on the access to the wilderness for all city residents and their guests to enjoy would be a civic tragedy of the first order.

The residents and developers of the High Desert community have a right to the wilderness equal to that of other Albuquerque residents; they have neither more or less privilege. But they knew that there would eventually be limits to the spread of their community and influence, and they were well aware of the public's legitimate use of the mountain wilderness. This area is not the exclusive purview of this narrow set of residents, it belongs to the entire Albuquerque community. Please do not make the mistake of placing the narrow interest of a small increase in housing development above the interests of the broader community.

I also believe that if more residents were aware of this proposal, there would be a greater outcry; many residents use the trails in question but may not have visited them in the relatively short time of the posting.

Thank you for your consideration.

Sincerely,
Steve Buerger
4015 Calle Castano Ct. NE
Albuquerque, NM 87111



"Bouchier, Frank"
<fabouch@sandia.gov>
10/25/2006 07:41 AM

To csenova@cabq.gov
cc
bcc
Subject 06DRB-01411

3

I just received word of this application. Please forgive me if my information is not complete. I was told that this request would result in closing the recreational trail in the foothills near Spain. These trails are a major recreational asset for all the citizens of Albuquerque. They have been in regular use for years. I would strongly urge you to deny this request.

Thank you for your consideration
Frank Bouchier
1001 Warm Sands Trail SE
Albuquerque, NM



"Rawlinson, K-Scott"
<ksrawli@sandia.gov>
10/25/2006 07:59 AM

To csenova@cabq.gov
cc
bcc
Subject Foothills access

#3

Hi,

I am very disappointed to hear that people are trying to eliminate access to the trails. This area has been designated as a recreational area for the city and has been paid through our taxes. I strongly encourage you to not allow this by a few homeowners. Unbelievable!

Please let me know if I need to sign a petition.

Thank you,
Scott Rawlinson
764-8540
845-3137 (W)

"Plan"

after 2nd sentence, 2nd ¶

and that, to the best of our knowledge, no conflict exists w/ remaining portions of the plan.

Suggested language from City Attorney to revise 11/16/06 letter from Ray Berg, HDROA President. Mr. Berg rejected the suggested addition.

10

Courtyard I
7500 Jefferson St. NE
Albuquerque, NM
87109-4335

www.bhinc.com

voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

November 28, 2006

Sheran Matson, Chair
Development Review Board
City of Albuquerque
P.O. Box 1293
Albuquerque, New Mexico 87103

Re: Wilderness Canyon at High Desert (Tract A of the Wilderness Unit 2), DRB Project # 1004989
Request for deferral to the December 6, 2006 DRB Meeting

Dear Ms. Matson:

It is our understanding that the Development Review Board (the "DRB") is requesting a deferral of the project mentioned above deferring the requested actions from the Wednesday, November 29, 2006 DRB meeting to the December 6, 2006 DRB meeting. It is our understanding the purpose of this deferral is to allow the High Desert Residential Owners Association (the "HDROA") an additional week to certify to the City that the proposed plat meets the requirements of the Sector Development Plan.

It is our belief that this certification has previously been provided to the DRB by the letter that was previously submitted into the record, addressed to Sheran Matson, dated November 6, 2006, from Raymond S. Berg, President of the Board, HDROA. This letter states the following:

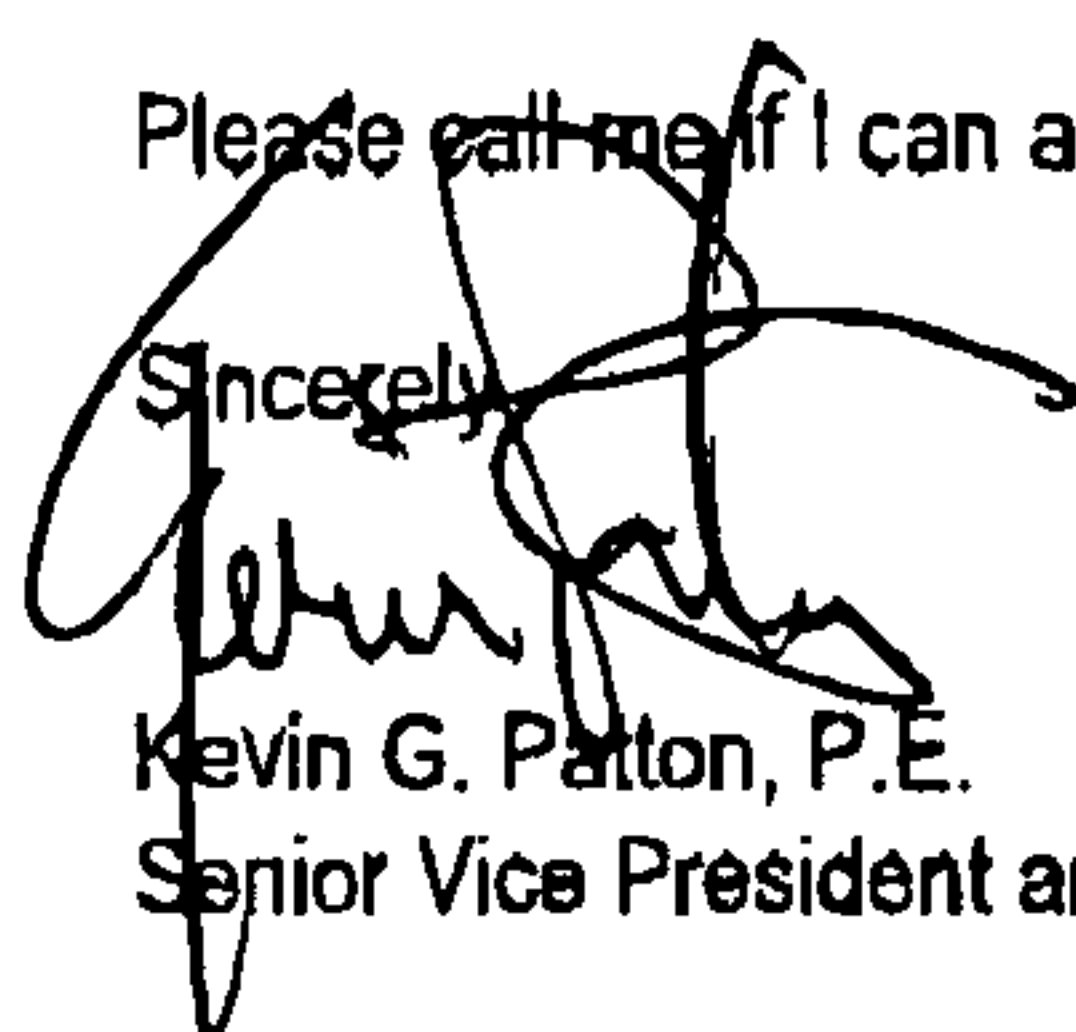
Section 4.A.7 of the High Desert Sector Development Plan requires that the High Desert Residential Owner Association (HDROA) certify to the City at time of submittal for approval to the Development Review Board that any proposed plat meets requirements of the Sector Development Plan. It further requires that at time of submittal for building permit for new construction that any construction plans meet the requirements of the Sector Plan. The Association is also required certify that the number of units constructed in the zone does not exceed the maximum allowed by the Sector Plan.

HDROA has performed a review of the proposed plat through Mr. William Fanning, Fanning Bard Tatum Architects AIA Ltd. Based on that review we believe that proposed plat is consistent with the underlying zoning requirements of the Sector Development Plan. We also agree that the number of units in the proposed plat does not exceed the maximum number of units allowed..... (Emphasis added.)

We defer to the DRB's judgment whether to defer this matter to the December 6, 2006 DRB meeting. We do ask that should the DRB defer this matter to the December 6, 2006 DRB meeting to allow additional information to be supplied to the DRB by the HDROA, that the DRB allow the applicant the opportunity to further defer this matter, if we find it necessary to review and respond to any new information that may be entered into the record at the December 6, 2006 DRB meeting.

Please call me if I can answer any questions regarding the above items.

Sincerely,



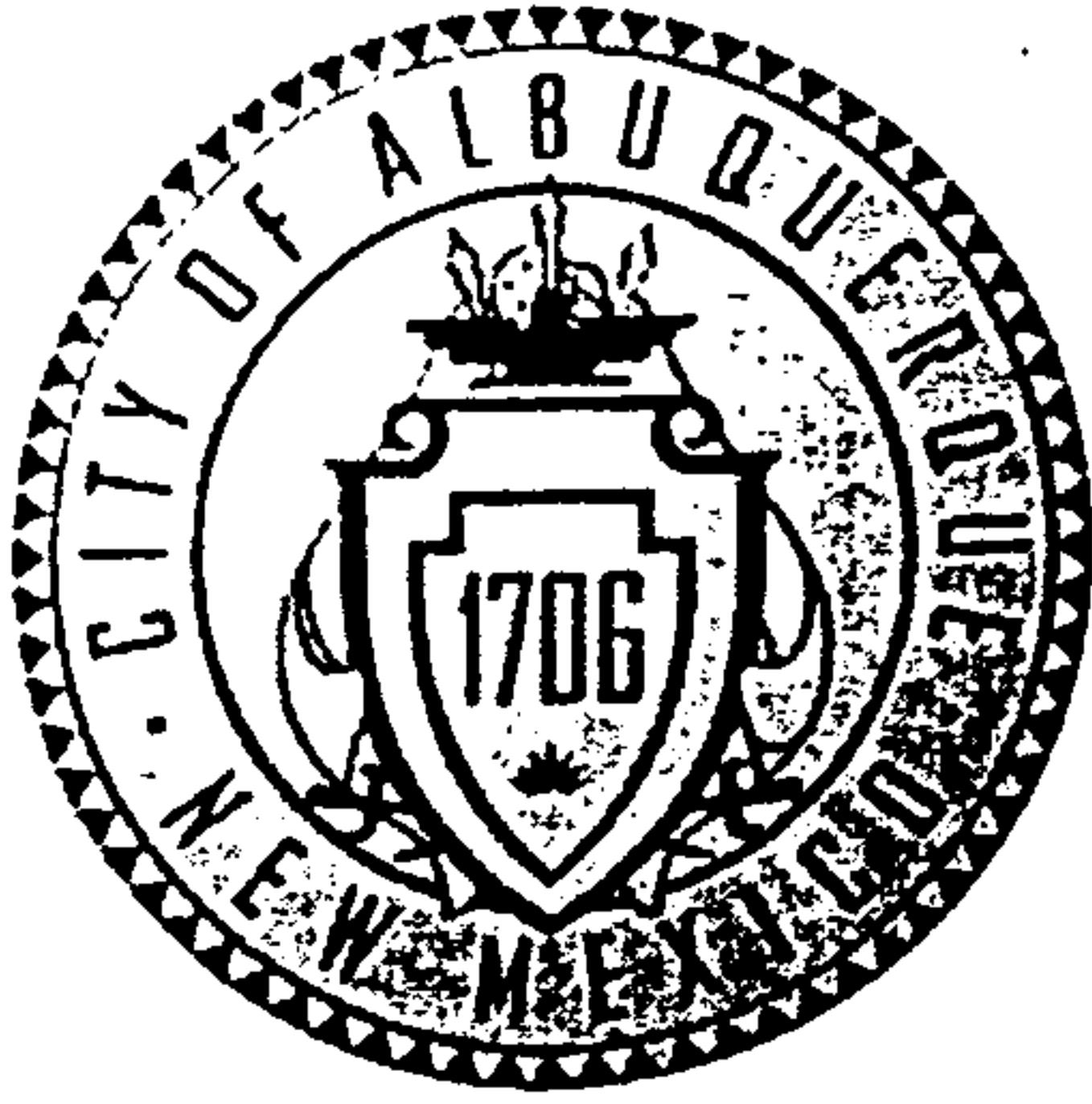
Kevin G. Patton, P.E.
Senior Vice President and Managing Principle

Kp

ENGINEERING ▲

SPATIAL DATA ▲

ADVANCED TECHNOLOGIES ▲



Mayor Martin J. Chávez

24140
3/15/07

John Salazar -
His copy of the
"Record"

CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Planning Department

RECEIVED

MAR 14 2007

DESIGN REVIEW

INTER-OFFICE MEMORANDUM

January 12, 2007

TO: Debbie O'Malley, President, City Council

FROM: Richard Dineen, Planning Director *R*

SUBJECT: AC-07-2 - 06DRB-01411; 01412; 01413; 01414; 01415; Project # 1004989 Hess Yntema, agent for Carl & Lillian Fesler, appeals the Development Review Board's approval of a Preliminary Plat, Vacation of Public Easements, Subdivision Design (DPM) Variance; Sidewalk Waiver; and Temporary deferral of Sidewalk for all or a portion of Tract(s) A, Unit 2, Wilderness @ High Desert (to be known as Wilderness Canon @ High Desert). zoned-SU-2, HD/R-R, located on High Desert Place NE, between Trailhead Road NE and Embudito View Ct NE, containing approximately 4 acre(s). (F-23) Sheran Matson, DRB Chair

BACKGROUND

Wilderness Canon at High Desert is a proposed 25 lot subdivision to be located within Tract A, Unit 2 of High Desert. This tract is included in the portion of High Desert zoned SU2-HD RR by the High Desert Sector Plan. Mesa Verde Development Company is the developer of this subdivision.

The zoning classification provides for stormwater management, allows a golf course, a resort/conference center and also a mixture of dwelling unit types. Mesa Verde proposes to develop this site according to the permissive uses in the SU2-HD RG zoning in the Sector Plan. These uses are allowed in the SU2-HD RR area. (SEE EXHIBIT A.)

The SU2-HD RG zoning corresponds, for the most part, to the RG Residential Garden Apartment Zone in the Albuquerque Comprehensive Zoning Code and allows houses, townhouses and low density apartments. (SEE EXHIBIT B.)

The Sector Plan does limit the density in the SU2-HD RR zone to 13 dwellings units per acre. The preliminary plat for Wilderness Canon at High Desert is approved at 6.32 dwelling units per acre, one half the allowed density. (SEE EXHIBIT C.)

The Sector Plan also limits the total number of dwelling units in the SU2-HD RR zone to 300. With the addition of the 25 lots proposed in Wilderness Canon at High Desert, the total number of units developed under this zoning category is 135. The other subdivisions developed within the SU2-HD RR zoning are Wilderness Estates subdivision which contains 27 lots, Wilderness Compound which has 26

lots, and Wilderness Village which has 57 lots. The total 135 units are less than half the allowed density. (SEE EXHIBIT A.)

The RG zoning category refers to the City RT Residential Zone category to determine lot size. The minimum lot size for RT zoned property is 3,600 square feet and 36 foot minimum lot width. (SEE EXHIBIT D.) This plat meets the lot size requirements

RESPONSES TO APPELLANTS' REASONS FOR APPEAL

The responses are numbered to match the Appellants' reasons for appeal in their appeal application.

1. Section 4.A.7 of the High Desert Sector Plan provides for the review and certification of High Deserts plats for conformance with the Sector Plan. (SEE EXHIBIT E.) This review responsibility is given to the High Desert Residential Owners Association (HDROA). This provision as stated on Page 4.4 of the Plan does not require certification that the proposed plat meets all requirements of the Sector Plan. The language merely states "meets the requirements": This language has long been interpreted by the DRB to mean the plat must meet the provisions of Chapter 4, Zoning Regulations, in the Plan.

In compliance with Section 4.A.7 of the Sector Plan, the Development Review Board (DRB) received a letter dated November 6, 2006, from Raymond S. Berg, President of the Board of the HDROA. In that letter, Mr. Berg states the HDROA reviewed the proposed Wilderness Canon at High Desert plat and confirms that the plat is consistent with the underlying zoning requirements of the High Desert Sector Plan. In addition, the letter states that the HDROA agrees that the number of dwelling units in the plat does not exceed the maximum number allowed. (SEE EXHIBIT F.)

The HDROA did submit another letter dated December 5, 2006 and received by DRB at the December 6, 2006 public hearing, in which the Association makes several claims that none of the submissions provided to the Association, (presumably by the developer or his agent), meet the requirements of the Sector Plan. (SEE EXHIBIT G.) Notwithstanding the fact that the December 5, 2006, letter was submitted unreasonably late to the DRB, the DRB did review and consider the contents of the letter.

High Desert Investment Corporation (HDIC), the master developer of High Desert and a primary author of the Sector Plan, submitted a copy of a letter dated October 24, 2006 addressed to Scott Schiabor in which HDIC stated their belief that the Wilderness Canon at High Desert preliminary plat is in conformance with the High Desert Sector Plan. Attached to this letter was a letter from Lawrence Kline, of Denish Kline Associates and one of the primary authors of the Sector Plan. Mr. Kline also states the plat is in conformance with the Sector Plan. (SEE EXHIBIT H.)

There was precedent for this decision. The Wilderness Compound Subdivision, adjacent to the proposed Wilderness Canon on the north, has the same zoning and was developed with similar

density to Wilderness Canon. The Wilderness Compound final plat was signed by the High Desert Residential Owners Association evidencing their approval that the plat complied with the Sector Plan.

In reaching its decision, the Development Review Board considered all documentation and testimony received and heard at the three public hearings on this plat on October 25, 2006, November 15, 2006 and December 6, 2006. It is unusual for a preliminary plat approval to require three public hearings. However, the Board wanted to listen to the comments of all neighbors, the agents, the developer, the High Desert Residential Owners Association, and High Desert Investment Corporation before making its decision.

After review of the Sector Plan, the information mentioned above and various letters received by DRB as well as testimony at the public hearings, the DRB determined that the November 6, 2006 letter satisfied Section 4.A.7 of the High Desert Sector Plan.

2. H. William Fanning of Fanning Bard Tatum Architects wrote an earlier opinion on the compliance of this plat with the Sector Plan. This letter was dated October 24, 2006 and was received by DRB on December 6, 2006. This letter states that the proposed development is consistent with the zoning, lot size & widths and setbacks in the High Desert Sector Plan in "all respects". The second letter from Mr. Fanning was attached to the December 5, 2006 HDROA letter & presented to DRB on December 6, 2006. See Response 1 above. (SEE EXHIBIT I.)
3. This response is the same as Response 1 above.
4.
 - a. This plat is outside the boundaries of the Highlands Design Overlay Zone and not subject to restrictions and regulations regarding decreased density in proximity to Forest Service lands and open space trails. The references in the Sector Plan to decreasing density adjacent to the forest lands and open space trails refer to the area known as The Highlands, found in Section 4.B Highlands Design Overlay Zone. The Highlands is located east of the north/south section line, the area of High Desert within which the City and High Desert Investment Corporation wanted to minimize the visual impact and density of development. (SEE EXHIBIT J.)
 - b. The proposed development is in scale with the existing residences. The existing residences, therefore, comply with the intent of the Sector Plan as does the proposed development. Appellants are not specific as to why they believe the plat is "contrary to the spirit and intent of the Sector Plan".
 - c. Appellants were not specific as to what or how views will be impaired and in what way the proposed subdivision will contrast with existing landforms. Any development in an otherwise undeveloped area has an impact on views and existing landforms.
 - d. At the December 6, 2006, DRB hearing, Bohannon Huston, Inc, agents for Mesa Verde Development, provided DRB with a map showing the slope percentage for the area within which Wilderness Canon at High Desert is located. This exhibit indicates the slope average


to be less than 10%. (SEE EXHIBIT K) DRB agreed with this conclusion. Accordingly, as a finder of fact, DRB's decision is supported by substantial evidence.

In May 1993 when the High Desert Sector Plan was adopted by City Council, Section 5 the adopting Resolution, R-245/50-1993, referred specifically to the mapping of the 10% slope demarcation line. Then in June 1993, R-292/73-1993, repealed Section 5 of R-245/50-1993. This action in effect eliminated any requirements related to the 10% slope demarcation line from the High Desert Sector Plan. (SEE EXHIBIT L.)

However, High Desert Investment Corporation, developers of the overall High Desert development, chose to re-create the 10% slope line as originally depicted in the Sandia Foothills Policy Plan. In the spirit of compliance, they created two tracts, OS-5 and OS-6. The two tracts contained the property above the 10% slope demarcation line. These two tracts were subsequently dedicated to the City as open space to comply with the no-build requirement. The filing of the High Desert Bulk Plat in November 1993 completed that dedication. OS-5 is adjacent to Wilderness Canon on the eastern boundary. OS-6 is directly to the south of this Wilderness Canon.

-
- e. Traffic should actually move better than originally anticipated in High Desert. 1992 traffic studies for the entire High Desert development assumed 2,730 dwelling units at full buildout. These studies were used as a basis for the design of the transportation system in High Desert. With the addition of the 25 units proposed by this plat, the total number of actual units constructed will be 1,975 or about 27% less than the 2,730 units the 1992 study was based on.
 - f. There is an approved grading and drainage plan for this proposed subdivision. It is approved by the City Hydrologist and follows the intent of the Sector Plan and the City Floodplain and Drainage Ordinances as well as the City Development Procedures Manual (DPM).
5. The application included two variances, a sidewalk waiver and a subdivision design variance. These application requests were approved based on the City Subdivision Ordinance and the Development Procedures Manual. (SEE EXHIBIT M.) It is unclear exactly what city ordinances and state laws Appellants believe were not followed.

APPROVED:


Russell Brito, Division Manager
Development Review Division
Planning Department

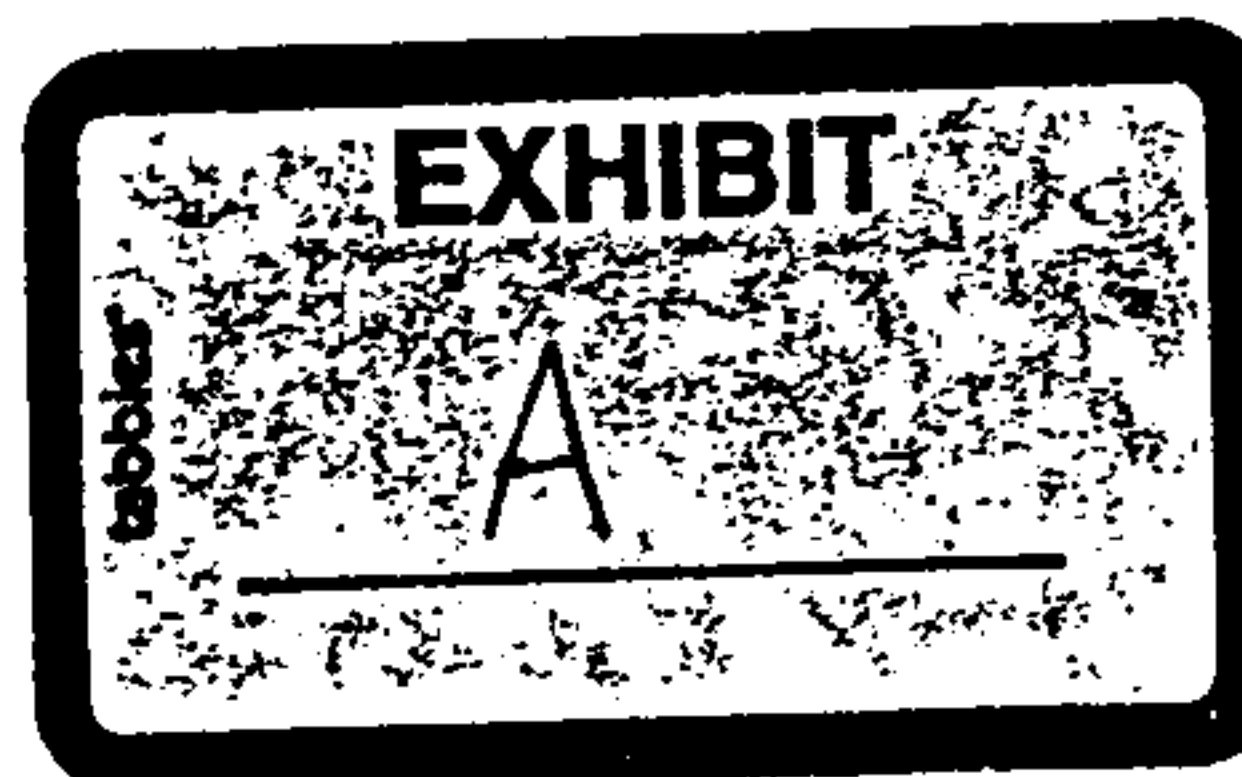
- f. Charitable Fund Raising Special Events
 - g. Neighborhood (non-commercial) recycling activities
 - h. Public and community gardens
3. Assisted Living Facility as defined herein including medical care for project residents, but not a hospital for human beings, is permissive.
 4. One Caretakers Quarters for public or private school is permissive.
 5. A maximum of 65,000 net leasable square feet of retail sales and service uses is permissive.

This zone, unlike the other zones described in this section, does not correspond to any existing zoning classification. It provides for stormwater management; the construction of a golf course; and permits a mixture of dwelling unit types, including a resort/conference center and related commercial facilities. It is subject to the following regulations:

Section 4.A.6:
SU-2 HD•R-R
Recreational/Resort
Zone

1. Permissive Uses, when pursuant to only the Sector Development Plan:
 - a. Uses permissive in the HD•R-G zone.
2. Density: If developed as R•G the total number of units shall not exceed 300.
3. Permissive Uses, when pursuant to the Sector Plan and to a Site Development Plan and Landscaping Plan approved by the Environmental Planning Commission:
 - a. Golf Course
 - b. Uses Related to a Golf Course, including:
 1. Structures incidental to a golf course (shelters, bathrooms, maintenance buildings, and utility housings) provided the aggregate net leasable area of such uses does not exceed 12,000 square feet.
 2. Public trails for pedestrian, equestrian, bicycle, and physically disadvantaged use.
 3. Private trails and golf-cart paths.
 4. Facilities for the maintenance of the common area and trails whether public or private, provided that the aggregate net leasable area of such facilities does not exceed 6,000 square feet.
 5. One "Caretakers Quarters" as regulated in the HD•R-1 zone.
 6. A construction Office in connection with a specific construction project provided it is limited to a period of one year.
 - c. Resort/ Conference Center, with a maximum of 350 hotel rooms, the aggregate of which shall not exceed 245,000 net leasable square feet, and meeting facilities not exceeding 20,000 net leasable square feet; and incidental maintenance and recreational structures not exceeding 12,500 net leasable square feet.
 - d. Uses Related to the Resort/Conference Center, including:
 1. Swim Club and Tennis Center not to exceed 15,000 net leasable square feet exclusive of structures containing indoor recreational courts and swimming pools.
 2. Retail sales of food and drink, including alcoholic drink, for consumption on-premises.
 3. Commercial Club for recreational or athletic activity, not to exceed 25,000 net leasable square feet.
 4. Golf Clubhouse, not to exceed 50,000 net leasable square feet.
4. Signs: As regulated in the HD•C-1 zone.
5. Conditional Uses
 - a. Conditional Uses the HD•R-LT zone, excluding private utility structures.

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High Desert Sector Plan
March 19, 1999 Revision

§ 14-16-2-10 R-G RESIDENTIAL GARDEN APARTMENT ZONE.

This zone provides suitable sites for houses, townhouses, and low density apartments, in the Established and Central Urban areas.

(A) Permissive Uses.

- (1) Uses permissive in the R-T zone.
- (2) Accessory living quarters.
- (3) Apartment.
- (4) Sign, on-premise, as provided in § 14-16-3-5 of this Zoning Code.

(B) Conditional Uses.

- (1) Uses conditional in the R-1 Zone.

(C) Height. Structures shall not exceed 26 feet in height, except as provided in § 14-16-3-3 of this Zoning Code.

(D) Lot Size.

- (1) Minimum lot area for lots developed with apartments other than townhouses shall be 6,000 square feet. Minimum lot width for lots developed with apartments other than townhouses shall be 60 feet.
- (2) Minimum lot area and width for lots developed only with houses and townhouses shall be as provided in the R-T zone.

(E) Setback.

- (1) There shall be a front-yard setback of not less than 15 feet, except that the length of a driveway shall be not less than 20 feet.
- (2) For lots created after January 1, 2005 and for lots granted conditional use approval, if one of the following conditions is met, then there shall be a front yard setback of not less than 10 feet:
 - (a) Vehicle access is only to the rear yard from an alley, or
 - (b) The garage is set back not less than 25 feet and comprises no more than 50% of the width of the street-facing building façade and driveways and off-street parking areas cover no more than 60% of the area of the front yard
- (3) There shall be a side-yard setback of not less than five feet, except:
 - (a) There shall be ten feet on the street side of corner lots; and
 - (b) There is no required side-yard setback from internal lot lines for townhouses.



5. Parking Reserve Areas as defined herein.

6. Lot Size

a. If developed as detached houses, minimum net lot area shall be 7,500 square feet, and minimum lot width shall be seventy-five (75) feet.

b. If developed as townhouses, minimum net lot area shall be 4,200 square feet and minimum lot width twenty-two (22) feet.

7. Floor Area Ratio

a. If developed as detached houses, lots shall have a maximum floor area ratio of 0.65.

b. If developed as townhouses, lots shall have a maximum floor area ratio of 0.70.

8. Clustering of Townhouses

Notwithstanding the provisions of this plan, or any provision of the Comprehensive City Zoning Code, up to eight (8) townhouse units may be clustered on a townhouse site as defined herein provided that a subdivision plat shall be approved by the City showing that: the minimum area of such site is equal to the number of units times the minimum net lot area defined above; that the Off-Street Parking Regulations of the Comprehensive City Zoning Code are met; that the minimum amount of area conveyed for ownership (including the townhouse, any accessory structures, and private outdoor spaces) is not less than 1400 square feet as measured at the ground plane; that proper evidence of common title to the residual lands is evidenced on the plat; and that proper evidence that the residual lands may only be used for common open areas, vehicular circulation, or recreational purposes is also shown on the plat.

**Section 4.A.3:
SU-2 HD•R-T**

This zone corresponds to the R-T Residential Zone in the Comprehensive City Zoning Code and provides suitable sites for houses, townhouses, and uses incidental thereto. It is subject to the same regulations as that zone with the following exceptions:

1. Density: A maximum of 1160 dwelling units is permitted in this zone.
2. Private parks as regulated in the HD•R-1 zone are permitted.
3. Public or private recreational trails as regulated in the HD•R-1 zone are permitted.
4. Parking Reserve Areas as regulated in the HD•R-1 zone are permissive.
5. Floor Area Ratio shall be as regulated in the HD•R-LT zone.
6. Clustering of Townhouses, as regulated in the HD•R-LT zone.

**Section 4.A.4:
SU-2 HD•R-G**

This zone corresponds to the R-G Residential Zone in the Comprehensive City Zoning Code and provides suitable sites for houses, townhouses, and low density apartments. It is subject to the same regulations as that zone with the following exceptions:

1. Density: A maximum of 430 dwelling units is permitted in this zone; density shall not exceed 13 dwelling units per net acre.
2. Private parks as regulated in the HD•R-1 zone are permissive.
3. Private or public recreational trails as regulated in the HD•R-1 zone are permissive.
4. Parking Reserve Areas as regulated in the HD•R-1 zone are permissive.
5. Clustering of Townhouses, as regulated in the HD•R-LT zone, is permissive.

**Section 4.A.5:
SU-2 HD•C-1**

This zone corresponds to the C-1 Neighborhood Commercial zone in the Comprehensive City Zoning Code and is subject to the same regulations as that zone with the following exceptions:

1. The sale of alcoholic drink for consumption on premises is permissive; and, the sale of alcoholic drink for consumption off premises, as an incidental use within a grocery store, is permissive.
2. The following additional services and special events with outdoor storage and activities are permissive:
 - a. Outdoor retail sales of food and drink including alcoholic drink for consumption on-premises.
 - b. Music, Theater, and Artistic Performances
 - c. Crafts Fairs
 - d. Antique Fairs
 - e. Farmer's Market



§ 14-16-2-9 R-T RESIDENTIAL ZONE.

This zone provides suitable sites for houses, townhouses, and uses incidental thereto in the Established and Central Urban areas.

(A) Permissive Uses.

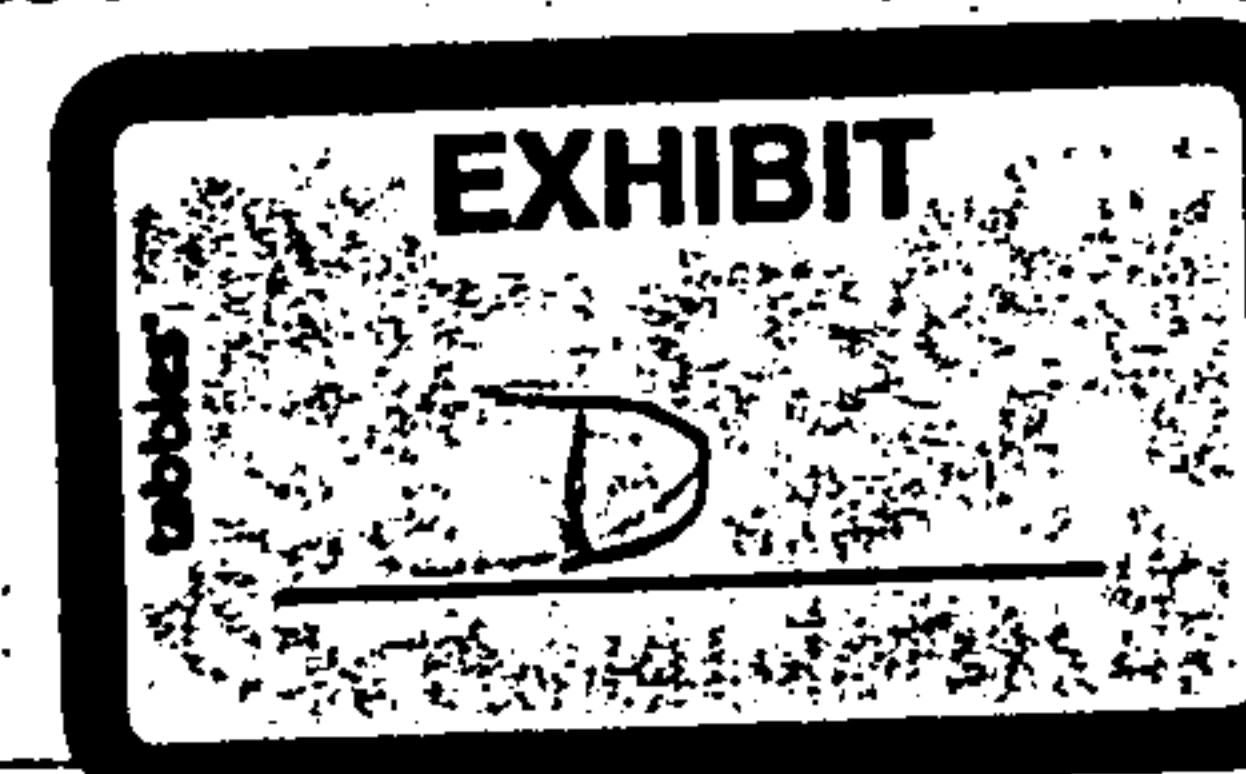
- (1) Uses permissive in the R-1 zone, except:
 - (a) Agricultural animal keeping (see § 14-16-2-6(A)(2)(b)) is not permitted;
 - (b) Front yard parking of recreational vehicles (§ 14-16-2-6(A)(2)(h)3.) is not permitted;
 - (c) Hobby breeders (see § 14-16-2-6(A)(2)(k)) are not permitted; and
 - (d) Houses are not limited to one per lot.

(2) Townhouses.**(B) Conditional Uses.** Uses conditional in the R-1 zone.**(C) Height.** Structures shall not exceed 26 feet in height, except as provided in § 14-16-3-3 of this Zoning Code.**(D) Lot Size.**

- (1) For a townhouse, except as provided in division (2) below, minimum lot area shall be 2,200 square feet per dwelling unit; minimum lot width shall be 22 feet per dwelling unit.
- (2) For a townhouse in a Family Housing Development or for a townhouse with vehicle access only to the rear yard from an alley, minimum lot area shall be 1,760 square feet; minimum lot width shall be 18 feet.
- ~~X~~(3) For a house, except as provided in division (4) below, minimum lot area shall be 3,600 square feet per dwelling unit; minimum lot width shall be 36 feet.
- (4) For a house in a Family Housing Development or for a house with vehicle access only to the rear yard from an alley or for a lot with a detached garage located in the rear yard and accessed by a driveway with a maximum width of 12 feet in the front yard and in the side yard abutting the side of the dwelling, minimum lot area shall be 2,880 square feet; minimum lot width shall be 29 feet.

(E) Setback.

- (1) There shall be a front-yard setback of not less than 15 feet except driveways shall be not less than 20 feet long.
- (2) For lots created after January 1, 2005 and for lots granted conditional use approval, if one of the following conditions is met, then there shall be a front yard setback of not less than 10 feet:
 - (a) Vehicle access is only to the rear yard from an alley, or



Section 4.A.7:
Provision for
Design Review

1. Unless otherwise provided herein, the zones described in this Sector Plan shall be developed in accordance with the regulations and procedures of the Subdivision Ordinance and Comprehensive City Zoning Code. Further the High Desert Homeowner's Association or its successors shall certify to the City at time of submittal for approval to the Development Review Board that any proposed plat meets the requirements of the Sector Development Plan, and at time of submittal for building permit for new construction or renovation, that any construction plans meet the requirements of the Sector Plan. The Homeowner's Association shall further certify that the number of units constructed in the zone does not exceed the maximum allowed by the Sector Plan.
2. Where so provided herein, approval of the Planning Director shall mean delegation to the Development Review Board.
3. Where so provided herein, approval of conditional uses shall be subject to the provisions of the Special Exceptions provisions of the Comprehensive City Zoning Code.

Section 4.A.8:
Definitions

Unless otherwise provided herein, all terms are defined as they are defined in the Definitions of the Comprehensive City Zoning Code.

1. **Area, Net Lot** is the lot area remaining after dedication of public right-of-way or the granting of access easements, but prior to the granting of easements for any other purpose.

2. **Assisted Living Facility** is an apartment or complex of apartments including medical facilities serving only those living on-site, and providing living assistance and skilled nursing care to those residents unable to care for themselves or requiring assistance with day-to-day functions. It does not replace the group residential programs defined in the Definitions section of the Comprehensive City Zoning Code, but is intended, like "caretaker quarters", to provide for an alternative life-style. It does not provide the diagnostic services or treatments associated with hospitals. Such facilities may be subject to licensing by the State of New Mexico.

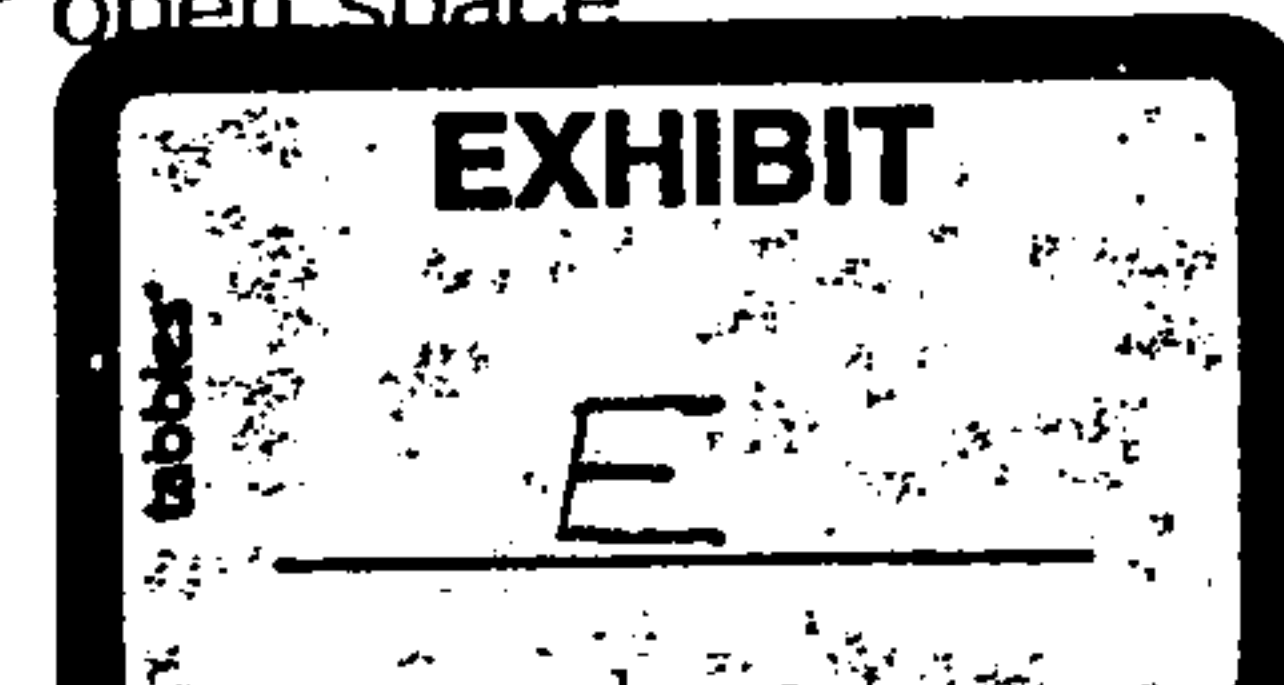
3. **Building Envelope** means an area proscribed on the plat of an individual lot which limits horizontal development of the lot in response to topographic, drainage, and other natural features of the site.

4. **Caretaker Quarters** means separate living quarters with not more than one bedroom, bath, and kitchen facilities, contained within or attached to the house or an accessory building on a residential lot.

5. **Cluster Townhouse** means a group of townhouses on a given site where the majority of land area is held in common and separate title is held only to a living unit, its accessory structures, and private outdoor spaces.

6. **Commerce Association** means the High Desert Commercial Owner's Association, a New Mexico non-profit corporation, responsible for the administration of all non-residential property and common area within non-residential areas within the community and for the preservation and maintenance of architectural standards for the commercial properties under the Declaration of Covenants, Conditions and Restrictions. Each owner of commercial property in High Desert automatically becomes a member of the Association upon taking title, and remains a member until title is conveyed. Membership is mandatory and cannot be transferred except in connection with the transfer of title to the property.

7. **Conservation Easement** means an easement granted specifically to a third, non-profit entity for the purpose of entering upon and maintaining property held in common for open space purposes.



HIGH DESERT RESIDENTIAL OWNERS ASSOCIATION
c/o HOAMCO
P.O. Box 21699
Albuquerque, New Mexico 87154-1699

November 6, 2006

Ms. Sheran Matson, Chair
 Development Review Board
 City of Albuquerque
 P.O. Box 1293
 Albuquerque, New Mexico 87103

VIA Fax and Hand Delivery

Dear Ms: Matson:

Section 4.A.7 of the High Desert Sector Development Plan requires that the High Desert Residential Owners Association (HDROA) certify to the City at time of submittal for approval to the Development Review Board that any proposed plat meets requirements of the Sector Development Plan. It further requires that at time of submittal for building permit for new construction that any construction plans meet the requirements of the Sector Plan. The Association is also required certify that the number of units constructed in the zone does not exceed the maximum allowed by the Sector Plan.

HDROA has performed a review of the proposed plat through Mr. William Fanning, Fanning Bard Tatum Architects AIA Ltd. Based on that review we believe that proposed plat is consistent with the underlying zoning requirements of the Sector Development Plan. We also agree that the number of units in the proposed plat does not exceed the maximum number of units allowed in the specified zone by the Sector Development Plan.

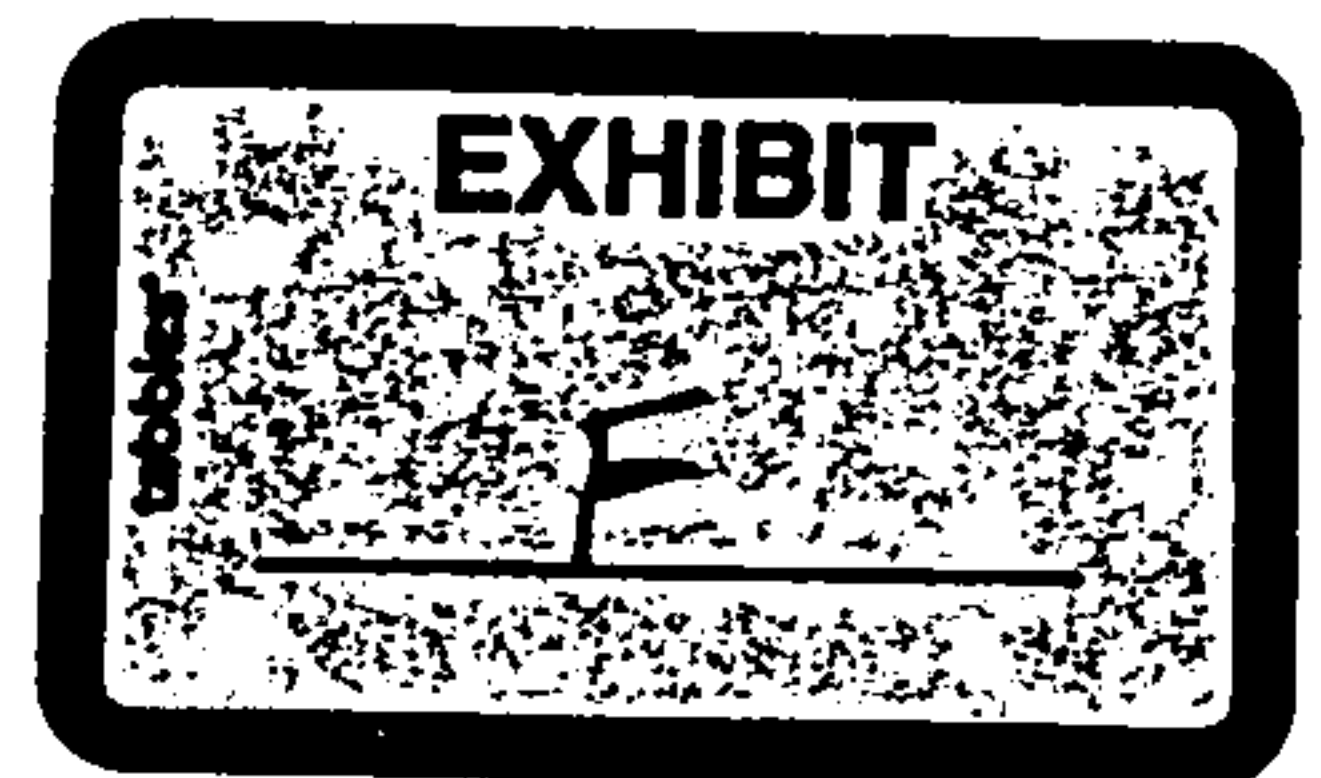
If you have any questions about this opinion please contact me at (505) 294-4112.

Sincerely,



Raymond S. Berg, President of the Board
 High Desert Residential Owners Association

cc: Mr. Kevin Patton, Bohannan Huston Inc.
 Mr Scott Schiabor, Scott Patrick Homes/Mesa Verde Development
 Mr. Douglas Collister, High Desert Investment Corporation



12/06/06

HIGH DESERT RESIDENTIAL OWNERS ASSOCIATION
c/o HOAMCO
P.O. Box 21699
Albuquerque, New Mexico 87154-1699

December 5, 2006

Ms. Sheran Matson, Chair
Development Review Board
City of Albuquerque
P.O. Box 1293
Albuquerque, New Mexico 87103

VIA Hand Delivery

Dear Ms: Matson:

Section 4.A.7 of the High Desert Sector Development Plan requires that the High Desert Residential Owners Association (HDROA) certify to the City at time of submittal for approval to the Development Review Board that any proposed plat meets requirements of the Sector Development Plan. It further requires that at time of submittal for building permit for new construction that any construction plans meet the requirements of the Sector Plan. The Association is also required certify that the number of units constructed in the zone does not exceed the maximum allowed by the Sector Plan.

Because the topics of the High Desert Sector Development Plan are highly technical, the Association has contracted with several professionals who have a variety of specialties in areas of importance to the HD SDP. These include:

- Paul Kienzle, Attorney, Scott & Kienzle, PA
- William Fanning, Principal, Fanning Bard Tatum Architects AIA Ltd
- Kevin Banks, PE, HDR Engineering
- Dean Bressler, PE, HDR Engineering
- Steven Borbas, Adjunct Professor, UNM School of Planning and Architecture

The latest version of the development Plat Plan was not made available until last Friday, Dec 1, so we have not had sufficient time to examine it in detail. However, we have taken incomplete reports from our consultants and assembled a recommendation from them. Some of the reports by these consultants are included with this letter as attachments.

It is the opinion of these consultants that none of the submitted plans meets the requirements of the HD SDP.

Since the deficiencies of the submission are pervasive, we are compelled to comment on the process by which this determination has been made. It should not be the intent of the certification process in the above reference to the HD SDP that the High Desert

011



Residential Owners Association would be an Engineering Organization that generates certification data to justifying claims that the submitted plan meets or does not meet the requirements of the HD SDP. Rather, the plan submission should be accompanied by clear certification data that the Association's consultants can use to verify whether or not the requirements have been met. Certification data was not part of the submission.

The deficiencies of the submissions are broad and pervasive, and indicate a lack of appreciation the SDP requirements. HDROA has spent thousands of dollars identifying the requirements of the plan and requesting information on how the submission meets those requirements. There are numerous quantitative, substantive requirements in the HD SDP which have still not been addressed by any of the several submissions. Some examples of areas that have not been addressed are the following:

- Data and readable maps verifying that the location of the plat is below the 10% Demarcation Line are not available for a determination that the slope requirement is met (see "Slopes" p 2.2, p3.4 and Table 3.B on p 3.7.)
- The SDP clearly identifies the area in question as part of the "Semi-Urban Residential Zone" (see for example "Semi-Urban Residential Zone" on p 3.4, p 3.15, and p 7.3) and defines the meaning of this term in the context of the HD SDP. There are numerous requirements of this designation that have not been addressed or contradict the submitted plan.
- There are numerous references to requirements related to the existing development, boundaries, areas adjacent to the City Open Space, and zones that transition to the edges of the development that describe requirements on density (See for example "Existing Development" p 3.5, "Project Boundaries and Interfaces" p 3.10, and "Forest Service Boundary" p 3.11.)
- There are repeated and numerous references to the preservation of views, the importance of viewsheds, and the control of development that would otherwise intrude on them (see for example "Scenic Qualities" p3.5, "Viewshed Protection" p 3.9 and "Building Heights" p 3.10)
- The Stormwater Management system must satisfy EPA and City water emission requirements before stormwater enters the storm drain system (see for example "Design Goals" p 7.2 and "Semi-Urban Residential Zones" p 7.3). Calculations based on the "Drainage Report for The Wilderness Canon Subdivision at High Desert" show that an average of almost 10 tons of sediment will need to be removed every year and in a 100-year design basis event alone the amounts will be 5.6 tons. There are no features capable of handling this amount of sediment and no way on the existing drawing of providing service. This is a particularly critical part of the system, as evidenced by the history of nearby detention ponds designed and built by MVD and BHI for this purpose, which have experienced major failures in storms below the design limit. As the organization responsible for maintenance and upkeep of this

system indefinitely into the future, we believe it is a necessary part of the plan that should be shown and should not be deferred to later discovery.

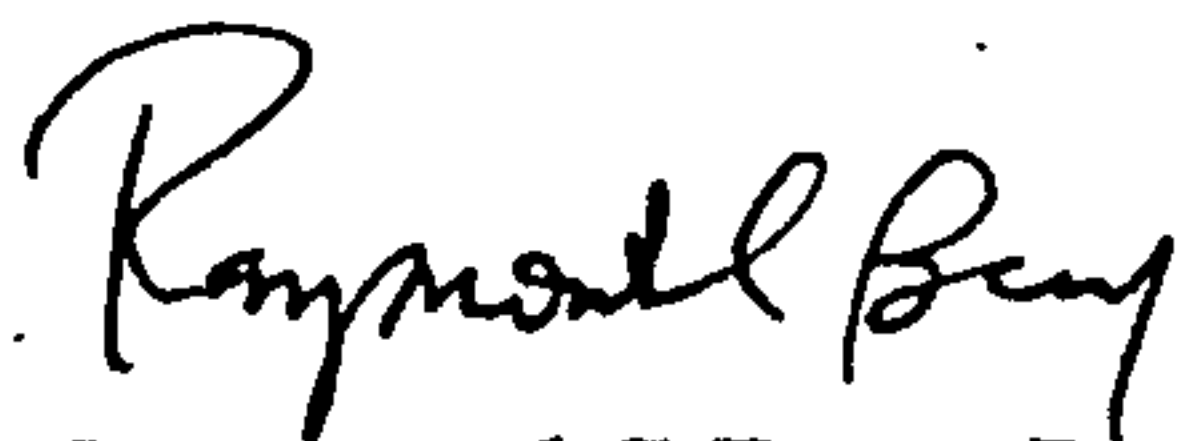
The requirements of the HD SDP are significantly greater than those of the City of Albuquerque Comprehensive Plan for good reason. In the words of the SDP "Issues, Impacts, and Mitigations" section introduction on p 3.1 (*italics added.*)

High Desert is set in the foothills of the Sandia Mountains. Its rolling contours are bounded by the City on one side and by the massive forms of the Sandias on the other. It is home to wildlife and wildflowers and is host to people seeking relief from the urban environment. The outdoors and the relationship of man to his environment are important parts of New Mexico culture. As indicated in the previous section, planning for High Desert began with a thorough assessment of the environmental structure of the land, and a thorough appreciation of what impacts development would have.

Completion of the environmental studies set the stage for the development of a land use plan which would respect natural resources while providing a sustainable urban environment. Market research and social goals establish the mixture of uses and life styles. However, the plan must also direct attention to mitigation of environmental impacts external to the site, and must also comply with the policies set forth in the Albuquerque/Bernalillo County Comprehensive Plan. *The purpose of this section is to document the aspects of this plan which address these issues.*

In communications with the DRB Chair earlier this week we requested that because of the serious, pervasive deficiencies of the proposed plan, that the proposal be deferred indefinitely unless and until the applicant adequately addresses the requirements of the High Desert Sector Development Plan. We renew that request.

Sincerely,



Raymond S Berg, President
High Desert Residential Owners Association
c/o HOAMCO
P. O. Box 21699
Albuquerque, NM 87154

cc: Mr. Kevin Patton, Bohannon Huston Inc.
Mr. Douglas Collister, High Desert Investment Corporation

Attachments: ~~Barlan~~ Barlan designs
Fbt Architects

Rec'd
12/06/06
Ray Berg



December 5, 2006

Mr. Ray Berg, President
High Desert Residential Owners Association Board of Directors
c/o Homeowners Association Management Co. (Hoamco)
6605 Uptown Blvd. NE, Suite 200
Albuquerque, New Mexico 87154-1699

Reference: Sector Development Plan Requirements
Wilderness Canon - Tract A, Unit 2 of Wilderness at High Desert

Dear Mr. Berg:

This letter is a follow-up to one I sent you dated October 24, 2006 in which I outlined requirements for the above tract based upon an interpretation of its zoning. In this letter, I will analyze constraints on development from a more global perspective based upon the High Desert Sector Development Plan.

Location:

The tract that is the subject of this report is located at the southeast corner of the Wilderness at High Desert, a subdivision within the High Desert Sector Plan area. It adjoins single family residential development to the west and north, City Open Space and the Sandia Mountains Wilderness area to the east, and a City Open Space Easement containing the Embudito Arroyo to the south. Beyond the open area on the south is the Trailhead Subdivision, the initial development by High Desert Investment Corp.

Regulations:

Development in High Desert is governed by a "sector plan" or special use zoning district. The High Desert Sector Development Plan was adopted by the City on May 3, 1993 following extensive public hearings before the City's Environmental Planning Commission during 1992. Since then, there have been several amendments to the Plan.

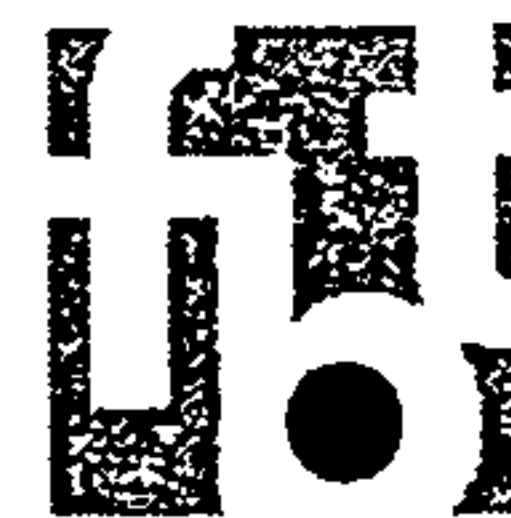
Site Area, Zoning, and Streets:

The site area of Tract A is 3.9653 acres. There are 25 lots proposed for a density of 6.30 du/acre. The Wilderness at High Desert, of which this tract is a part, is zoned SU-2 HD/R-R. This is the only zone in High Desert that does not have a direct City zoning equivalent. This zoning category was created to allow development of the Wilderness at High Desert as a golf resort and conference center however other uses, including a mixture of dwelling unit types, were also permitted in this zone. Based upon the proposed plat, the developer of Tract A is planning to construct single family detached homes. As noted in my previous letter, this development is proposed to conform to requirements of the R-G zone and in turn the R-T zone.

The streets within Wilderness Canon are proposed as private and are to be maintained by the High Desert Residential Owners Association similar to other gated communities within High Desert. Street widths are shown as 26 feet. The front property line of each lot corresponds to the face of curb.

Fanning Bard Tatum Architects AIA, Ltd.
6100 Indian School Rd. NE Ste 210
Albuquerque, NM 87110

Phone 505/883.5200
Facsimile 505/884-5390
Web www.fbtarch.com



ARCHITECTS

successors." The site was apparently mapped at a large scale, thus not recognizing some areas within High Desert as having slopes in excess of 10%. The subject parcel has two areas that substantially exceed a 10% slope, the north side along the rear of lots 4 and 5 with a slope of approximately of 14% and on the southwest side along the rear of lots 19 thru 21 with a slope of approximately of 23%.

The slope condition on the north side has resulted in an odd feature in the street design: Piedra Canto Way appears to be part of a continuous loop road design but in fact is not continuous, being blocked between lots 4 and 5 with retaining walls that separate adjacent grades with a more than eight foot height difference. If this street section were continuous, the street grade would have been excessive. The effect of this condition creates two problems: the street has two dead ends and the pad elevations at lots 4 and 5 differ by about 12', requiring a double retaining wall to separate these two lots.

Street Design:

As noted above, this development has a conventional loop road system except that the Piedra Canto Way is not continuous resulting in two dead end street sections. Since neither of these roads terminates in a cul-de-sac, they would both be problematic for residents and visitors alike. A similar road design in other gated communities of High Desert has already created problems with street parking and subsequent access (both regular and emergency) problems for residents. It should be remembered that these streets will be only 26' wide, narrower than the City standard for residential streets, and are permitted only because they will be private.

Site Drainage:

The site does not appear to contain any arroyos. Nonetheless, given slopes in excess of 10% in some locations, runoff could be problematic. Rapidly moving runoff water has a scouring effect that picks up substantial sediment that must be filtered or separated for removal downstream. To overcome this problem along the northeast property line abutting lots 4 thru 10, a 5' wide private drainage easement granted to the High Desert Residential Owners Association is proposed along the rear property lines. This easement is to be finished with a lined channel designed to collect runoff that would otherwise cross the property. The runoff is then directed to a 10' drainage easement between lots 3 and 4. From there runoff water would flow to an underground storm drainage system in Piedra Canto Way.

The 5' drainage structure would be separated from the remainder of the rear yard by a retaining wall. Since this system is located entirely on-site, the effect is to potentially reduce the usable rear yard of each of the lots from 15' deep per code to 10'. While the houses on these lots could be designed somewhat shallower, thus allowing a deeper rear yard, the building pads shown on the Grading Plan are in fact shown 15' from the rear property line. Since the east side of this site abuts a Forest Service Hiking Easement, the drainage channel could not be located off-site.

The proposed plan for Wilderness Canon therefore creates two problems with respect to drainage: a need for a drainage channel that reduces the rear yards of lots and the requirement that Residential Owners Association maintain the easement. This method for handling runoff is not consistent with the Comprehensive Plan requirement in a Semi-Urban Residential Zone that "existing hydrologic conditions will be impacted in a negligible fashion. The sheet flow pattern of the natural surface will generally be maintained; flow rates will be essentially unaffected." Natural flows are affected to the extent that a lined drainage structure must be built to protect this subdivision.

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City Comprehensive Plan:

High Desert site is located in a Semi-Urban area of the city generally north of Montgomery Blvd. and east of Tramway Blvd. Semi-Urban areas are defined in the Comprehensive Plan as low to moderate density residential areas with densities ranging from 2 to 7.5 DU/acre. As defined in the High Desert Sector Plan on p. 3.15, "These zones are located predominately in the upland areas of the project and will be developed in a manner intended to minimize disturbance to ground cover and existing arroyos. Existing hydrological conditions will be impacted in negligible fashion. The sheet flow pattern of the natural surface will generally be maintained; flow rates will be essentially unaffected." As an underlying principle, property developed in the Semi-Urban Area "shall be consistent with development limitations imposed by topography, soil conditions, groundwater quality, agricultural potential, flood potential, scenic qualities, recreation potential, and existing development; overall gross density shall be up to three dwelling units per acre."

Land Use Concepts:

The section of the Plan titled "Land-Use Transition Concepts" (p.3.2) defines the overall pattern of development within High Desert:

Because of its location, the project must serve as a link between natural open areas and urban activity. Thus uses within the plan area must range from very low intensity recreational and residential opportunities to the level of intensity necessary to provide essential retail and institutional services to its residents. Therefore, the land-use plan is designed around a neighborhood "center" and the transition from that center to natural open areas at its edges.

From the neighborhood center, residential land use densities transition from higher densities in the project center to lower densities at the interface with adjacent lands. For example, apartments within the project are located next to the neighborhood center. This also places the tallest buildings within the interior of the site with lower building along Tramway. Such a relationship provides a more visually pleasing interface with Tramway Boulevard and responds to concerns expressed in the meetings with residents of adjacent neighborhoods. The core area would be surrounded by residential areas at a density generally equivalent to the northeast heights. As development approaches the project boundaries to the north and east, the density continues to diminish, leaving the least dense residential areas (generally equivalent to similar development in Sandia Heights) at the boundaries with natural open space areas.

The proposal for Wilderness Canon is not consistent with these concepts for development in that it would place a relatively high density, two story, development immediately adjacent to City Open Space.

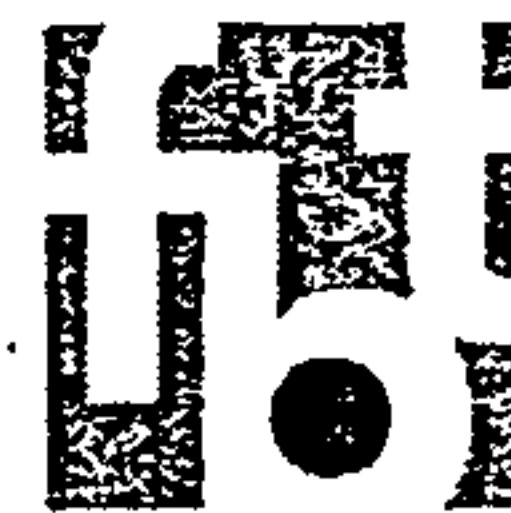
It should be noted that while the general pattern of densities outlined above have been maintained, plans for the neighborhood center and related school and church uses proposed, were abandoned one by one by High Desert Investment Corp. in favor of higher density, gated communities. The rationale given for these changes were essentially economic in nature.

Slope Restriction:

In compliance with the Comprehensive Plan, the Sector Plan reiterated a slope demarcation line of 10%. Therefore it is the intent of the Sector Plan to preserve areas in excess of 10% slope as open space, "either by direct dedication to public entities or by easements retained or controlled by the developer or its

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Protection of Views:

The Albuquerque Zoning Code does not attempt to protect views except by limiting height of buildings. However, the Sector Plan makes various references to protection of views. "Viewshed Protection", p. 3.9, it states "Visual access to the mountains to the east and the City and Mesas to the west will be preserved by the preservation of major arroyos as public or private open space, creation of building envelopes, and limitations on building heights." In the section on "Building Heights", p. 3.10, it is stated that "Building heights and site lighting levels will also be keyed to view preservation. From the neighborhood center, residential land use densities transition from higher densities in the project center to lower densities at the borders with adjacent lands. The lowest structures, governed by the Highlands Design Overlay Zone Regulations and in the Special Regulations related to Glenwood Hills, will be against the boundaries with the Forest Service lands." It is clear that the authors of this Sector Plan intended that development at the perimeter of High Desert and adjacent to public lands be lower than all other areas and be designed to protect views for residents. The proposed development is a particular issue with respect to the Trailhead area of High Desert since the two story homes proposed would have a significant impact on their views of the Sandias.

Density of Development:

The developer is attempting to maximize the development potential of this site under the constraints of the R-T zoning category. While this proposed development falls within the range of densities allowed in the Semi-Urban Zone (up to 7.5 du/acre), it is problematic in several respects noted herein. These problems are a result of existing site slopes; they would not be found here if this site were substantially flatter.

Summary:

The design of this proposed development presents several significant problems. Existing drainage patterns have not been respected, the street design incorporates a broken loop and two dead end streets that create access problems, lots are stepped excessively in several locations requiring high retaining walls between narrow lots, and views of the mountains from the adjacent Trailhead subdivision within High Desert are impacted. Overcoming the problems inherent with this site would be greatly simplified at a lower density of development. As well, the development could then conform to other requirements of the Sector Plan pertaining to lower density at the perimeter of High Desert as noted in the section on "Land Use Concepts" above.

Please feel free to contact me should you have any questions regarding this report.

Very truly yours,

Fanning Bard Tatum Architects AIA Ltd. by

H. William Fanning, Principal

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*Rec'd
12/06/06
Ray Burg*

December 3, 2006

This Letter of Findings is submitted to the Board of Directors of the High Desert Residential Owners' Association. At their request, a review of the issues related to the Preliminary Plat for Wilderness Canyon was made, through viewing and walking the site and its context, through reading the High Desert Sector Development Plan and through discussions with area residents.

The critical difference between the proposed development of Tract 13, and the objections to that development by the residents of the Trailhead and Wilderness subdivisions is ZONING versus the planning and environmental principles in the HIGH DESERT SECTOR DEVELOPMENT PLAN. Section 4.A.7, Provision for Design Review states that "...the High Desert Homeowner's Association ...shall certify to the City at time of submittal for approval to the Development Review Board that any proposal plat meets the requirements of the Sector Development Plan....." In the following sections, it is clearly shown that the proposed development plat for Tract 13 DOES NOT conform to the Sector Development Plan.

The Sector Plan's goal states that the "High Desert Investment Corporation's approach to the development of the land is a reflection of Albuquerque Academy's continuing concern for the environment.....and intend to make a major contribution to the quality of life in the community by setting the standard (my underlining) for environmentally sound planning in Albuquerque." In fact, the Environmental Evaluation chapter of the Sector Development Plan, developed by a myriad of experts in their fields of geology, hydrology, air quality, cultural resources, paleontology, hazardous materials, landform, habitat, landscape character, and species, has set a very high standard of development, respecting the land, the views and the people who came to settle in this area.

Map 10, Zoning, in fact, is the only disconnect in the Sector Development Plan, because it does not, in great detail, follow the standards set through the Environmental Evaluation. It lays down a general zone over a very large area, without the sensitivity expressed in the description that "land use densities transition from higher densities in the project center to lower densities at the interface with adjacent lands.....As development approaches the project boundaries to the north and east, the density continues to diminish, leaving the least dense residential areas (generally equivalent to similar developments in Sandia Heights) at boundaries with natural open space areas." The proposed development on Tract 13 is adjacent to natural open space..... If the zoning map would have followed the tenets of the

Sector Development Plan, Tract 13 should have been zoned at SU-2 HD-R-1 (Estate Lots), the least dense residential development, or the SU-2 HD-R-LT (Custom Lots) which was used for the Trailheads subdivision, which is similar and adjacent to the Tract 13 site. Furthermore, the existing zone for this tract is SU-2 HD-R-R, which is referred to as a Recreational and Resort zone, including flood plain and resource efficient golf course. No housing is mentioned in the general zone description and this zone does not have a City equivalent (page 3.3)..... Another disconnect is Table 3A, Land Use Allocation, Sector Development Plan, which suggests a Probable Buildout for the HD-R-R zone to have a density of 1.67 units per acre, (and not the 6 units per acre in the proposal).

Map 11, Open Space Plan, indicates part of Tract 13 as a Conservation Trust Easement, supported by Map 15, Floodplains on the Site, and on page 7.2, it mentions that "Conservation easements will be established for the floodplains in these zones." In the definitions, Section 4.A.8, it "means an easement granted specifically to a third, nonprofit entity for the purpose of entering upon and maintaining property held in common for open space purposes." Along the eastern side of Tract 13, a Pedestrian Trail connects one trailhead with the other and provides a major pedestrian and bicycle system for residents and visitors alike. At this time, walking along this trail offers expansive views to the westside, volcanoes, the whole City in fact, as well as views to the Sandias. As mentioned in the Sector Development Plan "with few exceptions, the most distinctive landforms affecting character and perception of the site are the Sandia Mountains, east of the project site. These mountains serve as a scenic backdrop, dominating the perception of the property. A small portion of the foothills of the Sandia Mountains occurs on the site, immediately north of the Embudito Canyon, in the southern portion of the property." With a proposed development on Tract 13, of high density, 2 story tall housing - the views to the west would be severely reduced for the residents and visitors. "Public hiking trails are generally considered to have the highest sensitivity to visual impacts." Furthermore, views to the Sandias will be severely reduced from the Trailhead subdivision, Wilderness Village subdivision and Glenwood North.

Map 4, 10% Slope Demarcation Line, and Map 15, Floodplains on the Site, although the maps are not very detailed or clear, they both seem to indicate that the difficult, more than 10% slopes, will present development problems and some flooding, and most certainly add to flooding, due to the very high amount of hard surfaces for buildings, parking spaces and roads, leaving almost no natural terrain for water percolation. The Sector Development Plan states that "the Sandia Foothills Policy Plan; which applies to all property east of Tramway south of and including Glenwood Hills North, contains slope measurement provision designed to restrict development on the extreme slopes and rock outcrops of the Sandia Foothills." On Map 3, Soils, part of Tract 13 contains Rock Outcrop - Orchids Complex. The 2 story proposed for the houses doesn't comply with the Sector Development Plan's directive under Landforms, in order to mitigate impacts by "limiting building roofline and vegetation heights to protect views across the site, and to minimize contrast with the existing landform."

Previous presentations to the Development Review Board by the Homeowner's Association showed a number of other reasons why the proposed development for Tract 13 did not conform to the Sector Development Plan, such as:

- > the property is located in the Semi-Urban Area of the Comprehensive Plan
- > not the lowest density placed against the forest wilderness and trails
- > traffic and traffic flow from this proposed development would adversely impact on the local road
- > drainage and flooding problems

The finding is (within the very short time I had to review the Sector Plan) that the proposed site development for Tract 13, of 25 units on 4.2 acres, does NOT comply with or is consistent with the language or the intent of the High Desert Sector Development Plan.



Steve Borbas AICP, APA, SCUP
Planner/Adjunct Professor

HIGH DESERT

Recd
10/25/06

October 24, 2006

Scott Schiabor, President
Scott Patrick Homes/Mesa Verde Development
8300 Carmel Avenue #401
Albuquerque, New Mexico 87112

VIA Fax and Hand Delivery

Dear Mr. Schiabor;

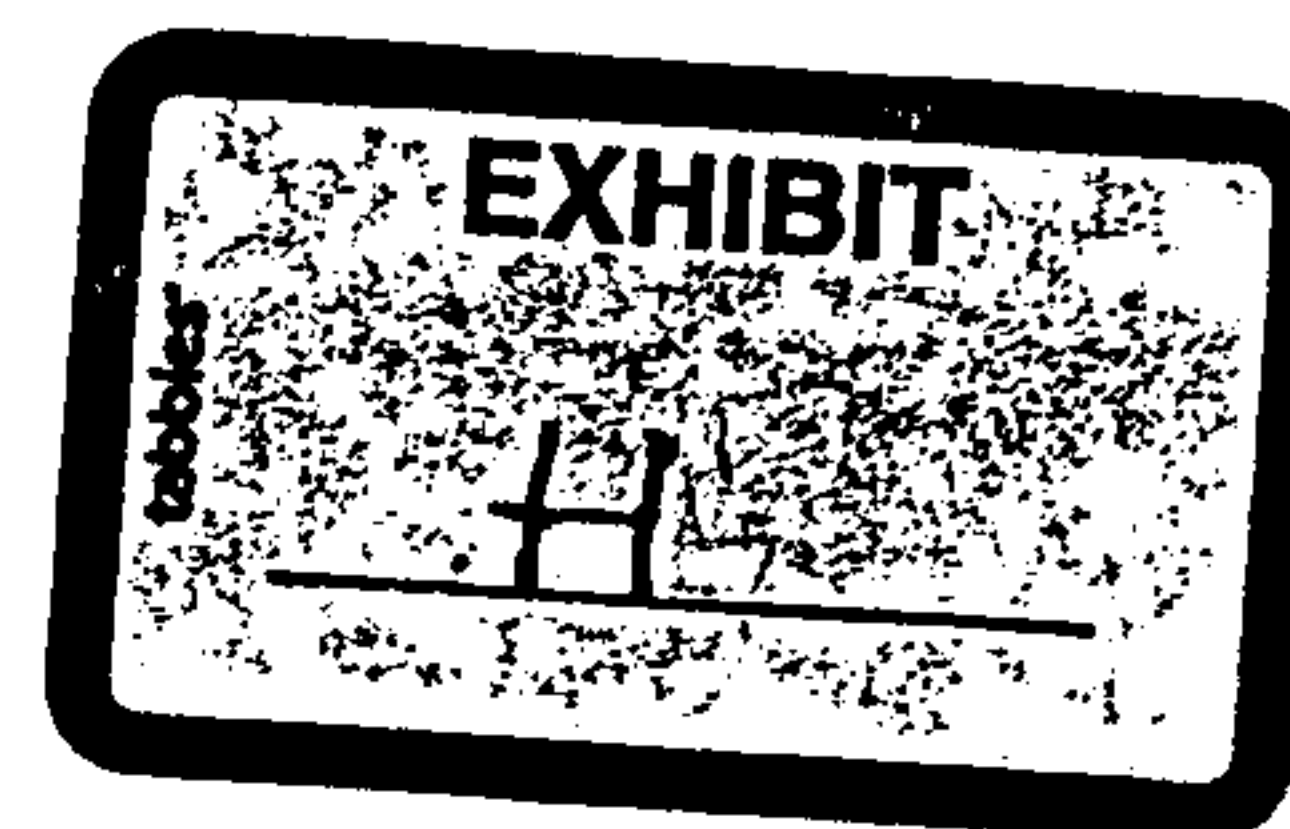
High Desert Investment Corporation ("HDIC"), as Developer of High Desert, is required to review and approve plans for the development of all properties in High Desert to ensure their compliance with the High Desert Sector Development Plan, as amended, other High Desert governing documents and our requirements. In that regard, HDIC has reviewed the proposed preliminary plat, drainage report and associated grading and drainage plans titled Wilderness Canon, dated September 28, 2006, which is a 4.2 acre tract of land zoned SU-2 HD/R-R by the High Desert Sector Development Plan. The zoning allows a variety of uses which includes single family residential with a minimum lot size of 3600 square feet with a minimum width of 36 feet.

The property directly to the north and adjacent to this tract, Wilderness Compound, which you developed, is zoned the same and was platted and developed as single family residential having similar density as this proposed project. That plat was signed by you, HDIC, HDROA and the City of Albuquerque and subsequently recorded.

HDIC has reviewed the proposed preliminary plat and find it in conformance with the High Desert Sector Development Plan. We approve the preliminary plat, drainage report and grading and drainage plan with the following minor conditions:

1. Lower the pad elevation of Lot 5 by three (3) feet on the grading and drainage plan.
2. Add a landscape easement to Lots 1, 2, 10 and 11 to ensure that the existing boulders remain.
3. Tie the perimeter wall into the boulders so they can be seen from public view on the grading and drainage plan.

High Desert Investment Corporation
3791 Southern Blvd., SE Suite 202 Rio Rancho, NM 87124
tel: 505 823-9360 fax: 505 823-9611
e-mail: info@high-desert.com

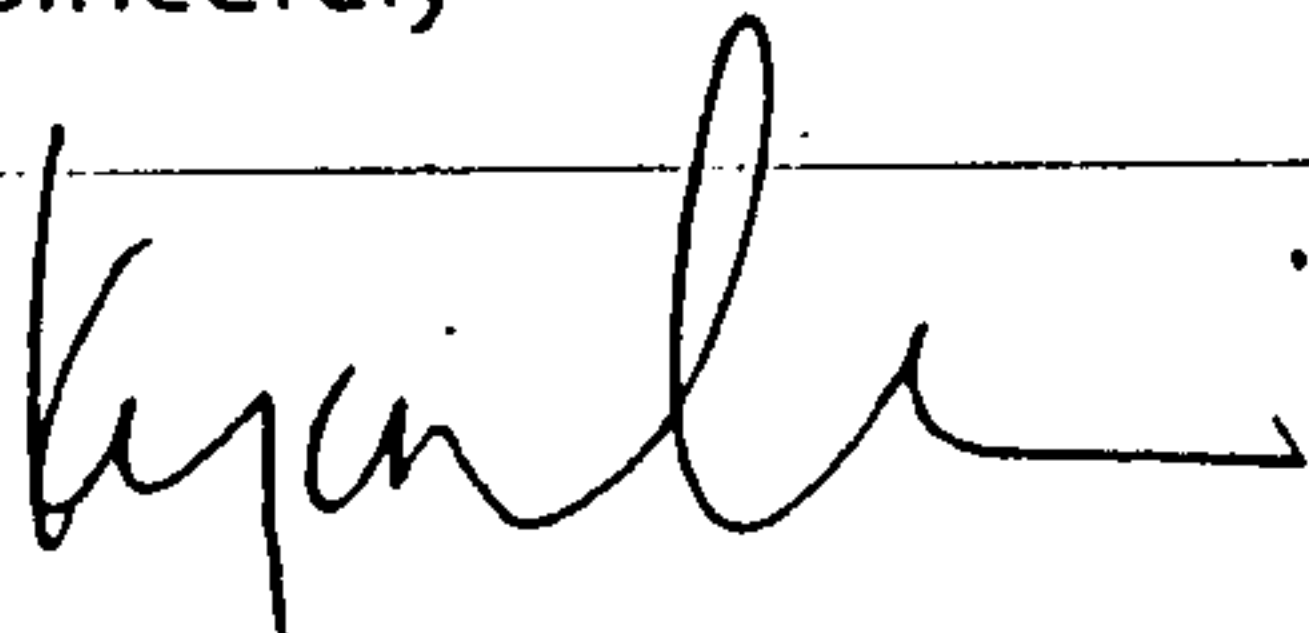


As part of our review process, we requested that Lawrence Kline, FAICP, of Denish Kline and Associates review the proposed preliminary plat for conformance with the High Desert Sector Development Plan and have attached a copy of his review. We have also attached previous correspondence, dated July 12, 2002 between Mr. Kline and Ellen Concini, who at the time was Zoning Enforcement Manager of the City of Albuquerque. Mr. Kline was the principal author of the High Desert Sector Development Plan.

HDIC will also review the construction plans and Final Plat of this project for their compliance with the High Desert Sector Development plan, associated High Desert governing documents and our requirements.

If you have any questions please contact us.

Sincerely



Kym B. Dicome
Vice President

High Desert Investment Corporation

CC: Mr. Kevin Patton, Bohannon Huston Inc.

Mr. Ray Berg, President High Desert Residential Owners Association.

Ms. Sheran Matson, Chair of the DRB, City of Albuquerque



DENISH + KLINE ASSOCIATES

October 20, 2006

Mr. Douglas H. Collister, President
High Desert Investment Corporation
3791 Southern Boulevard SE
Rio Rancho NM 87124

re: Proposed Plat of Wilderness Canyon at High Desert

Dear Mr. Collister:

I am in receipt of a copy of the proposed plat of the above referenced subdivision. As one of the original draftors of the High Desert Sector Plan, you have asked me to review this plat for compliance with the Sector Plan with regard to the subdivision and zoning regulations contained therein. I have concluded that the proposed subdivision is in compliance with the Sector Plan.

Specifically I have reviewed the Sector Plan, the Comprehensive City Zoning Code, and a letter originally signed by myself on July 12, 2002 to Ellen Concini, who was on that date the Zoning Enforcement Manager of the City of Albuquerque.

With regard to density:

1. The site is zoned SU-2 HD-R-R "High Desert Recreational/Resort". The Sector Plan at § 4.A.6 defines the uses allowed in the zone under certain regulatory configurations. "Golf Course", "Uses Related to a Golf Course", and "Resort/Conference Center" would be permissive if a Site Plan for Building Permit was taken through the Planning Commission review process. This was never done - therefore the only permissive use allowed today is "Uses Permissive in the HD-R-G Zone", with the further caveat that "if developed as R-G the total number of units shall not exceed 300."
2. The proposed subdivision would contain 25 single-family units. Added to the 110 units that exist in the R-R zone today (this figure was provided by you) the density limitation of the SU-2 HD-R-R zone would not be exceeded. Thus there is no issue of density.

With regard to zoning:

1. The SU-2 HD-R-G zone at §4.A.4 of the Sector Plan clearly states that HD-R-G is equivalent to the same designation in the Comprehensive City Zoning Code, i.e., §14.16.2-10 R-G "Residential Garden Apartment Zone". The R-G Zone then "pyramids" on top of the R-T Zone (§14.16.2-9

Mr. Douglas H. Collister
October 20, 2006
Page 2

of the Zoning Code), which clearly permits the uses of the R-1 Zone (§14.16.2-6) where the first permissive use listed is "House, one per lot". "House" is defined in the Zoning Code (§14.16.1-5) as "A single-family detached dwelling unit; a building containing only one dwelling unit."

Therefore there is no question that a single family detached dwelling is a permissive use in the HD-R-G zone.

With regard to lot width and size :

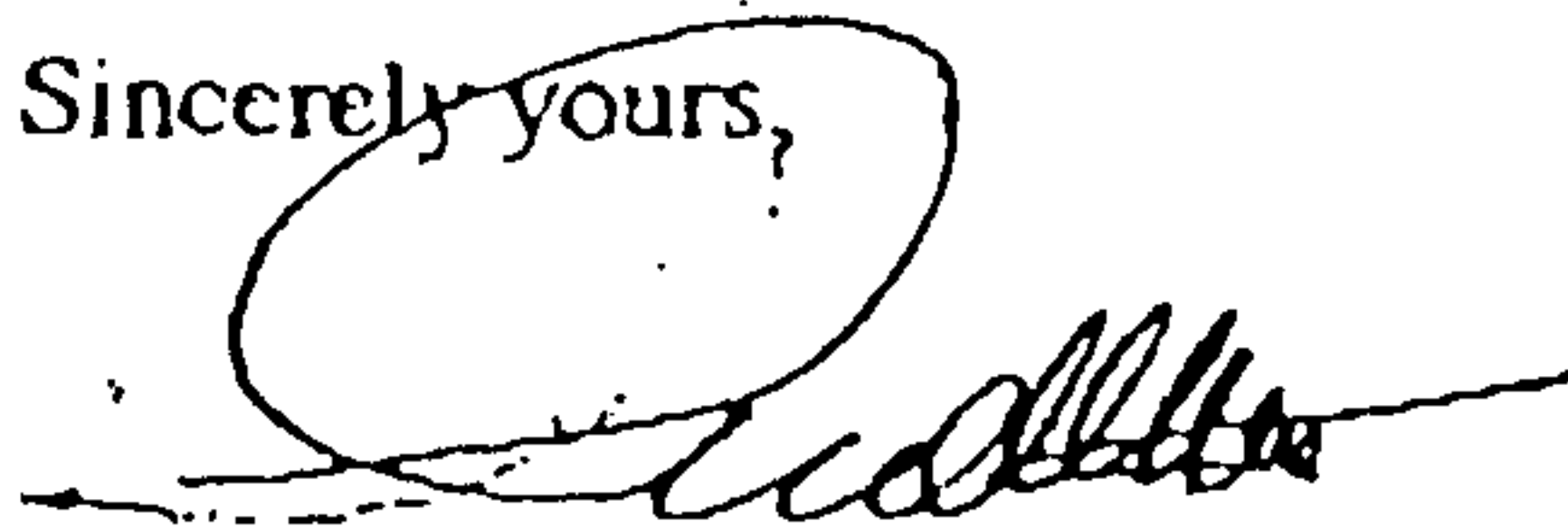
1. By the same "pyramid" the lot size requirements of the R-T zone apply. §14.16.2-9.D.3 of the Zoning Code states that the lot width requirement is "For a house..... minimum lot area shall be 3600 square feet per dwelling unit; minimum lot width shall be 36 feet." I have examined the proposed plat: although two of the lots are "flag lots", all the lots appear to comply with the definition of "Lot Width" contained in §14.16.1-5 of the Zoning Code. All appear, according to the proposed plat, to contain the requisite minimum of 3600 square feet.

In brief:

- The proposal is consistent with the zoning of the property.
- The proposal is consistent with density limitations on the property.
- The proposal is consistent with the lot width and lot size requirements for the property.

I am not privy to construction plans, so I cannot speak to compliance with height regulations, so I will only note there is a 26-foot height limit.

Sincerely yours,



Lawrence Kline FAICP

Rec'd
12/03/06



October 24, 2006

Mr. Ray Berg, President
High Desert Residential Owners Association Board of Directors
c/o Homeowners Association Management Co. (Hoamco)
6605 Uptown Blvd. NE, Suite 200
Albuquerque, New Mexico 87154-1699

Reference: Proposed development of Tract A, Unit 2 of Wilderness at High Desert

Dear Mr. Berg:

In response to your request, I have completed a review of the regulations governing development in High Desert, related correspondence, and the preliminary plat and other civil engineering drawings prepared by Bohannon Huston Engineering. I have also met with Mr. Jack Bayse, City of Albuquerque Zoning Enforcement to discuss the proposed development. Following are the facts related to this project as I understand them along with my conclusions.

Location:

The tract that is the subject of this report is located at the southeast corner of the Wilderness at High Desert, a subdivision within the High Desert Sector Plan area. It adjoins single family residential development to the west and north, City Open Space and the Sandia Mountains Wilderness area to the east, and a City Open Space Easement containing the Embudito Arroyo to the south. Beyond the open area on the south is the Trailhead Subdivision, the initial development by High Desert Investment Corp.

Regulations:

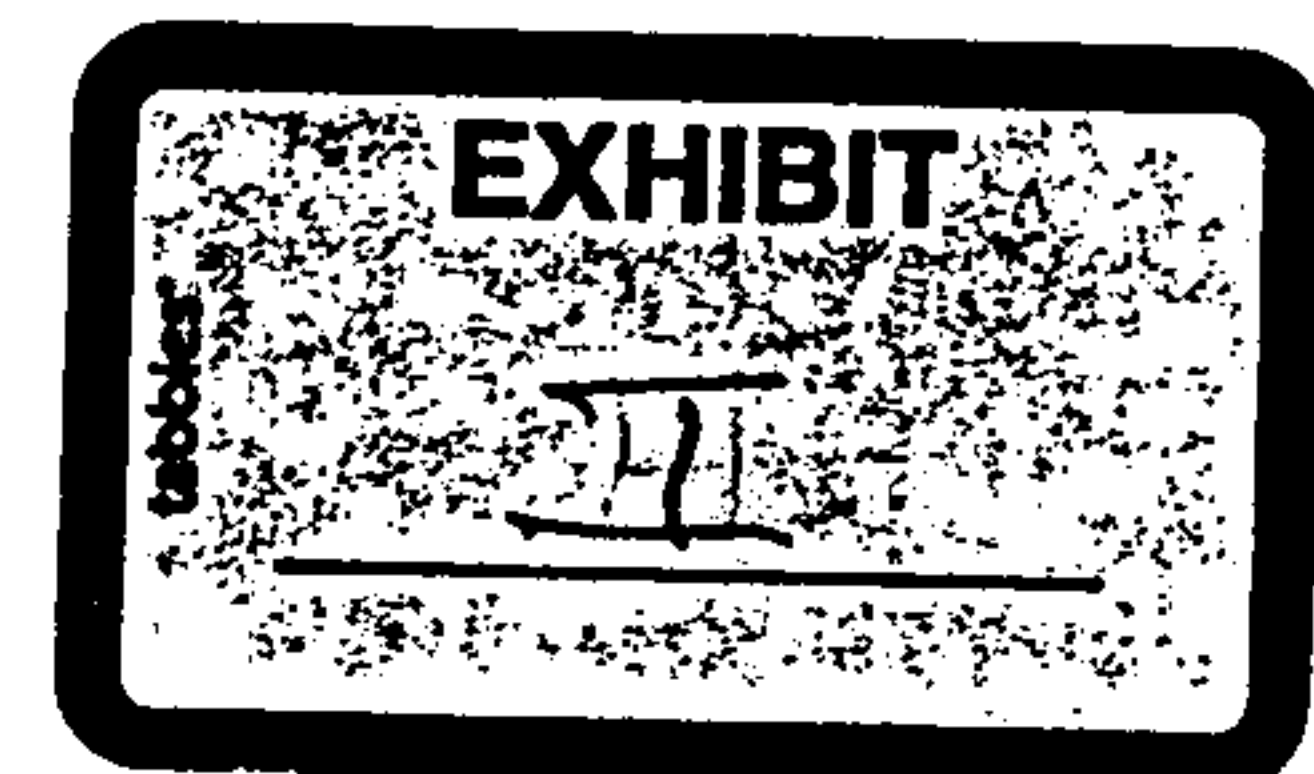
Development in High Desert is governed by a "sector plan" or special use zoning district. The High Desert Sector Development Plan was adopted by the City on May 3, 1993 following extensive public hearings before the City's Environmental Planning Commission during 1992. Since then, there have been several amendments to the Plan.

Site Area and Zoning:

The site area of Tract A is 3.9653 acres. It is zoned SU-2 HD/R-R. This is the only zone in High Desert that does not have a direct City zoning equivalent. This zoning category was created to allow development of the Wilderness at High Desert as a golf resort and conference center however other uses, including a mixture of dwelling unit types, were also permitted in this zone. It is the intention of the developer of Tract A to construct single family detached homes.

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Section 4.A.6: SU-2 HD R-R (page 4.3 of Sector Plan) notes that uses permissive in the HD R-G zone are also allowed. The HD R-G zone is outlined in Section 4.A.4: SU-2 HD R-G, page 4.2, of the Sector Plan. This zone, unlike the R-R zone, corresponds to the R-G Residential Zone in the City Zone Code. Referring to the City Zone Code, the R-G zone in turn allows uses permissive in the R-T zone. This is the appropriate zone for development of Tract A with single family detached homes. Minimum lot size for a house in R-T is 3,600 sf with a minimum lot width of 36 feet. Attached to this report are pages 47 and 48 of the City Zone Code, 7/2003 edition, entitled R-T Residential Zone along with pages 49 and 50 of the Zone Code related to the R-G Zone.

Streets:

The streets within Tract A are proposed as private and are to be maintained by the High Desert Residential Owners Association similar to other gated communities within High Desert. Street widths are shown as 26 feet measured face-to-face. The front property line of each lot corresponds to the face of curb.

Opinion:

I believe that the proposed development is consistent with the underlying zoning in High Desert in all respects. Lot sizes and widths exceed minimums required in the R-T zone and setbacks noted on the Preliminary Plat are consistent with this zone. Structures may not exceed 26 feet in height in this zone except as outlined in Section 14-16-3-3, Supplementary Height Regulations. Based upon the 25 lots proposed, the density is 6.30 DU/acre.

It should be noted that other, more intense, development such as townhouses or low density apartments are also permitted within the R-G zone. I would suggest that you contact the City Traffic Engineer with respect to the design of the private streets proposed in this development.

Please feel free to contact me should you have any questions regarding this report.

Very truly yours,

Fanning Bard Tatum Architects AIA Ltd. by

H. William Fanning, Principal

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8. **Homeowners Association** means the High Desert Residential Owner's Association, a New Mexico non-profit corporation, responsible for the administration of all residential property and common area within residential areas within the community and for the preservation and maintenance of architectural standards for the residential properties under the Declaration of Covenants, Conditions and Restrictions. Each owner of residential property in High Desert automatically becomes a member of the Association upon taking title, and remains a member until title is conveyed. Membership is mandatory and cannot be transferred except in connection with the transfer of title to the property.

9. **House** means a single family detached dwelling unit, containing not more than one dwelling unit and one Caretaker Quarters unit.

10. **Lot** means a tract or parcel of land consistent with the zoning provisions of this plan platted and placed on the County Clerk's records in accordance with all applicable laws and ordinances

11. **Walls and Fences** are those walls and fences situated within building envelopes which are primarily for the purpose of enclosing private areas, mitigating noise, and providing security. They are generally non-structural and should be consistent with the architectural materials and colors of the structures to which they are related.

12. **Parking Reserve Area** designates areas reserved for off-street parking detached from the residential unit it serves which might otherwise be required by the parking regulations. Parking reserve areas shall:

1. Be within 300 feet along the nearest path of travel of the unit they are intended to serve.
2. Shall not contain more than 10 parking spaces.
3. Shall be landscaped in accordance with the General Landscaping Regulations of the Comprehensive City Zoning Code.

13. **Residential Zone** for the purpose of this Plan means the HD•R-1, HD•R-LT, HD•R-G, and HD•R-R zones.

14. **Townhouse Site** means a property intended for the development of townhouses for condominium ownership, wherein the size of the site is determined by multiplying the number of units desired by the required minimum lot size of the zone. The plat of a townhouse site must show the ground plane area allocated to each unit to be demised, and must certify that the remainder of the site is to be held in common ownership and used for common purposes.

As noted before, one of the main principles driving the High Desert Sector Plan is the transition from open areas to urban uses. Nowhere is this transition more important than at the project boundary with Simms Park Access Road, and U.S. Forest Service Lands. The following regulations, to be jointly administered by the City and High Desert, are designed to ensure a successful transition.....

These guidelines apply to all construction in the HD•R-1 and HD•R-LT Zones of the Sector Plan east of the eastern boundary of section 26, Township 11-N, Range 4-E. This area is commonly known as "the Highlands".

The following issues are addressed, and are enforceable, as part of the zoning granted by the City of Albuquerque:

- Land Use Intensity
- Building Height
- Building and Roof Color and Reflectivity



Section 4.B:
Highlands
Design
Overlay Zone

Section 4.B.1:
Area of
Application

Section 4.B.2:
Enforcement

High Desert Sector Plan
October 1, 1995 Revision

- Roof-Lines and Roof-Massing
- Roof-Top Equipment
- Topography
- Landscaping

All parties should be aware that many other controls in the form of Covenants and Restrictions apply to construction within the Sector Plan area.

All construction in the Highlands Design Overlay Zone is subject to the development criteria and policies established by the Sandia Foothills Area Plan, except that Policy B, streets parallel to contour, and Policy H, densities do not apply.

**Section 4.B.3:
Land Use
Intensity**

Development within the Highland Design Overlay Zone shall be limited to one-hundred sixty five (165) single family detached residences as governed by the HD•R-1 and HD•R-LT zones previously described.

**Section 4.B.4:
Building Height
and Screening**

Building Height shall be subject to the following criteria:

a. From the highest point of the natural grade adjacent to any wall of the building in question, building height exclusive of chimneys shall not exceed nineteen (19) feet.

b. No vertical wall plane, exclusive of chimneys, shall exceed twenty-two (22) feet in height as measured from the highest point of natural grade at its base.

c. The overall height of a structure, exclusive of chimneys, from the highest point to the lowest, measured at natural grade, shall not exceed twenty-six (26) feet.

**Section 4.B.4.d.1,
2, 3 was amended
by the City of
Albuquerque on
December 20, 2001
and text reflects
the amendment**

d. To minimize the visual impact of residential structures on the approach to Simms Park, the following requirements apply when a building is within 250 feet of the north property line of the High Desert development:

1. No part of a structure or building, other than a chimney, shall be higher than any straight line beginning five feet above the finished grade at the centerline of Simms Park Road just north of High Desert and extending through any point 16 feet over the average natural grade along the north line of the platted building envelope;

2. Topography and existing or planted native vegetation (at maturity), either within High Desert or in the National Forest, shall substantially (at a minimum - 75%) block the view from Simms Park Road at its centerline (from the points defined below) of the north line of the platted building envelope;

3. For the purposes of this section, sightings shall be taken from 90 degrees (perpendicular) from the centerline of Simms Park Road to the centerline of the north line of each platted building envelope and then 45 degrees generally northwest from the centerline of the north line of the platted building envelope back to the centerline of Simms Park Road.

e. In order to better buffer the view from Simms Park to the east High Desert will contract with the City's Open Space Division to provide native and naturalized evergreen and semi-evergreen trees and shrubs (including pinons and/or junipers) equal to five gallons or better, to be planted in the City's park in order to better obscure the buildings in the Highlands of High Desert.

NOTE: The Zoning Code definition of height of a building does not apply to this section.

**Section 4.B.6:
Building Color**

Hue is an important a characteristic of color within the viewshed area as is the reflectivity of the color. Just as bright, saturated colors should be avoided, so should dark, deep toned colors which give the impression of excess mass. Likewise, a narrow limit on reflectivity is specified to avoid the impression of either very light or dark colors which contrast with their background. As with the other regulations in the viewshed area these regulations are intended to assure an architecture which grows out of its landscape rather than being superimposed upon it or in contrast to it.

The predominant color of the building may be chosen from the set of twelve pre-approved samples below, or others closely approximating them. Generally, approved colors include the yellow ochres, ochres, browns, dull reds, and grey greens of the natural landscape of the mesa and in the foothills. These colors have been chosen for their compatibility with the environment, as well as their harmony with one another.

Oriental [*] Tierra Mocha	Oriental Mesa	Oriental Rancho Brown	Oriental Saddle Tan
Oriental Desert Adobe	El Rey [*] Buckskin	El Rey Driftwood	El Rey La Luz
El Rey Santa Fe Brown	El Rey Fawn	El Rey Adobe	El Rey Cottonwood

**Table 4.B:
Approved
Building Colors**

*** Local Manufacturer's Name**

All the pre-approved colors have a "light reflective value" of 40% or less and may be used anywhere within the area governed by these regulations. Other colors may be submitted for specific approval related to a specific site, but they also must have an "LRV" of 40 or less. The material samples shown are of stucco; this does not prohibit the use of other materials, provided the color and reflectivity standards are met.

**Section 4.B.7:
Reflectivity**

In keeping with New Mexico tradition, accent colors on front doors, window sash, and other incidental elements is allowed as long as, in the opinion of the Homeowners's Association, the accent color does not overwhelm the building's basic color or create a visual distraction from the adjacent streets, lots, or public areas. The same standards for coloration also apply to such appurtenances as exterior artwork or sculptures.

**Section 4.B.8:
Accent Colors**

While not governed in terms of color, reflectivity standards also apply to glazing. Metallic coated, or mirrored glass with a transmissivity of less than 85% of incident light is prohibited. The heat transmission characteristics of glass are not addressed by this standard.

**Section 4.B.9:
Glazing**

Since roofscapes form an important part of the visual environment, they must be carefully designed. In keeping with the goals for visual harmony and sensitivity to predominant historical New Mexico styles, pitched roofs are strongly discouraged in favor of flat or parapeted types.

**Section 4.B.10:
Roof-Lines**

If pitched roofs are proposed, they must comply with the following:

1. Maximum slope of 4.0 in 12
2. No ridges or peaks may be silhouetted against the skyline. They must abut a parapet or wall which is higher.
3. No metal roofs are allowed.
4. No asphalt shingles are allowed.
5. Tile roof materials must be of the following type or characteristic:
 - a. 2-part molded.
 - b. Variegated colors darker than the building walls.
 - c. Non-reflective
 - d. Mudded or grouted joints
 - e. Serpentine in pattern
6. No mechanical equipment or skylights may be located in pitched roofs.

029

High Desert Sector Pl:
October 1, 1995 Revision

Roof materials are governed by the same reflectivity standard (40% LRV) as wall materials.

**Section 4.B.11:
Rooftop
Equipment**

Roof-mounted mechanical equipment is prohibited on any roof, unless in the judgement of the Homeowner's Association it does not adversely affect views from public streets, public spaces, or other lots. Even if permitted, such equipment must be screened from view from such public streets, public spaces, and lots. Such screening must comply with the color and reflectivity standards described above.

**Section 4.B.12:
Provision for
Design Review**

The High Desert Homeowner's Association or its successors shall certify at time of submittal for building permit approval that any proposed plan for new construction or renovation within the Highland Design Overlay Zone meets the requirements of the special controls imposed by this section. Appeal from the interpretation of the Zoning Enforcement Manager is to the Environmental Planning Commission.

The additional guidelines suggested here are administered by the Homeowner's Association through its Covenants and Restrictions, and are enforceable only through the provisions of this sector plan; refer to Section 4.A.7: Design Review.

**Section 4.B.13:
Massing and
Articulation
Recommendations**

In order to preserve the visibility of the natural environment, building masses should be predominately horizontal rather than vertical, but should avoid the appearance of unbroken, unnatural planes or horizontal lines. Unless otherwise approved by the Homeowner's Association, each structure shall be composed of at least three visual building masses distinguished from one another by both horizontal and vertical offsets of at least two (2) feet. The height of each mass shall be measured from its highest adjacent natural grade. At least three distinct masses shall be perceivable in each building elevation. While it is anticipated that buildings will follow natural site contours, nothing in these guidelines shall prohibit residences with a single floor level provided the building height requirements previously described are otherwise met. The floor or roof plan of each structure should clearly show the extent of each building with relevant information pertaining to its height above grade.

Surface articulation and visual strength are also important factors in creating the perception of appropriate mass. Therefore, all doors and windows not protected by overhangs or portales shall be recessed at least four (4) inches as measured from the door surface or window sash to the exterior face of the finished wall.

**Section 4.C:
Glenwood Hills
"Panhandle"**

The following restrictions shall apply to development south of the Embudito Arroyo in the "panhandle" area, and are hereby adopted as part of the Sector Plan:

1. The area of development will be defined on the west and south by a 200' buffer granted as a permanent private conservation easement.
2. Development shall consist of 29 single family residential units.
3. Structures shall not exceed nineteen (19) feet in height as defined by the Comprehensive City Zoning Code.
4. A sidewalk will be provided from the Glenwood Hills/Cedarbrook intersection through the subdivision to the Simms Reservoir Trailhead parking lot.
5. A conventional drainage system, connecting to existing stormwater improvements in Glenwood Hills, will be employed

In addition, the following transportation improvements will be provided within Glen wood Hills at High Desert's expense:

1. The east bound leg of Glenwood Hills Drive and Cedarbrook intersection will be reconfigured to more efficiently channel traffic and to attempt to increase sight distance as much as possible.
2. Sidewalks will be constructed in the vicinity of the Larchmont/Montgomery intersection.

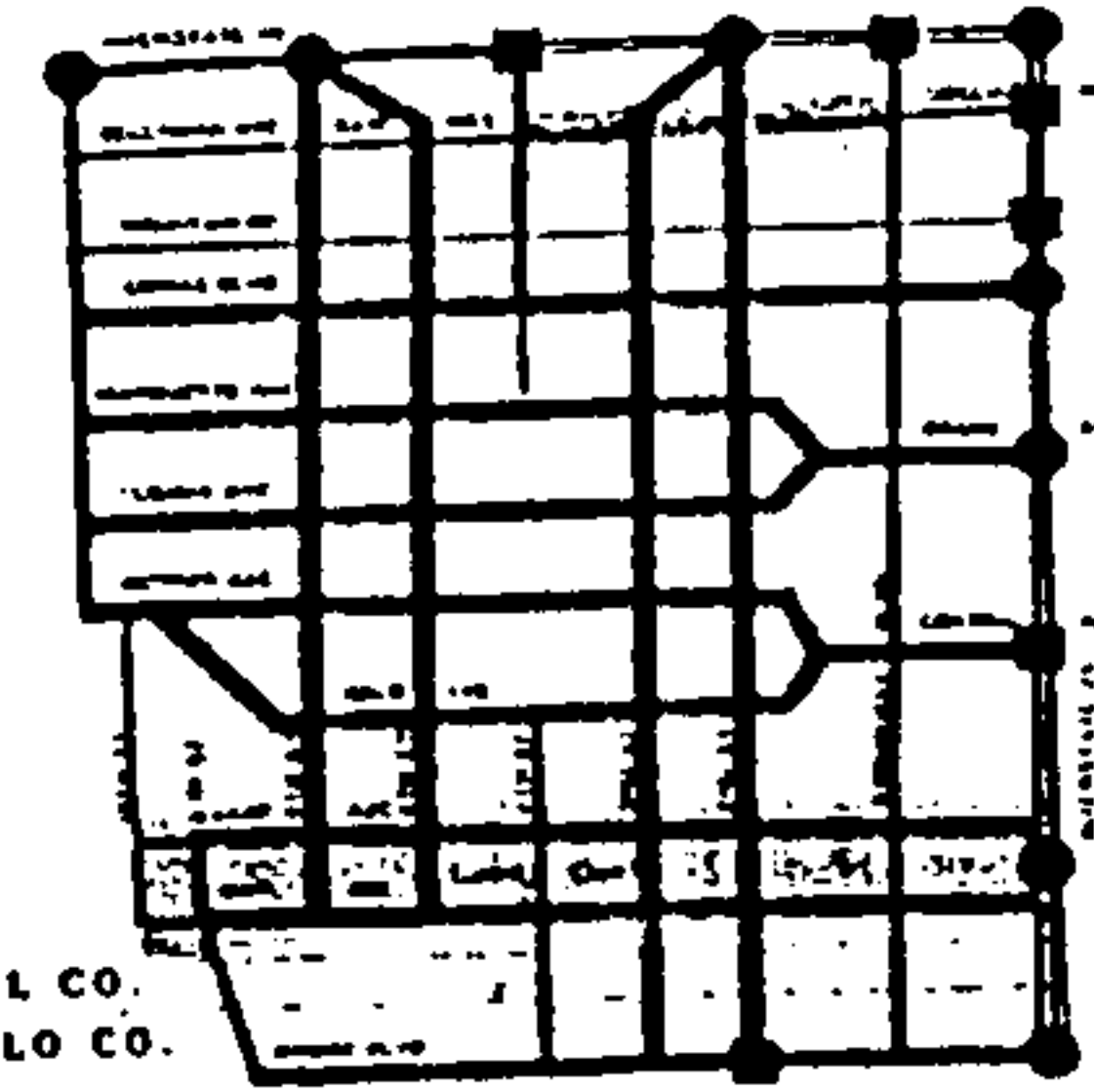
EXPLANATION

- | | | | |
|--|---------|--|---|
| | EXISTED | | PROPOSED |
| | | | Interstate |
| | | | Express through road |
| | | | Limited access |
| | | | has provision for additional improvement |
| | | | Principal arterial |
| | | | Minor arterial |
| | | | Collector |
| | | | Should line indicate proposed alignment |
| | | | Grade separation |
| | | | Interchange |
| | | | Location study corridor |
| | | | (where proposed alignments have not been established but are under consideration) |
| | | | Subarea |
| | | | (where street network evaluation is in progress) |
| | | | Future Potential corridor |

NOTES

Major streets are classified according to their anticipated traffic service function, not by the use of the facility. Facilities are shown as "limited access" where access levels would be anticipated. Subareas and Corridors are identified for the conduct of long-range systems planning and location studies. Facilities are shown as existing if they are officially planned with some right-of-way dedicated, not necessarily the amount needed. Right-of-way standards for streets classified by this map and more detailed information regarding the items noted above are contained in the Addendum to the Long Range Major Street Plan for the Albuquerque Urban Area.

INSET



SANDOVAL CO.
BERNALILLO CO.

HIGH DESERT

MAP 13: Long Range Major Street Plan

**Long Range
Major Street Plan
for the
Albuquerque Urban Area**

This Plan Map reflects long range transportation system policies adopted collectively by local elected officials. It provides a framework for the short and medium range planning and development projects programmed in the Transportation Improvement Program for the Albuquerque Urban Area.

Reviewed and Recommended by the Transportation Coordinating Committee and adopted by the Urban Transportation Planning Policy Board of the Middle Rio Grande Council of Governments, August 15, 1991.

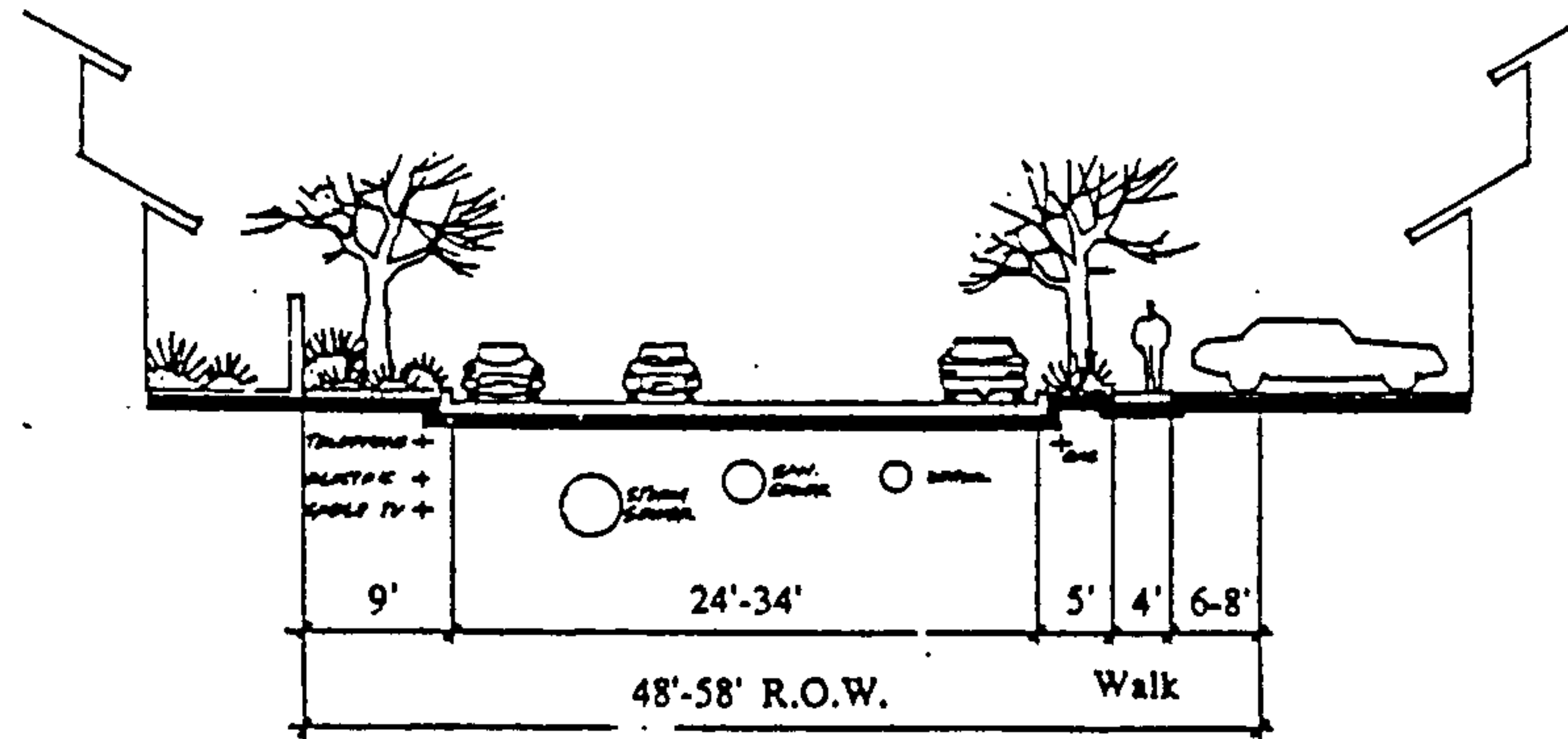
Tom King
Chairman, MRCOG/UTPB



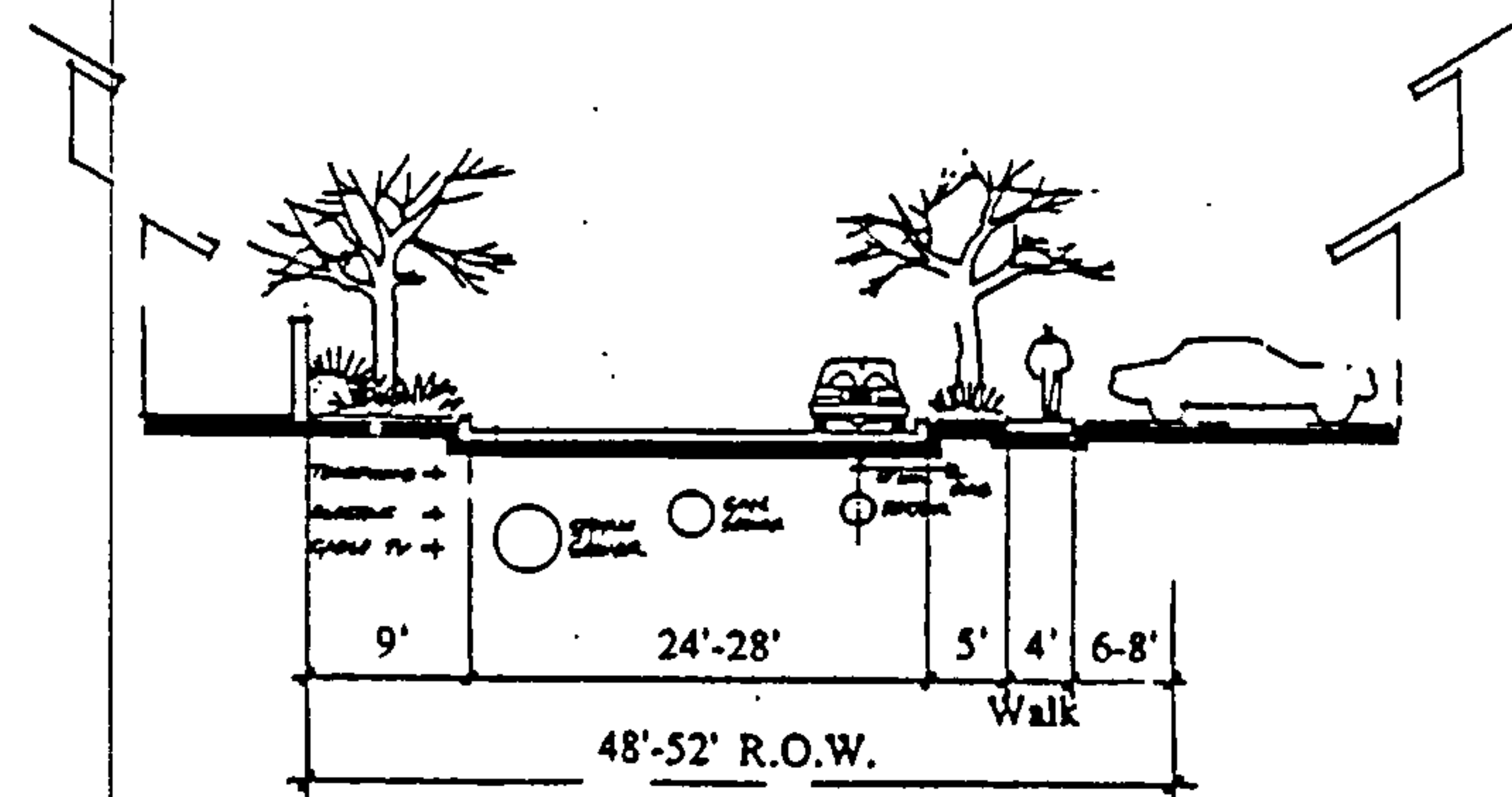
Middle Rio Grande
Council of Governments
of New Mexico

317 Commercial N.E., Suite 300
Albuquerque, N.M. 87102 (505) 247-1750

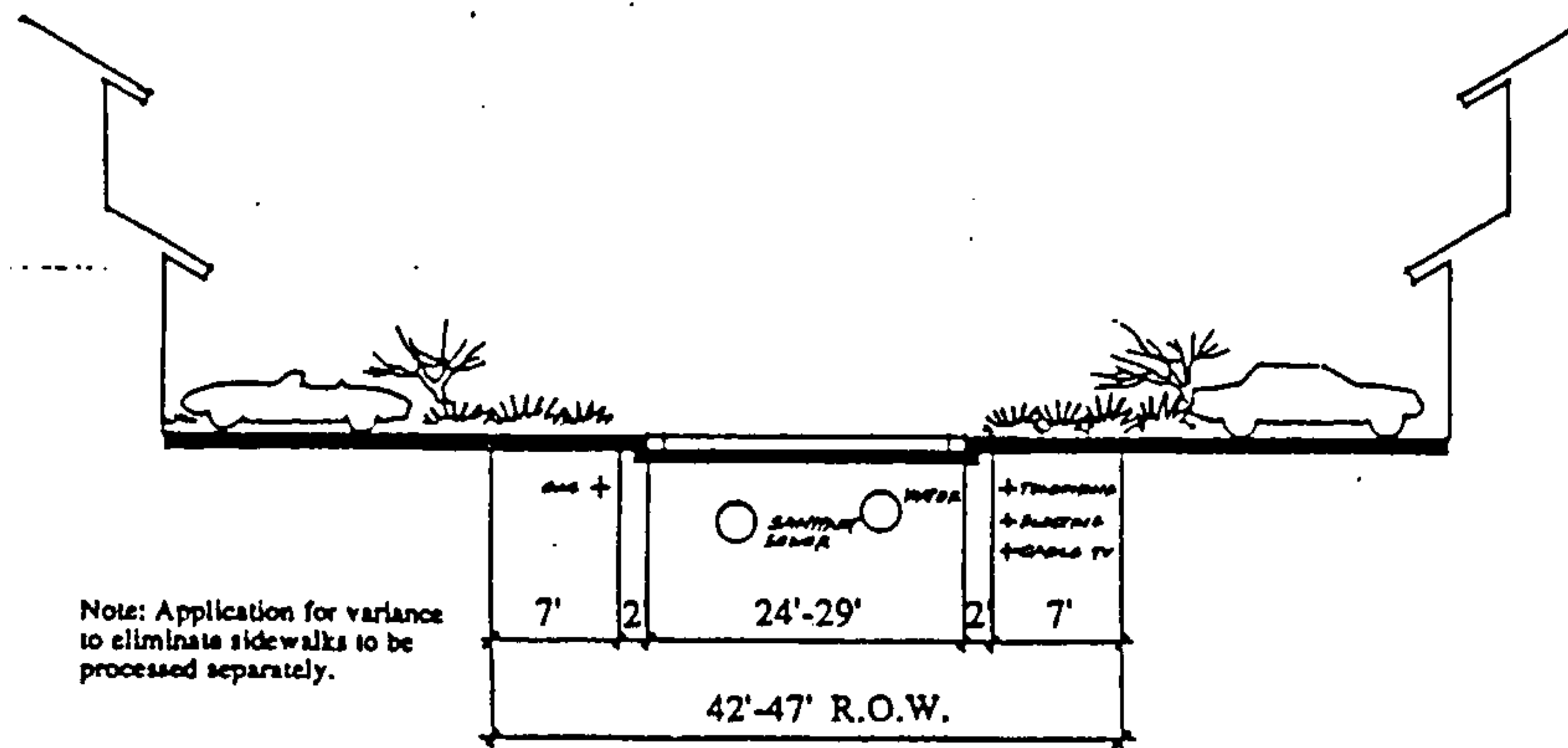
August 1991



Normal Street

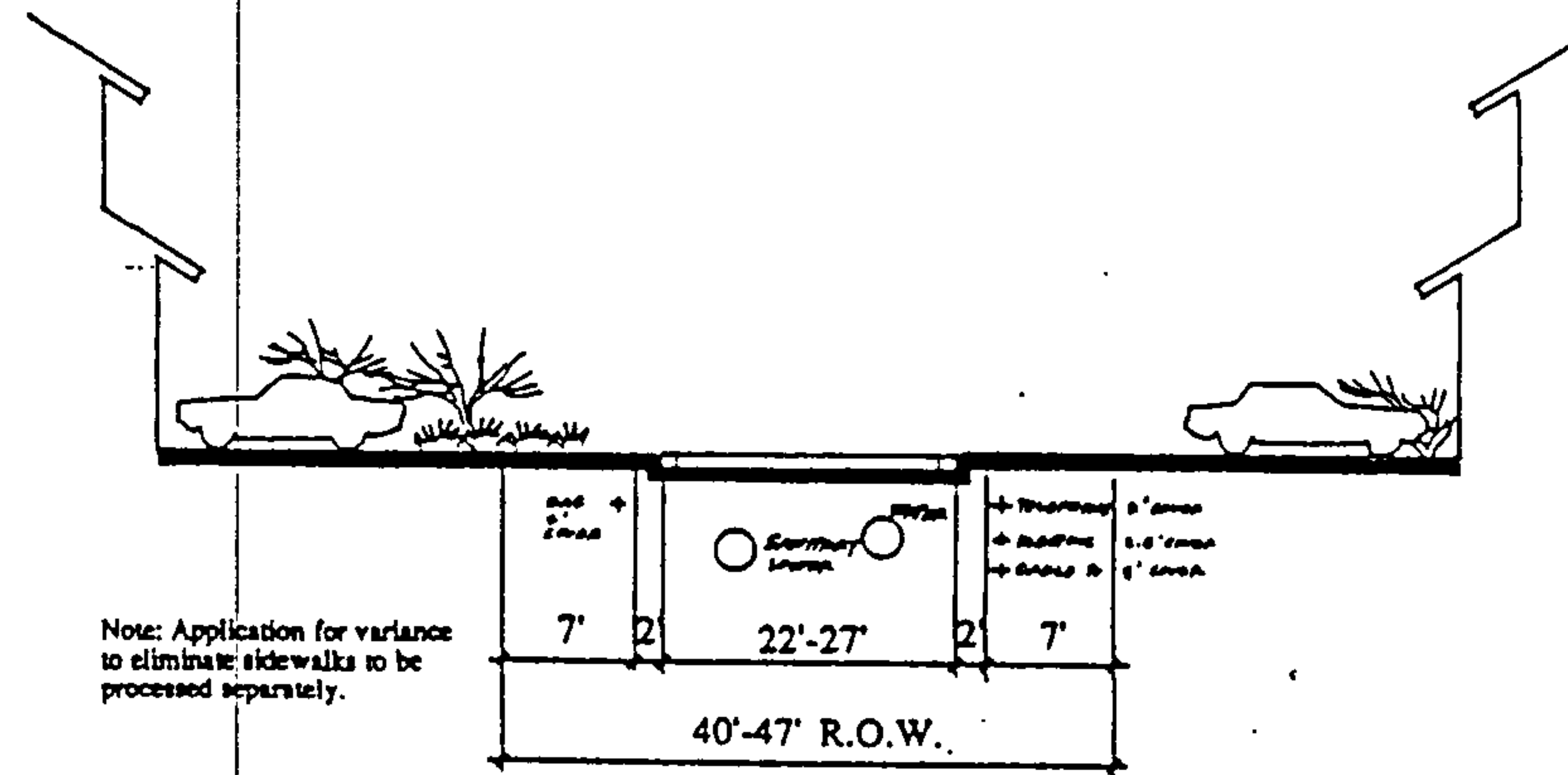


Access Street



Note: Application for variance to eliminate sidewalks to be processed separately.

Local Street - Estate Section



Note: Application for variance to eliminate sidewalks to be processed separately.

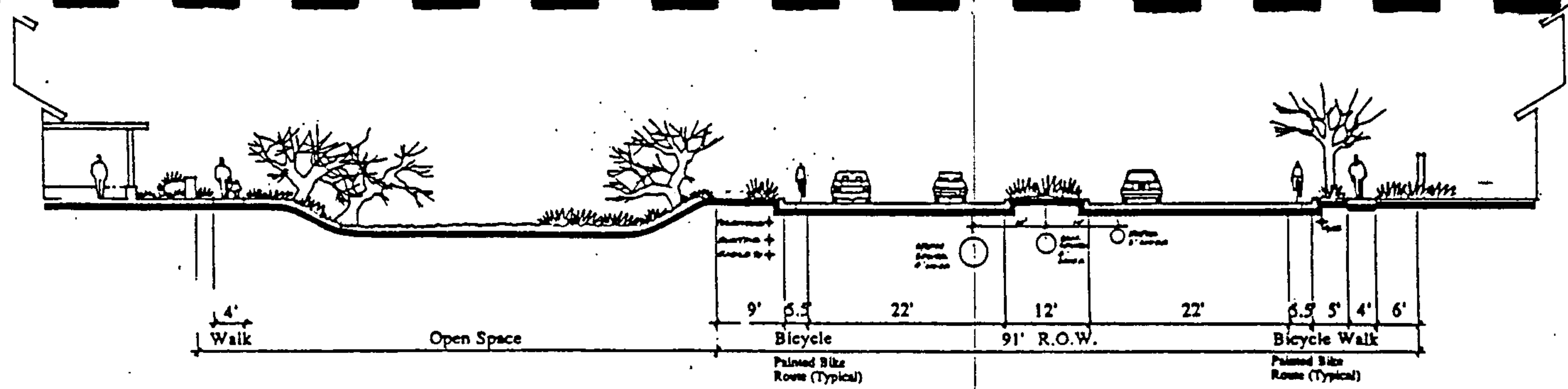
Access Street - Estate Section

Street Sections

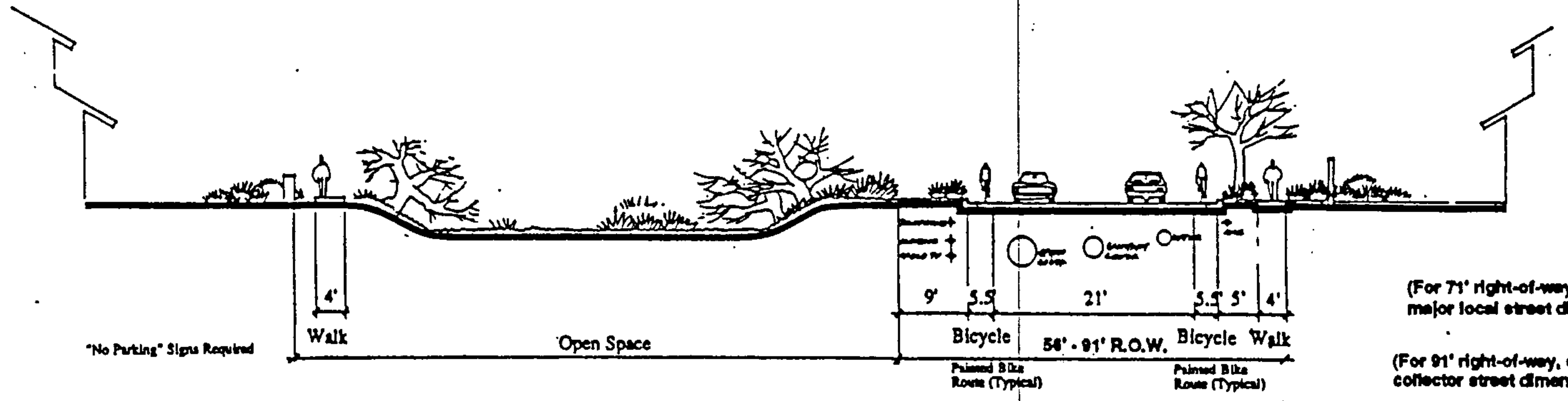
Date: April 11, 1992

UTILITIES ADDRESS: 01/20/92

HIGH DESERT
INVESTMENT CORPORATION

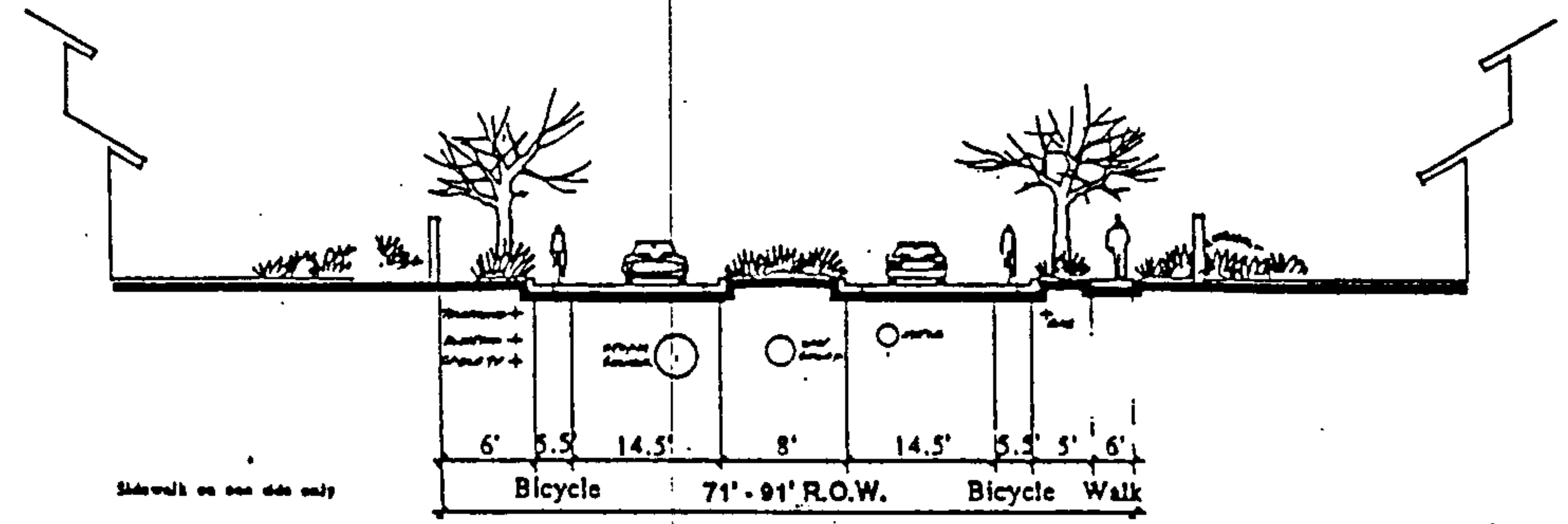


Collector Streets



(For 71' right-of-way, see (divided) major local street dimensions.)
 (For 91' right-of-way, see collector street dimensions.)

Major Local Street



*For 91' right-of-way, see collector street dimensions.
 (Divided) Major Local Street

HIGH DESERT
 INVESTMENT CORPORATION

Street Sections

CITY of ALBUQUERQUE
TENTH COUNCIL

COUNCIL BILL NO. R-245 ENACTMENT NO. 50-1993

SPONSORED BY: Deborah E. Lattimore

RESOLUTION

1
2 ADOPTING THE HIGH DESERT SECTOR DEVELOPMENT PLAN AS A RANK 3
3 SECTOR DEVELOPMENT PLAN, ESTABLISHING THE ZONING, AND ADOPTING
4 A DESIGN OVERLAY ZONE, ALL AS SPECIFIED IN THE HIGH DESERT SECTOR
5 DEVELOPMENT PLAN.

6 WHEREAS, the Council, the Governing Body of the City of Albuquerque,
7 ~~has the authority to adopt plans for physical development within the planning~~
8 and platting jurisdiction of the City as authorized by New Mexico Statutes and
9 by the City Charter as allowed under home rule provisions of the Constitution of
10 the State of New Mexico; and

11 WHEREAS, the Council recognizes the need for sector development plans
12 to guide the City, County, other agencies, property owners and other individuals
13 to ensure orderly development and effective utilization of resources; and

14 WHEREAS, the Council recognizes the need for design guidelines for
15 development of lands which contain highly scenic natural features or physical
16 setting, or have highly significant views; and

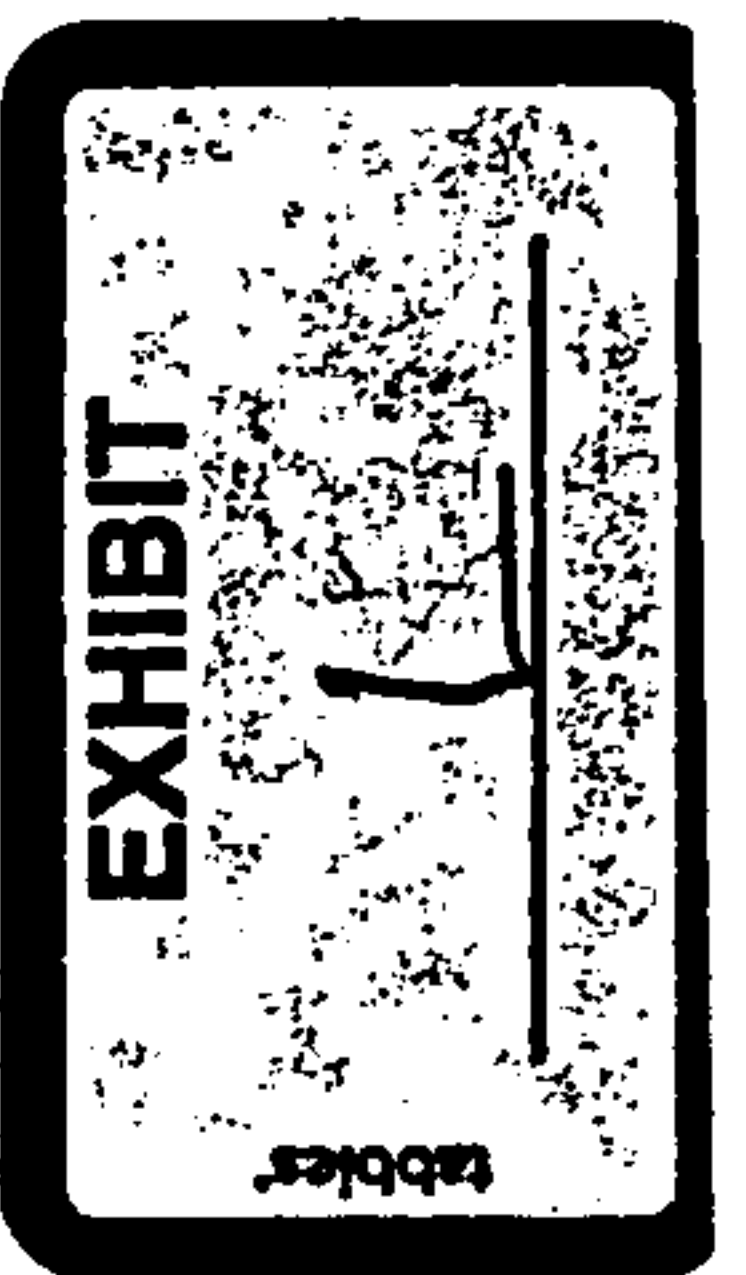
17 WHEREAS, the High Desert Sector Development Plan has been reviewed
18 by the official planning bodies having jurisdiction over the plan area in
19 accordance with the interests and needs of the area residents and property
20 owners as expressed through public meetings; and

21 WHEREAS, the High Desert Investment Corporation has prepared a sector
22 development plan to guide future development of the plan area by addressing

23 requirements for public services, land use, zoning, and design; and

24 WHEREAS, the Environmental Planning Commission, the Planning Commission,
25 and all matters related to planning, zoning and environmental protection approved
and recommended the adoption of the High Desert Sector Development Plan at

Underscored Material - New
[Bracketed Material] - Deletion



1 a public hearing on December 18, 1992, finding the plan consistent with the provisions
2 of the Albuquerque/Bernalillo County Comprehensive Plan and other adopted City plans
3 and policies; and

4 WHEREAS, this plan is a creative and innovative response to development of
5 the last large tract of land within the Sandia Foothills at the edge of urban
6 development; and

7 WHEREAS, it is appropriate, consistent with this sector development plan, to
8 amend the Comprehensive Plan to designate the area which is known as the Highlands
9 as Semi-Urban Area; and

10 WHEREAS, the area hereby planned is simultaneously being annexed by action
11 of Bill No. O-93 of the Tenth Council.

12 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
13 ALBUQUERQUE:

Underscored Material - New
[Bracketed Material] - Deletion

14 ~~Section 1. The High Desert Sector Development Plan, attached hereto is hereby~~
15 adopted as a Rank 3 sector development plan. All development activities within the
16 plan area shall be guided by this plan.

17 Section 2. The zone map, adopted by Section 7-14-46.C. R.O. 1974 is hereby
18 amended to reflect the zoning specified in Section IV of the attached High Desert
19 Sector Development Plan.

20 Section 3. The Design Overlay Zone, as proposed in the attached High Desert
21 Sector Development Plan and recommended for adoption by the Environmental
22 Planning Commission, is hereby mapped reflecting the boundaries of the 165 acre area
23 known as the Highlands shown in Section IV of the attached High Desert Sector
24 Development Plan.

25 Section 4. The design standards contained in Section IV of the attached High
26 Desert Sector Development Plan are hereby adopted and shall be enforced within the
27 boundaries of the Design Overlay Zone.

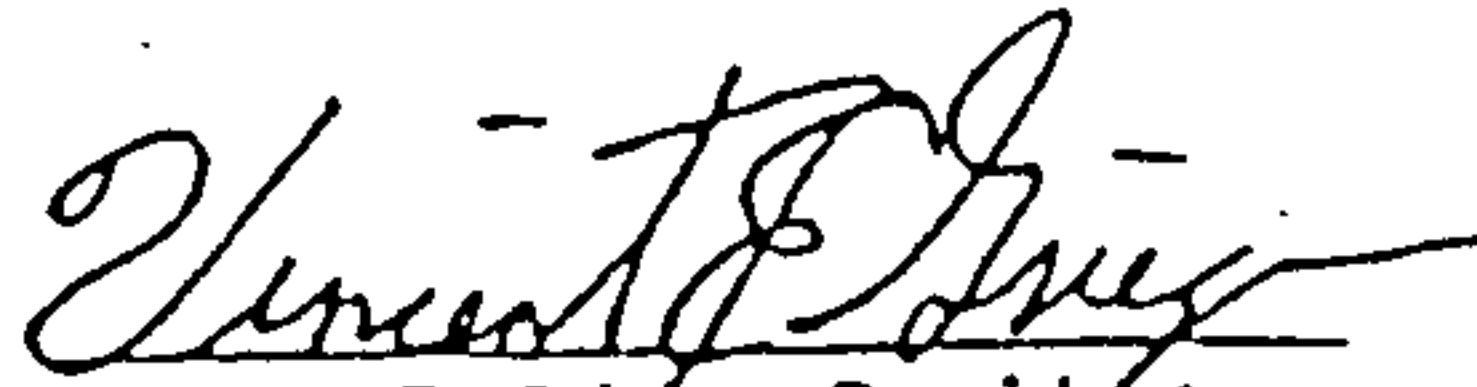
* 28 Section 5. The 10% slope demarcation line shall be mapped to designate those
29 areas for flood control/recreation open space purposes with the intent of public
30 agencies purchasing these areas or, in the event the land is not purchased by a public
31 agency, development of the land shall be subject to additional policies stated in the
32 High Desert Sector Development Plan.

33 Section 6. The Trail along Simins Park Access Road shall be provided
1 described in the attached letter of agreement.

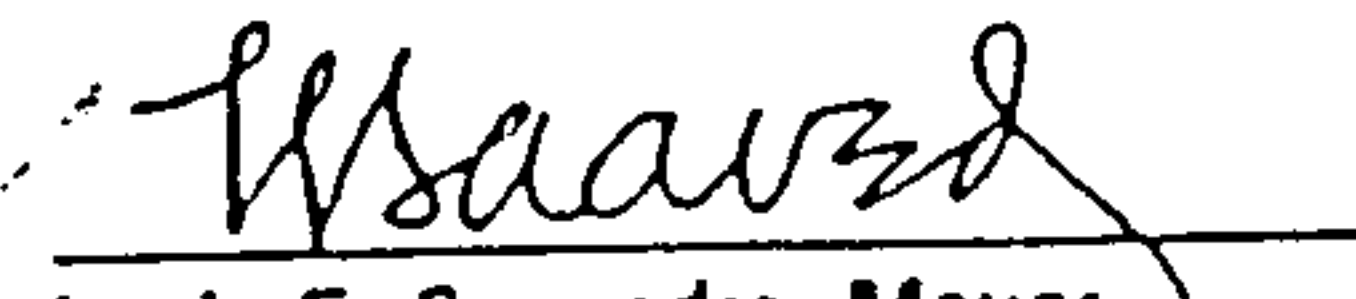
1 PASSED AND ADOPTED THIS 3rd DAY OF May, 1993.

2 BY A VOTE OF 8 FOR AND 0 AGAINST.

3 Yes: 8
4 Excused: Gallegos

5 
6 Vincent E. Griego, President
7 City Council

8
9 APPROVED THIS 26th DAY OF May, 1993.

10
11 
12 Louis E. Saavedra, Mayor
13 City of Albuquerque

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(Bracketed Material) - Deletion

14 ATTEST:

15 
16 City Clerk

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CITY of ALBUQUERQUE
TENTH COUNCIL

COUNCIL BILL NO. R-292 ENACTMENT NO. 73-1993

SPONSORED BY: Deborah E. Lattimore

RESOLUTION

1
2 REPEALING SECTION 5 OF RESOLUTION 50-1993, CONCERNING THE HIGH
3 DESERT SECTOR PLAN.

4 WHEREAS, Resolution 50-1993 was adopted by the Council on May 3,
5 1993; and

6 ~~WHEREAS, an amendment deleting Section 5 was adopted by the~~
7 Council but was inadvertently overlooked in the enrolling and engrossing
8 procedure; and

9 WHEREAS, the Council is desirous of eliminating this clerical error from
10 Resolution 50-1993.

11 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY
12 OF ALBUQUERQUE:

13 That Section 5 of Resolution No. 50-1993 is hereby repealed.
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[Bracketed Material] - Deletion

PART 6: VARIANCES FROM MINIMUM STANDARDS

§ 14-14-6-1 GENERAL.

(A) The Development Review Board may vary the provisions of Part 4 of this article, Minimum Standards for the Design of Subdivisions and the *Development Process Manual* in cases:

(1) Where varying from the normal requirements will encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning;

(2) Where extraordinary hardship or practical difficulty may result from strict compliance with the minimum standards;

(3) Where the county standards of public infrastructure improvements and/or standards for franchised and private water and sanitary sewer systems are deemed appropriate by the Development Review Board and geographical locations are not in the city and are unlikely to be added to such urban systems; or

(4) Involving bulk land subdivisions where use of the land for building purposes is not expected by the Development Review Board prior to further subdivision or zoning site development plan approval. Provisions of Part 5 of this article may also be waived under these circumstances.

(B) In the case of subdivisions governed by an approved site development plan, the Development Review Board normally should grant a variance to assure conformance with that approved development plan.

~~(C) In accordance with an SU-2 Sector Development Plan adopted pursuant to Section 14-16-2-23 (C)(4) of the Zoning Code, the Development Review Board may vary the minimum standards for the design of subdivisions as specified in Part 4 of this article and in the *Development Process Manual*. This division (C) shall terminate and be repealed effective January 1, 1993; variances granted under the terms of this division shall remain in force for the duration provided in the specific variance.~~

('74 Code, § 7-16-7A)

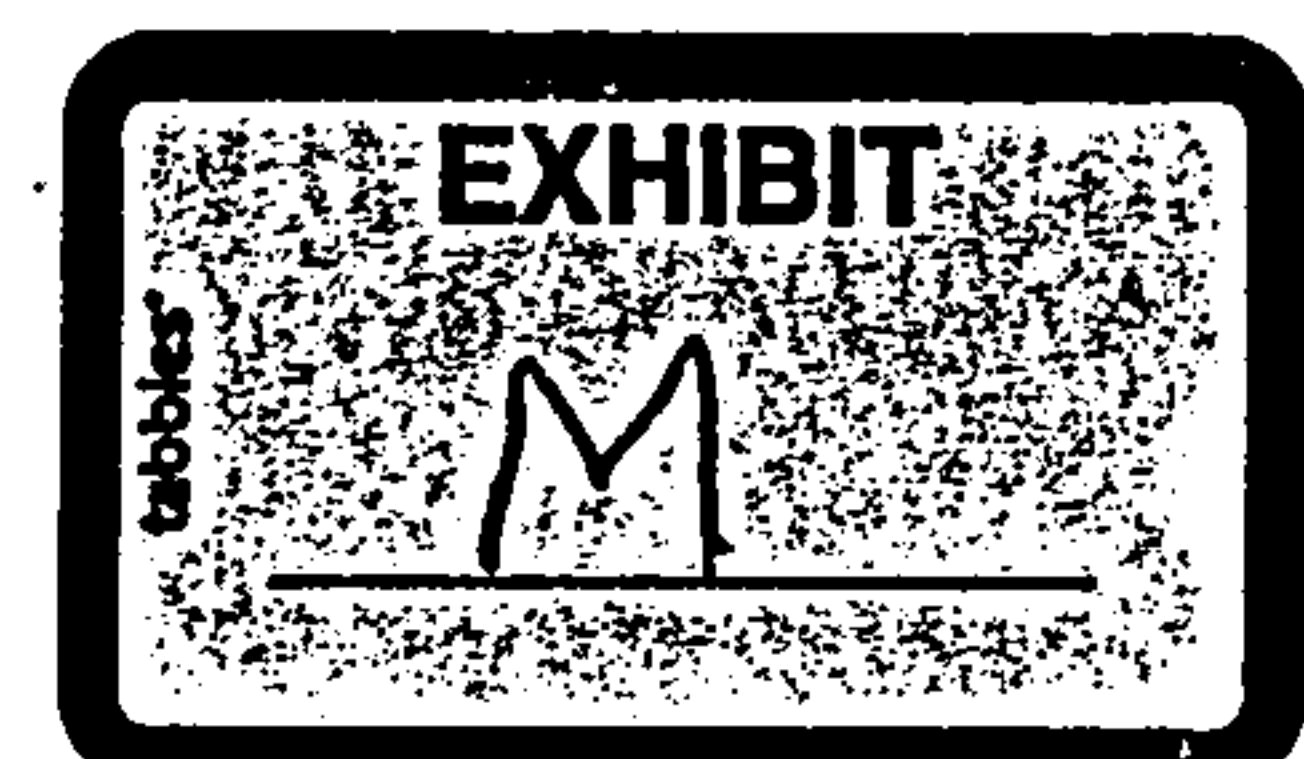
§ 14-14-6-2 CONDITIONS.

(A) In approving variances, the Development Review Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of this article.

(B) Any waiver of provisions of Part 5 of this article shall require notice of waiver as approved by the Development Review Board to be placed on the final subdivision plat and on a separately recorded document.

(C) Where a variance is based upon a bulk land transfer, significant development shall require subsequent additional public agency review for further subdivision or for zoning site development plan approval; such review and approval must be more comprehensive than issuance of a building permit.

('74 Code, § 7-16-7B)



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§ 14-14-6-3 FINDINGS.

(A) If the variance is requested pursuant to § 14-14-6-1(A) and (B), the Development Review Board shall not approve variances unless it shall make findings, based upon the evidence presented to it at a public meeting, that:

(1) The variance will not be injurious to the public safety, health or welfare, or to adjacent property, the neighborhood or the community; and

(2) The variance will not conflict significantly with the goals and provisions of any city, county, or AMAFCA adopted plan or policy, the applicable zoning ordinance, or any other city code or ordinance; and

(3) The variance will not permit, encourage or make possible undesired development in the 100-year Floodplain; and

(4) The variance will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements; and

(5) One or more bases listed in § 14-14-6-1 applies.

~~(B) If the variance is requested pursuant to § 14-14-6-1(C), the Development Review Board shall not approve variances unless it shall make findings, based upon evidence presented to it at a public meeting, that:~~

~~(1) The variance will not be injurious to the public safety, health or welfare, or to adjacent property, the neighborhood or the community; and~~

~~(2) The variance will be consistent with the goals and provisions of the city, county and AMAFCA adopted plans and policies, and the sector development plan; and~~

~~(3) The variance will not permit, encourage or make possible undesired development in the 100-year floodplain; and~~

~~(4) The variance will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements; and~~

~~(5) The variance will promote the availability of affordable housing or is justified as a pilot project to determine whether such new standard should be made city wide to promote the availability of affordable housing.~~

~~(6) This division (B) shall terminate and be repealed effective January 1, 1993; variances granted under the terms of this division (B) shall remain in force for the duration provided in the specific variance.~~

('74 Code, § 7-16-7C)

§ 14-14-6-4 PROCEDURES.

(A) Normally, an application for a variance shall be submitted in writing by the subdivider at the

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06
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AC-07-2

06DRB-01411; 01412; 01413; 01414; 01415
(PROJECT #1004989)

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NOTICE OF HEARING	14 - 15
<hr/>	
AMENDED NOTICE OF HEARING	16 - 17
AMENDED NOTICE OF HEARING	18 - 19



DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

<p>SUBDIVISION</p> <p><input type="checkbox"/> Major Subdivision action</p> <p><input type="checkbox"/> Minor Subdivision action</p> <p><input type="checkbox"/> Vacation</p> <p><input type="checkbox"/> Variance (Non-Zoning)</p> <p>SITE DEVELOPMENT PLAN</p> <p><input type="checkbox"/> for Subdivision Purposes</p> <p><input type="checkbox"/> for Building Permit</p> <p><input type="checkbox"/> IP Master Development Plan</p> <p><input type="checkbox"/> Cert. of Appropriateness (LUCC)</p> <p>STORM DRAINAGE</p> <p><input type="checkbox"/> Storm Drainage Cost Allocation Plan</p>	<p>S Z ZONING & PLANNING</p> <p><input type="checkbox"/> Annexation</p> <p><input type="checkbox"/> County Submittal</p> <p><input type="checkbox"/> EPC Submittal</p> <p><input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning)</p> <p><input type="checkbox"/> Sector Plan (Phase I, II, III)</p> <p><input type="checkbox"/> Amendment to Sector, Area, Facility or Comprehensive Plan</p> <p><input type="checkbox"/> Text Amendment (Zoning Code/Sub Regs)</p> <p><input type="checkbox"/> Street Name Change (Local & Collector)</p> <p>L A APPEAL / PROTEST of...</p> <p><input checked="" type="checkbox"/> Decision by DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals</p>
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PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

NAME: Carl and Lillian Fester, Robert & Kathy Pelletier + Eric & Janet Lentz
 ADDRESS: Pelletier
 CITY: _____ STATE _____ ZIP _____ E-MAIL: _____
 Proprietary interest in site: _____ List all owners: _____

AGENT (if any): Hessol Yntema P.O. PHONE: 505-956-5565
 ADDRESS: Oman - Yntema P.A. Box 1748 FAX: 505-242-2879
 CITY: Albuquerque STATE NM ZIP 87103 E-MAIL: hessoloman-law.com

DESCRIPTION OF REQUEST: Appeal of DRB

Is the applicant seeking incentives pursuant to the Family Housing Development Program? Yes. No.

SITE INFORMATION: ACCURACY OF THE LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. Tract A, Unit 2, Wilderness High Desert Block: _____ Unit: _____
 Subdiv./Addn. Wilderness High Desert
 Current Zoning: _____ Proposed zoning: _____
 Zone Atlas page(s): _____ No. of existing lots: _____ No. of proposed lots: _____
 Total area of site (acres): _____ Density if applicable: dwellings per gross acre: _____ dwellings per net acre: _____
 Within city limits? Yes. No, but site is within 5 miles of the city limits.) Within 1000FT of a landfill? _____
 UPC No. _____ MRGCD Map No. _____

LOCATION OF PROPERTY BY STREETS: On or Near: _____
 Between: _____ and _____

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB, AX, Z, V, S, etc.): Project # 1004989, 06 DRB 01411 through 01415

Check-off if project was previously reviewed by Sketch Plat/Plan?, or Pre-application Review Team?. Date of review: _____

SIGNATURE Hessol Yntema DATE 12-18-06
 (Print) Hessol Yntema _____ Applicant Agent

FOR OFFICIAL USE ONLY Form revised 4/04

<p><input type="checkbox"/> INTERNAL ROUTING</p> <p><input checked="" type="checkbox"/> All checklists are complete</p> <p><input checked="" type="checkbox"/> All fees have been collected</p> <p><input checked="" type="checkbox"/> All case #s are assigned</p> <p><input type="checkbox"/> AGIS copy has been sent</p> <p><input checked="" type="checkbox"/> Case history #s are listed</p> <p><input type="checkbox"/> Site is within 1000ft of a landfill</p> <p><input type="checkbox"/> F.H.D.P. density bonus</p> <p><input type="checkbox"/> F.H.D.P. fee rebate</p>	<p>Application case numbers</p> <p><u>0600</u> <u>01768</u></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Hearing date <u>APPEAL</u></p> <p><u>12/18/06</u> - <u>1004989</u></p> <p>Planner signature / date</p>	<p>Action</p> <p><u>APPEAL</u></p> <p><u>ADV</u></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>S.F.</p> <p><u>AP</u></p> <p><u>ADV</u></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Fees</p> <p><u>\$190.00</u></p> <p><u>\$50.00</u></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Total <u>\$240.00</u></p>
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FORM A: APPEAL

Appeal to the Zoning Board of Appeals regarding:

DECISION OF THE ZONING HEARING EXAMINER

___ Project number of case being appealed; _____

___ Application number of case being appealed; _____

- ___ Reason for the appeal *
- ___ Appellant's basis of standing as an appellant *
- ___ Letter of authorization from the appellant if this application for appeal is submitted by an agent
- ___ Copy of the Official Notification of Decision regarding the matter being appealed
- ___ Fee (see schedule)

Appeal to the Landmarks and Urban Conservation Commission regarding:

CERTIFICATE OF APPROPRIATENESS DECISION OF THE PLANNING DIRECTOR OR STAFF

___ Project number of case being appealed; _____

___ Application number of case being appealed; _____

- ___ Reason for the appeal *
- ___ Appellant's basis of standing as an appellant *
- ___ Letter of authorization from the appellant if this application for appeal is submitted by an agent
- ___ Copy of the Official Notification of Decision regarding the matter being appealed
- ___ Fee (see schedule)

Appeal to the Environmental Planning Commission regarding:

DECLARATORY RULING OF THE ZONING ENFORCEMENT OFFICER

___ Project number of case being appealed; _____

___ Application number of case being appealed; _____

- ___ Reason for the appeal *
- ___ Appellant's basis of standing as an appellant *
- ___ Letter of authorization from the appellant if this application for appeal is submitted by an agent
- ___ Copy of the Official Notification of Decision regarding the matter being appealed
- ___ Fee (see schedule)

Appeal to the City Council through the Land Use Hearing Officer regarding:

- ADMINISTRATIVE AMENDMENT OR DECISION OF THE PLANNING DIRECTOR OR STAFF
- DETERMINATION OR ACTION OF THE ENVIRONMENTAL PLANNING COMMISSION
- DETERMINATION OR ACTION OF THE DEVELOPMENT REVIEW BOARD
- ACTION OF THE ZONING BOARD OF APPEALS REGARDING AN APPEAL
- DECISION OF THE LANDMARKS AND URBAN CONSERVATION COMMISSION

___ Project number of case being appealed; 1004989

___ Application number of case being appealed; 06 DRB 01411 through 01415

- Reason for the appeal *
- Appellant's basis of standing as an appellant * - Nearby landowners
- Letter of authorization from the appellant if this application for appeal is submitted by an agent
- Copy of the Official Notification of Decision regarding the matter being appealed
- ___ Fee (see schedule)

* Criteria for reasonable appeals and criteria for standing as an appellant are given in Zoning Code §14-16-4-4. Any appeal must meet these criteria to be heard. The applicant should review these and other relevant documents carefully before preparing an application for appeal.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

Hessel Yntema
Applicant name (print)

12-18-06
Applicant signature / date



Form revised 10/04 & March 2005

- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers
06CC - 01768

Oliver Yntema 12/18/06
Planner signature / date
Project # 1004989

FESLER/PELLETIER/LENTZ

**REASONS FOR APPEAL OF DRB APPROVAL OF
PRELIMINARY PLAT (06DRB - 01411 through 014115)**

1. The DRB's decision was arbitrary and capricious because the DRB required a certification from the High Desert Residential Owners Association as to whether the proposed preliminary plat complies with the applicable High Desert Sector Plan, but then ignored the certification of the Association that the proposed preliminary plat does not comply with the Sector Plan.
2. The decision was arbitrary and capricious because the DRB could not have and did not evaluate the matters set out in the letter dated December 5, 2006 from Fanning Bard Tatum Architects AIA, Ltd.
3. The proposed preliminary plat does not comply with the Sector Plan because the Association has not certified that the proposed plat meets the requirements of the Sector Plan, and that certification is required for submission of the proposed preliminary plat.
4. ~~The proposed preliminary plat does not meet the requirements of the Sector Plan because,~~
among other reasons:
 - a. the proposed development is densest against forest wilderness and trails;
 - b. the proposed development is not in scale to the existing residences in the immediate area and otherwise is contrary to the spirit and intent of the Sector Plan;
 - c. the proposed development will impair views and will contrast with the existing landform;
 - d. the proposed development appears to violate the "10% Demarcation Line" set out in the Sector Plan, and the proposed development appears to violate the intent of protecting or minimizing the impact of areas with 10% or greater slope;
 - e. the proposed development will generate traffic problems contrary to the intent of the Sector Plan; and
 - f. the proposed development will generate drainage problems contrary to the intent of the Sector Plan.
5. The various grants of "variances" by the DRB do not meet the requirements of state law and City ordinances.

CARL FESLER and LILLIAN FESLER
5005 CUMBRE Del SUR
Albuquerque, NM 87111-2988


December 11, 2006

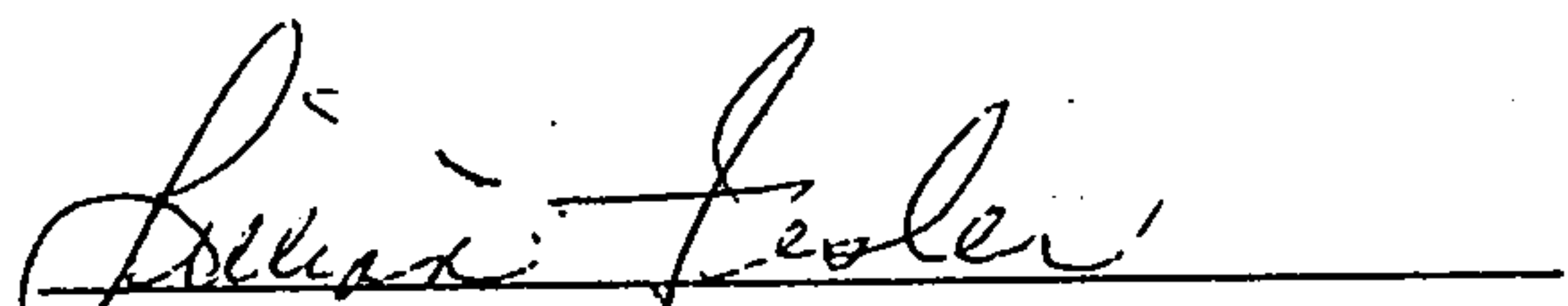
City Planning Department

Appeal
DRB Approval of Preliminary Plat
06DRB - 01411 through 014115

Ladies/Gentlemen:

This letter is to authorize Oman & Yntema P.A. (Hess Yntema) to represent us in an appeal of the DRB decision dated December 6, 2006 for Project #1004989 (Wilderness Canon at High Desert).


CARL FESLER


LILLIAN FESLER

ROBERT PELLETIER and KATHY PELLETIER
5123 High Desert Place NE
Albuquerque, NM 87111

December 11, 2006

City Planning Department

Appeal
DRB Approval of Preliminary Plat
06DRB - 01411 through 014115

Ladies/Gentlemen:

This letter is to authorize Oman & Yntema P.A. (Hess Yntema) to represent us in an appeal of the DRB decision dated December 6, 2006 for Project #1004989 (Wilderness Canon at High Desert).



ROBERT PELLETIER



KATHY PELLETIER

**JANET AND ERIC LENTZ
5109 HIGH DESERT PLACE NE
Albuquerque, NM 87111**

December 13, 2006

City Planning Department

**Appeal
DRB Approval of Preliminary Plat
06DRB - 01411 through 014115**

Ladies/Gentlemen:

This letter is to authorize Oman & Yntema P.A. (Hess Yntema) to represent us in an appeal of the DRB decision dated December 6, 2006 for Project #1004989 (Wilderness Canon at High Desert).



JANET R. LENTZ



ERIC O. LENTZ



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

December 6, 2006

1. **Project # 1004989**
06DRB-01411 Major-Preliminary Plat Approval
06DRB-01412 Major-Vacation of Public Easements
06DRB-01413 Minor-Subd Design (DPM) Variance
06DRB-01414 Minor-Sidewalk Waiver
06DRB-01415 Minor-Temp Defer SDWK

BOHANNAN HUSTON INC agent(s) for MESA VERDE DEVELOPMENT CO request(s) the above action(s) for all or a portion of Tract(s) A, UNIT 2, WILDERNESS @ HIGH DESERT (to be known as **WILDERNESS CANON @ HIGH DESERT**) zoned SU-2, HD/R-R, located on HIGH DESERT PL NE, between TRAILHEAD RD NE and EMBUDITO VIEW CT NE containing approximately 4 acre(s). [REF: 06DRB-00933, 04DRB-00713, 04DRB-01723] [*Deferred from 10/25/06 & 11/8/06 & 11/15/06 & 11/22/06 & 11/29/06*] (F-23)

At the December 6, 2006, Development Review Board meeting, with the signing of the infrastructure list dated 12/6/06 and approval of the grading plan engineer stamp dated 11/7/06 the preliminary plat was approved with the following findings:

1. The November 6, 2006 High Desert Residential Owners' Association Letter satisfies the intent of Section 4.A.7 of the High Desert Sector Plan based upon past High Desert Residential Owners' Association letters submitted for previous preliminary plats in High Desert.
2. Planning agrees that the preliminary plat submitted for Wilderness Canon at High Desert complies with the zoning, density and lot size requirements of the High Desert Sector Plan.
 - a. Specifically, residential uses in the SU2-HD RR zoning must conform, according to the Sector Plan, to the SU2-HD RG zone. The sector plan states the total number of dwelling units cannot exceed 300. Wilderness Canon's preliminary plat contains 25 lots or 25 dwelling units. High Desert Investment Corporation has stated for the record that the SU2-HD RR zone currently contains 110 units. So even with the addition of these 25 lots, the total is well below the 300 unit limit.



OFFICIAL NOTICE OF DECISION

PAGE 2

- b. One dwelling unit per lot as proposed also conforms to City's RT zoning category to which the SU2-HD RG zoning refers for use and lot size.
- c. The lot sizes shown on the submitted plat conform to the RT zoning category.

3. The developer must include this statement on the final plat: "The property on this plat is subject to a Pre-Development Facilities Fee Agreement with the Albuquerque Public Schools recorded at [insert recording information here]."

The vacations were approved as shown on Exhibit B in the Planning file, subject to these findings and conditions:

FINDINGS:

- 1. The public welfare is in no way served by retaining the rights-of-way and/or easements.
- 2. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.

CONDITIONS:

- 1. The vacated property shall be shown on a replat approved by the Development Review Board and the approved replat shall be filed for record with the Bernalillo County Clerk's Office within one year.

A subdivision design variance from minimum DPM standards concerning internal streets was approved as shown on Exhibit C in the Planning file.

A sidewalk variance for waiver of sidewalks was approved as shown on Exhibit C in the Planning file. The temporary deferral of construction of sidewalks on the interior streets was approved as shown on Exhibit C in the Planning file.

If you wish to appeal this decision, you must do so by December 21, 2006, in the manner described below.



OFFICIAL NOTICE OF DECISION

PAGE 3

Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal. If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

Please note that the vacation of all plats, rights-of-way, and easements are void after one year from the final appeal date referenced above if all conditions are not met (The effective date of Development Review Board approval is the hearing date plus the 15-day appeal period.) (REF: Chapter 14 Article 14 Part 7-2 (E)(3)(6) Revised Ordinance.)

Please note that a Preliminary Plat approval date is the date of the DRB action plus the 15-day appeal period. The Preliminary Plat approval expires one year from that date. The DRB must take action on the Preliminary Plat Extension prior to the expiration of the approval or the Preliminary Plat approval is null and void. (REF: Chapter 14 Article 14 Part 3-4 (E) Revised Ordinance.)

Sheran Matson, AICP, DRB Chair

Cc: Bohannon Huston Inc., 7500 Jefferson NE, 87109
 Mesa Verde Development Co., 8300 Carmel Ave NE, 87122
 John Salazar, Rodey Law Firm, P.O. Box 1888, 87103
 Kym Dicome, High Desert Investment Corp., 3791 Southern Blvd SE, Rio Rancho, NM 87124
 Douglas Collister, 8524 Snakedance Ct NE, 87111
 Ray Berg, 13501 Osage Orange NE, 87111
 Debra & Jay Greenhood, 13409 Embudito View Ct NE, 87111
 Sam & Jennie Baca, 5000 Cumbre del Sur NE, 87111



OFFICIAL NOTICE OF DECISION

PAGE 4

- Arinta Liem, 13419 Wildemess Pl NE, 87111
- Robert Pelletier, 5123 High Desert NE, 87111
- John Farrow, 2400 Meadowview NW, 87110
- Keith Gainer, 5516 Carmelita NE, 87111
- Conrad & Marcella Stahly, 5015 Cresta del Sur NE, 87111
- Patricia Wittman, 4905 Cresta del Sur Ct NE, 87111
- Rob Erickson, 2621-1/2 Granite Ave NE, 87104
- Larry Garcia, P.O. Box 1576, Los Lunas, NM 87031
- Pat Stovall, 6604 Rogers Ave NE, 87110
- Angela Ness, 13213 Manitoba Dr NE, 87111
- Charles Young, 13105 Enchantment Ln NW, 87111
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- Kathleen Conlin, 1021 Orchard NW, 87102
- Jeni Turgeon, 720 Tramway Ln NE, #6, 87122
- Janet Lentz, 5109 High Desert Place NE, 87111
- Carl Fesler, 5005 Cumbre del Sur NE, 87111
- Don Kellor, 5004 Cresto del Sur NE, 87111
- Christine Ranier, 5016 Cresta del Sur Ct NE, 87111
- Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.
File

**ONE STOP SHOP
CITY OF ALBUQUERQUE PLANNING DEPARTMENT
Development & Building Services**

PAID RECEIPT

APPLICANT NAME

Carol Lillian Fester, Robert & Kathy Pelletier
Miss Yntema and Eric & Janet Lentz

AGENT

ADDRESS

PROJECT & APP #

PROJECT NAME

1004989 (0600-01768)
Wilderness @ High Desert

\$ _____ 441032/3424000 Conflict Management Fee

\$ _____ 441006/4983000 DRB Actions

\$ 190.00 441006/4971000 EPC/AA/LUCC Actions & All Appeals

\$ 50.00 441018/4971000 Public Notification

\$ _____ 441006/4983000 DRAINAGE PLAN REVIEW OR TRAFFIC IMPACT STUDY***
() Major/Minor Subdivision () Site Development Plan () Bldg Permit
() Letter of Map Revision () Conditional Letter of Map Revision
() Traffic Impact Study

\$ 240.00 TOTAL AMOUNT DUE

*****NOTE: If a subsequent submittal is required, bring a copy of this paid receipt with you to avoid an additional charge.**

052

12/18/2006 11:59AM LOG: ANH
X
RECEIPT# 00068639 WSH 008 TRNSH #021
ACCOUNT 441006 FUND 0110
ACTIVITY 4971000 TRSLIS
TRANS AMT \$240.00
J24 Misc \$50.00

DUPLICATE
CITY OF ALBUQUERQUE
TREASURY DIVISION

DUPLICATE
City Of Albuquerque
Treasury Division

12/18/2006 12:00PM LOG: ANH
X
RECEIPT# 00068639 WSH 008 TRNSH #021
Account 441018 Fund 0110
Activity 4971000 TRSLIS
Trans Amt \$240.00
J24 Misc \$50.00
CK \$240.00
CHANGE \$0.00

-11-

Counterreceipt.doc 6/21/04

Thank You

CITY OF ALBUQUERQUE

Planning Department

Richard Dineen, Director
Development Review Division
600 2nd Street NW - 3rd Floor
Albuquerque, NM 87102



NOTICE OF APPEAL

December 19, 2006

TO WHOM IT MAY CONCERN:

The Planning Department received the attached appeal on December 18, 2006. You will be notified by mail as to when this appeal will be heard before the Land Use Hearing Officer.

Please refer to enclosed Bill (F/S OC-04-6, Land Use Hearing Officer Rules of Procedure and Qualifications) for any questions you may have regarding the Land Use Hearing Officer rules of procedure.

Any questions you might have regarding Land Use Hearing Officer policy or procedure that are not answered in the enclosed bill can be answered by Crystal Ortega, Clerk to the Council, (505) 768-3100.

P.O. Box 1293

CITY COUNCIL APPEAL NUMBER: AC-07-2

Albuquerque

PLANNING DEPARTMENT CASE FILE NUMBERS: Project #1004989
06DRB-01411; 01412; 01413;
01414; 01415

New Mexico 87103

APPELLANT(s): Carl & Lillian Fesler, Robert & Kathy Pelletier, and Eric & Janet Lentz

www.cabq.gov

AGENT: Hess Yntema
Oman & Yntema, P.A.
Post Office Box 1748
Albuquerque, NM 87103

cc: Carl & Lillian Fesler, 5005 Cumbre del Sur, Albuquerque, NM 87111-2988
Robert & Kathy Pelletier, 5123 High Desert Place NE, Albuquerque, NM 87111
Janet & Eric Lentz, 5109 High Desert Place NE, Albuquerque, NM 87111
Hess Yntema, Oman & Yntema, P.A., Post Office Box 1748, Albuquerque, NM 87103
Bohannon Huston, Inc., 7500 Jefferson NE, Albuquerque, NM 87109
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December 19, 2006

AC-07-2

Page 2 of 2

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Marilyn Maldonado, Planning Department - 4th Floor, 600 2nd St NW, Albuquerque, NM 87102
Crystal Ortega, Clerk to the Council, City/County Building - 9th Floor
DRB File

CITY OF ALBUQUERQUE

Planning Department

Richard Dineen, Director

Development Review Division

600 2nd Street NW – 3rd Floor
Albuquerque, NM 87102



NOTICE OF HEARING

January 4, 2007

Carl & Lillian Fesler
5005 Cumbre del Sur
Albuquerque, NM 87111-2988

Robert & Kathy Pelletier
5123 High Desert Pl NE
Albuquerque, NM 87111

Eric & Janet Lentz
5109 High Desert Pl NE
Albuquerque, NM 87111

AC-07-2 – 06DRB-01411; 06DRB-01412; 06DRB-01413; 06DRB-01414; 06DRB-01415; Project #1004989 Hessel Yntema, agent for Carl & Lillian Fesler, Robert & Kathy Pelletier and Janet & Eric Lentz, appeal the Development Review Board's (DRB) approval of a Preliminary Plat for all or a portion of Tract(s) A, Unit 2, Wilderness @ High Desert (to be know as Wilderness Canon @ High Desert) zoned SU-2, HD/R-R, located on High Desert Pl. NE, between Trailhead Rd. NE and Embudito View Ct. NE, containing approximately 4 acre(s). (F-23) Sheran Matson, Development Review Board Chair

P.O. Box 1293

The City of Albuquerque Land Use Hearing Officer will hear the above appealed case on **Thursday, January 18, 2007**. The hearing begins at **9:30 am** and will be held in the Council Committee Room, #9081, 9th floor of the Albuquerque/Bernalillo County Government Center, One Civic Plaza NW.

Albuquerque

Submittal of new information or questions regarding the hearing with the Land Use Hearing Officer should be directed to Council Services, c/o Crystal Ortega, One Civic Plaza NW, 9th Floor, Albuquerque NM 87102, (505) 768-3100.

New Mexico 87103

A copy of the record submitted to the Land Use Hearing Officer copies will be available by January 12, 2007, in the Planning Department, Plaza del Sol Building, 600 2nd Street NW, 3rd Floor. Please call (505) 924-3889 to request a copy.

www.cabq.gov

Sincerely,

Barbara J. Findley
Administrative Assistant

cc: Hessel Yntema, Oman & Yntema, P.A., Post Office Box 1748, Albuquerque, NM 87103
Bohannon Huston, Inc., 7500 Jefferson NE, Albuquerque, NM 87109
Mesa Verde Development Co., 8300 Carmel Avenue NE, Albuquerque, NM 87122
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January 4, 2007

AC-07-2

Page 2 of 2

Charles Young, 13105 Enchantment Ln NW, Albuquerque, NM 87111
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Crystal Ortega, Clerk to the Council, City/County Building - 9th Floor
DRB File

CITY OF ALBUQUERQUE

Planning Department

Richard Dineen, Director

Development Review Division

600 2nd Street NW - 3rd Floor
Albuquerque, NM 87102



AMENDED NOTICE OF HEARING

January 11, 2007

Carl & Lillian Fesler
5005 Cumbre del Sur
Albuquerque, NM 87111-2988

Robert & Kathy Pelletier
5123 High Desert Pl NE
Albuquerque, NM 87111

Eric & Janet Lentz
5109 High Desert Pl NE
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AC-07-2 - 06DRB-01411; 06DRB-01412; 06DRB-01413; 06DRB-01414; 06DRB-01415;
Project #1004989 Hessel Yntema, agent for Carl & Lillian Fesler, Robert & Kathy Pelletier and Janet & Eric Lentz, appeal the Development Review Board's (DRB) approval of a Preliminary Plat for all or a portion of Tract(s) A, Unit 2, Wilderness @ High Desert (to be know as Wilderness Canon @ High Desert) zoned SU-2, HD/R-R, located on High Desert Pl. NE, between Trailhead Rd. NE and Embudito View Ct. NE, containing approximately 4 acre(s). (F-23) Sheran Matson, Development Review Board Chair

P.O. Box 1293

The City of Albuquerque Land Use Hearing Officer will hear the above appealed case on **Tuesday, March 6, 2007**. The hearing begins at **9:30 am** in the Vincent E. Griego Chambers, Basement Level, Albuquerque/Bernalillo County Government Center, One Civic Plaza NW.

Albuquerque

Submittal of new information or questions regarding the hearing with the Land Use Hearing Officer should be directed to Council Services, c/o Crystal Ortega, One Civic Plaza NW, 9th Floor, Albuquerque NM 87102, (505) 768-3100.

New Mexico 87103

If you would like a copy of the record submitted to the Land Use Hearing Officer copies will be available after February 20, 2007, upon request in the Planning Department, Plaza del Sol Building, 600 2nd Street NW, 3rd Floor. Please call (505) 924-3889 to request a copy.

www.cabq.gov

Sincerely,

Barbara J. Findley
Administrative Assistant

cc: Hessel Yntema, Oman & Yntema, P.A., Post Office Box 1748, Albuquerque, NM 87103
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January 11, 2007

AC-07-2

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Crystal Ortega, Clerk to the Council, City/County Building - 9th Floor
DRB File

CITY OF ALBUQUERQUE

Planning Department

Richard Dineen, Director

Development Review Division

600 2nd Street NW - 3rd Floor
Albuquerque, NM 87102



AMENDED NOTICE OF HEARING

February 21, 2007

Carl & Lillian Fesler
5005 Cumbre del Sur
Albuquerque, NM 87111-2988

Robert & Kathy Pelletier
5123 High Desert Pl NE
Albuquerque, NM 87111

Eric & Janet Lentz
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AC-07-2 - 06DRB-01411; 06DRB-01412; 06DRB-01413; 06DRB-01414; 06DRB-01415; Project #1004989 Hessel Yntema, agent for Carl & Lillian Fesler, Robert & Kathy Pelletier and Janet & Eric Lentz, appeal the Development Review Board's (DRB) approval of a Preliminary Plat for all or a portion of Tract(s) A, Unit 2, Wilderness @ High Desert (to be know as Wilderness Canon @ High Desert) zoned SU-2, HD/R-R, located on High Desert Pl. NE, between Trailhead Rd. NE and Embudito View Ct NE, containing approximately 4 acre(s). (F-23) Sheran Matson, Development Review Board Chair

P.O. Box 1293

The City of Albuquerque Land Use Hearing Officer will hear the above appealed case on **Thursday, March 15, 2007**. The hearing begins at **9:30 am** in the Vincent E. Griego Chambers, Basement Level, Albuquerque/Bernalillo County Government Center, One Civic Plaza NW.

Albuquerque

Submittal of new information or questions regarding the hearing with the Land Use Hearing Officer should be directed to Council Services, c/o Crystal Ortega, One Civic Plaza NW, 9th Floor, Albuquerque NM 87102, (505) 768-3100.

New Mexico 87103

Copies of the record submitted to the Land Use Hearing Officer will be available after March 1, 2007. Please call (505) 924-3889 prior to picking up a copy.

www.cabq.gov

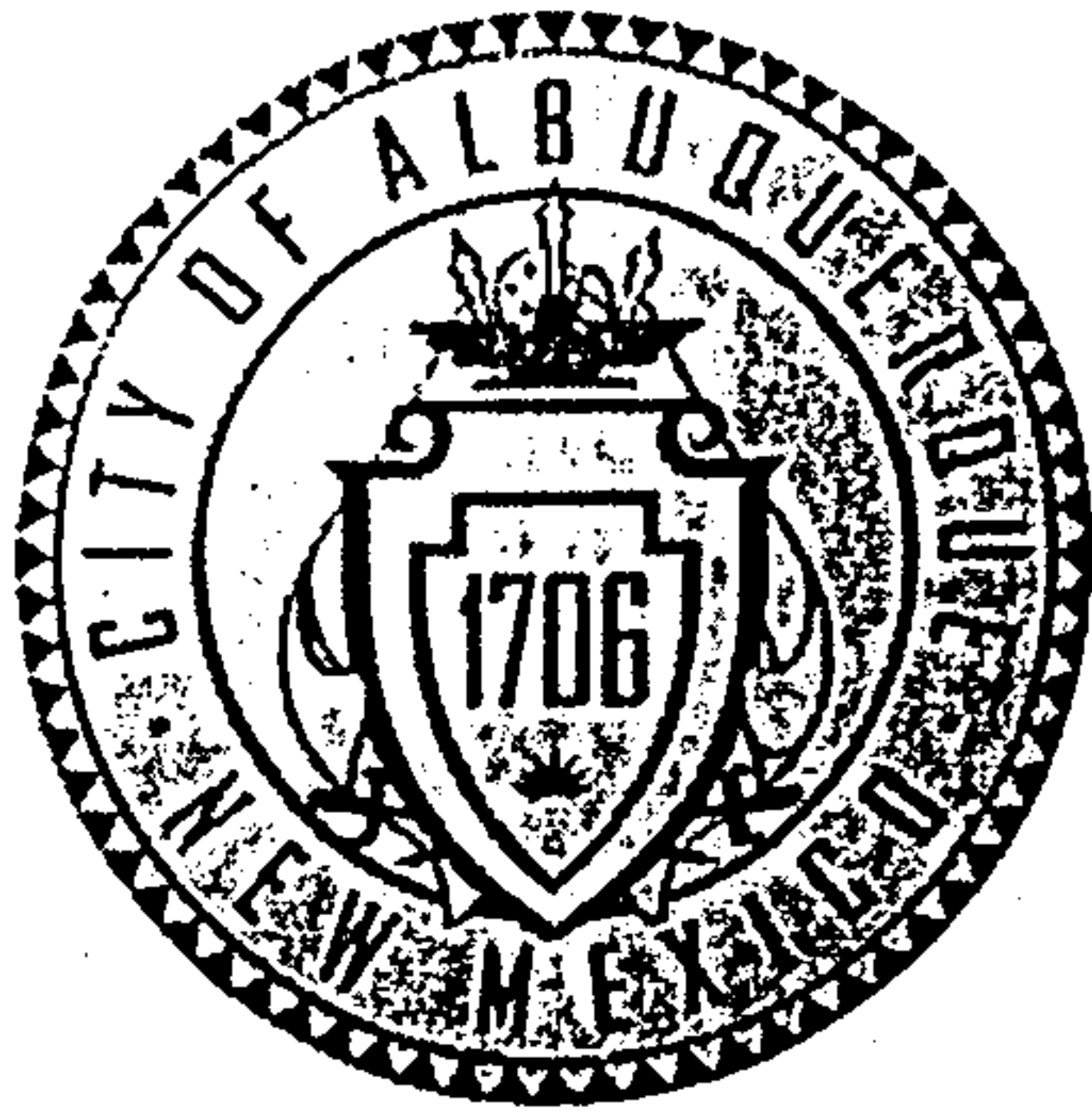
Sincerely,

Barbara J. Findley
Administrative Assistant

cc: Hessel Yntema, Oman & Yntema, P.A., Post Office Box 1748, Albuquerque, NM 87103
Bohannon Huston, Inc., 7500 Jefferson NE, Albuquerque, NM 87109
Mesa Verde Development Co., 8300 Carmel Avenue NE, Albuquerque, NM 87122
John Salazar, Rodey Law Firm, Post Office Box 1888, Albuquerque, NM 87103
Kym Dicome, High Desert Investment Corp., 3791 Southern Blvd SE, Rio Rancho, NM 87124
Douglas Collister, 8524 Snakedance Ct NE, Albuquerque, NM 87111
Ray Berg 13501 Osage Orange NE, Albuquerque, NM 87111
Debra & Jay Greenhood, 13409 Embudito View Ct NE, Albuquerque, NM 87111
Sam & Jennie Baca, 5000 Cumbre del Sur NE, Albuquerque, NM 87111
Anita Liem, 13419 Wildernes Pl NE, Albuquerque, NM 87111
John Farrow, 2400 Meadowview NW, Albuquerque, NM 87110
Keith Gainer, 5516 Carmelita NE, Albuquerque, NM 87111
Conrad & Marcella Stahly, 5015 Cresta del Sur NE, Albuquerque, NM 87111
Patricia Wittman, 4905 Cresta del Sur Ct NE, Albuquerque, NM 87111
Rob Erickson, 2621 1/2 Granite Ave NE, Albuquerque, NM 87104
Larry Garcia, PO Box 1576, Los Lunas, NM 87031
Pat Stovall, 6604 Rogers Ave NE, Albuquerque, NM 87110
Angela Ness, 13213 Manitoba Dr NE, Albuquerque, NM 87111

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Charles Young, 13105 Enchantment Ln NW, Albuquerque, NM 87111
Ken Wesselman, 4613 Huntington Dr NE, Albuquerque, NM 87111
Anne Marie Morosin, 13109 Manitoba Dr NE, Albuquerque, NM 87111
Ed Hernandez, 1219 Blue Quail NE, Albuquerque, NM 87112
Alan Clipperton, 13501 Embudito View Ct NE, Albuquerque, NM 87111
Jack Eichorn, 6316 Bobcat Hill Ln NE, Albuquerque, NM 87111
Tarin Davies, 13209 Manitoba NE, Albuquerque, NM 87111
Joe Witte, 1570 West Ella Dr, Corrales, NM 87048
Armando Lara, 13415 Piedra Grande NE, Albuquerque, NM 87111
Kathleen Conlin, 1021 Orchard NW, Albuquerque, NM 87102
Jeni Turgeon, 720 Tramway Ln NE #6, Albuquerque, NM 87122
Don Kellor, 5004 Cresto del Sur NE, Albuquerque, NM 87111
Christine Ranier, 5016 Cresta del Sur Ct NE, Albuquerque, NM 87111
Marilyn Maldonado, Planning Department - 4th Floor, 600 2nd St NW, Albuquerque, NM 87102
Crystal Ortega, Clerk to the Council, City/County Building - 9th Floor
DRB File



CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Planning Department

Mayor Martin J. Chávez

INTER-OFFICE MEMORANDUM

January 12, 2007

TO: Debbie O'Malley, President, City Council

FROM: Richard Dineen, Planning Director

SUBJECT: AC-07-3 – 06DRB-01411; 01412; 01413; 01414; 01415; Project # 1004989 Paul M. Kienzle III, agent for High Desert Residential Owners Association, appeals the Development Review Board's approval of a Preliminary Plat, Vacation of Public Easements, Subdivision Design (DPM) Variance; Sidewalk Waiver; and Temporary deferral of Sidewalk for all or a portion of Tract(s) A, Unit 2, Wilderness @ High Desert (to be known as Wilderness Canon @ High Desert) zoned SU-2, HD/R-R, located on High Desert Place NE, between Trailhead Road NE and Embudito View Ct NE, containing approximately 4 acre(s). (F-23) Sheran Matson, DRB Chair

BACKGROUND

Wilderness Canon at High Desert is a proposed 25 lot subdivision to be located within Tract A, Unit 2 of High Desert. This tract is included in the portion of High Desert zoned SU2-HD RR by the High Desert Sector Plan. Mesa Verde Development Company is the developer of this subdivision.

The zoning classification provides for stormwater management, allows a golf course, a resort/conference center and also a mixture of dwelling unit types. Mesa Verde proposes to develop this site according to the permissive uses in the SU2-HD RG zoning in the Sector Plan. These uses are allowed in the SU2-HD RR area. (SEE EXHIBIT A.)

The SU2-HD RG zoning corresponds, for the most part, to the RG Residential Garden Apartment Zone in the Albuquerque Comprehensive Zoning Code and allows houses, townhouses and low density apartments. (SEE EXHIBIT B.)

The Sector Plan does limit the density in the SU2-HD RR zone to 13 dwellings units per acre. The preliminary plat for Wilderness Canon at High Desert is approved at 6.32 dwelling units per acre, one half the allowed density. (SEE EXHIBIT C.)

The Sector Plan also limits the total number of dwelling units in the SU2-HD RR zone to 300. With the addition of the 25 lots proposed in Wilderness Canon at High Desert, the total number of units developed under this zoning category is 135. The other subdivisions developed within the SU2-HD RR zoning are Wilderness Estates subdivision which contains 27 lots, Wilderness Compound which 26 lots,

Wilderness Village which includes 57 lots. The total number of lots is 135, less than half the allowed density. (SEE EXHIBIT A.)

The RG zoning category refers to the City RT Residential Zone category to determine lot size. The minimum lot size for RT zoned property is 3,600 square feet and 36-foot minimum lot width. (SEE EXHIBIT D.) This plat meets the lot size requirements.

RESPONSES TO APPELLANTS' REASONS FOR APPEAL

The responses are numbered to match the Appellants' reasons for appeal in their appeal application.

- 3.A.1 The references in the Sector Plan about decreasing density adjacent to the forest p. 10 lands and open space trails refer to the area known as The Highlands, Section 4.B Highlands Design Overlay Zone. The Highlands is located east of the north/south section line, the area of High Desert within which the City and High Desert Investment Corporation wanted to minimize the visual impact and density of development. This plat is outside the boundaries of this design overlay zone and not subject to those restrictions and regulations. (SEE EXHIBIT E.)

As stated by Appellants, the Albuquerque/Bernalillo County Comprehensive Plan's Policy 4a under Semi Urban Area page II-21 does indicate the gross overall density allowed is up to 3 dwelling units per acre. Table 3.A on Page 3.4.A of the High Desert Sector Plan shows that, if 2,730 dwelling units total are built within the High Desert Development as a whole, the gross density would be 2.56 dwelling units per acre, under the 3 dwelling units stated in the Comprehensive Plan. (SEE EXHIBITS F & G.)

With the development of Wilderness Canon's 25 units, the total for High Desert is 1,975 dwelling units, 27% less than the projected 2,730 dwelling units. The original gross acreage of High Desert was 1,067. Dividing this number by 1,975 dwelling units shows the actual number of dwelling units per gross acre to be 0.54, well below the 3 units per acre called for in the Comprehensive Plan.

- 3.A.2 At the December 6, 2006, Development Review Board (DRB) hearing, Bohannon p. 13 Huston Inc, agents for Mesa Verde Development, provided DRB members with a map showing the slope percentage for the area within which Wilderness Canon at High Desert is located. This exhibit indicates the slope average to be less than 10%. (SEE EXHIBIT I.) DRB agreed with this conclusion. Accordingly, as the finder of fact, DRB's decision is supported by substantial evidence.

In May 1993, when the High Desert Sector Plan was adopted by City Council, Section 5 of the adopting Resolution, R-245/50-1993, referred specifically to the mapping of the 10% slope demarcation line. Then in June 1993, R-292/73-1993, repealed Section 5 of R-245/50-1993. This action in effect eliminated any requirements related to the 10% slope demarcation line from the High Desert Sector Plan. (SEE EXHIBIT H.)

However, High Desert Investment Corporation, developers of the overall High Desert development, chose to re-create the 10% slope line as originally depicted in the Sandia Foothills Policy Plan and create two tracts, OS-5 and OS-6. The two tracts contained the property above the 10% slope demarcation line. These two tracts were subsequently dedicated to the City as open space to comply with the no-build requirement. The filing of the High Desert Bulk Plat in November 1993 completed that dedication action.. OS-5 is a 9.45 acre tract east of Wilderness Compound and Wilderness Canon.

- 3.A.3 Traffic should actually move better than originally anticipated in High Desert.
p.14 The 1992 traffic studies for the entire High Desert development assumed 2,730 dwelling units at full buildout. These studies were used as a basis for the design of the transportation system in High Desert. With the addition of the 25 units proposed by this plat, the total number of units constructed will be 1,975 or about 27% less than the 2,730 units the 1992 study was based on.

There is now an approved grading and drainage plan for this proposed subdivision. It is approved by the City Hydrologist and follows the intent of the Sector Plan and the City Floodplain and Drainage Ordinances as well as the City Development Procedures Manual (DPM).

Appellants were not specific as to what or how views will be impaired and in what way the proposed subdivision will contrast with existing landforms. Any development in an otherwise undeveloped area has an impact on views and existing landforms.

The proposed development has smaller lots than some of the nearby subdivisions. Nevertheless, the lot sizes are in conformance with the Sector Plan zoning and are bordered on two sides by City Open Space and the Embudito Arroyo. Appellants were not specific as to exactly how the spirit and intent of the Sector Plan are violated by the Wilderness Canon plat.

- 3.B Section 4.A.7 of the High Desert Sector Plan provides for the review and certification of
p.15 High Desert's plats for conformance with the Sector Plan. (SEE EXHIBIT J.) This review responsibility is given to the High Desert Residential Owners Association. This provision as stated on Page 4.4 of the Plan does not require certification that the proposed plat meets all requirements of the Sector Plan. The language merely states "meets the requirements". This language has long been interpreted by the DRB to mean the plat must meet the provisions of Chapter 4, Zoning Regulations in the Plan.

In compliance with Section 4.A.7 of the Sector Plan, the DRB received a letter dated November 6, 2006, from Raymond S. Berg, President of the Board of the High Desert Homeowners Association (HDROA). In that letter, Mr. Berg states the HDROA reviewed the proposed Wilderness Canon at High Desert plat. He further states that the plat is consistent with the underlying zoning requirements of the High Desert Sector Plan. In addition, the letter states that the HDROA agrees that the number of dwelling units in the plat does not exceed the maximum number allowed. (SEE EXHIBIT K.)

The HDROA did submit another letter dated December 5, 2006 and received by DRB at the December 6, 2006 public hearing, in which the Association makes several claims that none of the submissions provided to the Association, (presumably by the developer or his agent), meet the requirements of the Sector Plan. (SEE EXHIBIT L.) Notwithstanding the fact that the December 5, 2006, letter was submitted unreasonably late to the DRB, the DRB did review and consider the contents of the letter.

High Desert Investment Corporation, the master developer of High Desert and one of the primary authors of the Sector Plan, submitted a copy of a letter dated October 24, 2006 addressed to Scott Schiabor in which HDIC stated their belief that the Wilderness Canon at High Desert preliminary plat is in conformance with the High Desert Sector Plan. Attached to this letter was a letter from Lawrence Kline, of Denish Kline Associates and another of the primary authors of the Sector Plan. Mr. Kline also states the plat is in conformance with the Sector Plan. (SEE EXHIBIT M.)

After review of the Sector Plan, the information mentioned above and various letters received by DRB as well as testimony at the public hearings, DRB determined the November 5, 2006 letter satisfied Section 4.A.7 of the High Desert Sector Plan.

There was precedent for this decision. The Wilderness Compound Subdivision, adjacent to the proposed Wilderness Canon on the north, has the same zoning and was developed with similar density to Wilderness Canon. The Wilderness Compound final plat was signed by the High Desert Residential Owners Association evidencing their approval that the plat complied with the High Desert Sector Plan.

In reaching its decision, the Development Review Board considered all documentation and testimony received and heard at the three public hearings on this plat on October 25, 2006, November 15, 2006 and December 6, 2006. It is unusual for a preliminary plat approval to require three public hearings. However, the Board wanted to listen to the comments of all neighbors, the agents, the developer, the High Desert Residential Owners Association, and High Desert Investment Corporation before making its decision.

APPROVED:



Russell Brito, Division Manager
Development Review Division
Planning Department

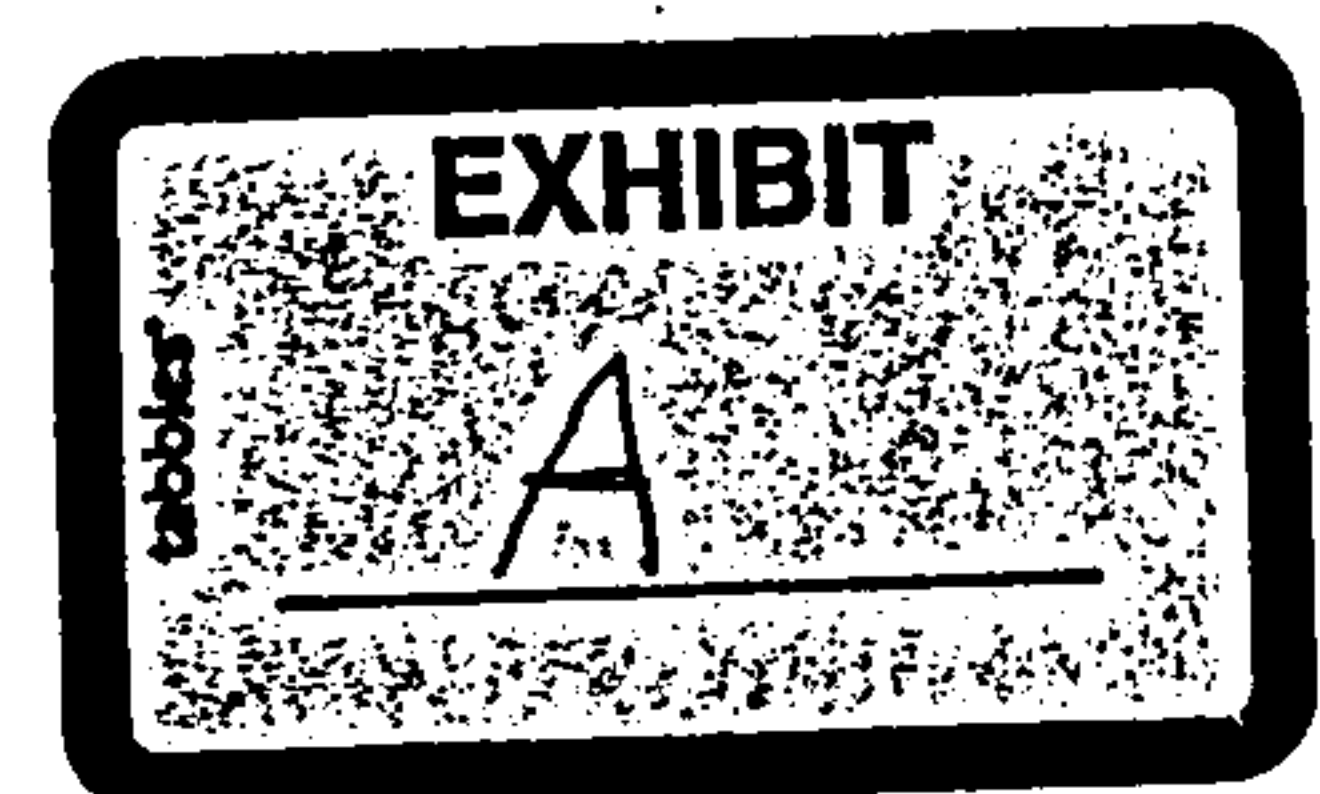
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- f. Charitable Fund Raising Special Events
 - g. Neighborhood (non-commercial) recycling activities
 - h. Public and community gardens
3. Assisted Living Facility as defined herein including medical care for project residents, but not a hospital for human beings, is permissive.
 4. One Caretakers Quarters for public or private school is permissive.
 5. A maximum of 65,000 net leasable square feet of retail sales and service uses is permissive.

This zone, unlike the other zones described in this section, does not correspond to any existing zoning classification. It provides for stormwater management; the construction of a golf course; and permits a mixture of dwelling unit types, including a resort/conference center and related commercial facilities. It is subject to the following regulations:

Section 4.A.6:
SU-2 HD•R-R
Recreational/Resort
Zone

1. Permissive Uses, when pursuant to only the Sector Development Plan:
 - a. Uses permissive in the HD•R-G zone.
2. Density: If developed as R•G the total number of units shall not exceed 300.
3. Permissive Uses, when pursuant to the Sector Plan and to a Site Development Plan and Landscaping Plan approved by the Environmental Planning Commission:
 - a. Golf Course
 - b. Uses Related to a Golf Course, including:
 1. Structures incidental to a golf course (shelters, bathrooms, maintenance buildings, and utility housings) provided the aggregate net leasable area of such uses does not exceed 12,000 square feet.
 2. Public trails for pedestrian, equestrian, bicycle, and physically disadvantaged use.
 3. Private trails and golf-cart paths.
 4. Facilities for the maintenance of the common area and trails whether public or private, provided that the aggregate net leasable area of such facilities does not exceed 6,000 square feet.
 5. One "Caretakers Quarters" as regulated in the HD•R-1 zone.
 6. A construction Office in connection with a specific construction project provided it is limited to a period of one year.
 - c. Resort/ Conference Center, with a maximum of 350 hotel rooms, the aggregate of which shall not exceed 245,000 net leasable square feet, and meeting facilities not exceeding 20,000 net leasable square feet; and incidental maintenance and recreational structures not exceeding 12,500 net leasable square feet.
 - d. Uses Related to the Resort/Conference Center, including:
 1. Swim Club and Tennis Center not to exceed 15,000 net leasable square feet exclusive of structures containing indoor recreational courts and swimming pools.
 2. Retail sales of food and drink, including alcoholic drink, for consumption on-premises.
 3. Commercial Club for recreational or athletic activity, not to exceed 25,000 net leasable square feet.
 4. Golf Clubhouse, not to exceed 50,000 net leasable square feet.
4. Signs: As regulated in the HD•C-1 zone.
5. Conditional Uses
 - a. Conditional Uses the HD•R-LT zone, excluding private utility structures.



High Desert Sector Plan
March 19, 1999 Revision

065

§ 14-16-2-10 R-G RESIDENTIAL GARDEN APARTMENT ZONE.

This zone provides suitable sites for houses, townhouses, and low density apartments, in the Established and Central Urban areas.

(A) Permissive Uses.

- (1) Uses permissive in the R-T zone.
- (2) Accessory living quarters.
- (3) Apartment.
- (4) Sign, on-premise, as provided in § 14-16-3-5 of this Zoning Code.

(B) Conditional Uses.

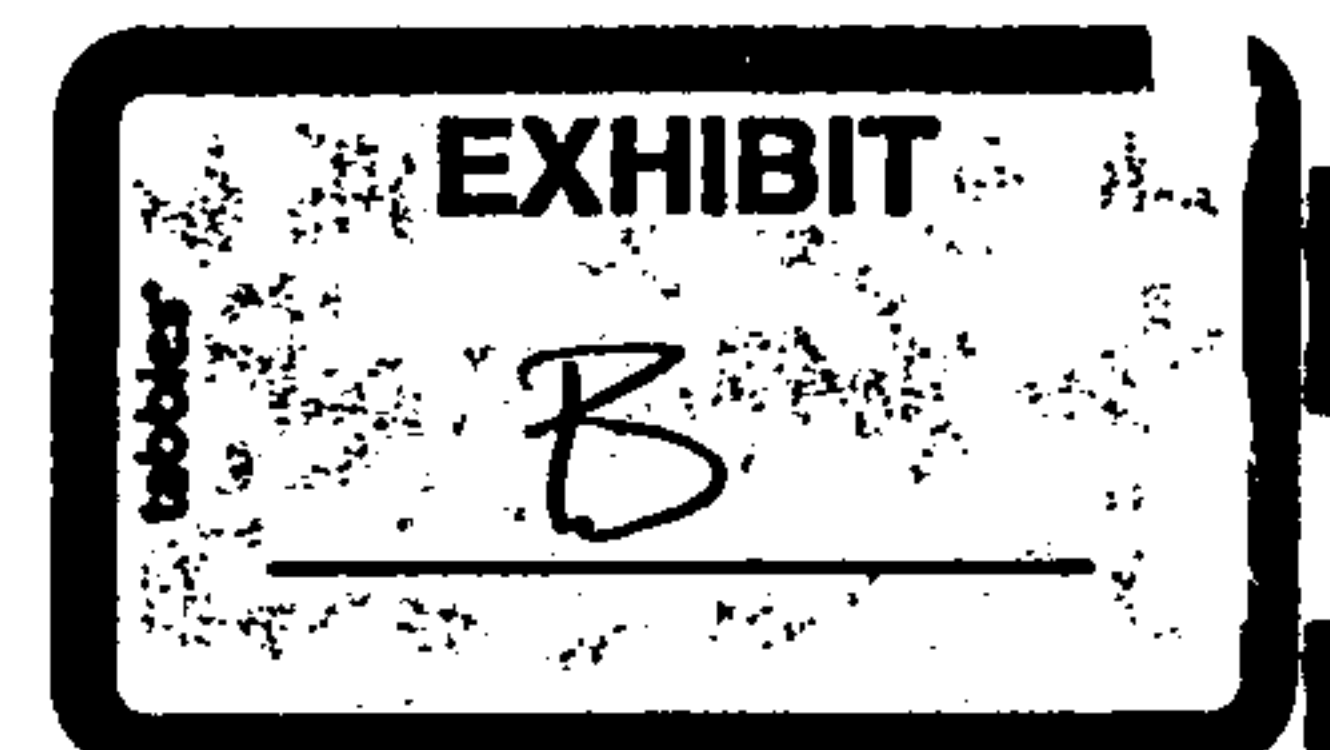
- (1) Uses conditional in the R-1 Zone.

(C) Height. Structures shall not exceed 26 feet in height, except as provided in § 14-16-3-3 of this Zoning Code.**(D) Lot Size.**

- (1) Minimum lot area for lots developed with apartments other than townhouses shall be 6,000 square feet. Minimum lot width for lots developed with apartments other than townhouses shall be 60 feet.
- (2) Minimum lot area and width for lots developed only with houses and townhouses shall be as provided in the R-T zone.

(E) Setback.

- (1) There shall be a front-yard setback of not less than 15 feet, except that the length of a driveway shall be not less than 20 feet.
- (2) For lots created after January 1, 2005 and for lots granted conditional use approval, if one of the following conditions is met, then there shall be a front yard setback of not less than 10 feet:
 - (a) Vehicle access is only to the rear yard from an alley, or
 - (b) The garage is set back not less than 25 feet and comprises no more than 50% of the width of the street-facing building façade and driveways and off-street parking areas cover no more than 60% of the area of the front yard
- (3) There shall be a side-yard setback of not less than five feet, except:
 - (a) There shall be ten feet on the street side of corner lots; and
 - (b) There is no required side-yard setback from internal lot lines for townhouses.



5. Parking Reserve Areas as defined herein.

6. Lot Size

a. If developed as detached houses, minimum net lot area shall be 7,500 square feet, and minimum lot width shall be seventy-five (75) feet.

b. If developed as townhouses, minimum net lot area shall be 4,200 square feet and minimum lot width twenty-two (22) feet.

7. Floor Area Ratio

a. If developed as detached houses, lots shall have a maximum floor area ratio of 0.65.

b. If developed as townhouses, lots shall have a maximum floor area ratio of 0.70.

8. Clustering of Townhouses

Notwithstanding the provisions of this plan, or any provision of the Comprehensive City Zoning Code, up to eight (8) townhouse units may be clustered on a townhouse site as defined herein provided that a subdivision plat shall be approved by the City showing that: the minimum area of such site is equal to the number of units times the minimum net lot area defined above; that the Off-Street Parking Regulations of the Comprehensive City Zoning Code are met; that the minimum amount of area conveyed for ownership (including the townhouse, any accessory structures, and private outdoor spaces) is not less than 1400 square feet as measured at the ground plane; that proper evidence of common title to the residual lands is evidenced on the plat; and that proper evidence that the residual lands may only be used for common open areas, vehicular circulation, or recreational purposes is also shown on the plat.

**Section 4.A.3:
SU-2 HD•R-T**

This zone corresponds to the R-T Residential Zone in the Comprehensive City Zoning Code and provides suitable sites for houses, townhouses, and uses incidental thereto. It is subject to the same regulations as that zone with the following exceptions:

1. Density: A maximum of 1160 dwelling units is permitted in this zone.
2. Private parks as regulated in the HD•R-1 zone are permitted.
3. Public or private recreational trails as regulated in the HD•R-1 zone are permitted.
4. Parking Reserve Areas as regulated in the HD•R-1 zone are permissive.
5. Floor Area Ratio shall be as regulated in the HD•R-LT zone.
6. Clustering of Townhouses, as regulated in the HD•R-LT zone.

**Section 4.A.4:
SU-2 HD•R-G**

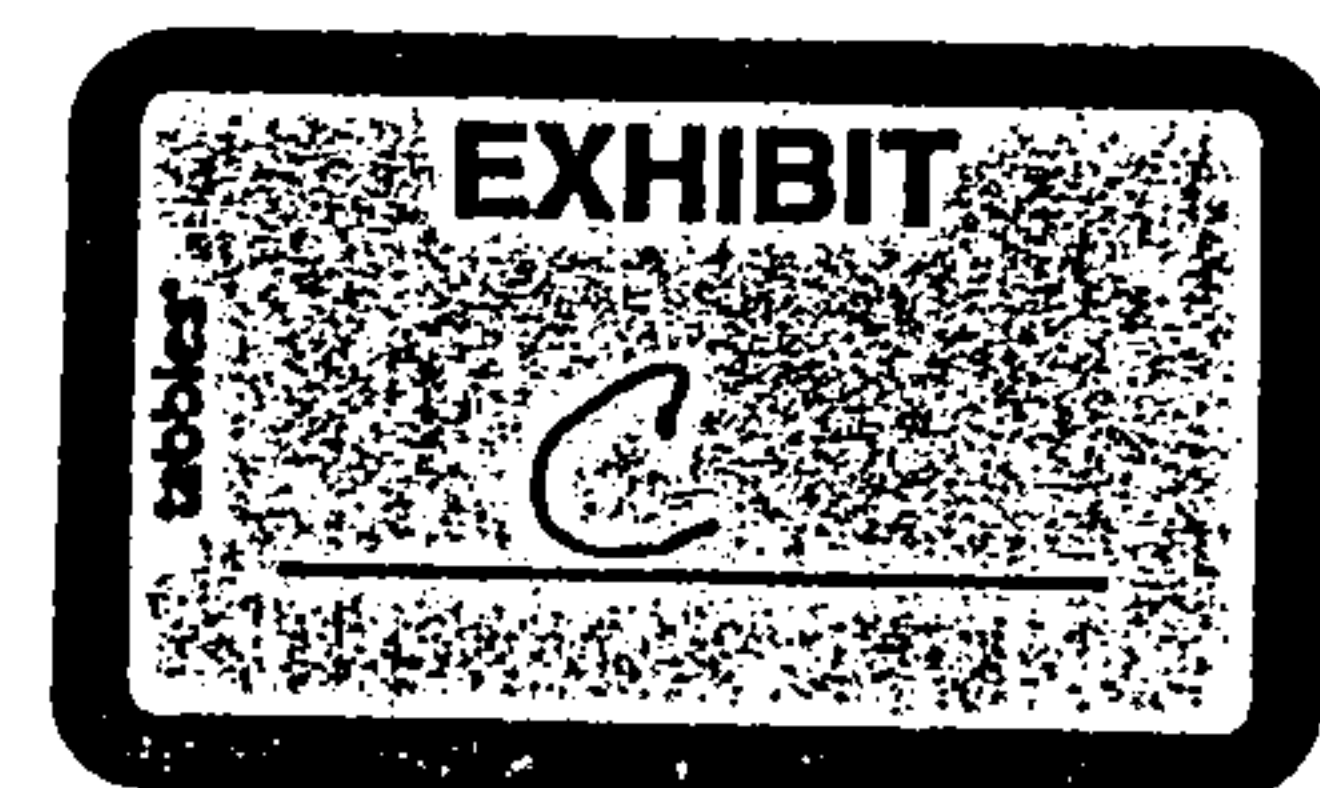
This zone corresponds to the R-G Residential Zone in the Comprehensive City Zoning Code and provides suitable sites for houses, townhouses, and low density apartments. It is subject to the same regulations as that zone with the following exceptions:

1. Density: A maximum of 430 dwelling units is permitted in this zone; density shall not exceed 13 dwelling units per net acre.
2. Private parks as regulated in the HD•R-1 zone are permissive.
3. Private or public recreational trails as regulated in the HD•R-1 zone are permissive.
4. Parking Reserve Areas as regulated in the HD•R-1 zone are permissive.
5. Clustering of Townhouses, as regulated in the HD•R-LT zone, is permissive.

**Section 4.A.5:
SU-2 HD•C-1**

This zone corresponds to the C-1 Neighborhood Commercial zone in the Comprehensive City Zoning Code and is subject to the same regulations as that zone with the following exceptions:

1. The sale of alcoholic drink for consumption on premises is permissive; and, the sale of alcoholic drink for consumption off premises, as an incidental use within a grocery store, is permissive.
2. The following additional services and special events with outdoor storage and activities are permissive:
 - a. Outdoor retail sales of food and drink including alcoholic drink for consumption on-premises.
 - b. Music, Theater, and Artistic Performances
 - c. Crafts Fairs
 - d. Antique Fairs
 - e. Farmer's Market



§ 14-16-2-9 R-T RESIDENTIAL ZONE.

This zone provides suitable sites for houses, townhouses, and uses incidental thereto in the Established and Central Urban areas.

(A) Permissive Uses.

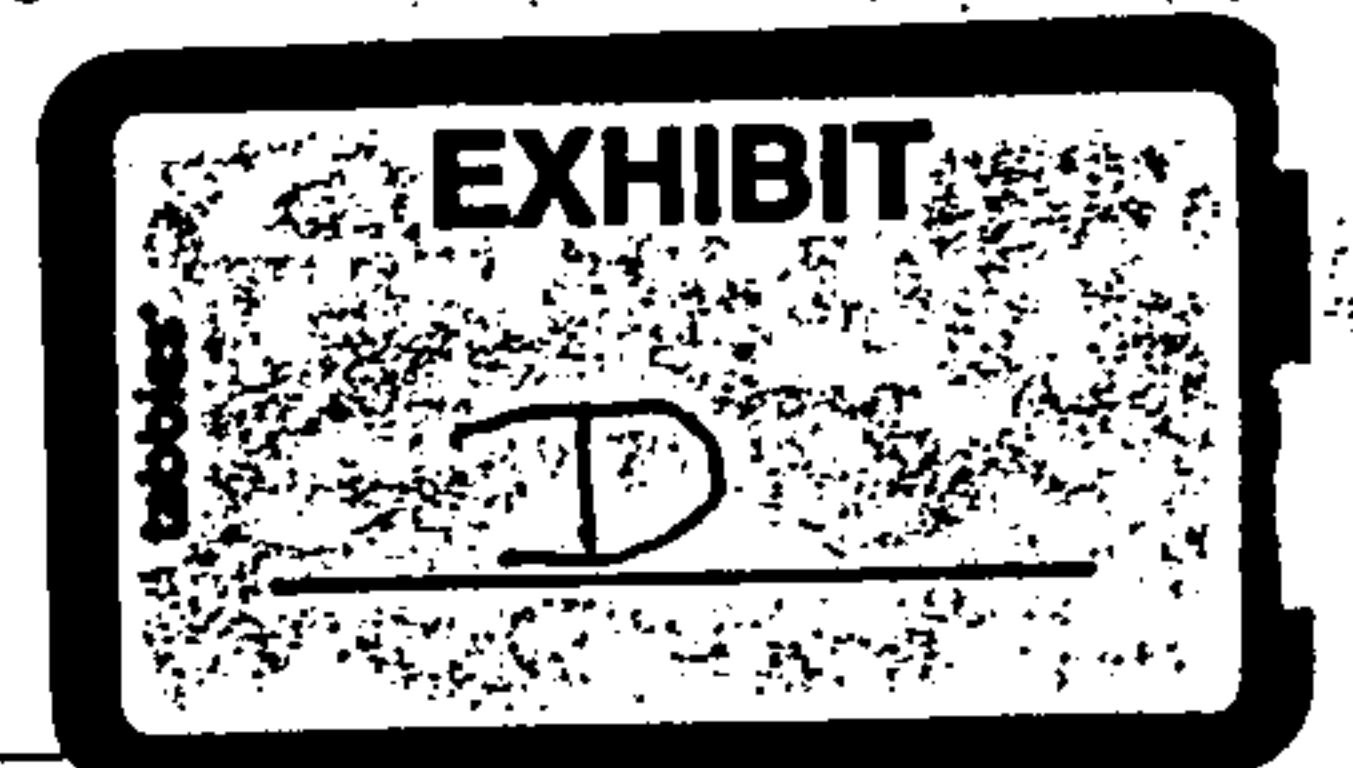
- (1) Uses permissive in the R-1 zone, except:
 - (a) Agricultural animal keeping (see § 14-16-2-6(A)(2)(b)) is not permitted;
 - (b) Front yard parking of recreational vehicles (§ 14-16-2-6(A)(2)(h)3.) is not permitted;
 - (c) Hobby breeders (see § 14-16-2-6(A)(2)(k)) are not permitted; and
 - (d) Houses are not limited to one per lot.
- (2) Townhouses.

(B) Conditional Uses. Uses conditional in the R-1 zone.**(C) Height.** Structures shall not exceed 26 feet in height, except as provided in § 14-16-3-3 of this Zoning Code.**(D) Lot Size.**

- (1) For a townhouse, except as provided in division (2) below, minimum lot area shall be 2,200 square feet per dwelling unit; minimum lot width shall be 22 feet per dwelling unit.
- (2) For a townhouse in a Family Housing Development or for a townhouse with vehicle access only to the rear yard from an alley, minimum lot area shall be 1,760 square feet; minimum lot width shall be 18 feet.
- * (3) For a house, except as provided in division (4) below, minimum lot area shall be 3,600 square feet per dwelling unit; minimum lot width shall be 36 feet.
- (4) For a house in a Family Housing Development or for a house with vehicle access only to the rear yard from an alley or for a lot with a detached garage located in the rear yard and accessed by a driveway with a maximum width of 12 feet in the front yard and in the side yard abutting the side of the dwelling, minimum lot area shall be 2,880 square feet; minimum lot width shall be 29 feet.

(E) Setback.

- (1) There shall be a front-yard setback of not less than 15 feet except driveways shall be not less than 20 feet long.
- (2) For lots created after January 1, 2005 and for lots granted conditional use approval, if one of the following conditions is met, then there shall be a front yard setback of not less than 10 feet:
 - (a) Vehicle access is only to the rear yard from an alley, or

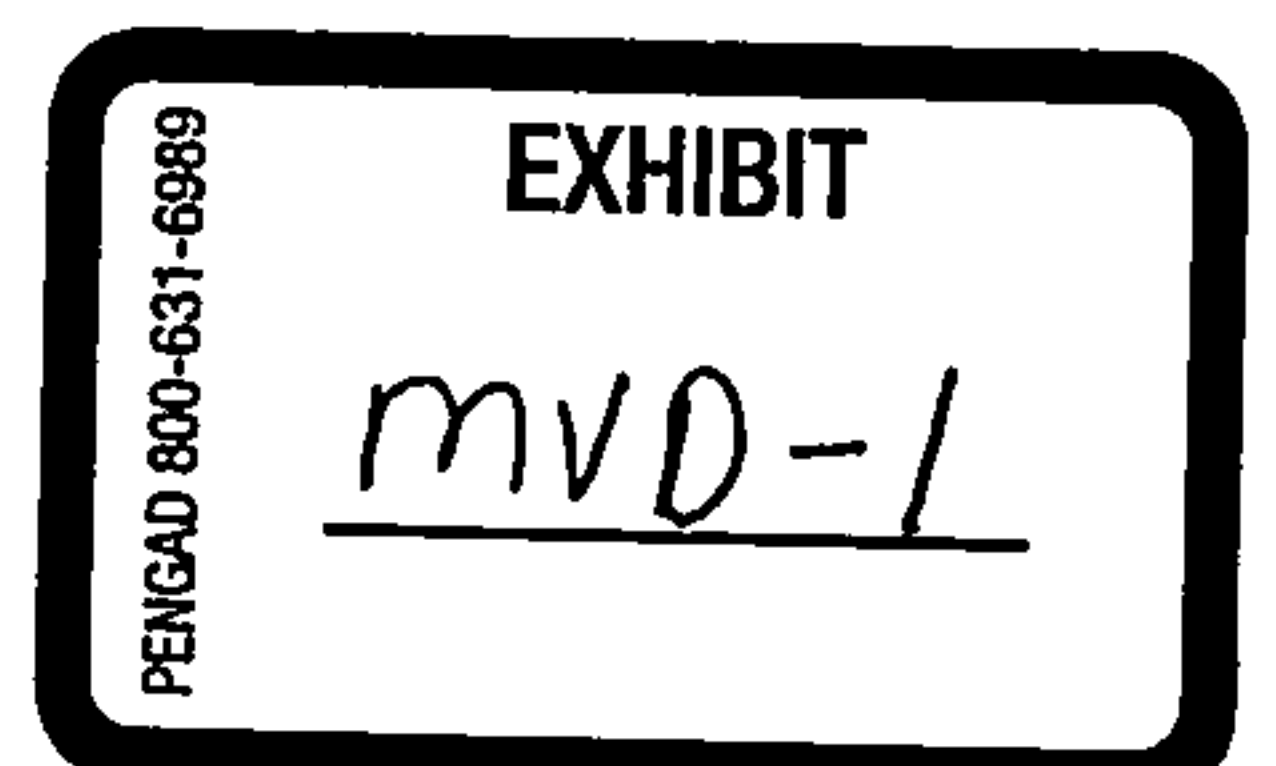


2010 3/15/07
John Salazar - supplement
to the "Record"

DEVELOPMENT REVIEW BOARD	Date: October 25, 2006 at 9:00 a.m.
<u>CASES WHICH REQUIRE PUBLIC NOTIFICATION</u> <u>MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS</u>	
Project # 1004989 06DRB-01411 Major-Preliminary Plat Approval 06DRB-01412 Major-Vacation of Public Easements 06DRB-01413 Minor-Subd Design (DPM) Variance 06DRB-01414 Minor-Sidewalk Waiver 06DRB-01415 Minor-Temp Defer SDWK	BOHANNAN HUSTON INC agent(s) for MESA VERDE DEVELOPMENT CO request(s) the above action(s) for all or a portion of Tract(s) A, UNIT 2, WILDERNESS @ HIGH DESERT (to be known as WILDERNESS CANON @ HIGH DESERT) zoned SU-2, HD/R-R, located on HIGH DESERT PL NE, between TRAILHEAD RD NE and EMBUDITO VIEW CT NE containing approximately 4 acre(s). [REF: 06DRB-00933, 04DRB-00713, 04DRB-01723] [Deferred from 10/25/06 & 11/8/06] (F-23)

KEY:

Chairman Matson	Sheran Matson, AICP, DRB Chair
Claire Senova	Claire Senova, Administrative Assistant
Wilfred Gallegos	Wilfred Gallegos, Transportation Development
Brad Bingham	Brad Bingham, Alternate City Engineer
Roger Green	Roger Green, Utility Development
Christina Sandoval	Christina Sandoval, Parks & Recreation
Kevin Patton	Kevin Patton, Bohannan Huston
Charles Young	Charles Young, Mesa Verde Development/Designer for Scott Patrick Homes
Ray Berg	Ray Berg, High Desert Residential Owners' Association, President
Robert Erickson	Robert Erickson, High Desert Residential Homeowners' Association
Debra Greenhood	Debra Greenhood, Property Owner
Arinta Liem	Arinta Liem, Property Owner
Sam Baca	Sam Baca, Board of Directors for High Desert Association, and Property Owner
Jennie Baca	Jennie Baca, Property Owner
John Farrow	John Farrow, Attorney for Albuquerque Roadrunner's Club
Keith Gainer	Keith Gainer, hiker and mountain biker
Conrad Stahly	Conrad Stahly, Property Owner
Marcella Stahly	Marcella Stahly, Property Owner
Patricia Wittman	Patricia Wittman, Property Owner
Larry Garcia	Larry Garcia, Board Member of High Desert Association
Angela Ness	Angela Ness, Property Owner



Doug Collister	Douglas Collister, President, High Desert Investment Corporation
Yolanda Padilla	Yolanda Padilla, Bohannon Huston
Ken Wesselman	Ken Wesselman, Property Owner
Ed Hernandez	Ed Hernandez, Trail User
Allen Clipperton	Allen Clipperton
Jack Eichorn	Jack Eichorn, High Desert Investment Corporation and Property Owner
Tarin Davies	Tarin Davies, Property Owner
Joe Witte	Joe Witte
Armando Lara	Armando Lara, Property Owner
Kathleen Conlin	Kathleen Conlin, Property Owner
Jeni Turgeon	Jeni Turgeon, Trail User
Matt Schmader	Matt Schmader, Superintendent of Open Space Division
Kim Dicome	Kim Dicome, High Desert Investment Corporation

over a hundred homes, as well as other single entries, the Overlook, and other estate lots that have a single entry that support a number of homes on that single street.

Chairman Matson: Mr. Patton, has the – has that traffic study been provided to the Resident’s Association, or do they already have a copy of that, that you’re referring to?

Kevin Patton: Madam Chair, I couldn’t answer that. I did not provide a copy to them. Again, that’s on file with the City of Albuquerque and public knowledge, and again, since we were with our last 4-acre parcel an additional 25 units – in my opinion, has very little impact on the overall development. Again, given my knowledge of the master plan and knowing that we were well below what we could be.

Chairman Matson: Do you have a copy of that study that you could give to a resident’s association?

Kevin Patton: I could if asked. And let me just ...

Chairman Matson: (inaudible)

Kevin Patton: ... mention that we – we have met with the High Desert Residential Owners’ Association board twice, and had offered any information that they would like, including traffic. We have not been requested a copy from them at that time, so we’ve made ourselves available to the board members. Again, we did meet with the building members at a meeting and presented this case. Again, we’ve been open, we have not been – I think we’ve been very transparent. Again, we offered our service and met with the Glenwood Hills Neighborhood Association, and have been open to meeting with anyone, and have stated that.

Chairman Matson: Okay. I – Mr. Berg was shaking his head that he would like to have a copy of that study, so you might provide him one, if you would, please.

Kevin Patton: Yes Ma’am.

Chairman Matson: Okay. Are there any other board members have questions of Kevin or other speakers at this point? Okay.

Kevin Patton: Did you want to go through your comments?

Chairman Matson: Yes. We can go through the comments we have for now, I guess, and then see what happens later. Parks?

Christina Sandoval: Urban Park _____ (inaudible).

(inaudible)

Christina Sandoval: I would like to defer comments to Matt Schmader with open space to answer or to comment on the trail issues specific to open space parcel.

Chairman Matson: Please state your name for the record, please.

Matt Schmader: Good morning, my name is Matt Schmader, I'm the Superintendent of the open space division.

Chairman Matson: Okay. And why are you here?

Matt Schmader: I don't know.

(laughter)

Christina Sandoval: And I just wanted – you did have a comment to the staff report, and there have been comments ...

Chairman Matson: Right.

Christina Sandoval: ... the developer has been working with you or your division, so I just want your comments in the public record as to that.

Matt Schmader: Oh. Thank you, Madam Chair and Christina. We have been in contact with Bohannon Huston about the trail design. And the trail does need construction work because it's actually lower and acts as a conveyance for some of the natural drainage that comes from the foothills, so in order to fix the trail in conjunction with any development that may happen adjacent to it, it's – he tried to time it so that the access for any equipment that may be needed is done before any subdivision work, and so we're in the process right now of designing erosion control and trail improvements so that that trail will be permanently fixed, and it's going to take – it's a difficult trail reconstruction, but we're already looking at it, and it's going to work very well. We want to make sure that that trail is continuously open, and we want to make sure that the trail-using public is not inconvenienced. We've heard from a number of users today who clearly use it often and really appreciate it, and we're committed to making sure that it stays open or any re-routes are worked out with the development process. And ultimately will end up with a better section of trail in that area.

Christina Sandoval: Okay. Can you just – there was a comment made by someone that they were concerned that the trail would go away and _____ just reiterate that this _____.

Matt Schmader: That section of trail is owned by the City of Albuquerque as a permanent part of the trail system, and it's an extremely important link from the Embudito Trailhead going north up towards the Elena Gallegos. And it's our intention to have it be continuously open and would never be eliminated from the City's trail system.

Christina Sandoval: Thank you. The only thing I would like to add is that any improvements that are permitted to between open space and the developer will be placed on the infrastructure list, which is signed by this board, so those improvements will be guaranteed financially by the developer. And we would be approving those in conjunction with open space review.

Matt Schmader: That's correct, and also, Madam Chair, and Christina, there may be some additional, even performance bonding to insure that any improvements that happen, that there's a life span for making sure that there's some funding to fine tune all of that.

Chairman Matson: Hydrology?

Brad Bingham: Just for the record, I did make comments on the drainage report that was submitted, and one of those comments was to make sure that open space, the trail itself, was not impacted or improved because of heavy rains and erosions of that trail. And, until open space and developer and myself could have met on the meeting, or on the requirements, I couldn't approve the drainage report, and therefore I couldn't approve this subdivision. I think we're working very well with the open space tract people, and the developer and their engineer to make sure it works for everyone. Until the report is done, though, I can't comment on the – on vacation until we know where the other – you know, how that's going to work with the other improvements. I would have been fine vacating this water line easement and the subdivision designed variance in the sidewalk deferral. The development process manual very clearly states that this type of development can have the types of the street slopes that were shown on the grading plan, so they are within the design requirements. _____, but I think if we're going to have a deferral, two weeks minim is my preference _____. Thank you.

Chairman Matson:

_____ . I'd like to just make a little disclaimer to start. For those of you who may not understand what the Development Review Board is all about, we're a technical board and we're required to follow adopted city policies, ordinances and plans. We are not the design board. That's how we differ from the environmental planning commission. Our job is making sure those ordinances, plans, and council resolutions are upheld. So with that in mind, if the zone code or an adopted sector plan allows the density proposed in the plat application, DRB cannot require a lesser density or a higher density, and we have looked at the sector plan, looked at what's planned in this development, and the post-density is within the range of the SU2R-G/HD zoning in the plan to which the SU2HD/R-R refers for residential development. And page 4.4 of the sector plan requires a signature from the Homeowners' Association certifying a plat requirements of this plan. I think that was already brought up, so we are waiting, hopefully, to get that. We have no objections to the requested vacation sidewalk waiver or deferral. We defer to transportation in the sidewalk design variance. We do have some requirements about the perimeter wall design, and I think Kevin you and I can talk about that outside here. The infrastructure list will, if there's plants, we need to have a landscape maintenance agreement _____ structure list, as well as an irrigation meter. And the wall itself needs to be listed on the infrastructure list so the engineer can certify that whatever the approved design is, that it will be followed, or has been followed, so that's it for planning. Utilities?

Roger Green:

I have no objection through the vacation request. No objection to the sidewalk waiver and deferral. Regarding preliminary plat, the copy I have failed to include a waterline easement across Lot 5, and your infrastructure list will need to include the removal of the existing waterline and the easement being vacated.

Kevin Patton:

Great. We will add that.

Roger Green:

That's all I have for comments on that.

Kevin Patton:

Thank you.

Chairman Matson:

Transportation?

Wilfred Gallegos:

With respect to the preliminary plat actions that have been requested, we have no objection to the subdivision design

variance, no objection to the vacation request, no objection to the sidewalk waiver or deferrals as shown. On your infrastructure list, obviously you need signage for DRC. I don't know if streetlights are required for the central plan for this area requires them or not, but if they are, you need to have that. It's usually the general note on the back of the infrastructure list. I did receive, through the e-mail, your approval for the use of a the hammer head in lieu of a cul-de-sac upon the top end from fire and solid waste. And you need the maintenance and beneficiaries for both Tract A and Easement A, which is basically the road and the sidewalk easement as shown. Again, I also expect to see the trail improvements on the infrastructure list, and I would like to see, or again, I would like for the traffic study to be turned over to Mr. Ray Berg, and I'm assuming he is going to have Mr. – is it Dean Bressler, is who you're dealing with – to take a look at those issues. There were a number of other traffic issues that were brought up that weren't – I think people see that they're related to the subdivision, but they're not part of the subdivision itself. I mean, there was one comment about cul-de-sac on the – up top. We dealt with that with the hammer head. I think we need to show again, when you meet with these folks, how the private gated entrance works with the widened street sections in those things to allow people to turn around, but there was a number of other intersection that were brought up, I think, within the subdivision and while those aren't quite related to the infrastructure list of this, Mr. Berg, if Mr. Bressler and yourself come up with some of these issues, it might be appropriate for us to address those through the traffic operations sections, whether it might be some extra signing or striping, or some of these site distance problems that were brought up. Thank you.

Chairman Matson: Okay. So, how long would you like _____?

Kevin Patton: We have no objection. There's a request made by the High Desert Residential Owners' Association to defer 14 to 21 days. We have no objection to deferring, if the City so chooses, the 14 days.

[END OF TAPE 2 SIDE A]

Chairman Matson: Would you consider 3 weeks?

Kevin Patton: At this point, what I'd like to do is shoot for the 2 weeks, and then we can always re-evaluate that to see if 3 weeks is necessary.

Chairman Matson: Alright. Also, I'd like to remind you, have you been in contact with Ms. Watson over at legal?

Kevin Patton: No, I have not. We'll go ahead and call her.

Chairman Matson: Okay. If you feel the need to do that, it might be a good idea.

Kevin Patton: Alright. Thank you Madam Chair, board.

Chairman Matson: Okay. We'll defer for now to November 8th. This is the notice you'll get of that hearing. You won't get any other notice, so, we'll see you in two weeks. We are going to take a 10 minute break to let everybody get out.

[END of TAPED TRANSCRIPT OF PROCEEDING]

8. Homeowners Association means the High Desert Residential Owner's Association, a New Mexico non-profit corporation, responsible for the administration of all residential property and common area within residential areas within the community and for the preservation and maintenance of architectural standards for the residential properties under the Declaration of Covenants, Conditions and Restrictions. Each owner of residential property in High Desert automatically becomes a member of the Association upon taking title, and remains a member until title is conveyed. Membership is mandatory and cannot be transferred except in connection with the transfer of title to the property.

9. House means a single family detached dwelling unit, containing not more than one dwelling unit and one Caretaker Quarters unit.

10. Lot means a tract or parcel of land consistent with the zoning provisions of this plan platted and placed on the County Clerk's records in accordance with all applicable laws and ordinances

11. Walls and Fences are those walls and fences situated within building envelopes which are primarily for the purpose of enclosing private areas, mitigating noise, and providing security. They are generally non-structural and should be consistent with the architectural materials and colors of the structures to which they are related.

12. Parking Reserve Area designates areas reserved for off-street parking detached from the residential unit it serves which might otherwise be required by the parking regulations. Parking reserve areas shall:

1. Be within 300 feet along the nearest path of travel of the unit they are intended to serve.
2. Shall not contain more than 10 parking spaces.
3. Shall be landscaped in accordance with the General Landscaping Regulations of the Comprehensive City Zoning Code.

13. Residential Zone for the purpose of this Plan means the HD•R-1, HD•R-LT, HD•R-G, and HD•R-R zones.

14. Townhouse Site means a property intended for the development of townhouses for condominium ownership, wherein the size of the site is determined by multiplying the number of units desired by the required minimum lot size of the zone. The plat of a townhouse site must show the ground plane area allocated to each unit to be demised, and must certify that the remainder of the site is to be held in common ownership and used for common purposes.

As noted before, one of the main principles driving the High Desert Sector Plan is the transition from open areas to urban uses. Nowhere is this transition more important than at the project boundary with Simms Park Access Road, and U.S. Forest Service Lands. The following regulations, to be jointly administered by the City and High Desert, are designed to ensure a successful transition.....

These guidelines apply to all construction in the HD•R-1 and HD•R-LT Zones of the Sector Plan east of the eastern boundary of section 26, Township 11-N, Range 4-E. This area is commonly known as "the Highlands".

The following issues are addressed, and are enforceable, as part of the zoning granted by the City of Albuquerque:

- Land Use Intensity
- Building Height
- Building and Roof Color and Reflectivity



Section 4.B:
Highlands
Design
Overlay Zone

Section 4.B.1:
Area of
Application

Section 4.B.2:
Enforcement

High Desert Sector Plan
October 1, 1995 Revision

- Roof-Lines and Roof-Massing
- Roof-Top Equipment
- Topography
- Landscaping

All parties should be aware that many other controls in the form of Covenants and Restrictions apply to construction within the Sector Plan area.

All construction in the Highlands Design Overlay Zone is subject to the development criteria and policies established by the Sandia Foothills Area Plan, except that Policy B, streets parallel to contour, and Policy H, densities do not apply.

**Section 4.B.3:
Land Use
Intensity**

Development within the Highland Design Overlay Zone shall be limited to one-hundred sixty five (165) single family detached residences as governed by the HD•R-1 and HD•R-LT zones previously described.

**Section 4.B.4:
Building Height
and Screening**

Building Height shall be subject to the following criteria:

a. From the highest point of the natural grade adjacent to any wall of the building in question, building height exclusive of chimneys shall not exceed nineteen (19) feet.

b. No vertical wall plane, exclusive of chimneys, shall exceed twenty-two (22) feet in height as measured from the highest point of natural grade at its base.

c. The overall height of a structure, exclusive of chimneys, from the highest point to the lowest, measured at natural grade, shall not exceed twenty-six (26) feet.

d. To minimize the visual impact of residential structures on the approach to Simms Park, the following requirements apply when a building is within 250 feet of the north property line of the High Desert development:

1. No part of a structure or building, other than a chimney, shall be higher than any straight line beginning five feet above the finished grade at the centerline of Simms Park Road just north of High Desert and extending through any point 16 feet over the average natural grade along the north line of the platted building envelope;

2. Topography and existing or planted native vegetation (at maturity), either within High Desert or in the National Forest, shall substantially (at a minimum - 75%) block the view from Simms Park Road at its centerline (from the points defined below) of the north line of the platted building envelope;

3. For the purposes of this section, sightings shall be taken from 90 degrees (perpendicular) from the centerline of Simms Park Road to the centerline of the north line of each platted building envelope and then 45 degrees generally northwest from the centerline of the north line of the platted building envelope back to the centerline of Simms Park Road.

e. In order to better buffer the view from Simms Park to the east High Desert will contract with the City's Open Space Division to provide native and naturalized evergreen and semi-evergreen trees and shrubs (including pinons and/or junipers) equal to five gallons or better, to be planted in the City's park in order to better obscure the buildings in the Highlands of High Desert.

NOTE: The Zoning Code definition of height of a building does not apply to this section.

**Section 4.B.6:
Building Color**

Hue is an important characteristic of color within the viewshed area as is the reflectivity of the color. Just as bright, saturated colors should be avoided, so should dark, deep toned colors which give the impression of excess mass. Likewise, a narrow limit on reflectivity is specified to avoid the impression of either very light or dark colors which contrast with their background. As with the other regulations in the viewshed area these regulations are intended to assure an architecture which grows out of its landscape rather than being superimposed upon it or in contrast to it.

The predominant color of the building may be chosen from the set of twelve pre-approved samples below, or others closely approximating them. Generally, approved colors include the yellow ochres, ochres, browns, dull reds, and grey greens of the natural landscape of the mesa and in the foothills. These colors have been chosen for their compatibility with the environment, as well as their harmony with one another.

Oriental [*] Tierra Mocha	Oriental Mesa	Oriental Rancho Brown	Oriental Saddle Tan
Oriental Desert Adobe	El Rey [*] Buckskin	El Rey Driftwood	El Rey La Luz
El Rey Santa Fe Brown	El Rey Fawn	El Rey Adobe	El Rey Cottonwood

* Local Manufacturer's Name

Table 4.B:
Approved
Building Colors

All the pre-approved colors have a "light reflective value" of 40% or less and may be used anywhere within the area governed by these regulations. Other colors may be submitted for specific approval related to a specific site, but they also must have an "LRV" of 40 or less. The material samples shown are of stucco; this does not prohibit the use of other materials, provided the color and reflectivity standards are met.

Section 4.B.7:
Reflectivity

In keeping with New Mexico tradition, accent colors on front doors, window sash, and other incidental elements is allowed as long as, in the opinion of the Homeowners's Association, the accent color does not overwhelm the building's basic color or create a visual distraction from the adjacent streets, lots, or public areas. The same standards for coloration also apply to such appurtenances as exterior artwork or sculptures.

Section 4.B.8:
Accent Colors

While not governed in terms of color, reflectivity standards also apply to glazing. Metallic coated, or mirrored glass with a transmissivity of less than 85% of incident light is prohibited. The heat transmission characteristics of glass are not addressed by this standard.

Section 4.B.9:
Glazing

Since roofscapes form an important part of the visual environment, they must be carefully designed. In keeping with the goals for visual harmony and sensitivity to predominant historical New Mexico styles, pitched roofs are strongly discouraged in favor of flat or parapeted types.

Section 4.B.10:
Roof-Lines

If pitched roofs are proposed, they must comply with the following:

1. Maximum slope of 4.0 in 12
2. No ridges or peaks may be silhouetted against the skyline. They must abut a parapet or wall which is higher.
3. No metal roofs are allowed.
4. No asphalt shingles are allowed.
5. Tile roof materials must be of the following type or characteristic:
 - a. 2-part molded.
 - b. Variegated colors darker than the building walls.
 - c. Non-reflective
 - d. Mudded or grouted joints
 - e. Serpentine in pattern
6. No mechanical equipment or skylights may be located in pitched roofs.

Roof materials are governed by the same reflectivity standard (40% LRV) as wall materials.

High Desert Sector Pl:
October 1, 1995 Revision

**Section 4.B.11:
Rooftop
Equipment**

Roof-mounted mechanical equipment is prohibited on any roof, unless in the judgement of the Homeowner's Association it does not adversely affect views from public streets, public spaces, or other lots. Even if permitted, such equipment must be screened from view from such public streets, public spaces, and lots. Such screening must comply with the color and reflectivity standards described above.

**Section 4.B.12:
Provision for
Design Review**

The High Desert Homeowner's Association or its successors shall certify at time of submittal for building permit approval that any proposed plan for new construction or renovation within the Highland Design Overlay Zone meets the requirements of the special controls imposed by this section. Appeal from the interpretation of the Zoning Enforcement Manager is to the Environmental Planning Commission.

The additional guidelines suggested here are administered by the Homeowner's Association through its Covenants and Restrictions, and are enforceable only through the provisions of this sector plan; refer to Section 4.A.7: Design Review.

**Section 4.B.13:
Massing and
Articulation
Recommendations**

In order to preserve the visibility of the natural environment, building masses should be predominately horizontal rather than vertical, but should avoid the appearance of unbroken, unnatural planes or horizontal lines. Unless otherwise approved by the Homeowner's Association, each structure shall be composed of at least three visual building masses distinguished from one another by both horizontal and vertical offsets of at least two (2) feet. The height of each mass shall be measured from its highest adjacent natural grade. At least three distinct masses shall be perceivable in each building elevation. While it is anticipated that buildings will follow natural site contours, nothing in these guidelines shall prohibit residences with a single floor level provided the building height requirements previously described are otherwise met. The floor or roof plan of each structure should clearly show the extent of each building with relevant information pertaining to its height above grade.

Surface articulation and visual strength are also important factors in creating the perception of appropriate mass. Therefore, all doors and windows not protected by overhangs or portales shall be recessed at least four (4) inches as measured from the door surface or window sash to the exterior face of the finished wall.

**Section 4.C:
Glenwood Hills
"Panhandle"**

The following restrictions shall apply to development south of the Embudito Arroyo in the "panhandle" area, and are hereby adopted as part of the Sector Plan:

1. The area of development will be defined on the west and south by a 200' buffer granted as a permanent private conservation easement.
2. Development shall consist of 29 single family residential units.
3. Structures shall not exceed nineteen (19) feet in height as defined by the Comprehensive City Zoning Code.
4. A sidewalk will be provided from the Glenwood Hills/Cedarbrook intersection through the subdivision to the Simms Reservoir Trailhead parking lot.
5. A conventional drainage system, connecting to existing stormwater improvements in Glenwood Hills, will be employed

In addition, the following transportation improvements will be provided within Glen wood Hills at High Desert's expense:

1. The east bound leg of Glenwood Hills Drive and Cedarbrook intersection will be reconfigured to more efficiently channel traffic and to attempt to increase sight distance as much as possible.
2. Sidewalks will be constructed in the vicinity of the Larchmont/Montgomery intersection.

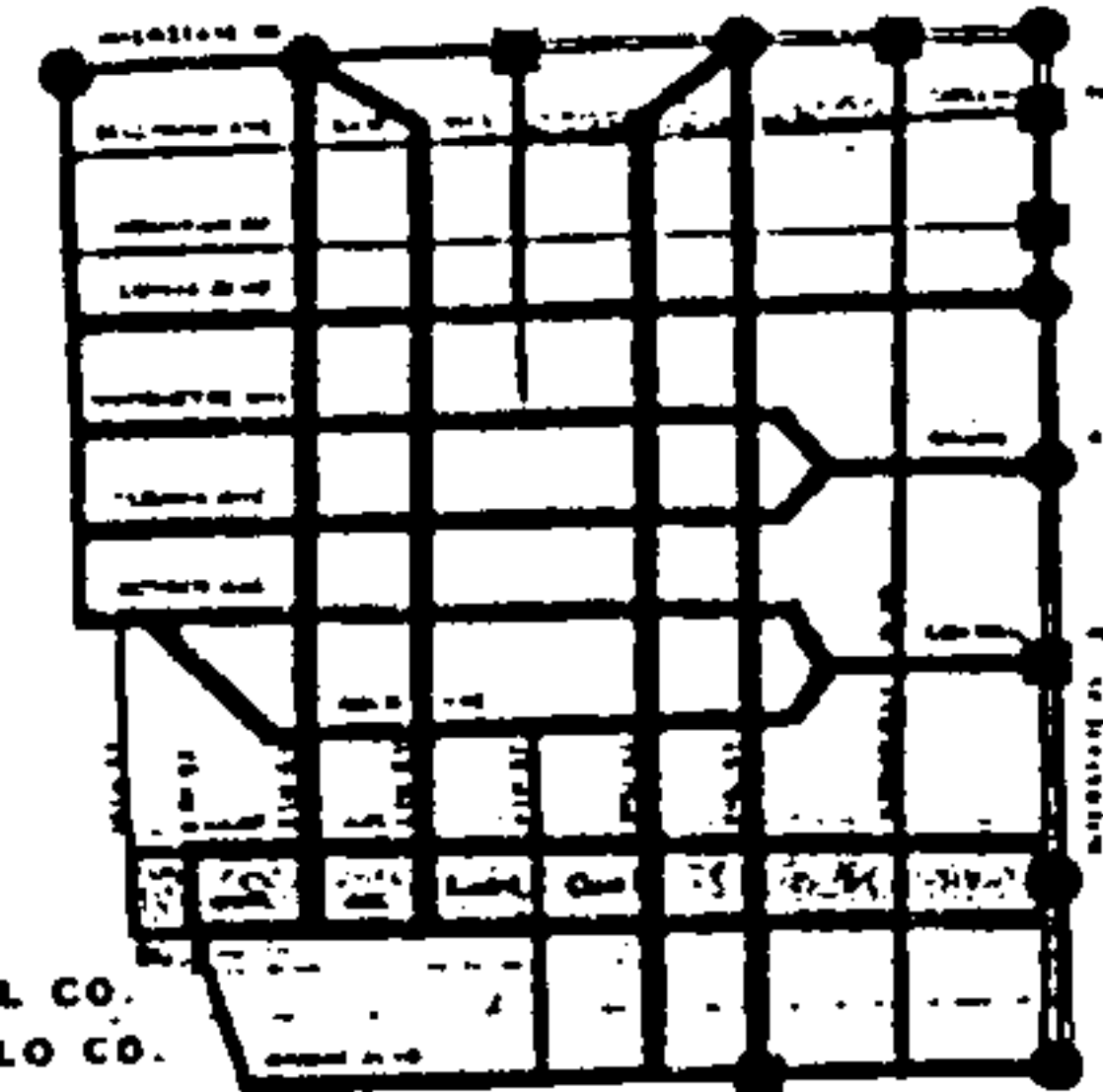
EXPLANATION

- EXISTING PROPOSED**
- Interstate (Includes message shield)
 - Limited access (Not shown for potential information)
 - Principal arterial
 - Minor arterial
 - Collector
 - Grade separation
 - Interchange
 - Location study corridor (Lower potential alignment than all lanes established for one lane development)
 - Subarea (Lower street network system in progress)
 - Future Potential corridor

NOTES

Major streets are classified according to their anticipated traffic service function, not by the size of the facility. Facilities shown as "Limited Access" have access lanes some greater than normal would be anticipated. Subareas and Corridors are identified for the conduct of intensive systems planning and location studies. Facilities are shown as existing if they are officially started with some sign of way dedicated, not necessarily the amount needed. Right-of-way standards for streets classified by this map and more detailed information regarding the same noted above are contained in the Addendum to the Long Range Major Street Plan for the Albuquerque Urban Area.

INSET



SANDOVAL CO.
BERNALILLO CO.

HIGH DESERT

MAP 13: Long Range Major Street Plan

**Long Range
Major Street Plan
for the
Albuquerque Urban Area**

This Plan Map reflects long range transportation system policies adopted collectively by local elected officials. It provides a framework for the short and medium range planning and development projects programmed in the Transportation Improvement Program for the Albuquerque Urban Area.

Reviewed and Recommended by the Transportation Coordinating Committee and adopted by the Urban Transportation Planning Policy Board of the Middle Rio Grande Council of Governments, August 13, 1991.

Tim Kline
Chairman, MRGCOG/UTPPS

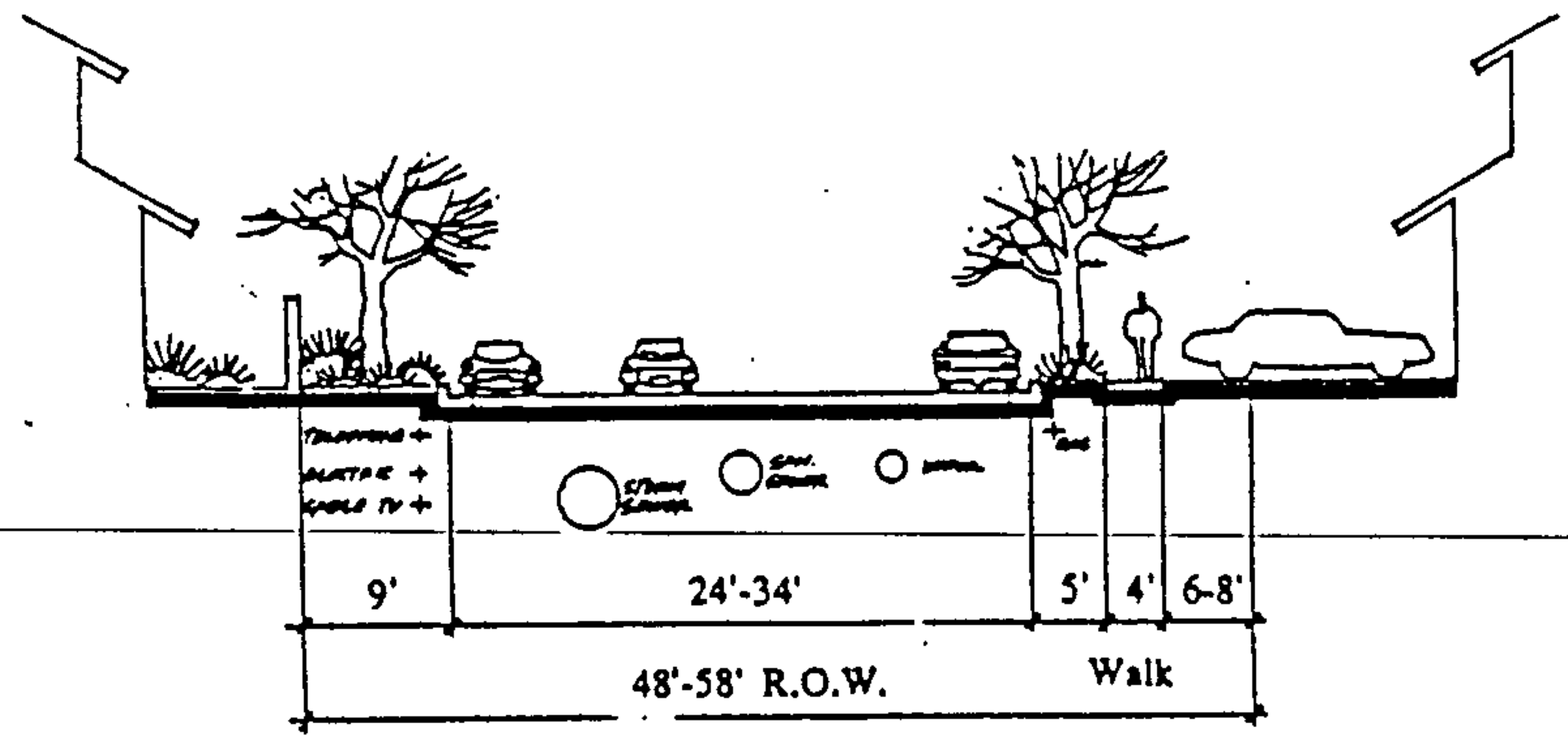
PREPARED BY



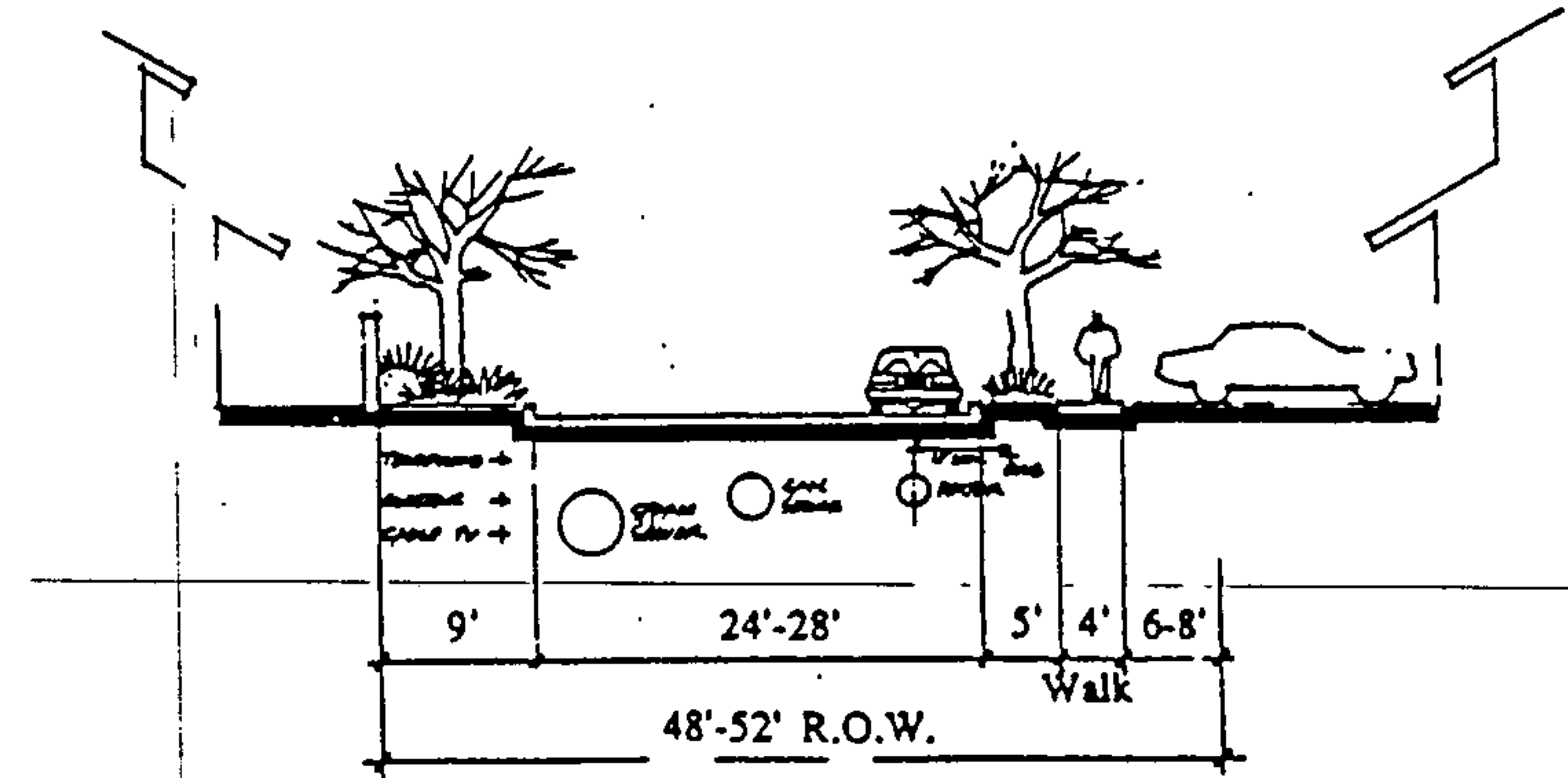
Middle Rio Grande
Council of Governments
of New Mexico

317 Commercial N.E., Suite 300
Albuquerque, N.M. 87102 (505) 247-1750

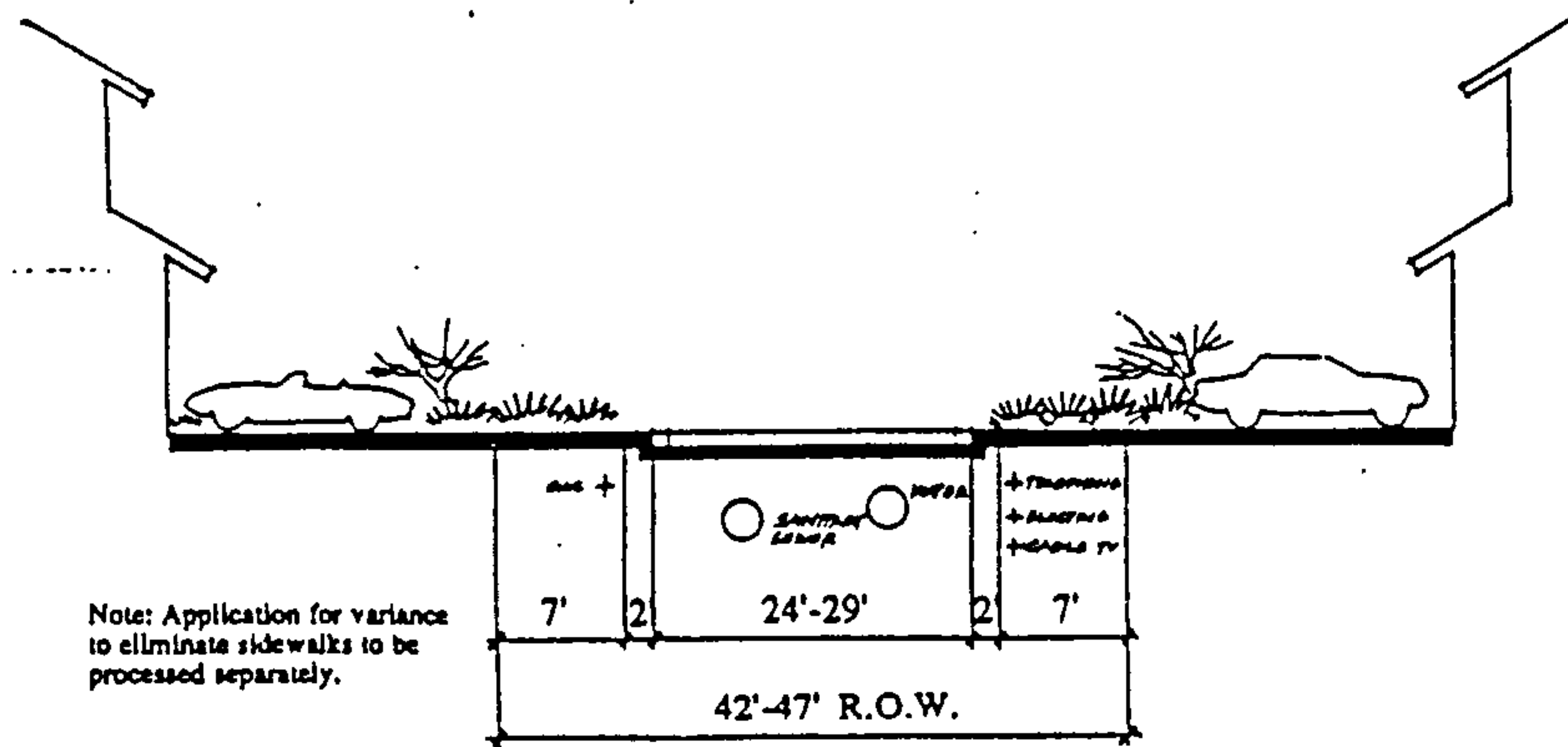
August 1991



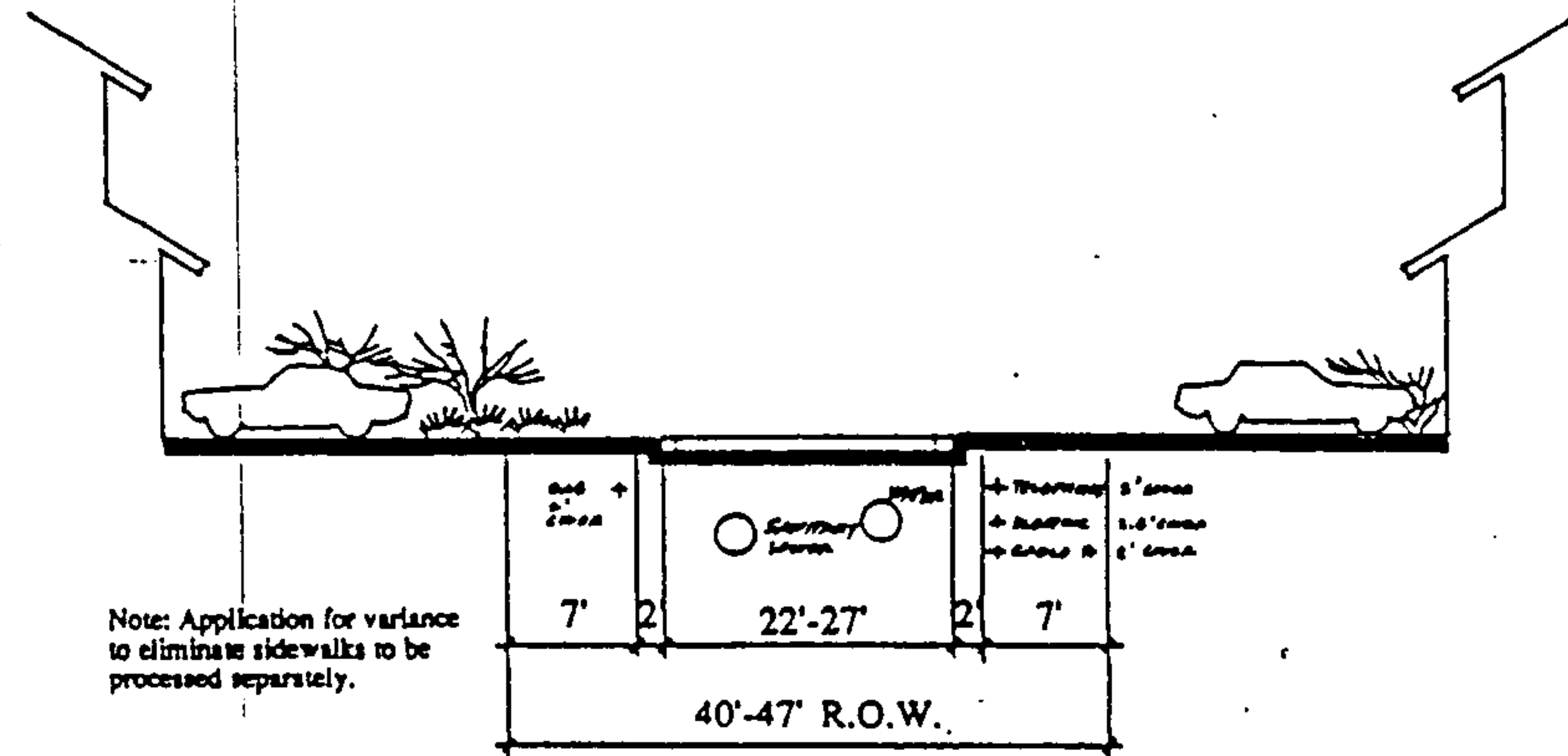
Normal Street



Access Street



Local Street - Estate Section



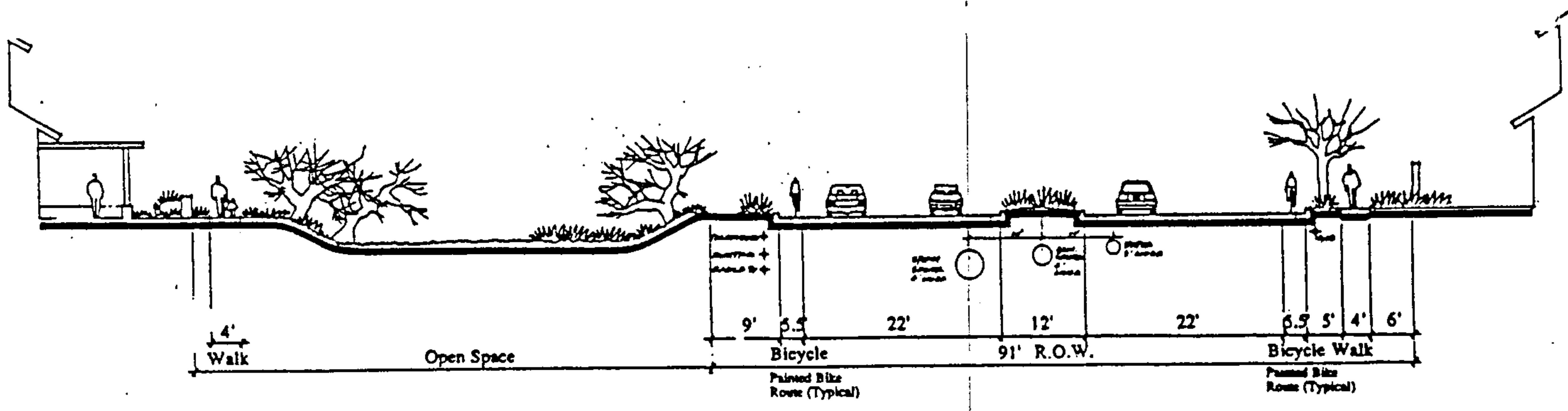
Access Street - Estate Section

Street Sections

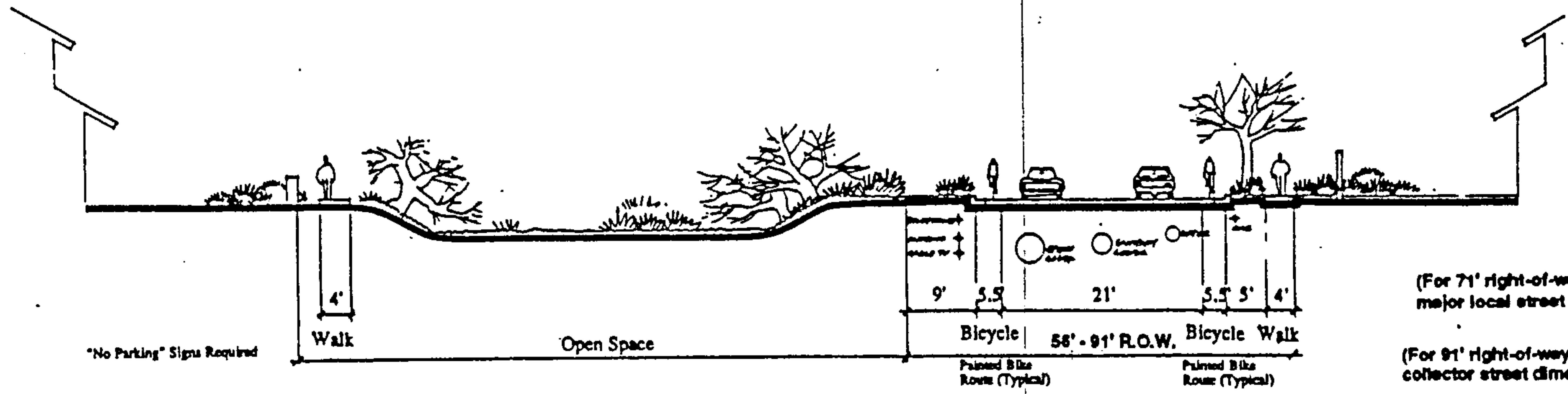
Date: April 11, 1992

1/24/92 11:00 AM

HIGH DESERT
INVESTMENT CORPORATION



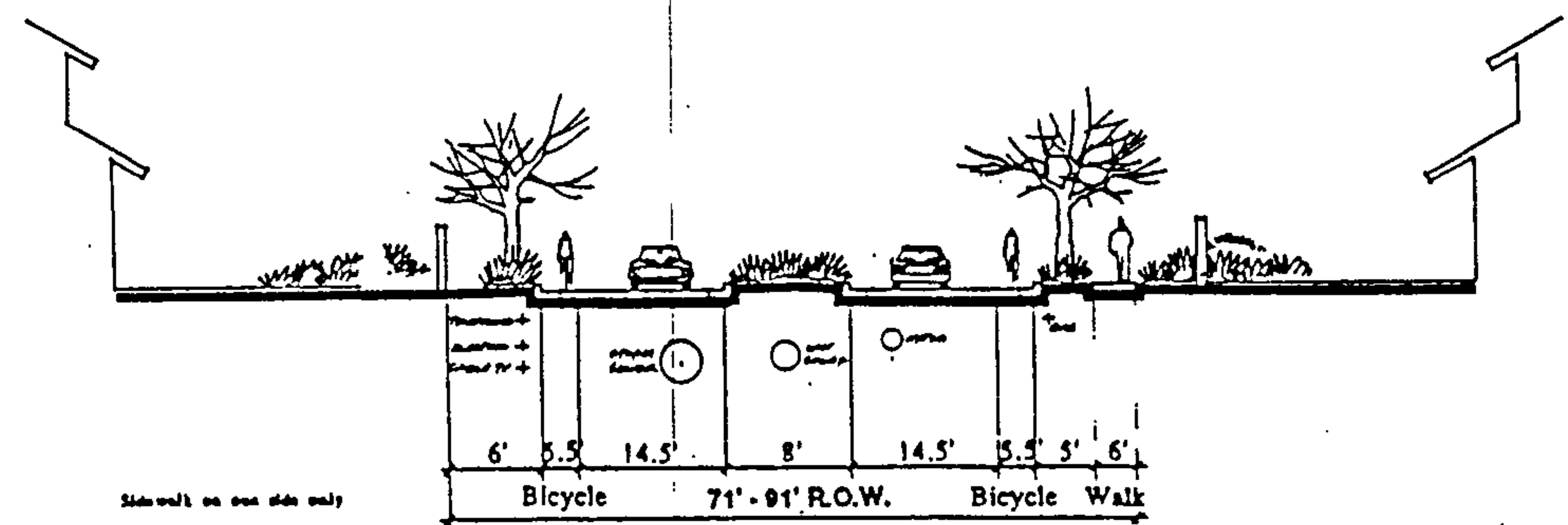
Collector Streets



(For 71' right-of-way, see (divided) major local street dimensions.)

(For 91' right-of-way, see collector street dimensions.)

Major Local Street



*For 91' right-of-way, see collector street dimensions.

(Divided) Major Local Street

HIGH DESERT
INVESTMENT CORPORATION

Street Sections

4. SEMI-URBAN AREA

The Goal is to maintain the character and identity of the Semi-Urban areas which have environmental, social or cultural conditions limiting urban land uses.

Policy a

* Development within the Semi-Urban area shown by a Plan map shall be consistent with development limitations imposed by topography, soil conditions, groundwater quality, agricultural potential, flood potential, scenic qualities, recreation potential and existing development; overall gross density shall be up to 3 dwelling units per acre.

Possible Techniques

- 1) Adopt performance standards to minimize impacts of development on soil stability, air and water quality, and on agricultural land.
- 2) Develop and adopt area and sector development plans to protect local resources and community values.
- 3) Ensure compatible development and density requirements through a comprehensive land development code and/or the City and the County Zoning Codes.
- 4) Implement City and County Floodplain Ordinances.
- 5) Develop a recreational trail system with efficient public access along appropriate arroyos and irrigation ditches.
- 6) Provide incentives for clustered housing development.
- 7) Use the Capital Implementation Program to implement development objectives.
- 8) Investigate use of fees on new development to help maintain a City/County major open space acquisition fund.
- 9) Monitor development through a comprehensive data base.
- 10) Amend the Subdivision Ordinance to include performance clauses which invalidates plans if construction has not begun within a specified period of time.

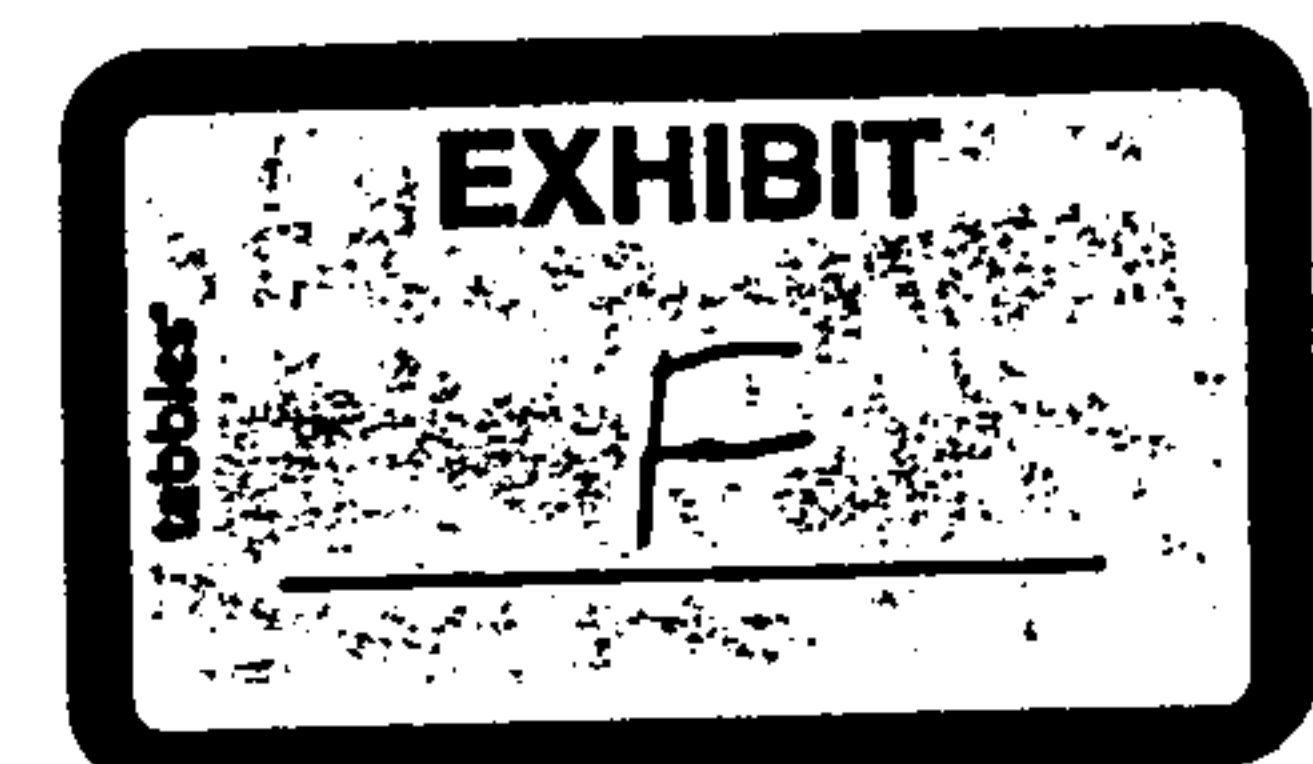


Table 3.A.
Land Use Allocation

Land Use Designations	Probable Buildout ¹			Minimum Buildout ¹		
	Gross Acres	Dwellings Allowed	Gross Density	Gross Acres	Dwellings Allowed	Gross Density
SU-2 HD•R-1	321	380 ²	1.18	321	335 ²	1.04
SU-2 HD•R-LT	203	460 ²	2.26	203	405 ²	2.00
SU-2 HD•R-T ³	223	1160	5.20	223	1050	4.71
SU-2 HD•R-G	33.1	430	13.0	33.1	380	11.48
SU-2 HD•C-1 ⁴	26.9	30	-	26.9	0	-
SU-2 HD•R-R ³	180	300	1.67	180	260	1.45
Developable Acreage Subtotals	987	2730	2.77	987	2400	2.43
Bear Canyon Open Space	61 ⁵	-	-	61	-	-
Tramway Boulevard Right-of-Way	13 ⁵	-	-	13	-	-
Simms Park Access Right-of-Way	6 ⁵	-	-	6	-	-
Non-Developable Acreage Subtotals⁵	80	-	-	80	-	-
* Total Land-Use Allocation	1067	2730	2.56	1067	2400	2.25

1. Unit counts refer to the maximum number of units that can be built throughout the plan area; internal transfers may occur. Section 4 of the Plan (Zoning Regulations) provides that the High Desert Homeowner's Association must certify to the City, prior to application for any required approval, that proposed plans and plats do not exceed the maximums allowed by the Plan. However, no units may be added to the 165 units allowed in the "Highlands" and the density on any site after units are transferred in may not exceed the density permitted by the land use category mapped for the area.
2. These zones also permit caretaker quarters on the same lot as the primary residence; 110 such units in the R-1 zone; 90 such units in the R-LT zone.
3. The densities for these zones appear low due to the large amounts of public or private open space contained in each zone. The respective maximum buildout densities on the developable acreage are: 5.71 in the R-T zone, and 2.85 in the R-R zone.
4. The C-1 zone is composed of a 10 acre neighborhood park site, an 8 to 10 acre school site, a 5 to 7 acre church site, and a 3 to 5 acre neighborhood shopping center site.
5. These areas were conveyed to the public prior to the development of this plan, and are thus not part of the developable acreage.

tabbies
EXHIBIT
G1

CITY of ALBUQUERQUE
TENTH COUNCIL

COUNCIL BILL NO. R-245 ENACTMENT NO. 50-1993

SPONSORED BY: Deborah E. Lattimore

RESOLUTION

ADOPTING THE HIGH DESERT SECTOR DEVELOPMENT PLAN AS A RANK 3 SECTOR DEVELOPMENT PLAN, ESTABLISHING THE ZONING, AND ADOPTING A DESIGN OVERLAY ZONE, ALL AS SPECIFIED IN THE HIGH DESERT SECTOR DEVELOPMENT PLAN.

WHEREAS, the Council, the Governing Body of the City of Albuquerque, has the authority to adopt plans for physical development within the planning and platting jurisdiction of the City as authorized by New Mexico Statutes and by the City Charter as allowed under home rule provisions of the Constitution of the State of New Mexico; and

WHEREAS, the Council recognizes the need for sector development plans to guide the City, County, other agencies, property owners and other individuals to ensure orderly development and effective utilization of resources; and

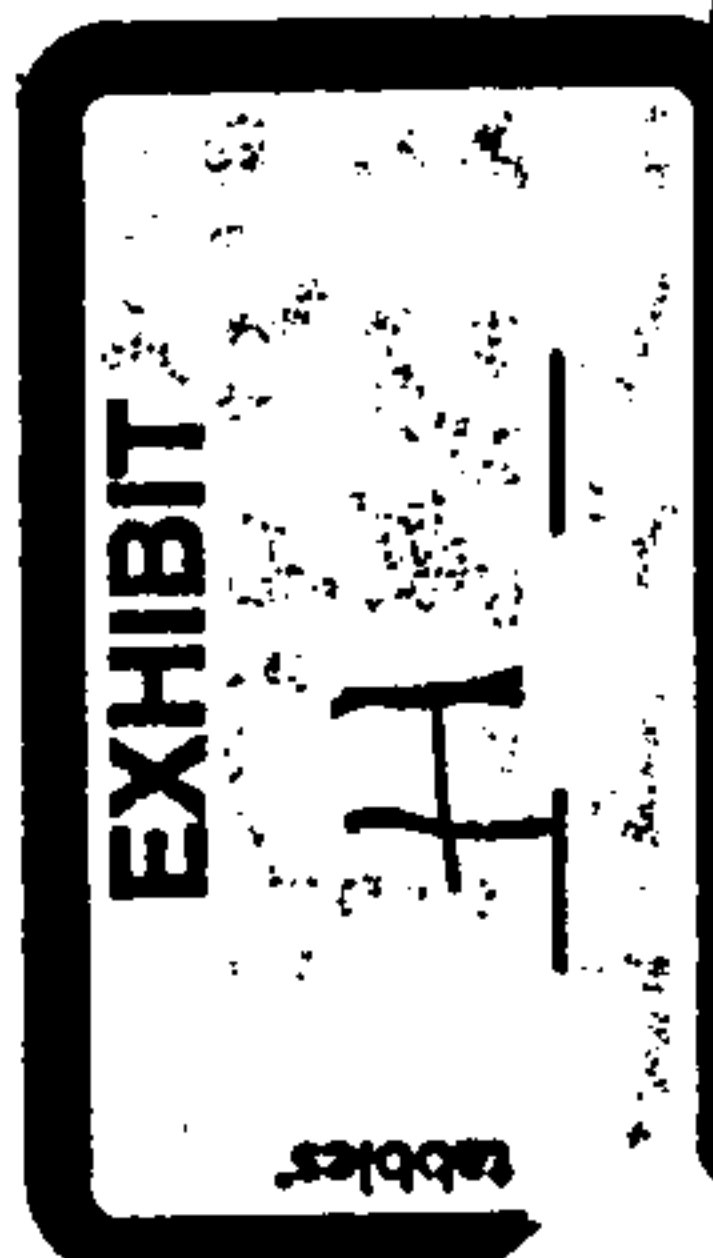
WHEREAS, the Council recognizes the need for design guidelines for development of lands which contain highly scenic natural features or physical setting, or have highly significant views; and

WHEREAS, the High Desert Sector Development Plan has been reviewed by the official planning bodies having jurisdiction over the plan area in accordance with the interests and needs of the area residents and property owners as expressed through public meetings; and

WHEREAS, the High Desert Investment Corporation has prepared a sector development plan to guide future development of the plan area by addressing requirements for public services, land use, zoning, and design guidelines;

WHEREAS, the Environmental Planning Commission, the Planning Commission, and the City Council, on all matters related to planning, zoning, and environmental protection approved and recommended the adoption of the High Desert Sector Development Plan at

Underscored Material - New
[Bracketed Material] - Deletion



Underscored Material - New
(Bracketed Material) - Deletion

1 a public hearing on December 18, 1992, finding the plan consistent with the provisions
2 of the Albuquerque/Bernalillo County Comprehensive Plan and other adopted City plans
3 and policies; and

4 WHEREAS, this plan is a creative and innovative response to development of
5 the last large tract of land within the Sandia Foothills at the edge of urban
6 development; and

7 WHEREAS, it is appropriate, consistent with this sector development plan, to
8 amend the Comprehensive Plan to designate the area which is known as the Highlands
9 as Semi-Urban Area; and

10 WHEREAS, the area hereby planned is simultaneously being annexed by action
11 of Bill No. O-93 of the Tenth Council.

12 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
13 ALBUQUERQUE:

14 Section 1. The High Desert Sector Development Plan, attached hereto is hereby
15 adopted as a Rank 3 sector development plan. All development activities within the
16 plan area shall be guided by this plan.

17 Section 2. The zone map, adopted by Section 7-14-46.C. R.O. 1974 is hereby
18 amended to reflect the zoning specified in Section IV of the attached High Desert
19 Sector Development Plan.

20 Section 3. The Design Overlay Zone, as proposed in the attached High Desert
21 Sector Development Plan and recommended for adoption by the Environmental
22 Planning Commission, is hereby mapped reflecting the boundaries of the 165 acre area
23 known as the Highlands shown in Section IV of the attached High Desert Sector
24 Development Plan.

25 Section 4. The design standards contained in Section IV of the attached High
26 Desert Sector Development Plan are hereby adopted and shall be enforced within the
27 boundaries of the Design Overlay Zone.

28 Section 5. The 10% slope demarcation line shall be mapped to designate those
29 areas for flood control/recreation open space purposes with the intent of public
30 agencies purchasing these areas or, in the event the land is not purchased by a public
31 agency, development of the land shall be subject to additional policies stated in the
32 High Desert Sector Development Plan.

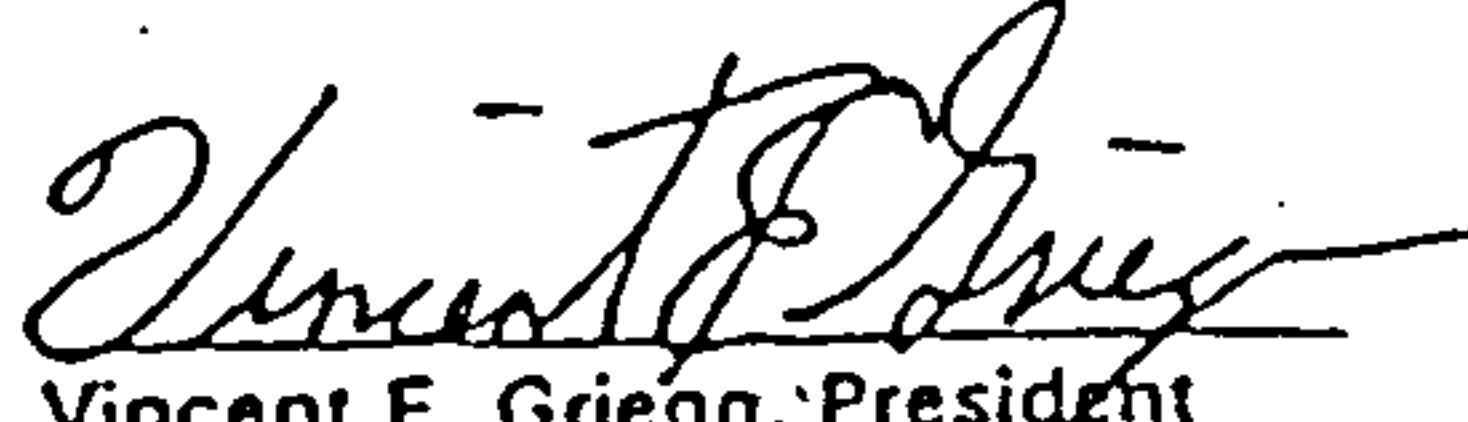
33 Section 6. The Trail along Simins Park Access Road shall be provided
1 described in the attached letter of agreement.

1 PASSED AND ADOPTED THIS 3rd DAY OF May, 1993.


2 BY A VOTE OF 8 FOR AND 0 AGAINST.

3 Yes: 8

4 Excused: Gallegos

5 
6 Vincent E. Griego, President
7 City Council

8
9 APPROVED THIS 26th DAY OF MAY, 1993.

10
11 
12 Louis E. Saavedra, Mayor
13 City of Albuquerque

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Underscored Material - New
(Bracketed Material) - Deletion

14 ATTEST:

15 
16 City Clerk

CITY of ALBUQUERQUE
TENTH COUNCIL

COUNCIL BILL NO. R-292 ENACTMENT NO. 73-1993

SPONSORED BY: Deborah E. Patterson

RESOLUTION

1
2 REPEALING SECTION 5 OF RESOLUTION 50-1993, CONCERNING THE HIGH
3 DESERT SECTOR PLAN.

4 WHEREAS, Resolution 50-1993 was adopted by the Council on May 3,
5 1993; and

6 WHEREAS, an amendment deleting Section 5 was adopted by the
7 Council but was inadvertently overlooked in the enrolling and engrossing
8 procedure; and

9 WHEREAS, the Council is desirous of eliminating this clerical error from
10 Resolution 50-1993.

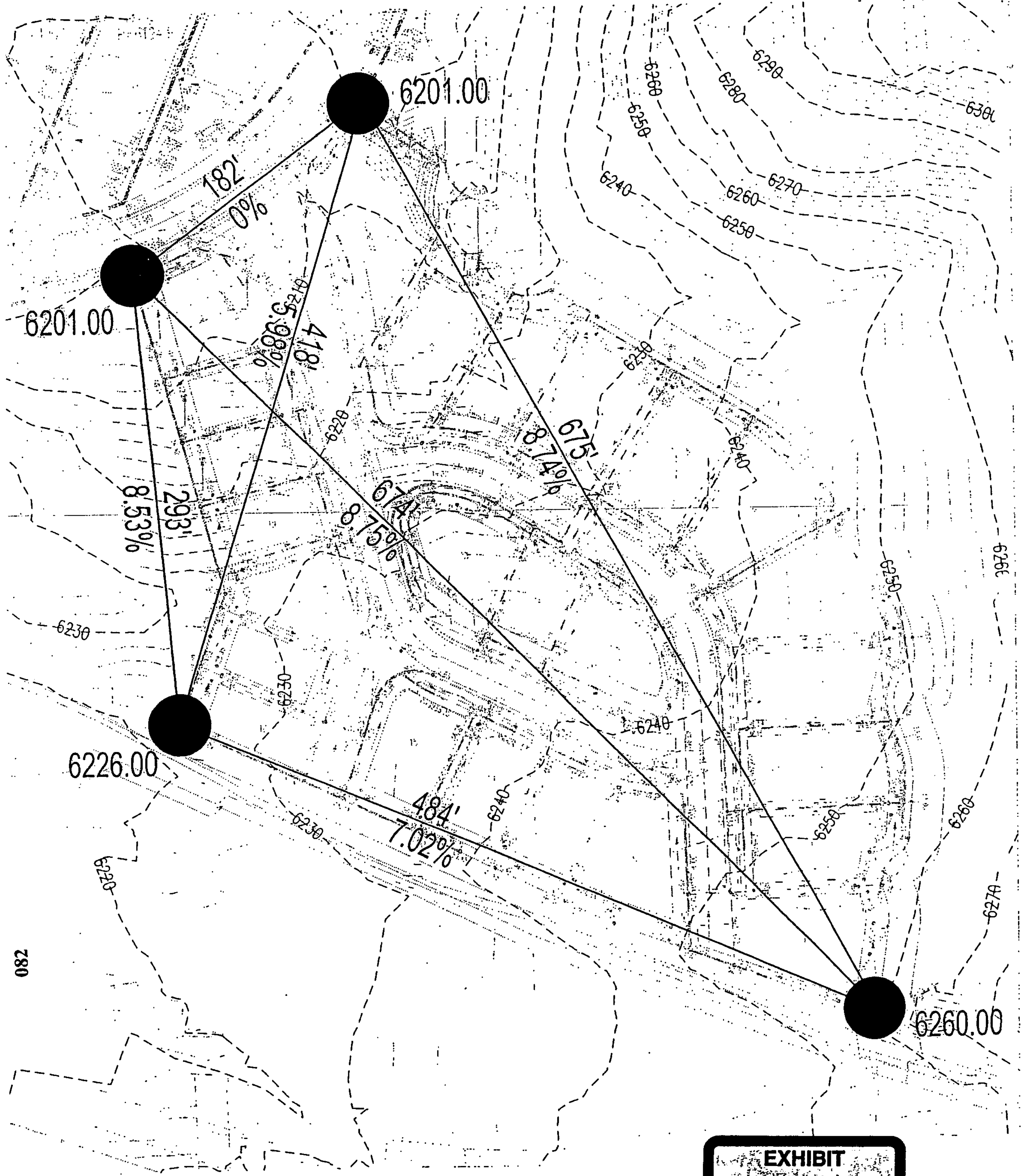
11 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY
12 OF ALBUQUERQUE:

13 That Section 5 of Resolution No. 50-1993 is hereby repealed.
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Underscored Material - New
[Bracketed Material] - Deletion

Exhibit A

NEC
12/06/06
BA, INC



082

EXHIBIT
I

1"=80'

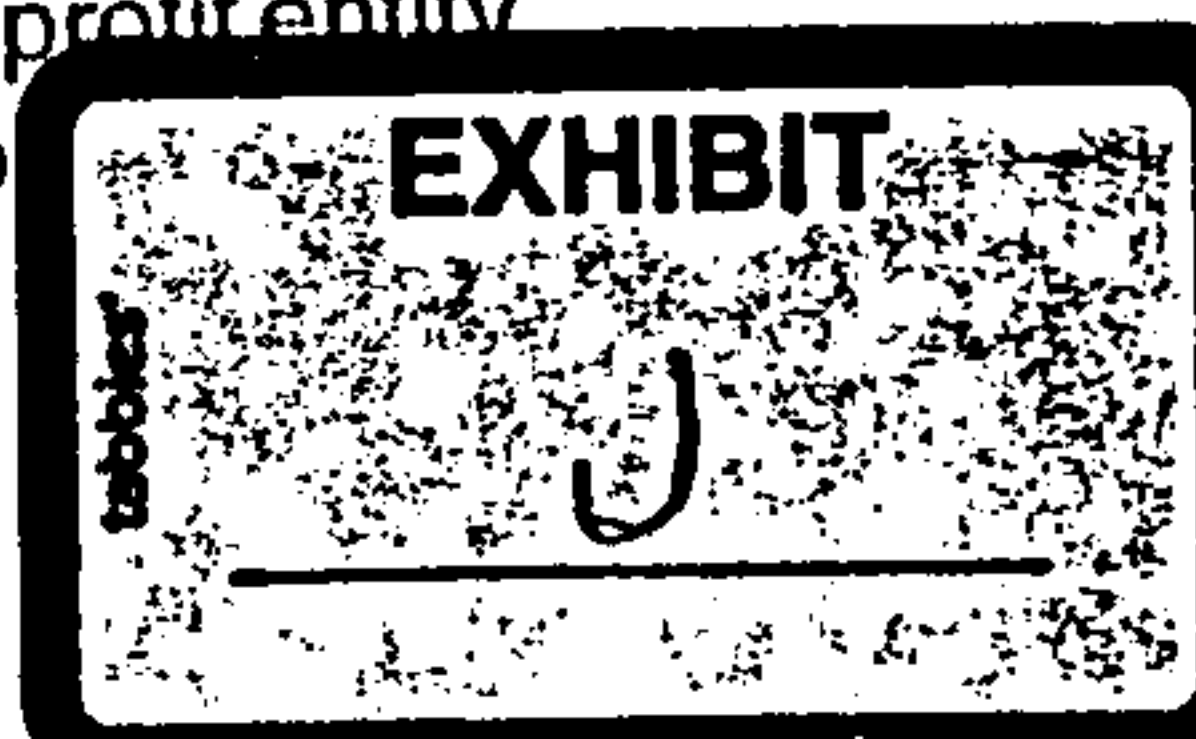
X Section 4.A.7:
Provision for
Design Review

1. Unless otherwise provided herein, the zones described in this Sector Plan shall be developed in accordance with the regulations and procedures of the Subdivision Ordinance and Comprehensive City Zoning Code. Further the High Desert Homeowner's Association or its successors shall certify to the City at time of submittal for approval to the Development Review Board that any proposed plat meets the requirements of the Sector Development Plan, and at time of submittal for building permit for new construction or renovation, that any construction plans meet the requirements of the Sector Plan. The Homeowner's Association shall further certify that the number of units constructed in the zone does not exceed the maximum allowed by the Sector Plan.
2. Where so provided herein, approval of the Planning Director shall mean delegation to the Development Review Board.
3. Where so provided herein, approval of conditional uses shall be subject to the provisions of the Special Exceptions provisions of the Comprehensive City Zoning Code.

Section 4.A.8:
Definitions

Unless otherwise provided herein, all terms are defined as they are defined in the Definitions of the Comprehensive City Zoning Code.

1. **Area, Net Lot** is the lot area remaining after dedication of public right-of-way or the granting of access easements, but prior to the granting of easements for any other purpose.
2. **Assisted Living Facility** is an apartment or complex of apartments including medical facilities serving only those living on-site, and providing living assistance and skilled nursing care to those residents unable to care for themselves or requiring assistance with day-to-day functions. It does not replace the group residential programs defined in the Definitions section of the Comprehensive City Zoning Code, but is intended, like "caretaker quarters", to provide for an alternative life-style. It does not provide the diagnostic services or treatments associated with hospitals. Such facilities may be subject to licensing by the State of New Mexico.
3. **Building Envelope** means an area proscribed on the plat of an individual lot which limits horizontal development of the lot in response to topographic, drainage, and other natural features of the site.
4. **Caretaker Quarters** means separate living quarters with not more than one bedroom, bath, and kitchen facilities, contained within or attached to the house or an accessory building on a residential lot.
5. **Cluster Townhouse** means a group of townhouses on a given site where the majority of land area is held in common and separate title is held only to a living unit, its accessory structures, and private outdoor spaces.
6. **Commerce Association** means the High Desert Commercial Owner's Association, a New Mexico non-profit corporation, responsible for the administration of all non-residential property and common area within non-residential areas within the community and for the preservation and maintenance of architectural standards for the commercial properties under the Declaration of Covenants, Conditions and Restrictions. Each owner of commercial property in High Desert automatically becomes a member of the Association upon taking title, and remains a member until title is conveyed. Membership is mandatory and cannot be transferred except in connection with the transfer of title to the property.
7. **Conservation Easement** means an easement granted specifically to a third, non-profit entity for the purpose of entering upon and maintaining property held in common for other purposes.



HIGH DESERT RESIDENTIAL OWNERS ASSOCIATION
c/o HOAMCO
P.O. Box 21699
Albuquerque, New Mexico 87154-1699

November 6, 2006

Ms. Sheran Matson, Chair
Development Review Board
City of Albuquerque
P.O. Box 1293
Albuquerque, New Mexico 87103

VIA Fax and Hand Delivery


Dear Ms: Matson:

Section 4.A.7 of the High Desert Sector Development Plan requires that the High Desert Residential Owners Association (HDROA) certify to the City at time of submittal for approval to the Development Review Board that any proposed plat meets requirements of the Sector Development Plan. It further requires that at time of submittal for building permit for new construction that any construction plans meet the requirements of the Sector Plan. The Association is also required certify that the number of units constructed in the zone does not exceed the maximum allowed by the Sector Plan.

HDROA has performed a review of the proposed plat through Mr. William Fanning, Fanning Bard Tatum Architects AIA Ltd. Based on that review we believe that proposed plat is consistent with the underlying zoning requirements of the Sector Development Plan. We also agree that the number of units in the proposed plat does not exceed the maximum number of units allowed in the specified zone by the Sector Development Plan.

If you have any questions about this opinion please contact me at (505) 294-4112.

Sincerely,



Raymond S. Berg, President of the Board
High Desert Residential Owners Association

cc: Mr. Kevin Patton, Bohannon Huston Inc.
Mr Scott Schiabor, Scott Patrick Homes/Mesa Verde Development
Mr. Douglas Collister, High Desert Investment Corporation



TOTAL P.02

need
12/06/06

HIGH DESERT RESIDENTIAL OWNERS ASSOCIATION
c/o HOAMCO
P.O. Box 21699
Albuquerque, New Mexico 87154-1699

December 5, 2006

Ms. Sheran Matson, Chair
Development Review Board
City of Albuquerque
P.O. Box 1293
Albuquerque, New Mexico 87103

VIA Hand Delivery

Dear Ms: Matson:

Section 4.A.7 of the High Desert Sector Development Plan requires that the High Desert Residential Owners Association (HDROA) certify to the City at time of submittal for approval to the Development Review Board that any proposed plat meets requirements of the Sector Development Plan. It further requires that at time of submittal for building permit for new construction that any construction plans meet the requirements of the Sector Plan. The Association is also required certify that the number of units constructed in the zone does not exceed the maximum allowed by the Sector Plan.

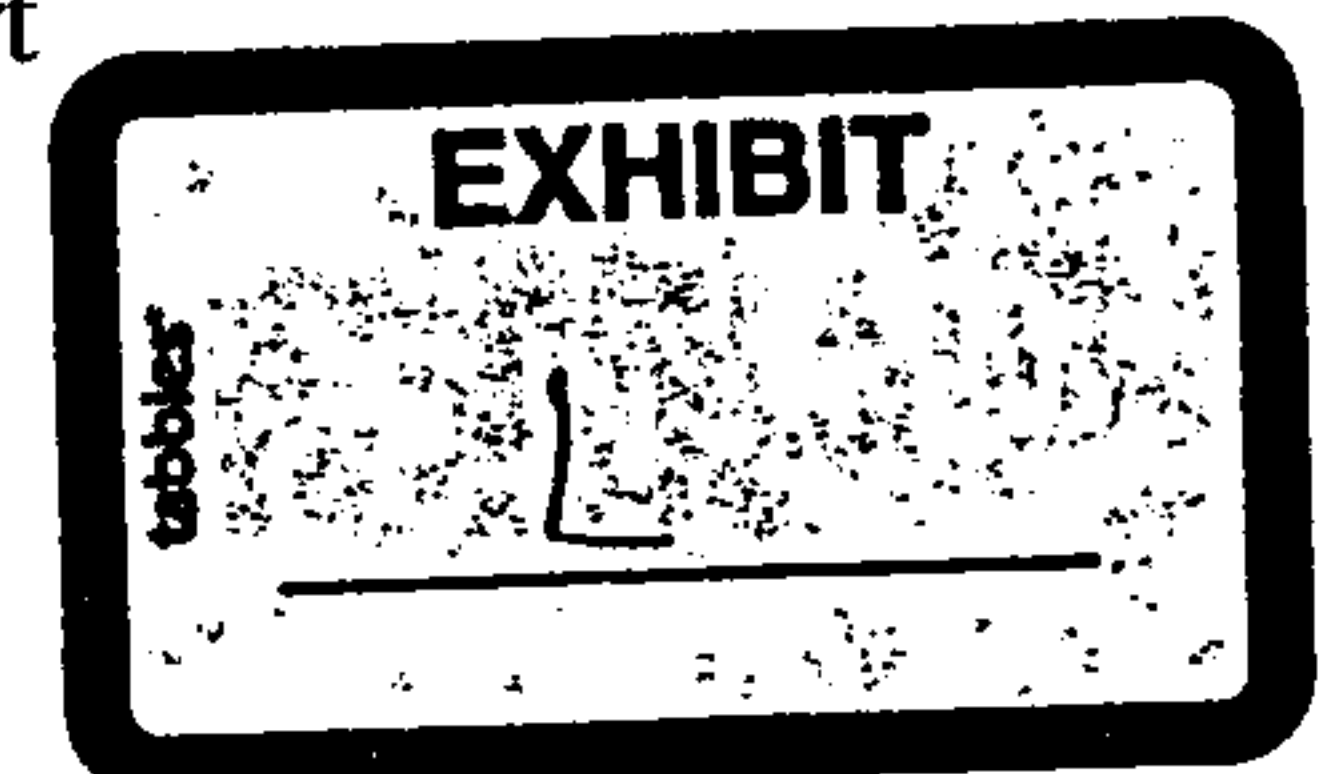
Because the topics of the High Desert Sector Development Plan are highly technical, the Association has contracted with several professionals who have a variety of specialties in areas of importance to the HD SDP. These include:

Paul Kienzle, Attorney, Scott & Kienzle, PA
William Fanning, Principal, Fanning Bard Tatum Architects AIA Ltd
Kevin Banks, PE, HDR Engineering
Dean Bressler, PE, HDR Engineering
Steven Borbas, Adjunct Professor, UNM School of Planning and Architecture

The latest version of the development Plat Plan was not made available until last Friday, Dec 1, so we have not had sufficient time to examine it in detail. However, we have taken incomplete reports from our consultants and assembled a recommendation from them. Some of the reports by these consultants are included with this letter as attachments.

It is the opinion of these consultants that none of the submitted plans meets the requirements of the HD SDP.

Since the deficiencies of the submission are pervasive, we are compelled to comment on the process by which this determination has been made. It should not be the intent of the certification process in the above reference to the HD SDP that the High Desert



Residential Owners Association would be an Engineering Organization that generates certification data to justifying claims that the submitted plan meets or does not meet the requirements of the HD SDP. Rather, the plan submission should be accompanied by clear certification data that the Association's consultants can use to verify whether or not the requirements have been met. Certification data was not part of the submission.

The deficiencies of the submissions are broad and pervasive, and indicate a lack of appreciation the SDP requirements. HDROA has spent thousands of dollars identifying the requirements of the plan and requesting information on how the submission meets those requirements. There are numerous quantitative, substantive requirements in the HD SDP which have still not been addressed by any of the several submissions. Some examples of areas that have not been addressed are the following:

- Data and readable maps verifying that the location of the plat is below the 10% Demarcation Line are not available for a determination that the slope requirement is met (see "Slopes" p 2.2, p3.4 and Table 3.B on p 3.7.)
- The SDP clearly identifies the area in question as part of the "Semi-Urban Residential Zone" (see for example "Semi-Urban Residential Zone" on p 3.4, p 3.15, and p 7.3) and defines the meaning of this term in the context of the HD SDP. There are numerous requirements of this designation that have not been addressed or contradict the submitted plan.
- There are numerous references to requirements related to the existing development, boundaries, areas adjacent to the City Open Space, and zones that transition to the edges of the development that describe requirements on density (See for example "Existing Development" p 3.5, "Project Boundaries and Interfaces" p 3.10, and "Forest Service Boundary" p 3.11.)
- There are repeated and numerous references to the preservation of views, the importance of viewsheds, and the control of development that would otherwise intrude on them (see for example "Scenic Qualities" p3.5, "Viewshed Protection" p 3.9 and "Building Heights" p 3.10)
- The Stormwater Management system must satisfy EPA and City water emission requirements before stormwater enters the storm drain system (see for example "Design Goals" p 7.2 and "Semi-Urban Residential Zones" p 7.3). Calculations based on the "Drainage Report for The Wilderness Canon Subdivision at High Desert" show that an average of almost 10 tons of sediment will need to be removed every year and in a 100-year design basis event alone the amounts will be 5.6 tons. There are no features capable of handling this amount of sediment and no way on the existing drawing of providing service. This is a particularly critical part of the system, as evidenced by the history of nearby detention ponds designed and built by MVD and BHI for this purpose, which have experienced major failures in storms below the design limit. As the organization responsible for maintenance and upkeep of this

system indefinitely into the future, we believe it is a necessary part of the plan that should be shown and should not be deferred to later discovery.

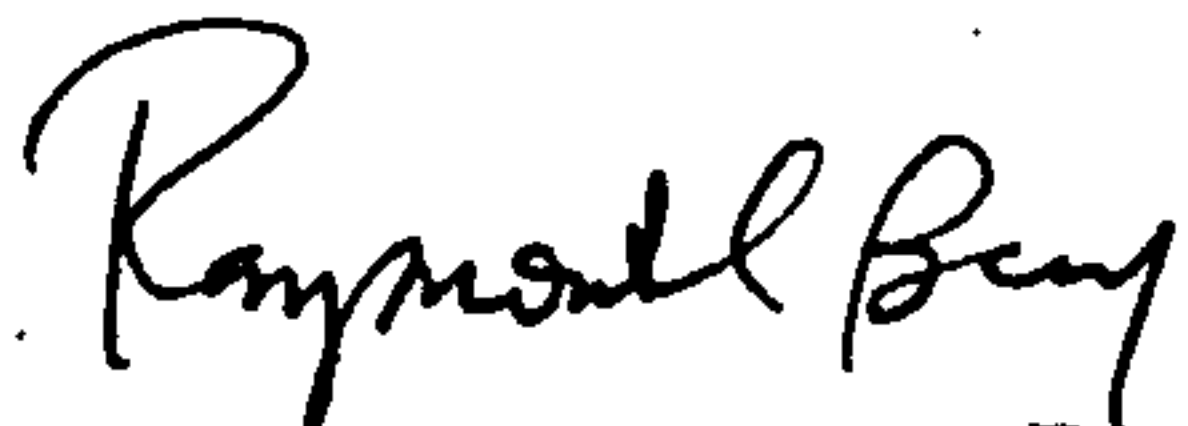
The requirements of the HD SDP are significantly greater than those of the City of Albuquerque Comprehensive Plan for good reason. In the words of the SDP "Issues, Impacts, and Mitigations" section introduction on p 3.1 (*italics added.*)

High Desert is set in the foothills of the Sandia Mountains. Its rolling contours are bounded by the City on one side and by the massive forms of the Sandias on the other. It is home to wildlife and wildflowers and is host to people seeking relief from the urban environment. The outdoors and the relationship of man to his environment are important parts of New Mexico culture. As indicated in the previous section, planning for High Desert began with a thorough assessment of the environmental structure of the land, and a thorough appreciation of what impacts development would have.

Completion of the environmental studies set the stage for the development of a land use plan which would respect natural resources while providing a sustainable urban environment. Market research and social goals establish the mixture of uses and life styles. However, the plan must also direct attention to mitigation of environmental impacts external to the site, and must also comply with the policies set forth in the Albuquerque/Bernalillo County Comprehensive Plan. *The purpose of this section is to document the aspects of this plan which address these issues.*

In communications with the DRB Chair earlier this week we requested that because of the serious, pervasive deficiencies of the proposed plan, that the proposal be deferred indefinitely unless and until the applicant adequately addresses the requirements of the High Desert Sector Development Plan. We renew that request.

Sincerely,



Raymond S Berg, President
High Desert Residential Owners Association
c/o HOAMCO
P. O. Box 21699
Albuquerque, NM 87154

cc: Mr. Kevin Patton, Bohannon Huston Inc.
Mr. Douglas Collister, High Desert Investment Corporation

Attachments: ~~Barlun Designs~~
f b t Architects

Rec'd
12/06/06
Ray Berg



December 5, 2006

Mr. Ray Berg, President
High Desert Residential Owners Association Board of Directors
c/o Homeowners Association Management Co. (Hoamco)
6605 Uptown Blvd. NE, Suite 200
Albuquerque, New Mexico 87154-1699

Reference: Sector Development Plan Requirements
Wilderness Canon - Tract A, Unit 2 of Wilderness at High Desert

Dear Mr. Berg:

This letter is a follow-up to one I sent you dated October 24, 2006 in which I outlined requirements for the above tract based upon an interpretation of its zoning. In this letter, I will analyze constraints on development from a more global perspective based upon the High Desert Sector Development Plan.

Location:

The tract that is the subject of this report is located at the southeast corner of the Wilderness at High Desert, a subdivision within the High Desert Sector Plan area. It adjoins single family residential development to the west and north, City Open Space and the Sandia Mountains Wilderness area to the east, and a City Open Space Easement containing the Embudito Arroyo to the south. Beyond the open area on the south is the Trailhead Subdivision, the initial development by High Desert Investment Corp.

Regulations:

Development in High Desert is governed by a "sector plan" or special use zoning district. The High Desert Sector Development Plan was adopted by the City on May 3, 1993 following extensive public hearings before the City's Environmental Planning Commission during 1992. Since then, there have been several amendments to the Plan.

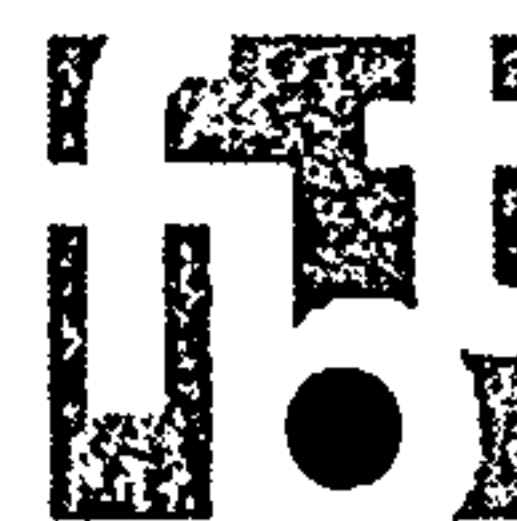
Site Area, Zoning, and Streets:

The site area of Tract A is 3.9653 acres. There are 25 lots proposed for a density of 6.30 du/acre. The Wilderness at High Desert, of which this tract is a part, is zoned SU-2 HD/R-R. This is the only zone in High Desert that does not have a direct City zoning equivalent. This zoning category was created to allow development of the Wilderness at High Desert as a golf resort and conference center however other uses, including a mixture of dwelling unit types, were also permitted in this zone. Based upon the proposed plat, the developer of Tract A is planning to construct single family detached homes. As noted in my previous letter, this development is proposed to conform to requirements of the R-G zone and in turn the R-T zone.

The streets within Wilderness Canon are proposed as private and are to be maintained by the High Desert Residential Owners Association similar to other gated communities within High Desert. Street widths are shown as 26 feet. The front property line of each lot corresponds to the face of curb.

Fanning Bard Tatum Architects AIA, Ltd.
6100 Indian School Rd. NE Ste 210
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Facsimile 505/884-5390
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ARCHITECTS

successors." The site was apparently mapped at a large scale, thus not recognizing some areas within High Desert as having slopes in excess of 10%. The subject parcel has two areas that substantially exceed a 10% slope, the north side along the rear of lots 4 and 5 with a slope of approximately of 14% and on the southwest side along the rear of lots 19 thru 21 with a slope of approximately of 23%.

The slope condition on the north side has resulted in an odd feature in the street design: Pedro Canta Way appears to be part of a continuous loop road design but in fact is not continuous, being blocked between lots 4 and 5 with retaining walls that separate adjacent grades with a more than eight foot height difference. If this street section were continuous, the street grade would have been excessive. The effect of this condition creates two problems: the street has two dead ends and the pad elevations at lots 4 and 5 differ by about 12', requiring a double retaining wall to separate these two lots.

Street Design:

As noted above, this development has a conventional loop road system except that the Piedra Canto Way is not continuous resulting in two dead end street sections. Since neither of these roads terminates in a cul-de-sac, they would both be problematic for residents and visitors alike. A similar road design in other gated communities of High Desert has already created problems with street parking and subsequent access (both regular and emergency) problems for residents. It should be remembered that these streets will be only 26' wide, narrower than the City standard for residential streets, and are permitted only because they will be private.

Site Drainage:

The site does not appear to contain any arroyos. Nonetheless, given slopes in excess of 10% in some locations, runoff could be problematic. Rapidly moving runoff water has a scouring effect that picks up substantial sediment that must be filtered or separated for removal downstream. To overcome this problem along the northeast property line abutting lots 4 thru 10, a 5' wide private drainage easement granted to the High Desert Residential Owners Association is proposed along the rear property lines. This easement is to be finished with a lined channel designed to collect runoff that would otherwise cross the property. The runoff is then directed to a 10' drainage easement between lots 3 and 4. From there runoff water would flow to an underground storm drainage system in Piedra Canto Way.

The 5' drainage structure would be separated from the remainder of the rear yard by a retaining wall. Since this system is located entirely on-site, the effect is to potentially reduce the usable rear yard of each of the lots from 15' deep per code to 10'. While the houses on these lots could be designed somewhat shallower, thus allowing a deeper rear yard, the building pads shown on the Grading Plan are in fact shown 15' from the rear property line. Since the east side of this site abuts a Forest Service Hiking Easement, the drainage channel could not be located off-site.

The proposed plan for Wilderness Canon therefore creates two problems with respect to drainage: a need for a drainage channel that reduces the rear yards of lots and the requirement that Residential Owners Association maintain the easement. This method for handling runoff is not consistent with the Comprehensive Plan requirement in a Semi-Urban Residential Zone that "existing hydrologic conditions will be impacted in a negligible fashion. The sheet flow pattern of the natural surface will generally be maintained; flow rates will be essentially unaffected." Natural flows are affected to the extent that a lined drainage structure must be built to protect this subdivision.

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Web www.fbtarch.com

City Comprehensive Plan:

High Desert site is located in a Semi-Urban area of the city generally north of Montgomery Blvd. and east of Tramway Blvd. Semi-Urban areas are defined in the Comprehensive Plan as low to moderate density residential areas with densities ranging from 2 to 7.5 DU/acre. As defined in the High Desert Sector Plan on p. 3.15, "These zones are located predominately in the upland areas of the project and will be developed in a manner intended to minimize disturbance to ground cover and existing arroyos. Existing hydrological conditions will be impacted in negligible fashion. The sheet flow pattern of the natural surface will generally be maintained; flow rates will be essentially unaffected." As an underlying principle, property developed in the Semi-Urban Area "shall be consistent with development limitations imposed by topography, soil conditions, groundwater quality, agricultural potential, flood potential, scenic qualities, recreation potential, and existing development; overall gross density shall be up to three dwelling units per acre."

Land Use Concepts:

The section of the Plan titled "Land-Use Transition Concepts" (p.3.2) defines the overall pattern of development within High Desert:

Because of its location, the project must serve as a link between natural open areas and urban activity. Thus uses within the plan area must range from very low intensity recreational and residential opportunities to the level of intensity necessary to provide essential retail and institutional services to its residents. Therefore, the land-use plan is designed around a neighborhood "center" and the transition from that center to natural open areas at its edges.

From the neighborhood center, residential land use densities transition from higher densities in the project center to lower densities at the interface with adjacent lands. For example, apartments within the project are located next to the neighborhood center. This also places the tallest buildings within the interior of the site with lower building along Tramway. Such a relationship provides a more visually pleasing interface with Tramway Boulevard and responds to concerns expressed in the meetings with residents of adjacent neighborhoods. The core area would be surrounded by residential areas at a density generally equivalent to the northeast heights. As development approaches the project boundaries to the north and east, the density continues to diminish, leaving the least dense residential areas (generally equivalent to similar development in Sandia Heights) at the boundaries with natural open space areas.

The proposal for Wilderness Canon is not consistent with these concepts for development in that it would place a relatively high density, two story, development immediately adjacent to City Open Space.

It should be noted that while the general pattern of densities outlined above have been maintained, plans for the neighborhood center and related school and church uses proposed, were abandoned one by one by High Desert Investment Corp. in favor of higher density, gated communities. The rationale given for these changes were essentially economic in nature.

Slope Restriction:

In compliance with the Comprehensive Plan, the Sector Plan reiterated a slope demarcation line of 10%. Therefore it is the intent of the Sector Plan to preserve areas in excess of 10% slope as open space, "either by direct dedication to public entities or by easements retained or controlled by the developer or its

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Protection of Views:

The Albuquerque Zoning Code does not attempt to protect views except by limiting height of buildings. However, the Sector Plan makes various references to protection of views. "Viewshed Protection", p. 3.9, it states "Visual access to the mountains to the east and the City and Mesas to the west will be preserved by the preservation of major arroyos as public or private open space, creation of building envelopes, and limitations on building heights." In the section on "Building Heights", p. 3.10, it is stated that "Building heights and site lighting levels will also be keyed to view preservation. From the neighborhood center, residential land use densities transition from higher densities in the project center to lower densities at the borders with adjacent lands. The lowest structures, governed by the Highlands Design Overlay Zone Regulations and in the Special Regulations related to Glenwood Hills, will be against the boundaries with the Forest Service lands." It is clear that the authors of this Sector Plan intended that development at the perimeter of High Desert and adjacent to public lands be lower than all other areas and be designed to protect views for residents. The proposed development is a particular issue with respect to the Trailhead area of High Desert since the two story homes proposed would have a significant impact on their views of the Sandias.

Density of Development:

The developer is attempting to maximize the development potential of this site under the constraints of the R-T zoning category. While this proposed development falls within the range of densities allowed in the Semi-Urban Zone (up to 7.5 du/acre), it is problematic in several respects noted herein. These problems are a result of existing site slopes; they would not be found here if this site were substantially flatter.

Summary:

The design of this proposed development presents several significant problems. Existing drainage patterns have not been respected, the street design incorporates a broken loop and two dead end streets that create access problems, lots are stepped excessively in several locations requiring high retaining walls between narrow lots, and views of the mountains from the adjacent Trailhead subdivision within High Desert are impacted. Overcoming the problems inherent with this site would be greatly simplified at a lower density of development. As well, the development could then conform to other requirements of the Sector Plan pertaining to lower density at the perimeter of High Desert as noted in the section on "Land Use Concepts" above.

Please feel free to contact me should you have any questions regarding this report.

Very truly yours,

Fanning Bard Tatum Architects AIA Ltd. by

H. William Fanning, Principal

Fanning Bard Tatum Architects AIA, Ltd.
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Albuquerque, NM 87110

Phone 505/883.5200
Facsimile 505/884-5390
Web www.fbtarch.com

borbasdesigns
STEVE BORBAS AICP

urban design • planning • architecture • graphics • research
836 TRUMAN NE ALBUQUERQUE NM 87110 505 265 7088

Rec'd
12/06/06
Ray Burg

December 3, 2006

This Letter of Findings is submitted to the Board of Directors of the High Desert Residential Owners' Association. At their request, a review of the issues related to the Preliminary Plat for Wilderness Canyon was made, through viewing and walking the site and its context, through reading the High Desert Sector Development Plan and through discussions with area residents.

The critical difference between the proposed development of Tract 13, and the objections to that development by the residents of the Trailhead and Wilderness subdivisions is ZONING versus the planning and environmental principles in the HIGH DESERT SECTOR DEVELOPMENT PLAN. Section 4.A.7, Provision for Design Review states that "...the High Desert Homeowner's Association ...shall certify to the City at time of submittal for approval to the Development Review Board that any proposal plat meets the requirements of the Sector Development Plan....." In the following sections, it is clearly shown that the proposed development plat for Tract 13 DOES NOT conform to the Sector Development Plan.

The Sector Plan's goal states that the "High Desert Investment Corporation's approach to the development of the land is a reflection of Albuquerque Academy's continuing concern for the environment.....and intend to make a major contribution to the quality of life in the community by setting the standard (my underlining) for environmentally sound planning in Albuquerque." In fact, the Environmental Evaluation chapter of the Sector Development Plan, developed by a myriad of experts in their fields of geology, hydrology, air quality, cultural resources, paleontology, hazardous materials, landform, habitat, landscape character, and species, has set a very high standard of development, respecting the land, the views and the people who came to settle in this area.

Map 10, Zoning, in fact, is the only disconnect in the Sector Development Plan, because it does not, in great detail, follow the standards set through the Environmental Evaluation. It lays down a general zone over a very large area, without the sensitivity expressed in the description that "land use densities transition from higher densities in the project center to lower densities at the interface with adjacent lands.....As development approaches the project boundaries to the north and east, the density continues to diminish, leaving the least dense residential areas (generally equivalent to similar developments in Sandia Heights) at boundaries with natural open space areas." The proposed development on Tract 13 is adjacent to natural open space..... If the zoning map would have followed the tenets of the

Sector Development Plan, Tract 13 should have been zoned at SU-2 HD-R-1 (Estate Lots), the least dense residential development, or the SU-2 HD-R-LT (Custom Lots) which was used for the Trailheads subdivision, which is similar and adjacent to the Tract 13 site. Furthermore, the existing zone for this tract is SU-2 HD-R-R, which is referred to as a Recreational and Resort zone, including flood plain and resource efficient golf course. No housing is mentioned in the general zone description and this zone does not have a City equivalent (page 3.3)..... Another disconnect is Table 3A, Land Use Allocation, Sector Development Plan, which suggests a Probable Buildout for the HD-R-R zone to have a density of 1.67 units per acre, (and not the 6 units per acre in the proposal).

Map 11, Open Space Plan, indicates part of Tract 13 as a Conservation Trust Easement, supported by Map 15, Floodplains on the Site, and on page 7.2, it mentions that "Conservation easements will be established for the floodplains in these zones." In the definitions, Section 4.A.8, it "means an easement granted specifically to a third, nonprofit entity for the purpose of entering upon and maintaining property held in common for open space purposes." Along the eastern side of Tract 13, a Pedestrian Trail connects one trailhead with the other and provides a major pedestrian and bicycle system for residents and visitors alike. At this time, walking along this trail offers expansive views to the westside, volcanoes, the whole City in fact, as well as views to the Sandias. As mentioned in the Sector Development Plan "with few exceptions, the most distinctive landforms affecting character and perception of the site are the Sandia Mountains, east of the project site. These mountains serve as a scenic backdrop, dominating the perception of the property. A small portion of the foothills of the Sandia Mountains occurs on the site, immediately north of the Embudito Canyon, in the southern portion of the property." With a proposed development on Tract 13, of high density, 2 story tall housing - the views to the west would be severely reduced for the residents and visitors. "Public hiking trails are generally considered to have the highest sensitivity to visual impacts." Furthermore, views to the Sandias will be severely reduced from the Trailhead subdivision, Wilderness Village subdivision and Glenwood North.

Map 4, 10% Slope Demarcation Line, and Map 15, Floodplains on the Site, although the maps are not very detailed or clear, they both seem to indicate that the difficult, more than 10% slopes, will present development problems and some flooding, and most certainly add to flooding, due to the very high amount of hard surfaces for buildings, parking spaces and roads, leaving almost no natural terrain for water percolation. The Sector Development Plan states that "the Sandia Foothills Policy Plan, which applies to all property east of Tramway south of and including Glenwood Hills North, contains slope measurement provision designed to restrict development on the extreme slopes and rock outcrops of the Sandia Foothills." On Map 3, Soils, part of Tract 13 contains Rock Outcrop - Orchids Complex. The 2 story proposed for the houses doesn't comply with the Sector Development Plan's directive under Landforms, in order to mitigate impacts by "limiting building roofline and vegetation heights to protect views across the site, and to minimize contrast with the existing landform."

Previous presentations to the Development Review Board by the Homeowner's Association showed a number of other reasons why the proposed development for Tract 13 did not conform to the Sector Development Plan, such as:

- > the property is located in the Semi-Urban Area of the Comprehensive Plan
- > not the lowest density placed against the forest wilderness and trails
- > traffic and traffic flow from this proposed development would adversely impact on the local road
- > drainage and flooding problems

The finding is (within the very short time I had to review the Sector Plan) that the proposed site development for Tract 13, of 25 units on 4.2 acres, does NOT comply with or is consistent with the language or the intent of the High Desert Sector Development Plan.



Steve Borbas AICP, APA, SCUP
Planner/Adjunct Professor

HIGH DESERT

Keck
10/25/06

October 24, 2006

Scott Schiabor, President
Scott Patrick Homes/Mesa Verde Development
8300 Carmel Avenue #401
Albuquerque, New Mexico 87112

VIA Fax and Hand Delivery

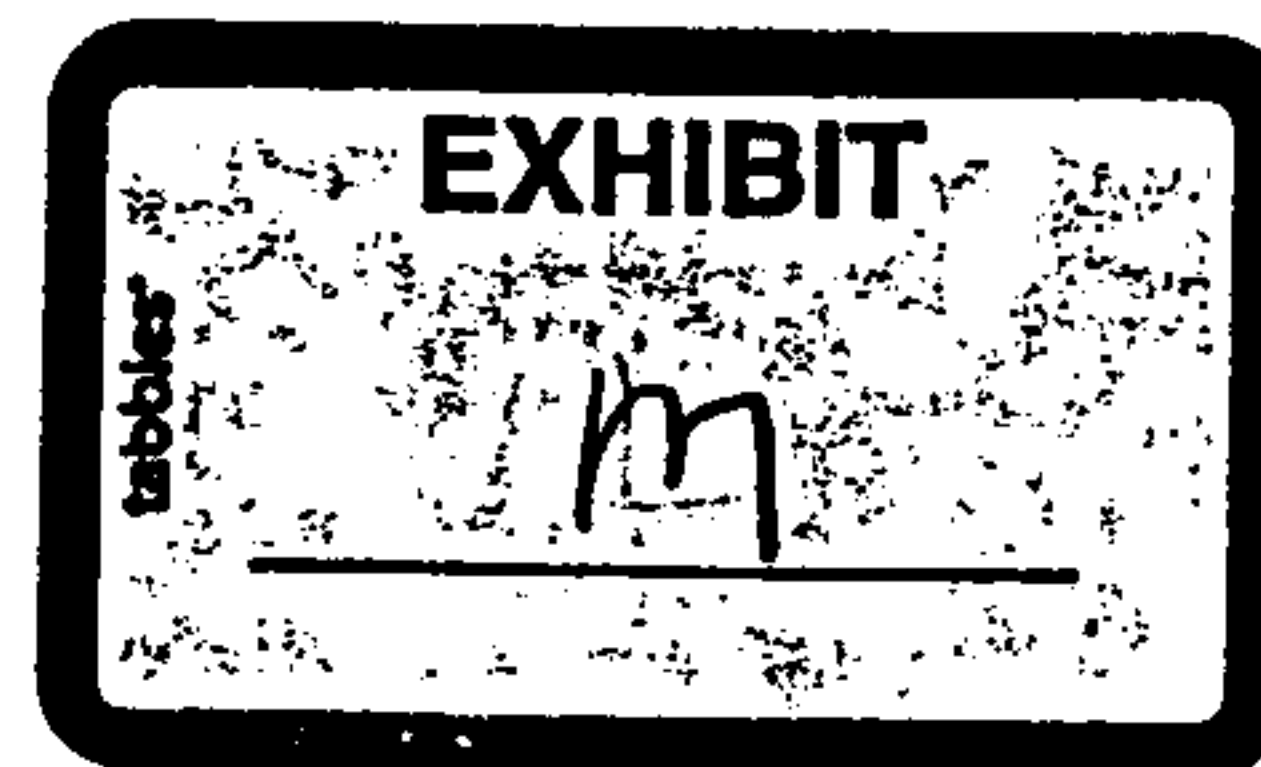
Dear Mr. Schiabor;

High Desert Investment Corporation ("HDIC"), as Developer of High Desert, is required to review and approve plans for the development of all properties in High Desert to ensure their compliance with the High Desert Sector Development Plan, as amended, other High Desert governing documents and our requirements. In that regard, HDIC has reviewed the proposed preliminary plat, drainage report and associated grading and drainage plans titled Wilderness Canon, dated September 28, 2006, which is a 4.2 acre tract of land zoned SU-2 HD/R-R by the High Desert Sector Development Plan. The zoning allows a variety of uses which includes single family residential with a minimum lot size of 3600 square feet with a minimum width of 36 feet.

The property directly to the north and adjacent to this tract, Wilderness Compound, which you developed, is zoned the same and was platted and developed as single family residential having similar density as this proposed project. That plat was signed by you, HDIC, HDROA and the City of Albuquerque and subsequently recorded.

HDIC has reviewed the proposed preliminary plat and find it in conformance with the High Desert Sector Development Plan. We approve the preliminary plat, drainage report and grading and drainage plan with the following minor conditions:

1. Lower the pad elevation of Lot 5 by three (3) feet on the grading and drainage plan.
2. Add a landscape easement to Lots 1, 2, 10 and 11 to ensure that the existing boulders remain.
3. Tie the perimeter wall into the boulders so they can be seen from public view on the grading and drainage plan.

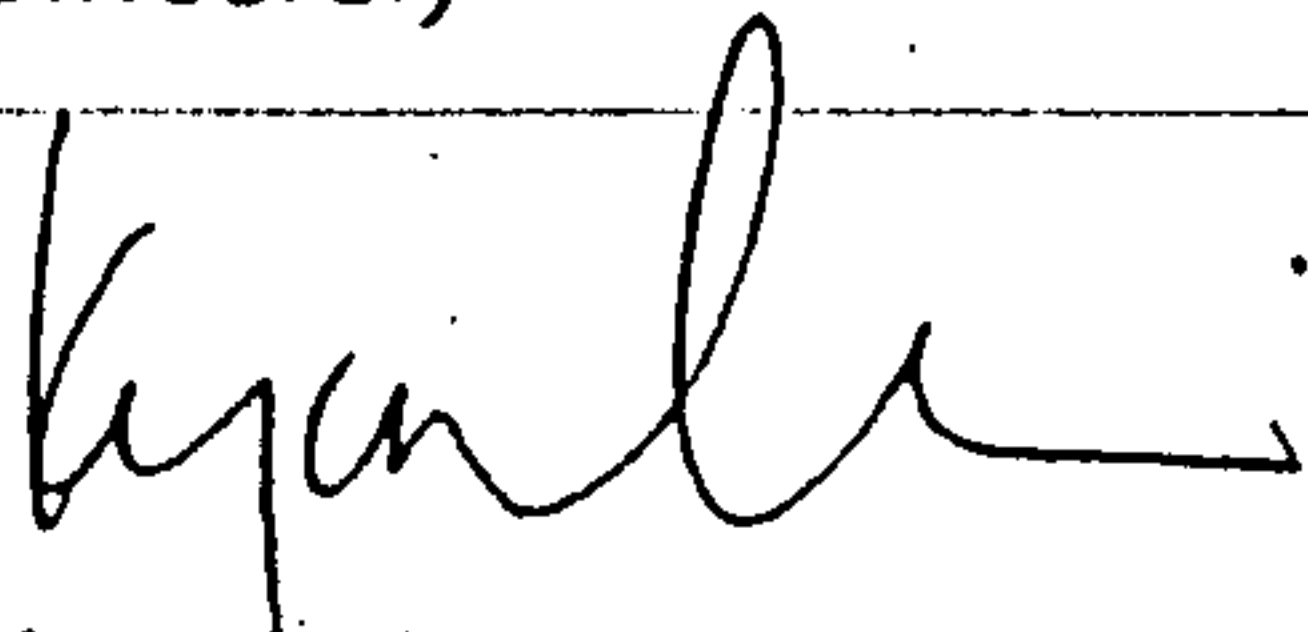


As part of our review process, we requested that Lawrence Kline, FAICP, of Denish Kline and Associates review the proposed preliminary plat for conformance with the High Desert Sector Development Plan and have attached a copy of his review. We have also attached previous correspondence, dated July 12, 2002 between Mr. Kline and Ellen Concini, who at the time was Zoning Enforcement Manager of the City of Albuquerque. Mr. Kline was the principal author of the High Desert Sector Development Plan.

HDIC will also review the construction plans and Final Plat of this project for their compliance with the High Desert Sector Development plan, associated High Desert governing documents and our requirements.

If you have any questions please contact us.

Sincerely



Kym E. Dicome
Vice President

High Desert Investment Corporation

CC: Mr. Kevin Patton, Bohannon Huston Inc.

Mr. Ray Berg, President High Desert Residential Owners Association

Ms. Sheran Matson, Chair of the DRB, City of Albuquerque



DENISH + KLINE ASSOCIATES

October 20, 2006

Mr. Douglas H. Collister, President
High Desert Investment Corporation
3791 Southern Boulevard SE
Rio Rancho NM 87124

re: Proposed Plat of Wilderness Canyon at High Desert

Dear Mr. Collister:

I am in receipt of a copy of the proposed plat of the above referenced subdivision. As one of the original draftors of the High Desert Sector Plan, you have asked me to review this plat for compliance with the Sector Plan with regard to the subdivision and zoning regulations contained therein. I have concluded that the proposed subdivision is in compliance with the Sector Plan.

Specifically I have reviewed the Sector Plan, the Comprehensive City Zoning Code, and a letter originally signed by myself on July 12, 2002 to Ellen Concini, who was on that date the Zoning Enforcement Manager of the City of Albuquerque.

With regard to density:

1. The site is zoned SU-2 HD-R-R "High Desert Recrcational/Resort". The Sector Plan at § 4.A.6 defines the uses allowed in the zone under certain regulatory configurations. "Golf Course", "Uses Related to a Golf Course", and "Resort/Conference Center" would be permissive if a Site Plan for Building Permit was taken through the Planning Commission review process. This was never done - therefore the only permissive use allowed today is "Uses Permissive in the HD-R-G Zone", with the further caveat that "if developed as R-G the total number of units shall not exceed 300."

2. The proposed subdivision would contain 25 single-family units. Added to the 110 units that exist in the R-R zone today (this figure was provided by you) the density limitation of the SU-2 HD-R-R zone would not be exceeded. Thus there is no issue of density.

With regard to zoning:

1. The SU-2 HD-R-G zone at §4.A.4 of the Sector Plan clearly states that HD-R-G is equivalent to the same designation in the Comprehensive City Zoning Code, i.e., §14.16.2-10 R-G "Residential Garden Apartment Zone". The R-G Zone then "pyramids" on top of the R-T Zone (§14.16.2-9

Mr. Douglas H. Collister
October 20, 2006
Page 2

of the Zoning Code), which clearly permits the uses of the R-1 Zone (§14.16.2-6) where the first permissive use listed is "House, one per lot". "House" is defined in the Zoning Code (§14.16.1-5) as "A single-family detached dwelling unit; a building containing only one dwelling unit."

Therefore there is no question that a single family detached dwelling is a permissive use in the HD-R-G zone.

With regard to lot width and size :

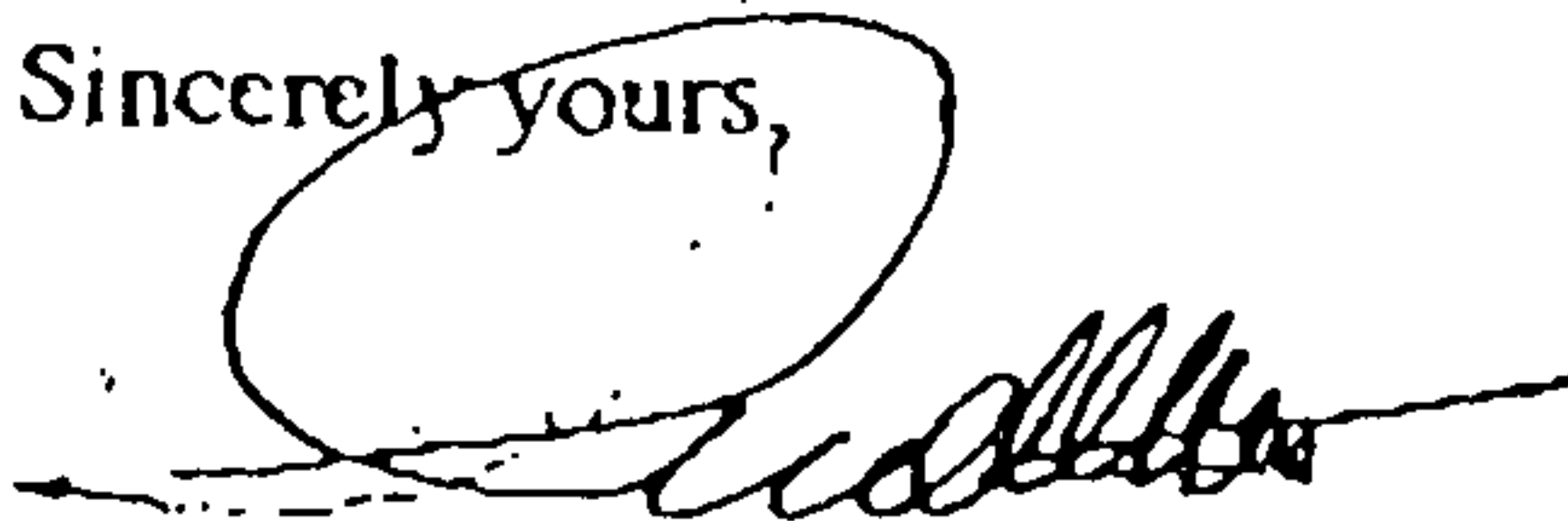
1. By the same "pyramid" the lot size requirements of the R-T zone apply. §14.16.2-9.D.3 of the Zoning Code states that the lot width requirement is "For a house..... minimum lot area shall be 3600 square feet per dwelling unit; minimum lot width shall be 36 feet." I have examined the proposed plat: although two of the lots are "flag lots", all the lots appear to comply with the definition of "Lot Width" contained in §14.16.1-5 of the Zoning Code. All appear, according to the proposed plat, to contain the requisite minimum of 3600 square feet.

In brief:

- The proposal is consistent with the zoning of the property.
- The proposal is consistent with density limitations on the property.
- The proposal is consistent with the lot width and lot size requirements for the property.

I am not privy to construction plans, so I cannot speak to compliance with height regulations, so I will only note there is a 26-foot height limit.

Sincerely yours,



Lawrence Kline FAICP

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06DRB-01411; 01412; 01413; 01414; 01415
(PROJECT #1004989)

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AMENDED NOTICE OF HEARING	34 - 35

City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

- SUBDIVISION**
- Major Subdivision action
 - Minor Subdivision action
 - Vacation
 - Variance (Non-Zoning)
- SITE DEVELOPMENT PLAN**
- for Subdivision Purposes
 - for Building Permit
 - IP Master Development Plan
 - Cert. of Appropriateness (LUCC)
- STORM DRAINAGE**
- Storm Drainage Cost Allocation Plan

Supplemental form

- S Z ZONING & PLANNING**
- Annexation
 - County Submittal
 - EPC Submittal
 - Zone Map Amendment (Establish or Change Zoning)
 - Sector Plan (Phase I, II, III)
 - Amendment to Sector, Area, Facility or Comprehensive Plan
 - Text Amendment (Zoning Code/Sub Regs)
 - Street Name Change (Local & Collector)
- L A APPEAL / PROTEST of...**
- Decision by DRB EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

NAME: High Desert Residential Owners Ass'n PHONE: see below

ADDRESS: see agent below FAX: _____

CITY: _____ STATE _____ ZIP _____ E-MAIL: _____

Proprietary Interest in site: _____ List all owners: _____

AGENT (if any): Scott & Kienzle PA (Paul M. Kienzle) PHONE: 505/246-8600

ADDRESS: Box 587 FAX: 505/246-8682

CITY: Albuquerque STATE NM ZIP 87103 E-MAIL: paul@kienzlelaw.com

DESCRIPTION OF REQUEST: Appeal of 12/06/06 DRB Decision in Project No. 1004989

Is the applicant seeking incentives pursuant to the Family Housing Development Program? Yes. No.

SITE INFORMATION: ACCURACY OF THE LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. Tract A, Unit 2 Block: _____ Unit: _____

Subdiv. / Addn. Wilderness at High Desert, Tract A, Unit 2

Current Zoning: SU-2/HD R-R Proposed zoning: _____

Zone Atlas page(s): F-23 No. of existing lots: 1 No. of proposed lots: 25

Total area of site (acres): 3.9653 Density if applicable: dwellings per gross acre: _____ dwellings per net acre: _____

Within city limits? Yes. No , but site is within 5 miles of the city limits.) Within 1000FT of a landfill? _____

UPC No. _____ MRGCD Map No. _____

LOCATION OF PROPERTY BY STREETS: On or Near: High Desert Pl. NE

Between: Trailhead Rd. NE and Embudito View Ct. NE

CASE HISTORY: *see also related City Council Appeal No. AC-07-2

List any current or prior case number that may be relevant to your application (Proj., App., DRB, AX, Z, V, S, etc.): Project No. 1004989, Case Nos. 06-DRB-01411 thru 06-DRB-01415

Check-off if project was previously reviewed by Sketch Plat/Plan?, or Pre-application Review Team?. Date of review: _____

SIGNATURE Paul M. Kienzle III DATE 12-21-2006

(Print) Paul M. Kienzle III Applicant Agent

FOR OFFICIAL USE ONLY

Form revised 4/04

	Application case numbers	Action SUB.	S.F.	Fees
<input type="checkbox"/> INTERNAL ROUTING				
<input checked="" type="checkbox"/> All checklists are complete	<u>DRB-01776</u>	<u>APPEAL</u>	<u>A</u>	<u>\$190.00</u>
<input checked="" type="checkbox"/> All fees have been collected		<u>ADY</u>		<u>\$50.00</u>
<input type="checkbox"/> All case #s are assigned				
<input checked="" type="checkbox"/> AGIS copy has been sent				
<input type="checkbox"/> Case history #s are listed				
<input checked="" type="checkbox"/> Site is within 1000ft of a landfill				
<input checked="" type="checkbox"/> F.H.D.P. density bonus				
<input checked="" type="checkbox"/> F.H.D.P. fee rebate				
	Hearing date _____			Total <u>\$240.00</u>

Sandy Handley 12/21/06 Project # 1004989

Planner signature / date

FORM A: APPEAL

Appeal to the Zoning Board of Appeals regarding:

DECISION OF THE ZONING HEARING EXAMINER

___ Project number of case being appealed; _____

___ Application number of case being appealed; _____

- ___ Reason for the appeal *
- ___ Appellant's basis of standing as an appellant *
- ___ Letter of authorization from the appellant if this application for appeal is submitted by an agent
- ___ Copy of the Official Notification of Decision regarding the matter being appealed
- ___ Fee (see schedule)

Appeal to the Landmarks and Urban Conservation Commission regarding:

CERTIFICATE OF APPROPRIATENESS DECISION OF THE PLANNING DIRECTOR OR STAFF

___ Project number of case being appealed; _____

___ Application number of case being appealed; _____

- ___ Reason for the appeal *
- ___ Appellant's basis of standing as an appellant *
- ___ Letter of authorization from the appellant if this application for appeal is submitted by an agent
- ___ Copy of the Official Notification of Decision regarding the matter being appealed
- ___ Fee (see schedule)

Appeal to the Environmental Planning Commission regarding:

DECLARATORY RULING OF THE ZONING ENFORCEMENT OFFICER

___ Project number of case being appealed; _____

___ Application number of case being appealed; _____

- ___ Reason for the appeal *
- ___ Appellant's basis of standing as an appellant *
- ___ Letter of authorization from the appellant if this application for appeal is submitted by an agent
- ___ Copy of the Official Notification of Decision regarding the matter being appealed
- ___ Fee (see schedule)

Appeal to the City Council through the Land Use Hearing Officer regarding:

- ADMINISTRATIVE AMENDMENT OR DECISION OF THE PLANNING DIRECTOR OR STAFF
- DETERMINATION OR ACTION OF THE ENVIRONMENTAL PLANNING COMMISSION
- DETERMINATION OR ACTION OF THE DEVELOPMENT REVIEW BOARD
- ACTION OF THE ZONING BOARD OF APPEALS REGARDING AN APPEAL
- DECISION OF THE LANDMARKS AND URBAN CONSERVATION COMMISSION

Project number of case being appealed; 1004989

Application number of case being appealed; 06-DRB-01411 thru 06-DRB-01415

- Reason for the appeal *
- Appellant's basis of standing as an appellant *
- Letter of authorization from the appellant if this application for appeal is submitted by an agent
- Copy of the Official Notification of Decision regarding the matter being appealed
- ___ Fee (see schedule)

* Criteria for reasonable appeals and criteria for standing as an appellant are given in Zoning Code §14-16-4-4. Any appeal must meet these criteria to be heard. The applicant should review these and other relevant documents carefully before preparing an application for appeal.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

Paul M. Kienzle III

Paul M. Kienzle III

Applicant name (print)

12/21/06

Applicant signature / date



Form revised 10/04 & March 2005

- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers

06CC - 01776

Sandy Handley 12/21/06

Planner signature / date

Project # 1004989

Land Use Hearing Officer
City Council
City of Albuquerque
Albuquerque, New Mexico

RE: APPEAL OF DECEMBER 6, 2006, DEVELOPMENT REVIEW
BOARD DECISION FOR PROJECT NO. 1004989,
PRELIMINARY PLAT APPROVAL FOR WILDERNESS CANYON

HIGH DESERT RESIDENTIAL OWNERS ASSOCIATION'S APPEAL
OF THE DEVELOPMENT REVIEW BOARD'S DECEMBER 6, 2006,
DECISION FOR PROJECT NO. 1004989

High Desert Residential Owners Association (Appellant),
through its attorneys Scott & Kienzle, P.A. (Paul M. Kienzle III)
offers the following Appeal of the December 6, 2006, Development
Review Board decision in Project No. 1004989 (Wilderness Canyon):

I. INTRODUCTION AND BACKGROUND

High Desert Residential Owners Association (the
"Association"), a City-recognized Neighborhood Association, appeals
the December 6, 2006, decision of the Development Review Board in
Project No. 1004989 (Wilderness Canyon) (the "Decision") on the
grounds that the Decision contains (1) error in applying adopted
city plans, policies, and ordinances in arriving at the decision;
(2) error in the appealed action or decision, including its stated
facts; and (3) error in acting arbitrarily or capriciously or being
manifestly abusive of discretion.

Among other things, the Development Review Board failed to
consider that the preliminary plat at issue is inconsistent and

fails to comply with the High Desert Sector Development Plan (the "Sector Plan"). Further, pursuant to the Sector Plan, approval of the proposed plat requires certification from the Association that the plat complies with the Sector Plan. However, in the Decision, the Development Review Board apparently failed to consider that the Association made clear that the proposed plat does not comply with the Sector Plan.

The proposed major subdivision in question is located at the southeast corner of the Wilderness at High Desert, a subdivision of the High Desert Sector Development Plan. It adjoins single family residential development to the north, City of Albuquerque Open Space to the northeast and east (which in turn is immediately adjacent to the Sandia Mountains Wilderness Area), an open space easement containing the Embudito Arroyo to the south, and a tract of undeveloped land to the west.

On September 29, 2006, Mesa Verde Development Corporation ("Applicant") filed its application for preliminary plat approval, sidewalk waiver, sidewalk deferral, and vacation of public easement, among other things. At the October 25, 2006, Development Review Board hearing, the board received a presentation from the Applicant and heard public comment. With the agreement of the Applicant, the Development Review Board deferred its decision on the preliminary plat in order for the Association to complete its required certification process and to supplement the record before

the Development Review Board. The Development Review Board again deferred its decision for the same reasons on November 15, 2006, November 22, 2006, and November 29, 2006. At the December 6, 2006, hearing, the Development Review Board approved the preliminary plat, with conditions, and issued its written decision of the same date. A copy of the Development Review Board's December 6, 2006, written decision is attached as Exhibit "A." The Association has standing to bring this appeal of that decision.

II. CRITERIA FOR DECISION AND STANDARDS

The criteria for decision and standards applicable to this appeal are found in the High Desert Sector Development Plan (the "Sector Plan"),¹ the Albuquerque Subdivision Regulations (the "Subdivision Ordinance"), the Albuquerque Zoning Code, the Albuquerque/Bernalillo County Comprehensive Plan, and principles of New Mexico law.

Pursuant to the Subdivision Ordinance, "[a]pproval of the preliminary plat is a commitment on the part of the city that a final plat conforming to the approved preliminary plat and any conditions will be approved" Albuquerque, N.M., Code of Ordinances § 14-14-3-4.

¹ Adopted by the City of Albuquerque on May 3, 1993, and amended on August 12, 1994, October 5, 1995, March 19, 1999, and December 20, 2001.

However, the Subdivision Ordinance requires that:

[s]ubdivisions partially or wholly within the platting jurisdiction of both the county and the city shall be approved in accordance with the terms of applicable city and county ordinances, regulations, and rules, as well as New Mexico statutes, before that plat is recorded in the Office of the County Clerk.

Id. at § 14-14-1-4; see also id. at § 14-14-9-1. Further, under "Fundamental Considerations," the Subdivision Ordinance mandates that:

[l]and may be subdivided only in accordance with procedures established by this article. The Development Review Board shall approve the subdivision of land when it determines that the land is suitable for subdivision for the purposes proposed, the subdivision complies with this article, and that the subdivision is not contrary to the best interests of the public health, safety, and general welfare.

Id. at § 14-14-2-1. The Subdivision Ordinance goes on to require that:

[t]he arrangement, character, extent, width, grade, and location of all streets and the general nature and extent of the lots and uses proposed shall conform to the Albuquerque/Bernalillo County Comprehensive Plan and any other adopted plan, ... No plat shall be approved if it contains elements clearly and significantly inconsistent with adopted plans.

Id. at § 14-14-2-2 (emphasis added).

The proposed subdivision is located in a "Semi-Urban" area of the Albuquerque/Bernalillo County Comprehensive Plan (the "Comprehensive Plan"). Pursuant to the Comprehensive Plan, "Semi-Urban" areas are:

characterized by development limitations due to topography, soil conditions, water quality, flood potential, scenic qualities and recreational potential. An overall gross housing density of three dwellings per acre is appropriate in Semi-Urban Area. Housing densities above three dwelling units per acre, except where clustered with shared open land, are likely to be especially problematic in Semi-Urban areas. Standard urban residential development patterns eliminate openness, create traffic, alter drainage conditions, limit recreation and agriculture potential, and degrade water quality when either community or City services are not available. Residents living in the areas the Plan designates Semi-Urban have preferences for the area's use. The residents expressed objectives reinforce important environmental and historical justifications for maintaining the Semi-Urban Areas' special character. Semi-Urban Area development standards (as in the Rural Area) should reflect residents' preferences, environmental constraints, and unique characteristics of these development areas.

Comprehensive Plan at p. I-21.

In regard to the required density transition of proposed subdivisions in High Desert, the Sector Plan states:

Because of its location, the project must serve as a link between natural open areas and urban activity. Thus uses within the plan area must range from very low intensity recreational and residential opportunities to the level of intensity necessary to provide essential retail and institutional services to its residents. Therefore, the land-use plan is designed around a neighborhood "center" and the transition from that center to natural open areas at its edges.

From the neighborhood center, residential land use densities transition from higher densities in the project center to lower densities at the interface with adjacent lands. For example, apartments within the project are located next to the neighborhood center. This also places the tallest buildings within the interior of the site with lower buildings along Tramway. Such a relationship provides a more visually pleasing interface

with Tramway Boulevard and responds to concerns expressed in meetings with residents of adjacent neighborhoods. The core area would be surrounded by residential areas at a density generally equivalent to the northeast heights. As development approaches the project boundaries to the north and east, the density continues to diminish, leaving the least dense residential areas (generally equivalent to similar development in Sandia Heights) as boundaries with natural open space areas.

Sector Plan at 3.2, "Land-Use Transition Concepts." The Sector Plan goes on to state:

[t]he lowest density uses are placed against the Forest, Wilderness, park access, and existing open space boundaries. The northern and southern boundaries maintain land use intensities similar to Sandia Heights and Glenwood Hills respectively.

Id. at 3.5, "Existing Development." In regard to density transition in conjunction with building heights, the Sector Plan states:

Building heights and site lighting levels will also be keyed to view preservation.

From the neighborhood center, residential land use densities transition from high densities in the project center to lower densities at the border with adjacent lands. The lowest structures, ... will be against the boundaries with the Forest Service lands....

Id. at 3.10, "Building Heights." With specific reference to density transition on the Forest Service Border, the Sector Plan states:

In the recreational/resort zone (HD-R-R), townhouses surrounded by common public or private open areas may form an adjacent land use. This will provide a low density transition to the public lands on the eastern border of the property.

Id. at 3.11, "Forest Service Boundary." Finally, the Sector Plan states: "As noted before, one of the main principles driving the High Desert Sector Plan is the transition from open areas to urban uses. Nowhere is the transition more important than at the project boundary with Simms Park Access Road, and U.S. Forest Service Lands." Id. at 4.5 (preamble).

In regard to building on severe slopes, the Sector Plan comports with the Comprehensive Plan. See Comprehensive Plan, p. II-7, at Policy "e" and High Desert Sector Development Plan at 2.2, 2.7, 3.4 and 3.7. The intent of both the Comprehensive Plan and the Sector Plan is to preserve areas in excess of 10% slope in the Sandia foothills as open space. "The Sandia foothills, where ever slopes exceed 10 percent, shall be acquired or regulated as appropriate to protect such areas from detrimental and incompatible public and private activities." Comprehensive Plan, p. II-7, at Policy "e." "Those areas corresponding to those which would be protected through imposition of the 10% Slope Demarcation Line found in the Sandia Foothills Plan are to be preserved." Sector Plan at 3.7. "Areas above the 10% Slope Demarcation Line should be protected by granting them as public open space." Id. at 2.7. "Areas of excess slope meeting the intent of the Slope Demarcation Line of the Sandia Foothills Plan are preserved either by direct dedication to public entities or by easements retained and controlled by the developer or its successors." Id. at 3.4.

Significantly, the Sector Plan requires the Association to certify that any proposed subdivision complies with the Sector Plan. In pertinent part, the Sector Plan requires that:

the zones described in this Sector Plan shall be developed in accordance with the regulations and procedures of the Subdivision Ordinance and Comprehensive City Zoning Code. Further the High Desert Homeowners' Association or its successors shall certify to the City at the time of submittal for approval to the Development Review Board that any proposed plat meets the requirements of the Sector Development Plan, The Homeowner's Association shall further certify that the number of units constructed in the zone does not exceed the maximum allowed by the Sector Plan.

Sector Plan at § 4.A.7.1 (emphasis added).

~~Pursuant to the Subdivision Ordinance, the Association has the right to appeal the Decision:~~

Any person aggrieved by a determination of the Development Review Board acting pursuant to this article may appeal to the City Council by submitting a written application which is received by the Planning Director within 15 days after the date of the city's decision.... Such appeal shall be heard and decided by the City Council or the Land Use Hearing Officer within 60 days of its filing.

Albuquerque, N.M., Code of Ordinances § 14-14-8-4.

The following persons may be considered aggrieved and may file appeals of decisions within the jurisdiction of this article being deemed to have a person or pecuniary interest or property right adversely affected by the decision, which right or interest is more than merely nominal or remote:

* * *

(B) Organized neighborhood associations which have filed their articles of incorporation, bylaws, or other documents indicating their existence ... if the

boundaries of the association include any part of the subject site or any land within 600 feet thereof

Id. at § 14-14-8-2.

Applications for appeal shall clearly articulate the reasons for the appeal; appellants shall specifically cite and explain one or more alleged errors, as follows:

(A) Error in apply adopted city plans, policies, and ordinances in arriving at the decision;

(B) Error in the appealed action or decision, including its stated facts;

(C) Error in acting arbitrarily or capriciously or being manifestly abusive of discretion.

Id. at § 14-14-8-3.

The body of New Mexico administrative law also governs the standards under which Development Review Board's decision should be

reversed. A decision of an administrative body is arbitrary and capricious if it is unreasonable or if it does not have a rational

basis. Snyder Ranches, Inc. v. Oil Conservation Comm'n of State of New Mexico, 110 N.M. 637, 798 P.2d 587 (1990). "Abuse of

discretion" is found where the proceedings were not in the manner required by law, the decisions is not supported by the findings, or

the findings are not supported by the evidence. Gallegos v. New Mexico State Corrections Department, 115 N.M. 797, 858 P.2d 1276

(Ct. App. 1992). A municipality must follow its ordinances as written unless proper procedures are followed to amend them. W.

Old Town Neighborhood Ass'n v. Albuquerque, 122 N.M. 495, 927 P.2d 529 (Ct. App. 1996).

III. EVIDENCE, ARGUMENTS, AND REASONS FOR APPEAL

A. THE PROPOSED SUBDIVISION FAILS TO COMPLY WITH THE SECTOR PLAN, AS REQUIRED BY THE SUBDIVISION ORDINANCE AND THE SECTOR PLAN ITSELF.

Pursuant to the Subdivision Ordinance, approval of any plat must be done so in accordance with the terms of applicable city and county ordinances, regulations, and rules, as well as New Mexico statutes. See Albuquerque, N.M., Code of Ordinances, §§ 14-14-1-4, 14-14-2-1, 14-14-9-1. The Subdivision Ordinance expressly prohibits the approval of a plat if the plat contains elements "clearly and significantly inconsistent with adopted plans." Id. at 14-14-2-2.

1. The Decision Fails to Comply With the Sector Plan Because It Allows Greater Density at the Borders of High Desert and Greater Density Adjacent to Open Space and Forest Service Land.

In regard to density transition from the center of High Desert to the borders of High Desert, the Sector Plan requires that "as development approaches the [High Desert] boundaries to the north and the east, the density continues to diminish, leaving the least dense residential areas ... as boundaries with natural open space areas." Sector Plan at 3.2. Further, the High Desert Sector Development Plan requires that "[t]he lowest density uses are placed against the Forest, Wilderness, [and] park access" Id. at p. 3.5. Finally, the Sector Development Plan contemplates that "nowhere is the [density] transition more important than the

project boundary with ... the U.S. Forest Service Lands." Id. at 4.5 (preamble).

However, it appears that the proposed plat will achieve the opposite result. The proposed development is adjacent to City of Albuquerque Open Space to the northeast and east (which in turn is immediately adjacent to the Sandia Mountains Wilderness Area) and an open space easement containing the Embudito Arroyo to the south. The site area of the proposed subdivision is 3.9653 acres. The preliminary plat proposes 25 lots with single-family detached homes. Thus, the proposed subdivision contemplates a density of 6.30 dwelling units per acre. See id.

The proposed subdivision described in the plat lies in an area classified as "Semi-Urban" pursuant to the Comprehensive Plan. Comprehensive Plan at p. I-21. The density proposed for the proposed subdivision is higher than the overall gross density of up to three dwelling units per acre contemplated for "Semi-Urban" areas in the Comprehensive Plan. See id.

More importantly, the proposed density is more dense than that of the "center" areas. The proposed subdivision will have land use intensities far greater than those in Sandia Heights and Glenwood Hills. Indeed, the proposed development will be some of the most dense development adjacent to Open Space and the Forest Service lands in all of the Sandia foothills.

Thus, the proposed plat is inconsistent Sector Plan in regard to density transition and density adjacent to open space. See December 5, 2006, letter from H. William Fanning to Ray Berg at p. 1 ("Fanning Analysis") ("The proposal for Wilderness Canyon is not consistent with [density transition] concepts for development in that it would place a relatively high density, two story, development immediately adjacent to City Open Space."); see also December 5, 2006, letter from Ray Berg to Sheran Matson.

There is no indication in the Decision that the Development Review Board took into consideration the Fanning Analysis noted above, the December 5, 2006, letter from Ray Berg to Sheran Matson, the December 3, 2006, letter from Steve Borbas ("Borbas Analysis"), the November 15 and November 21, 2006, letters from Carl Fessler, the petition signed by 66 of the residents of High Desert, and the voluminous in-person testimony provided by concerned residents and representatives of the Association at the several hearings on this matter, all of which addressed the failure of the proposed plat to comply with the Sector Plan in regard to density transition and density adjacent to open space.

Rather, the Decision appears to indicate that the only documentary and testimonial evidence the Development Review Board considered was the November 6, 2006, High Desert Residential Owners

Association letter, which does not address density transition or building adjacent to open space.² Decision at ¶¶ 1-2.

Thus, the Decision is (1) arbitrary and capricious and (2) and an abuse of discretion and (3) is utterly in error because the Development Review Board did not correctly apply city plans, policies, and ordinances because there was apparently no consideration of the failure of proposed plat to comply with the Sector Development Plan, a city plan, in regard to density transition and density adjacent to open space.

2. The Proposed Subdivision Does Not Comport With the Sector Plan and the Comprehensive Plan In Regard To the Prohibition on Building on Slopes With 10% Or Greater Grade.

The intent of the Comprehensive Plan and the Sector Plan is to generally prohibit building on lots where the grade of the slope is 10% or greater and to preserve areas in excess of 10% slope in the Sandia foothills as open space. See Comprehensive Plan, p. II-7, at Policy "e" and High Desert Sector Development Plan at 2.2, 2.7, 3.4 and 3.7.

According to the Fanning Analysis, the proposed plat has two areas that "substantially exceed a 10% slope," including the north side along the rear of lots 4 and 5 (approximately 14% slope) and

² The Decision addresses overall density and zoning; however, the Decision fails to address density transition and density adjacent to open space.

on the southwest side along the rear of lots 19 through 21 (approximately 23% slope). Fanning Analysis at p. 3. The Borbas Analysis and the November 15, 2006, letter from Carl Fessler to Sheran Matson also make clear that the proposed plat violates the intent of the Sector Plan in regard to building on severe slopes.

Thus, the proposed plat does not comply with the intent and specific requirements of the Comprehensive Plan and the Sector Plan in regard to building on severe slopes. However, the Decision completely ignored that the proposed plat failed to comply with the Sector Plan in that regard.

Accordingly, for a second significant reason, the Decision is (1) arbitrary and capricious and (2) an abuse of discretion and (3) is utterly in error because the Development Review Board did not correctly apply city plans, policies, and ordinances because there was apparently no consideration of the failure of proposed plat to comply with the Comprehensive Plan and Sector Plan in regard to their general prohibition on building on severe slopes in the Sandia foothills.

3. The Decision Ignores Other Significant Issues With the Proposed Plat, Including Drainage, Traffic, Street Design, and Destruction of Views.

In addition to the proposed plat's failure to comply with the Sector Plan in regard to density transition, density adjacent to open space, and building on slopes with greater than a 10% grade,

the proposed plat presents significant additional issues in regard to the Sector Plan, as demonstrated by the Fanning Analysis, the Borbas Analysis, the petition signed by 66 members of the Association, the many other letters in the record, and the extensive public comment made at the several Development Review Board hearings regarding this matter. Among other things, the proposed plat does not meet the requirements of the Sector Plan because the proposed development (1) will generate traffic problems contrary to the intent of the Sector Plan, (2) will generate drainage issues contrary to the intent of the Sector Plan, and (3) will impair views and will contrast with the existing land form. Finally, the proposed development is not in scale to the existing residences in the immediate area and is otherwise contrary to the spirit and intent of the Sector Plan.

B. THE DECISION IGNORES THE REQUIREMENT THAT THE ASSOCIATION MUST CERTIFY THAT THE PROPOSED PLAT COMPLIES WITH THE SECTOR PLAN PRIOR TO APPROVAL.

In addition to the Subdivision Regulations' requirements that a plat conform with the Sector Plan, the Sector Plan requires that the Association certify to the City at the time of submittal for approval to the Development Review Board that any proposed plat meets the requirements of the Sector Plan. See Sector Plan at § 4.A.7, page 4.4. Significantly, the Association has not certified that the preliminary plat complies with the Sector Plan. See

December 5, 2006, letter from Ray Berg to Sheran Matson. Significantly, the record reflects that the Association has stated the opposite: the preliminary plat does not comply with the Sector Plan.

The Decision appears to have considered only one item of documentary evidence in regard to the Association's required certification of the proposed plat, the November 6, 2006, letter from the Association president, Ray Berg. See Decision at ¶¶ 1-3. However, that letter does not state that the Association certifies that the proposed plat fully complies with the Sector Plan.

Instead, that letter states only that the proposed plat meets certain zoning requirements.

Further, the Decision completely ignores the subsequent letter from the Association that states that the "deficiencies of the submissions are broad and pervasive, and indicate a lack of appreciation of the [Sector Plan] requirements." See December 5, 2006, letter from Ray Berg to Sheran Matson at p. 2. That letter also states that it is the opinion of the several consultants engaged by the Association to evaluate the proposed plat that the proposed plat does not meet the requirements of the Sector Plan. Id. at p. 1. Moreover, the Decision ignores the Fanning Analysis, the Borba Analysis, the additional letters and petition submitted to the DRB, and the testimonial evidence presented at the hearings,

much of which focused on the inability of the Association to certify the proposed plat due to the proposed plat's failure to comply with the Sector Plan.

The Development Review Board appears to have considered the Association's November 6, 2006, as adequate not pursuant to the requirements of the Sector Plan, but rather pursuant to the encouragement of the High Desert Investment Corporation ("HDIC"), the master developer of High Desert.

In pertinent part, the Decision states: "[t]he November 6, 2006, High Desert Residential Owners' Association Letter satisfies the intent of the Section 4.A.7. of the High Desert Sector Plan based upon past High Desert Residential Owners' Association letters submitted for previous preliminary plats in High Desert." Decision at ¶ 1. In a November 20, 2006, letter, to the Development Review Board, the president of HDIC states that "[i]n past HDROA plat approvals, at least when directors were appointed by HDIC, Section 4.A.7-1 was interpreted to pertain to assurance that any proposed plat conformed to the zoning for the site." November 20, 2006, letter from Douglas H. Collister to Sharon [sic] Matson at p. 1. Similarly, in a November 28, 2006, letter to the Development Review Board, which was apparently not copied to the Association, another senior representative of the developer writes: "It is our belief that this certification has previously been provided to the

DRB by the letter that was previously submitted into the record, addressed to Sheran Matson, dated November 6, 2006, from Raymond S. Berg, President of the Board, HDROA." November 28, 2006, letter from Kevin G. Patton to Sheran Matson.

Thus, HDIC states when it appointed the board members that conducted certifications on behalf of Association, a process less rigorous than that required by law was performed, and HDIC encourages the Development Review Board to continue to allow a cursory analysis to suffice for plat approval. However, simply because the process was conducted contrary to law in the past is no reason to continue to allow the process to continue in that fashion. Rather, the Development Review Board has an obligation to ensure that the proposed plat is approved only in compliance with the express requirements of the Sector Plan.

The Sector Plan requires a more searching review on the part of the Association than that cited by the Development Review Board. The proposed plat must comply with the entire Sector Plan, not just selected portions thereof, and certainly just not those portions selected by the developer. The Association conducted the more rigorous review as required by the Sector Plan and submitted its findings to the Development Review Board. See e.g. Fanning Analysis, Borbas Analysis, and December 6, 2006, letter from Ray Berg to Sheran Matson. However, the Development Review Board appears to have completely ignored those findings.

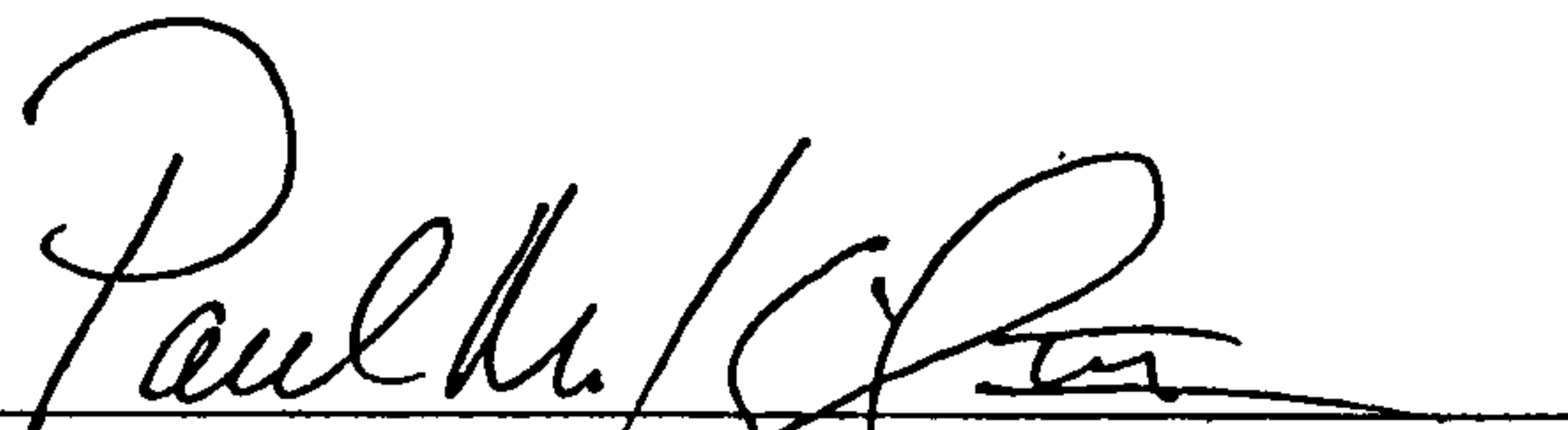
Finally, it is clear that the Development Review Board expressly based the Decision in part on evidence not before the Development Review Board in this matter. See Decision at ¶ 1 ("... based on past High Desert Residential Owners' Association letters submitted for previous preliminary plats").

Thus, the Decision is (1) arbitrary and capricious and (2) and an abuse of discretion and (3) is utterly in error because the Development Review Board did not correctly apply city plans, policies, and ordinances because there was apparently no consideration of the Association's clear statement that it could not certify that the proposed plat complies with requirements of the Sector Plan (because it does not), and because the Development Review Board clearly considered evidence outside the record in this matter in reaching its Decision.

C. CONCLUSION

Based on the foregoing, High Desert Residential Owners Association strongly recommends that December 6, 2006, decision of the Development Review Board in Project No. 1004989 (Wilderness Canyon) be reversed; that the applications related to that decision be remanded to the Development Review Board with instructions that a preliminary plat may not be approved unless it fully complies with the High Desert Sector Development Plan's requirements regarding density transition, density adjacent to open space,

slopes, drainage, street design, preservation of views and all other issues described in the High Desert Sector Development Plan; that the preliminary plat may not be approved prior to High Desert Residential Owner's Association's certification of its compliance with the High Desert Sector Development Plan; and for such other different relief as appropriate.

By: 

Paul M. Kienzle III
Scott & Kienzle, P.A.
Attorneys for Appellant
High Desert Residential Owners Association
P.O. Box 587
Albuquerque, NM 87103
505/246-8600; FAX: 246-8682



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

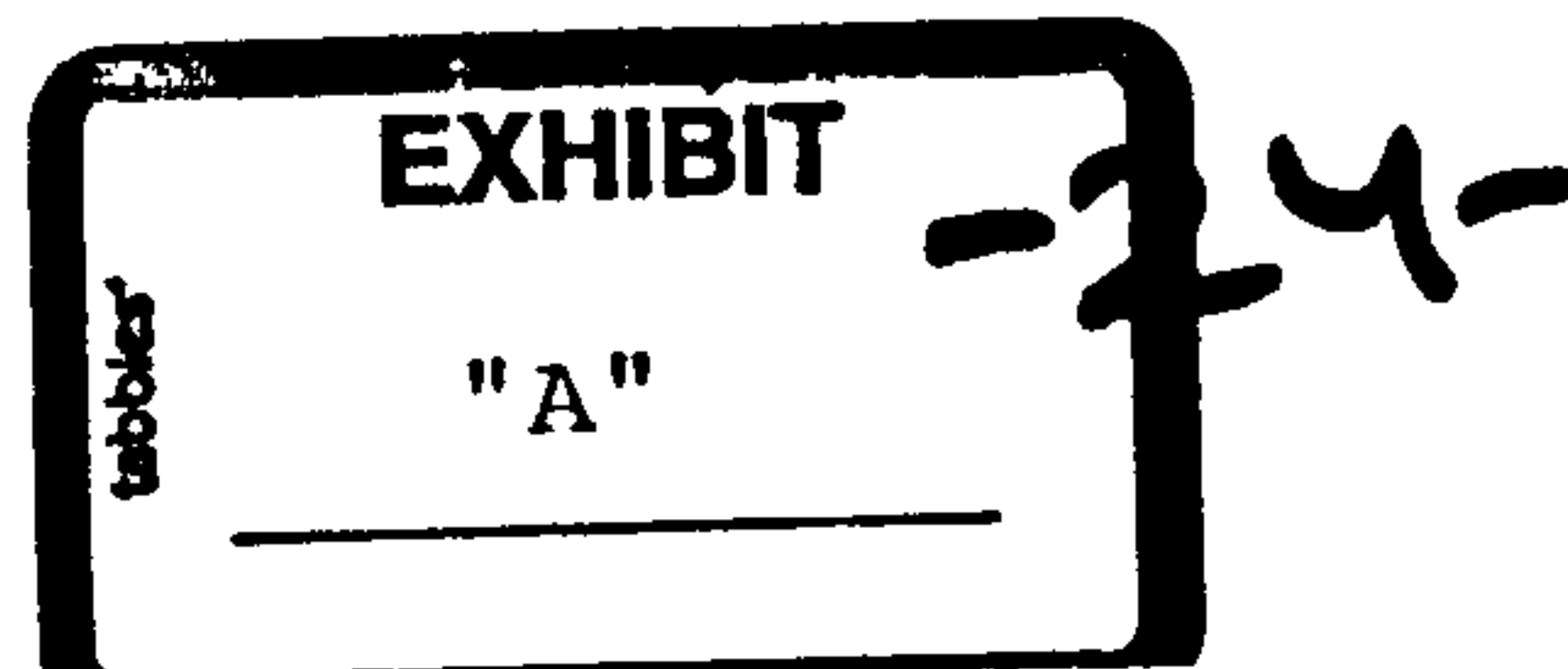
December 6, 2006

- 1. **Project # 1004989**
- 06DRB-01411 Major-Preliminary Plat Approval
- 06DRB-01412 Major-Vacation of Public Easements
- 06DRB-01413 Minor-Subd Design (DPM) Variance
- 06DRB-01414 Minor-Sidewalk Waiver
- 06DRB-01415 Minor-Temp Defer SDWK

BOHANNAN HUSTON INC agent(s) for MESA VERDE DEVELOPMENT CO request(s) the above action(s) for all or a portion of Tract(s) A, UNIT 2, WILDERNESS @ HIGH DESERT (to be known as **WILDERNESS CANON @ HIGH DESERT**) zoned SU-2, HD/R-R, located on HIGH DESERT PL NE, between TRAILHEAD RD NE and EMBUDITO VIEW CT NE containing approximately 4 acre(s). [REF: 06DRB-00933, 04DRB-00713, 04DRB-01723] [Deferred from 10/25/06 & 11/8/06 & 11/15/06 & 11/22/06 & 11/29/06] (F-23)

At the December 6, 2006, Development Review Board meeting, with the signing of the infrastructure list dated 12/6/06 and approval of the grading plan engineer stamp dated 11/7/06 the preliminary plat was approved with the following findings:

- 1. The November 6, 2006 High Desert Residential Owners' Association Letter satisfies the intent of Section 4.A.7 of the High Desert Sector Plan based upon past High Desert Residential Owners' Association letters submitted for previous preliminary plats in High Desert.
- 2. Planning agrees that the preliminary plat submitted for Wilderness Canon at High Desert complies with the zoning, density and lot size requirements of the High Desert Sector Plan.
 - a. Specifically, residential uses in the SU2-HD RR zoning must conform, according to the Sector Plan, to the SU2-HD RG zone. The sector plan states the total number of dwelling units cannot exceed 300. Wilderness Canon's preliminary plat contains 25 lots or 25 dwelling units. High Desert Investment Corporation has stated for the record that the SU2-HD RR zone currently contains 110 units. So even with the addition of these 25 lots, the total is well below the 300 unit limit.





OFFICIAL NOTICE OF DECISION

PAGE 2

- b. One dwelling unit per lot as proposed also conforms to City's RT zoning category to which the SU2-HD RG zoning refers for use and lot size.
 - c. The lot sizes shown on the submitted plat conform to the RT zoning category.
3. The developer must include this statement on the final plat: "The property on this plat is subject to a Pre-Development Facilities Fee Agreement with the Albuquerque Public Schools recorded at [insert recording information here]."

The vacations were approved as shown on Exhibit B in the Planning file, subject to these findings and conditions:

FINDINGS:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements.
2. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.

CONDITIONS:

1. The vacated property shall be shown on a replat approved by the Development Review Board and the approved replat shall be filed for record with the Bernalillo County Clerk's Office within one year.

A subdivision design variance from minimum DPM standards concerning internal streets was approved as shown on Exhibit C in the Planning file.

A sidewalk variance for waiver of sidewalks was approved as shown on Exhibit C in the Planning file. The temporary deferral of construction of sidewalks on the interior streets was approved as shown on Exhibit C in the Planning file.

If you wish to appeal this decision, you must do so by December 21, 2006, in the manner described below.



OFFICIAL NOTICE OF DECISION


PAGE 3

Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal. If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

Please note that the vacation of all plats, rights-of-way, and easements are void after one year from the final appeal date referenced above if all conditions are not met (The effective date of Development Review Board approval is the hearing date plus the 15-day appeal period.) (REF: Chapter 14 Article 14 Part 7-2 (E)(3)(6) Revised Ordinance.)

Please note that a Preliminary Plat approval date is the date of the DRB action plus the 15-day appeal period. The Preliminary Plat approval expires one year from that date. The DRB must take action on the Preliminary Plat Extension prior to the expiration of the approval or the Preliminary Plat approval is null and void. (REF: Chapter 14 Article 14 Part 3-4 (E) Revised Ordinance.)


Sheran Matson, AICP, DRB Chair

Cc: Bohannon Huston Inc., 7500 Jefferson NE, 87109
Mesa Verde Development Co., 8300 Carmel Ave NE, 87122
John Salazar, Rodey Law Firm, P.O. Box 1888, 87103
Kym Dicome, High Desert Investment Corp., 3791 Southern Blvd SE, Rio
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OFFICIAL NOTICE OF DECISION

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Carl Fesler, 5005 Cumbre del Sur NE, 87111
Don Kellor, 5004 Cresto del Sur NE, 87111
Christine Ranier, 5016 Cresta del Sur Ct NE, 87111
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.
File

CITY OF ALBUQUERQUE

Planning Department

Richard Dineen, Director

Development Review Division

600 2nd Street NW – 3rd Floor
Albuquerque, NM 87102



NOTICE OF APPEAL

January 4, 2007

TO WHOM IT MAY CONCERN:

The Planning Department received the attached appeal on December 21, 2006. You will be notified by mail as to when this appeal will be heard before the Land Use Hearing Officer.

Please refer to enclosed Bill (F/S OC-04-6, Land Use Hearing Officer Rules of Procedure and Qualifications) for any questions you may have regarding the Land Use Hearing Officer rules of procedure.

Any questions you might have regarding Land Use Hearing Officer policy or procedure that are not answered in the enclosed bill can be answered by Crystal Ortega, Clerk to the Council, (505) 768-3100.

P.O. Box 1293

CITY COUNCIL APPEAL NUMBER: AC-07-3

Albuquerque

PLANNING DEPARTMENT CASE FILE NUMBERS: Project #1004989
06DRB-01411; 01412; 01413;
01414; 01415

New Mexico 87103

APPELLANT(s): High Desert Residential Owners Association
c/o Paul M. Kienzle
Scott & Kienzle PA
Box 587
Albuquerque, NM 87103

www.cabq.gov

AGENT: Paul M. Kienzle
Scott & Kienzle PA
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Albuquerque, NM 87103

cc: High Desert Residential Owners Association, c/o Paul M. Kienzle, Scott & Kienzle PA, Box 587, Albuquerque, NM 87103
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Marilyn Maldonado, Planning Department - 4th Floor, 600 2nd St NW, Albuquerque, NM 87102
Crystal Ortega, Clerk to the Council, City/County Building - 9th Floor
DRB File

CITY OF ALBUQUERQUE

Planning Department

Richard Dineen, Director

Development Review Division

600 2nd Street NW - 3rd Floor
Albuquerque, NM 87102



NOTICE OF HEARING

January 5, 2007

High Desert Residential Owners Association
c/o Paul M. Kienzle
Scott & Kienzle PA
Box 587
Albuquerque, NM 87103

AC-07-3 – 06DRB-01411; 06DRB-01412; 06DRB-01413; 06DRB-01414; 06DRB-01415;
Project #1004989 Paul M. Kienzle, agent for High Desert Residential Owners Association,
appeal the Development Review Board's (DRB) approval of a Preliminary Plat for all or a
portion of Tract(s) A, Unit 2, Wilderness @ High Desert (to be know as Wilderness Canon
@ High Desert) zoned SU-2, HD/R-R, located on High Desert Pl. NE, between Trailhead
Rd. NE and Embudito View Ct. NE, containing approximately 4 acre(s). (F-23) Sheran
Matson, Development Review Board Chair

P.O. Box 1293

The City of Albuquerque Land Use Hearing Officer will hear the above appealed case on
Thursday, January 18, 2007. The hearing begins at **9:30 am** in the Vincent E. Griego
Chambers, Basement Level, Albuquerque/Bernalillo County Government Center, One Civic
Plaza NW.

Albuquerque

Submittal of new information or questions regarding the hearing with the Land Use Hearing
Officer should be directed to Council Services, c/o Crystal Ortega, One Civic Plaza NW, 9th
Floor, Albuquerque NM 87102, (505) 768-3100.

New Mexico 87103

A copy of the record submitted to the Land Use Hearing Officer copies will be available by
January 12, 2007, in the Planning Department, Plaza del Sol Building, 600 2nd Street NW, 3rd
Floor. Please call (505) 924-3889 to request a copy.

www.cabq.gov

Sincerely,

Barbara J. Findley
Administrative Assistant

cc: Paul M. Kienzle, Scott & Kienzle PA, Box 587, Albuquerque, NM 87103
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Albuquerque, New Mexico, January 11, 2007

January 5, 2007

AC-07-3

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DRB File

CITY OF ALBUQUERQUE



Planning Department

Richard Dineen, Director

Development Review Division

600 2nd Street NW - 3rd Floor
Albuquerque, NM 87102

AMENDED NOTICE OF HEARING

January 11, 2007

High Desert Residential Owners Association
c/o Paul M. Kienzle
Scott & Kienzle PA
Box 587
Albuquerque, NM 87103

AC-07-3 - 06DRB-01411; 06DRB-01412; 06DRB-01413; 06DRB-01414; 06DRB-01415;
Project #1004989 Paul M. Kienzle, agent for High Desert Residential Owners Association,
appeal the Development Review Board's (DRB) approval of a Preliminary Plat for all or a
portion of Tract(s) A, Unit 2, Wilderness @ High Desert (to be know as Wilderness Canon
@ High Desert) zoned SU-2, HD/R-R, located on High Desert Pl. NE, between Trailhead
Rd. NE and Embudito View Ct. NE, containing approximately 4 acre(s). (F-23) Sheran
Matson, Development Review Board Chair

P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

The City of Albuquerque Land Use Hearing Officer will hear the above appealed case on
Tuesday, March 6, 2007. The hearing begins at **9:30 am** in the Vincent E. Griego Chambers,
Basement Level, Albuquerque/Bernalillo County Government Center, One Civic Plaza NW.

Submittal of new information or questions regarding the hearing with the Land Use Hearing
Officer should be directed to Council Services, c/o Crystal Ortega, One Civic Plaza NW, 9th
Floor, Albuquerque NM 87102, (505) 768-3100.

If you would like a copy of the record submitted to the Land Use Hearing Officer copies will be
available after February 20, 2007, upon request in the Planning Department, Plaza del Sol
Building, 600 2nd Street NW, 3rd Floor. Please call (505) 924-3889 to request a copy.

Sincerely,

Barbara J. Findley
Administrative Assistant

cc: Paul M. Kienzle, Scott & Kienzle PA, Box 587, Albuquerque, NM 87103
Bohannon Huston, Inc., 7500 Jefferson NE, Albuquerque, NM 87109
Mesa Verde Development Co., 8300 Carmel Avenue NE, Albuquerque, NM 87122
Carl & Lillian Fesler, 5005 Cumbre del Sur, Albuquerque, NM 87111-2988
Robert & Kathy Pelletier, 5123 High Desert Place NE, Albuquerque, NM 87111
Janet & Eric Lentz, 5109 High Desert Place NE, Albuquerque, NM 87111
Hessel Yntema, Oman & Yntema, P.A., Pst Office Box 1748, Albuquerque, NM 87103
John Salazar, Rodey Law Firm, Post Office Box 1888, Albuquerque, NM 87103
Kym Dicome, High Desert Investment Corp., 3791 Southern Blvd SE, Rio Rancho, NM 87124
Douglas Collister, 8524 Snakedance Ct NE, Albuquerque, NM 87111
Ray Berg 13501 Osage Orange NE, Albuquerque, NM 87111
Debra & Jay Greenhood, 13409 Embudito View Ct NE, Albuquerque, NM 87111
Sam & Jennie Baca, 5000 Cumbre del Sur NE, Albuquerque, NM 87111
Anita Liem, 13419 Wildernes Pl NE, Albuquerque, NM 87111
John Farrow, 2400 Meadowview NW, Albuquerque, NM 87110
Keith Gainer, 5516 Carmelita NE, Albuquerque, NM 87111
Conrad & Marcella Stahly, 5015 Cresta del Sur NE, Albuquerque, NM 87111

-32-

Albuquerque - Making History 1706-2006

Patricia Wittman, 4905 Cresta del Sur Ct NE, Albuquerque, NM 87111
Rob Erickson, 2621 1/2 Granite Ave NE, Albuquerque, NM 87104
Larry Garcia, PO Box 1576, Los Lunas, NM 87031
Pat Stovall, 6604 Rogers Ave NE, Albuquerque, NM 87110
Angela Ness, 13213 Manitoba Dr NE, Albuquerque, NM 87111
Charles Young, 13105 Enchantment Ln NW, Albuquerque, NM 87111
Ken Wesselman, 4613 Huntington Dr NE, Albuquerque, NM 87111
Anne Marie Morosin, 13109 Manitoba Dr NE, Albuquerque, NM 87111
Ed Hernandez, 1219 Blue Quail NE, Albuquerque, NM 87112
Alan Clipperton, 13501 Embudito View Ct NE, Albuquerque, NM 87111
Jack Eichorn, 6316 Bobcat Hill Ln NE, Albuquerque, NM 87111
Tarin Davies, 13209 Manitoba NE, Albuquerque, NM 87111
Joe Witte, 1570 West Ella Dr, Corrales, NM 87048
Armando Lara, 13415 Piedra Grande NE, Albuquerque, NM 87111
Kathleen Conlin, 1021 Orchard NW, Albuquerque, NM 87102
Jeni Turgeon, 720 Tramway Ln NE #6, Albuquerque, NM 87122
Don Kellor, 5004 Cresto del Sur NE, Albuquerque, NM 87111
Christine Ranier, 5016 Cresta del Sur Ct NE, Albuquerque, NM 87111
Marilyn Maldonado, Planning Department - 4th Floor, 600 2nd St NW, Albuquerque, NM 87102
Crystal Ortega, Clerk to the Council, City/County Building - 9th Floor
DRB File

CITY OF ALBUQUERQUE

Planning Department

Richard Dineen, Director
Development Review Division
600 2nd Street NW - 3rd Floor
Albuquerque, NM 87102



AMENDED NOTICE OF HEARING

February 21, 2007

High Desert Residential Owners Association
c/o Paul M. Kienzle
Scott & Kienzle PA
Box 587
Albuquerque, NM 87103

AC-07-3 - 06DRB-01411; 06DRB-01412; 06DRB-01413; 06DRB-01414; 06DRB-01415;
Project #1004989 Paul M. Kienzle, agent for High Desert Residential Owners Association,
appeal the Development Review Board's (DRB) approval of a Preliminary Plat for all or a
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Rd. NE and Embudito View Ct NE, containing approximately 4 acre(s). (F-23) Sheran
Matson, Development Review Board Chair

P.O. Box 1293

The City of Albuquerque Land Use Hearing Officer will hear the above appealed case on
Thursday, March 15, 2007. The hearing begins at **9:30 am** in the Vincent E. Griego Chambers,
Basement Level, Albuquerque/Bernalillo County Government Center, One Civic Plaza NW.

Albuquerque

Submittal of new information or questions regarding the hearing with the Land Use Hearing
Officer should be directed to Council Services, c/o Crystal Ortega, One Civic Plaza NW, 9th
Floor, Albuquerque NM 87102, (505) 768-3100.

New Mexico 87103

Copies of the record submitted to the Land Use Hearing Officer will be available after March 1,
2007. Please call (505) 924-3889 prior to picking up a copy.

www.cabq.gov

Sincerely,

A handwritten signature in black ink, appearing to read "Barbara J. Findley".

Barbara J. Findley
Administrative Assistant

cc: Paul M. Kienzle, Scott & Kienzle PA, Box 587, Albuquerque, NM 87103
Bohannon Huston, Inc., 7500 Jefferson NE, Albuquerque, NM 87109
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-34-

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Anne Marie Morosin, 13109 Manitoba Dr NE, Albuquerque, NM 87111
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Jack Eichorn, 6316 Bobcat Hill Ln NE, Albuquerque, NM 87111
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Marilyn Maldonado, Planning Department - 4th Floor, 600 2nd St NW, Albuquerque, NM 87102
Crystal Ortega, Clerk to the Council, City/County Building - 9th Floor
DRB File

SUPPLEMENT TO THE RECORD

AC-07-2 & AC-07-3

06DRB-01411; 01412; 01413; 01414; 01415

Project #1004989

AC-07-2 - Hess Yntema, agent for Carl & Lillian Fesler,

&

AC-07-3 - Paul M. Kienzle III, agent for High Desert Residential Owners Association,

appeals the Development Review Board's approval of a Preliminary Plat, Vacation of Public Easements, Subdivision Design (DPM) Variance; Sidewalk Waiver; and Temporary deferral of Sidewalk for all or a portion of Tract(s) A, Unit 2, Wilderness @ High Desert (to be known as Wilderness Canon @ High Desert) zoned SU-2, HD/R-R, located on High Desert Place NE, between Trailhead Road NE and Embudito View Ct NE, containing approximately 4 acre(s). (F-23) Sheran Matson, DRB Chair

The following documents pertain to both appeals listed above.

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Supplement to AC-07-2 & AC-07-3

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A City of Albuquerque



DEVELOPMENT PLAN REVIEW APPLICATION

<p>SUBDIVISION</p> <p><input checked="" type="checkbox"/> Major Subdivision action</p> <p><input type="checkbox"/> Minor Subdivision action</p> <p><input checked="" type="checkbox"/> Vacation</p> <p><input checked="" type="checkbox"/> Variance (Non-Zoning)</p> <p>SITE DEVELOPMENT PLAN</p> <p><input type="checkbox"/> ...for Subdivision Purposes</p> <p><input type="checkbox"/> ...for Building Permit</p> <p><input type="checkbox"/> IP Master Development Plan</p> <p><input type="checkbox"/> Cert. of Appropriateness (LUCC)</p>	<p>Supplemental form</p> <p>S</p> <p>V</p> <p>P</p> <p>L</p>	<p>Supplemental form</p> <p>ZONING</p> <p><input type="checkbox"/> Annexation & Zone Establishment</p> <p><input type="checkbox"/> Sector Plan (Phase I, II, III)</p> <p><input type="checkbox"/> Amendment to Sector, Area, Facility or Comprehensive Plan</p> <p><input type="checkbox"/> Zone Change</p> <p><input type="checkbox"/> Text Amendment</p> <p>APPEAL / PROTEST of...</p> <p><input type="checkbox"/> Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeal</p>	<p>Z</p> <p>A</p>
---	--	---	---------------------------------

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

NAME: MESA VERDE DEVELOPMENT CO.
 ADDRESS: 8300 CARMEL AVE. NE
 CITY: ALBUQUERQUE
 Proprietary interest in site: OWNER
 AGENT (if any): BOHANNAN HUSTON, INC.
 ADDRESS: 7500 JEFFERSON ST. NE
 CITY: ALBUQUERQUE

STATE NM ZIP 87122
 STATE NM ZIP 87109

PHONE: 828-9900
 FAX: 828-9901
 E-MAIL: _____

PHONE: 505 823-1000
 FAX: 505 798-7988
 E-MAIL: kpatton@bhinc.com

DESCRIPTION OF REQUEST: PRELIMINARY PLAT, VACATION OF PUBLIC EASEMENTS, SIDEWALK WAIVER AND DEFERRAL SUBDIVISION DESIGN VARIANCE

Is the applicant seeking incentives pursuant to the Family Housing Development Program? Yes. No.

SITE INFORMATION: ACCURACY OF THE LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. TRACT A Block: _____ Unit: _____

Subdiv. / Addn. TRACT A UNIT 2 WILDERNESS AT HIGH DESERT/ TBKA: WILDERNESS CANON AT HIGH DESERT

Current Zoning: SU-2/ HD R-R Proposed zoning: _____

Zone Atlas page(s): F-23 No. of existing lots: 1 No. of proposed lots: 25

Total area of site (acres): 3.9653 Density if applicable: dwellings per gross acre: _____ dwellings per net acre: _____

Within city limits? Yes. No , but site is within 5 miles of the city limits (DRB jurisdiction.) Within 1000FT of a landfill? No

UPC No. 102306149424510167 MRGCD Map No. _____

LOCATION OF PROPERTY BY STREETS: On or Near: HIGH DESERT PL. NE
 Between: TRAIL HEAD RD. NE and EMBUDITO VIEW CT. NE

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX, Z, V, S, etc.): DRB-1002316

Check-off if project was previously reviewed by Sketch Plat/Plan or Pre-application Review Team . Date of review: 6/28/2006

SIGNATURE [Signature] DATE 9/29/2006

(Print) KEVIN PATTON Applicant Agent

FOR OFFICIAL USE ONLY

Form revised 9/01, 3/03

- INTERNAL ROUTING
- All checklists are complete
- All fees have been collected
- All case #s are assigned
- AGIS copy has been sent
- Case history #s are listed
- Site is within 1000ft of a landfill
- F.H.D.P. density bonus
- F.H.D.P. fee rebate

Application case numbers

06 DRB-01411
06 DRB-01412
06 DRB-01413
06 DRB-01414
06 DRB-01415

Action

PP
VPE
SDV
SKL
TDS
ADV
CMF

S.F.

5(2)

Fees

\$ 1240.00
 \$ 135.00
 \$ 0.00
 \$ 0.00
 \$ 0.00
 Total 75.00
 \$ 1470.00

Hearing date 10/25/06

[Signature] 09/29/06
 Planner signature / date

Project # 1004989

FORM V: SUBDIVISION VARIANCES & VACATIONS

BULK LAND VARIANCE (PUBLIC HEARING CASE)

- Application for subdivision (Plat) on FORM S-3, including those submittal requirements. 24 copies of the plat are required. The Variance and subdivision should be applied for simultaneously.
 - Letter briefly describing and explaining: the request, compliance with criteria in the Development Process Manual, and any improvements to be waived.
 - Notice on the proposed Plat that there are conditions to subsequent subdivision (refer to DPM)
 - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
 - Sign Posting Agreement
 - Fee (see schedule) Fee is for Variance. Plat fee is listed on FORM-S.
 - Any original and/or related file numbers are listed on the cover application
- DRB Public hearings are approximately ONE MONTH after the filing deadline. Your attendance is required.

VACATION OF PUBLIC RIGHT-OF-WAY

VACATION OF PUBLIC EASEMENT

- The complete document which created the public easement (folded to fit into an 8.5" by 14" pocket) 24 copies. (Not required for dedicated and City owned public right-of-way.)
 - Drawing showing the easement or right-of-way to be vacated, its relation to existing streets, etc. (not to exceed 8.5" by 14") 24 copies
 - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
 - Letter briefly describing, explaining, and justifying the request
 - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
 - Sign Posting Agreement
 - Fee (see schedule)
 - Any original and/or related file numbers are listed on the cover application
- Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.
DRB Public hearings are approximately ONE MONTH after the filing deadline. Your attendance is required.

SUBDIVISION DESIGN VARIANCE (VARIANCE FROM MINIMUM STANDARDS OF THE DPM)

SIDEWALK DESIGN VARIANCE

SIDEWALK WAIVER

- Scale drawing showing the proposed variance or waiver (not to exceed 8.5" by 14") 6 copies
 - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
 - Letter briefly describing, explaining, and justifying the variance or waiver
 - Any original and/or related file numbers are listed on the cover application
- DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION

EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION

- Drawing showing the sidewalks subject to the proposed deferral or extension (not to exceed 8.5" by 14") 6 copies
 - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
 - Letter briefly describing, explaining, and justifying the deferral or extension
 - Any original and/or related file numbers are listed on the cover application
- DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

VACATION OF PRIVATE EASEMENT

- The complete document which created the private easement (not to exceed 8.5" by 14") 6 copies
 - Scale drawing showing the easement to be vacated, its relation to existing streets, etc. (folded to fit into an 8.5" by 14" pocket) 6 copies
 - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
 - Letter briefly describing, explaining, and justifying the vacation
 - Letter of authorization from the grantors and the beneficiaries
 - Fee (see schedule)
 - Any original and/or related file numbers are listed on the cover application
- Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.
DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

VACATION OF RECORDED PLAT

- 6 copies of the recorded plat to be vacated.
 - 6 copies of documents justifying the vacation.
 - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
 - Letter briefly describing, explaining, and justifying the vacation
 - Any original and/or related file numbers are listed on the cover application
 - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers
 06 DRB - 01412
 06 DRB - 01413
 06 DRB - 01414
 06 DRB - 01415

Form revised 4/03, 10/03 and APRIL 2006

Applicant name (PRINT) _____
 Applicant signature / date _____
 Planner signature / date Sandy Handley 09/29/06
 Project # 1004989

-2- [Handwritten signatures]

FORM S(2): SUBDIVISION - D.R.B. PUBLIC HEARING

A Bulk Land Variance requires application on FORM-V in addition to application for subdivision on FORM-S.

MAJOR SUBDIVISION PRELIMINARY PLAT APPROVAL

- Proposed Preliminary Plat including the Grading Plan (folded to fit into an 8.5" by 14" pocket) 24 copies
 - Proposed Infrastructure List
 - Design elevations & cross sections of perimeter walls 3 copies (11" x 17" maximum)
 - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
 - Letter briefly describing, explaining, and justifying the request
 - Property owner's and City Surveyor's signature on the proposed plat
 - FORM DRWS Drainage Report, Water & Sewer availability statement filing information
 - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
 - Sign Posting Agreement
 - Signed Pre-Annexation Agreement if Annexation required.
 - TIS/AQIA Traffic Impact Study / Air Quality Impact Assessment form
 - Fee (see schedule)
 - Any original and/or related file numbers are listed on the cover application
- Preliminary plat approval expires after one year.
DRB Public hearings are approximately ONE MONTH after the filing deadline. Your attendance is required.

- MAJOR SUBDIVISION AMENDMENT TO PRELIMINARY PLAT (with significant changes)
- MAJOR SUBDIVISION AMENDMENT TO INFRASTRUCTURE LIST (with significant changes)
- MAJOR SUBDIVISION AMENDMENT TO GRADING PLAN (with significant changes)

PLEASE NOTE: There are no clear distinctions between significant and minor changes with regard to subdivision amendments. Significant changes are those deemed by the DRB to require public notice and public hearing.

- Proposed Amended Preliminary Plat, and/or Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) 24 copies
 - Original Preliminary Plat, and/or Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket)
 - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
 - Letter briefly describing, explaining, and justifying the request
 - Property owner's and City Surveyor's signature on the proposed amended plat, if the preliminary plat is being amended
 - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
 - Sign Posting Agreement
 - Any original and/or related file numbers are listed on the cover application
- Amended preliminary plat approval expires after one year.
DRB Public hearings are approximately ONE MONTH after the filing deadline. Your attendance is required.

MAJOR SUBDIVISION EXTENSION OF SUBDIVISION IMPROVEMENTS AGREEMENT
(Temporary sidewalk deferral uses FORM-V)

- 1 copy of each of the following items
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Letter briefly describing, explaining, and justifying the request
- Plat or plan reduced to 8.5" x 11"
- Official D.R.B. Notice of the original approval
- Approved Infrastructure List. If not applicable, please initial. _____
- Previous SIA extension notice, if one has been issued. If not applicable, please initial. _____
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- Any original and/or related file numbers are listed on the cover application
- Fee (see schedule)

DRB Public hearings are approximately ONE MONTH after the filing deadline. Your attendance is required.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

Kevin Ratton
 Applicant name (print)
 [Signature] 9-29-06
 Applicant signature / date
 Form revised 11/04 and JUNE 05



- Checklists complete
 - Fees collected
 - Case #s assigned
 - Related #s listed
- Application case numbers
 060228 - 06111

[Signature] 09/29/06
 Planner signature / date
 Project # 1004989

September 29, 2006

Sheran Matson, Chair
Development Review Board
City of Albuquerque
P.O. Box 1293
Albuquerque, New Mexico 87103

Re: Preliminary Plat, Sidewalk Waiver, Sidewalk Deferral, Vacation of Public Easement, and Variance to the Subdivision Standards
Wilderness Canon at High Desert (Tract A of Wilderness Unit 2)

Dear Sheran:

Enclosed for Development Review Board (DRB) review and approval are copies of the following information:

- Applications for Development Review
- Twenty-four (24) copies each of the Preliminary Plat and Grading Plan
- One (1) copy of the Infrastructure List (Exhibit "A")
- Twenty-four (24) copies of the Reason/Location of Request for easement vacation (Exhibit "C")
- Twenty-four (24) copies of document which created the easement
- Three (3) Design elevations of walls
- Letter from the Office of Neighborhood Coordination
- Zone Atlas Map showing the location of the property
- Sidewalk exhibits for deferral and waiver
- Request for Subdivision Standards Variance
- Fee in the amount of \$ 1425.00 Drainage fee: \$310.00

Tract A at the Wilderness is located south of The Wilderness Village and Compound. It is bound by High Desert Place to the north, the Embudito Arroyo to the south, City of Albuquerque Open Space (Tract OS-5) and trail to the east and an Open Space Easement owned by High Desert Residential Owners Association, Inc to the west.

On site infrastructure will tie to existing off-site infrastructure located within High Desert Place and built with the Wilderness Village and Compound.

We are requesting a variance to the subdivision standards for the internal roadways. The roadways are 26' face-to-face which is allowed under the Local Access with a P-1 designation. The Local Access however calls for a 44' right-of-way. Since these will be private streets, the lot property line begins at back of curb and there is a 7' private pedestrian access easement on one side of the road with a 6' sidewalk. See enclosed Exhibit "D" for roadway sections.

Sheran Matson
City of Albuquerque
September 29, 2006
Page 2 of 2

We are also requesting vacations of three easements, a temporary pond easement located on Lot 1, a 20' waterline easement located on Lots 16-12 (which will be relocated in the proposed roadway), and a portion of The High Desert Open Space Easement located on Lot 16.

Please place this item on the DRB Agenda to be heard on October 25, 2006. If you have any questions or require further information, please call me at 823-1000

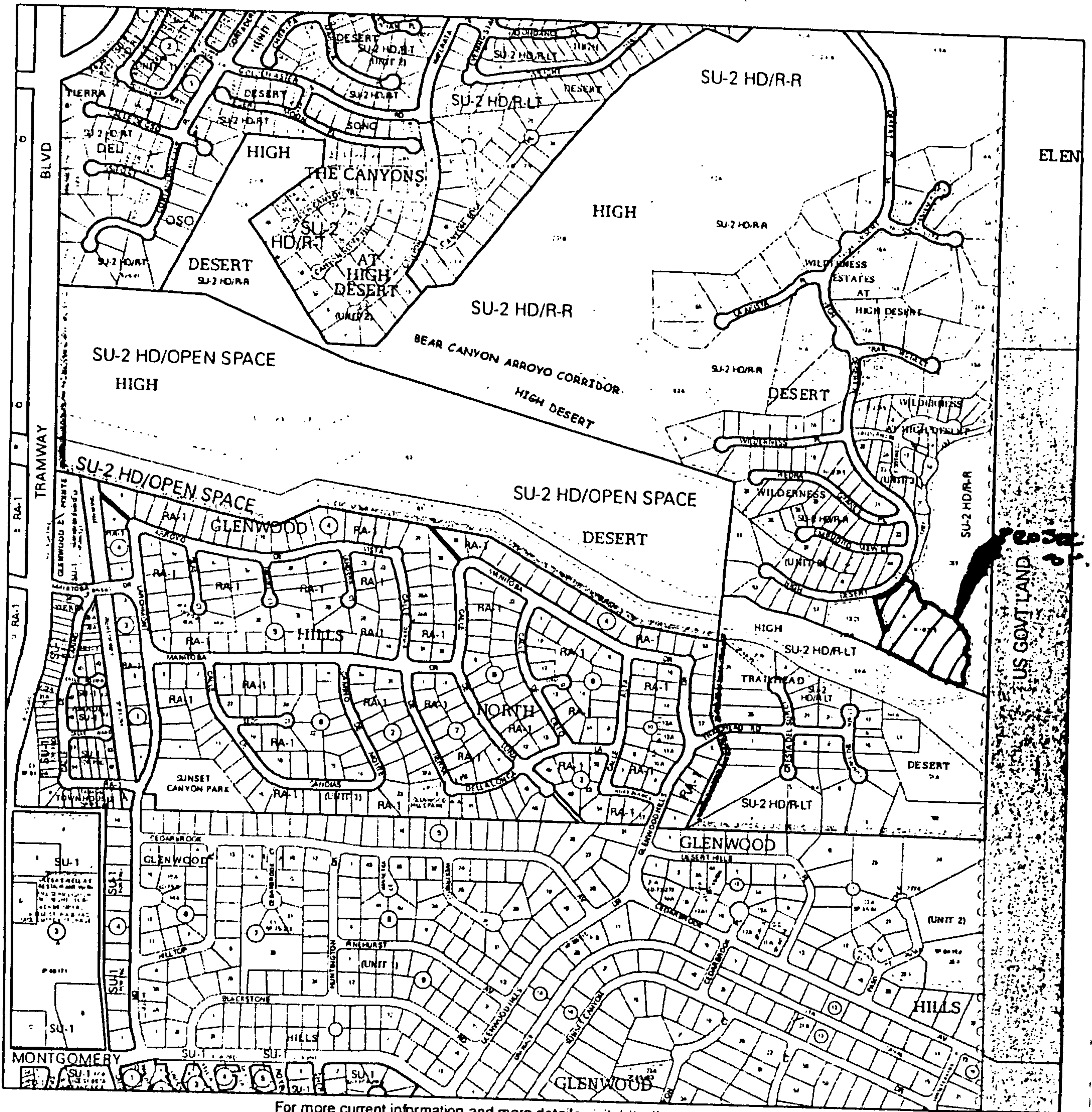
Sincerely,



Yolanda Padilla, P.E.
Project Engineer
Community Development and Planning Group

Enclosures

cc: Charles Young, SP Homes (w/ enclosures)
Doug Collister, High Desert (w/ enclosures)

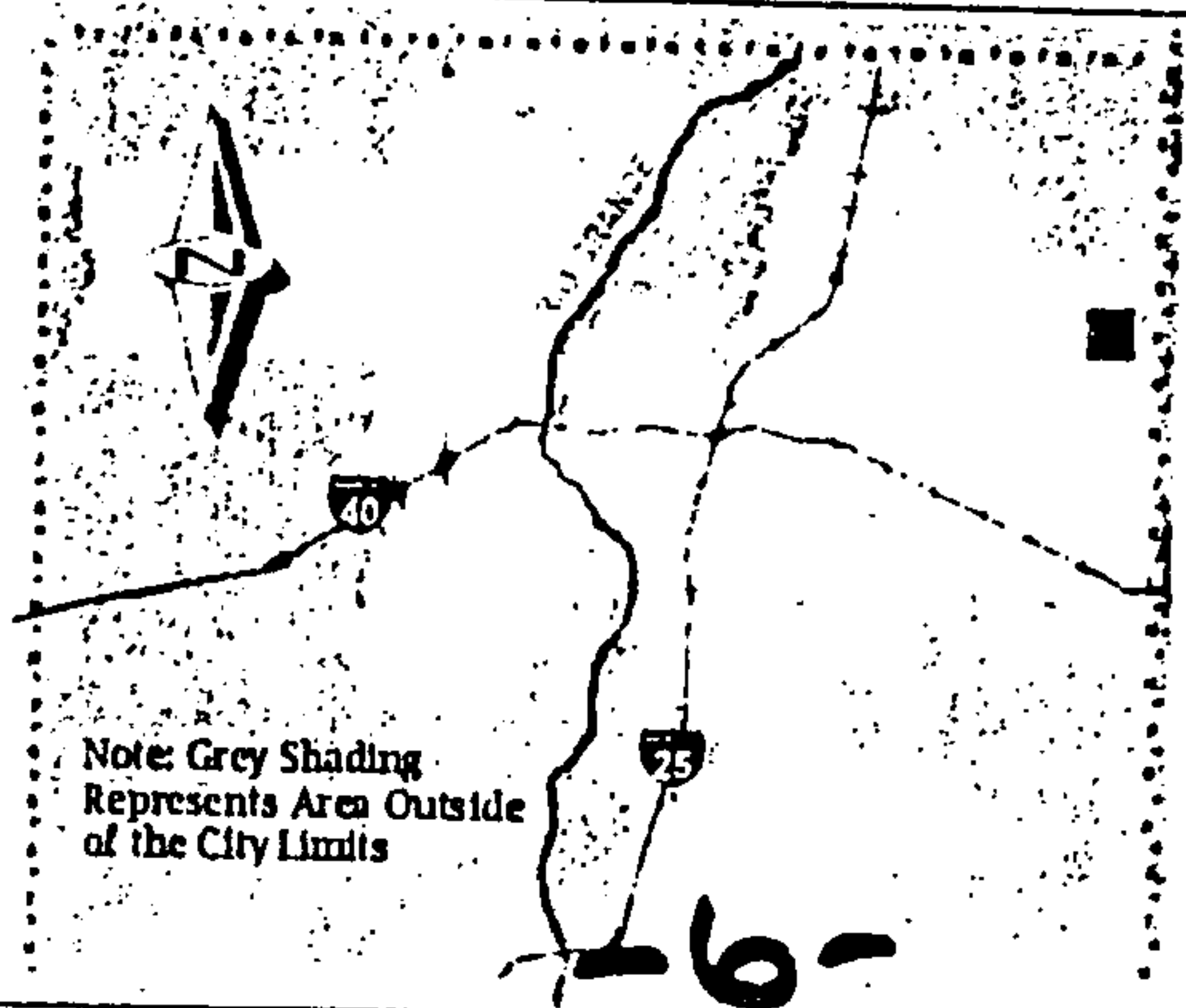


For more current information and more details visit: <http://www.cabq.gov/gis>



Albuquerque Geographic Information System

Map amended through: Aug 08, 2006



Note: Grey Shading Represents Area Outside of the City Limits

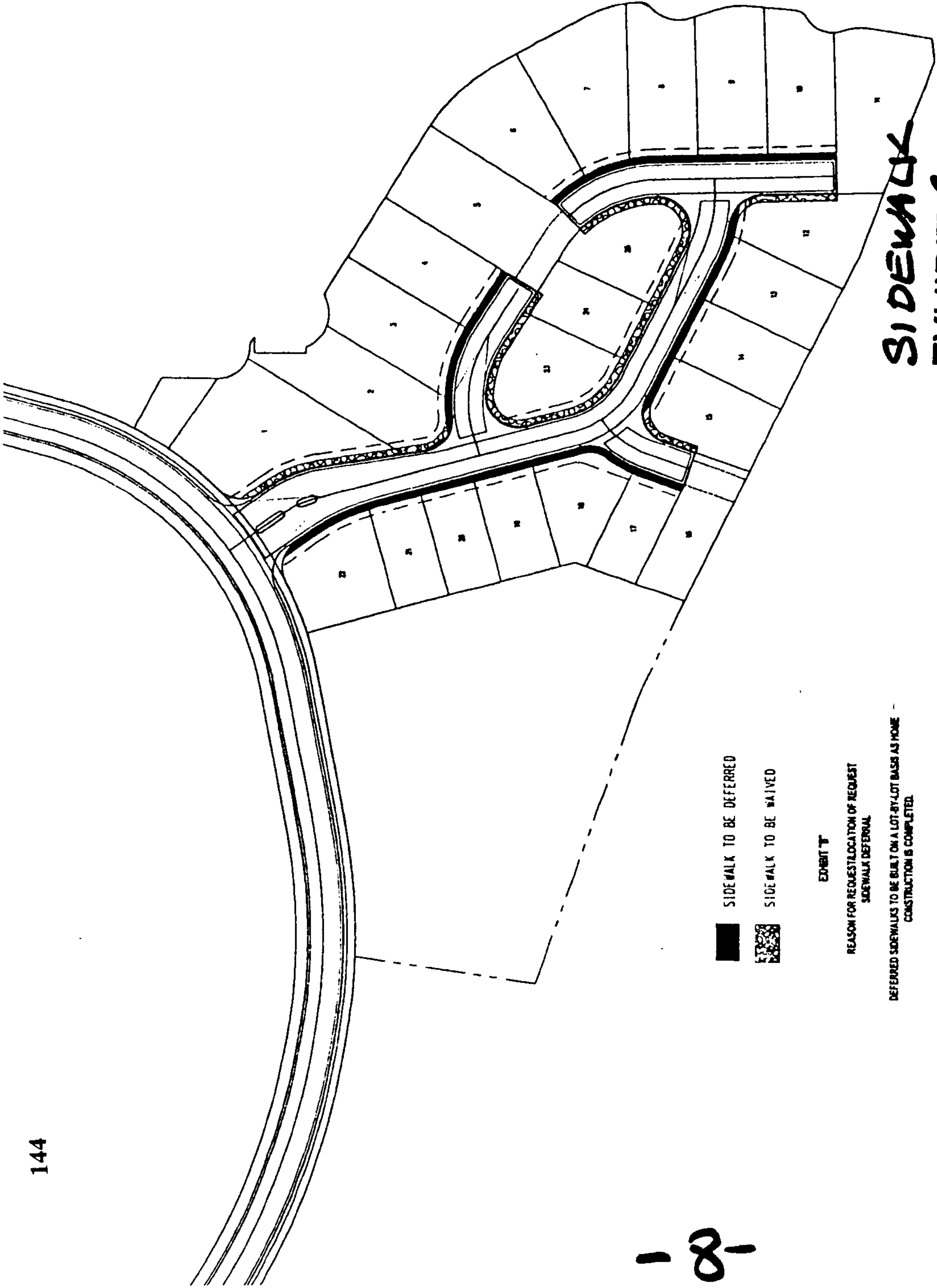
Zone Atlas Page:

F-23-Z

Selected Symbols

- SECTOR PLANS
- Design Overlay Zones
- City Historic Zones
- H-1 Buffer Zone
- Petroglyph Mon.
- Escarpment
- 2 Mile Airport Zone
- Airport Noise Contours
- Wall Overlay Zone







 SIDEWALK TO BE DEFERRED
 SIDEWALK TO BE WAIVED

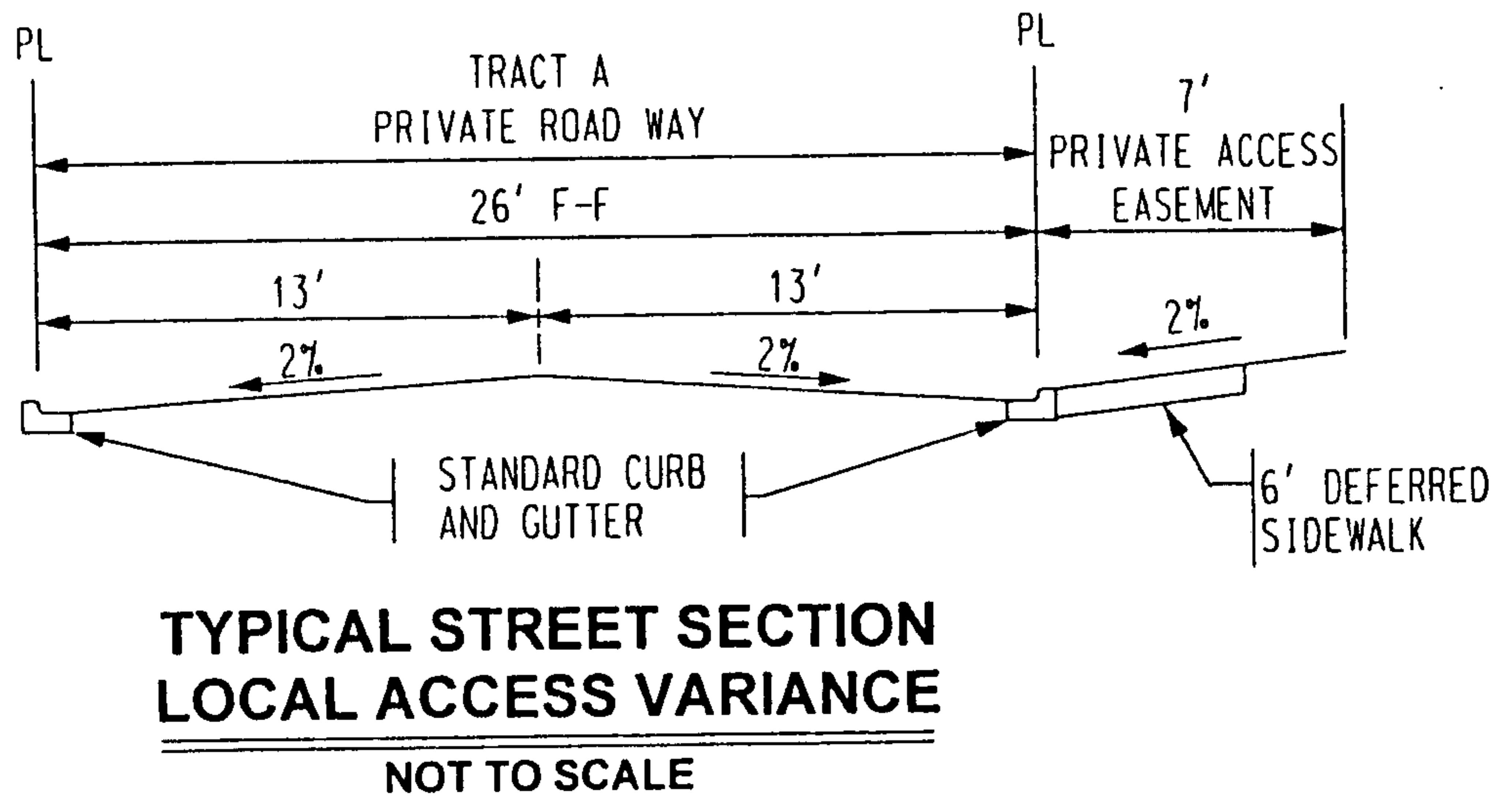
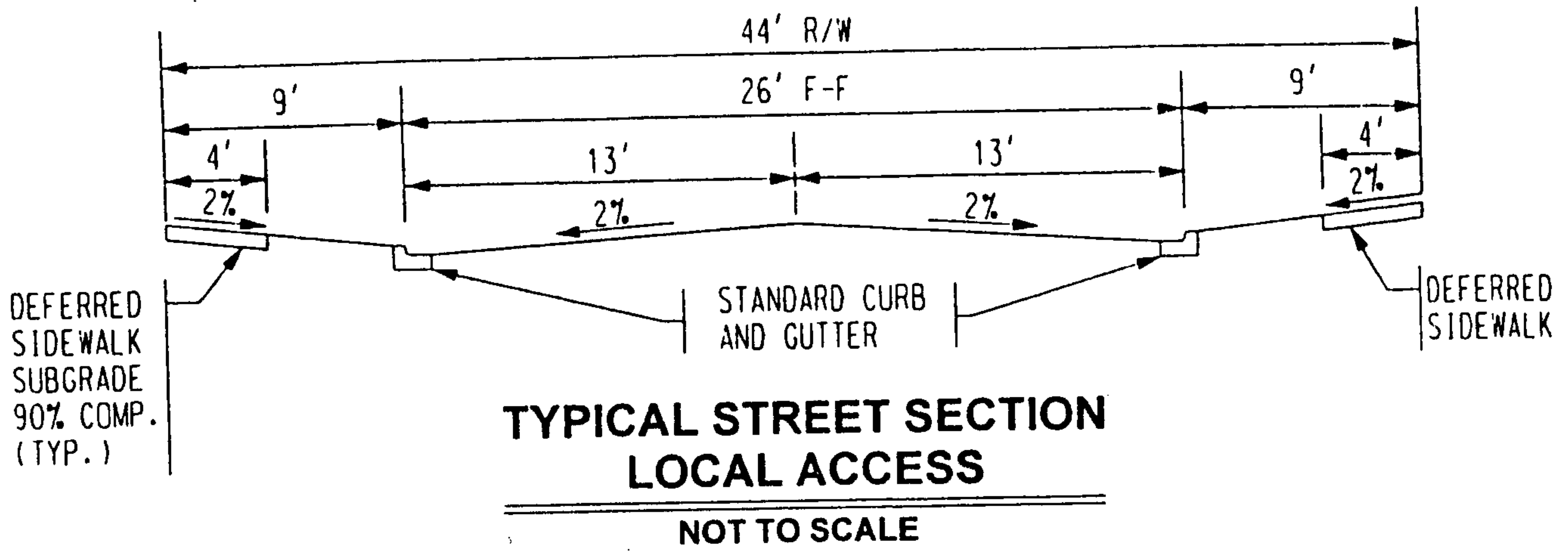
EXHIBIT "T"

REASON FOR REQUEST/LOCATION OF REQUEST
SIDEWALK DEFERRAL

DEFERRED SIDEWALKS TO BE BUILT ON A LOT-BY-LOT BASIS AS HOME CONSTRUCTION IS COMPLETED.

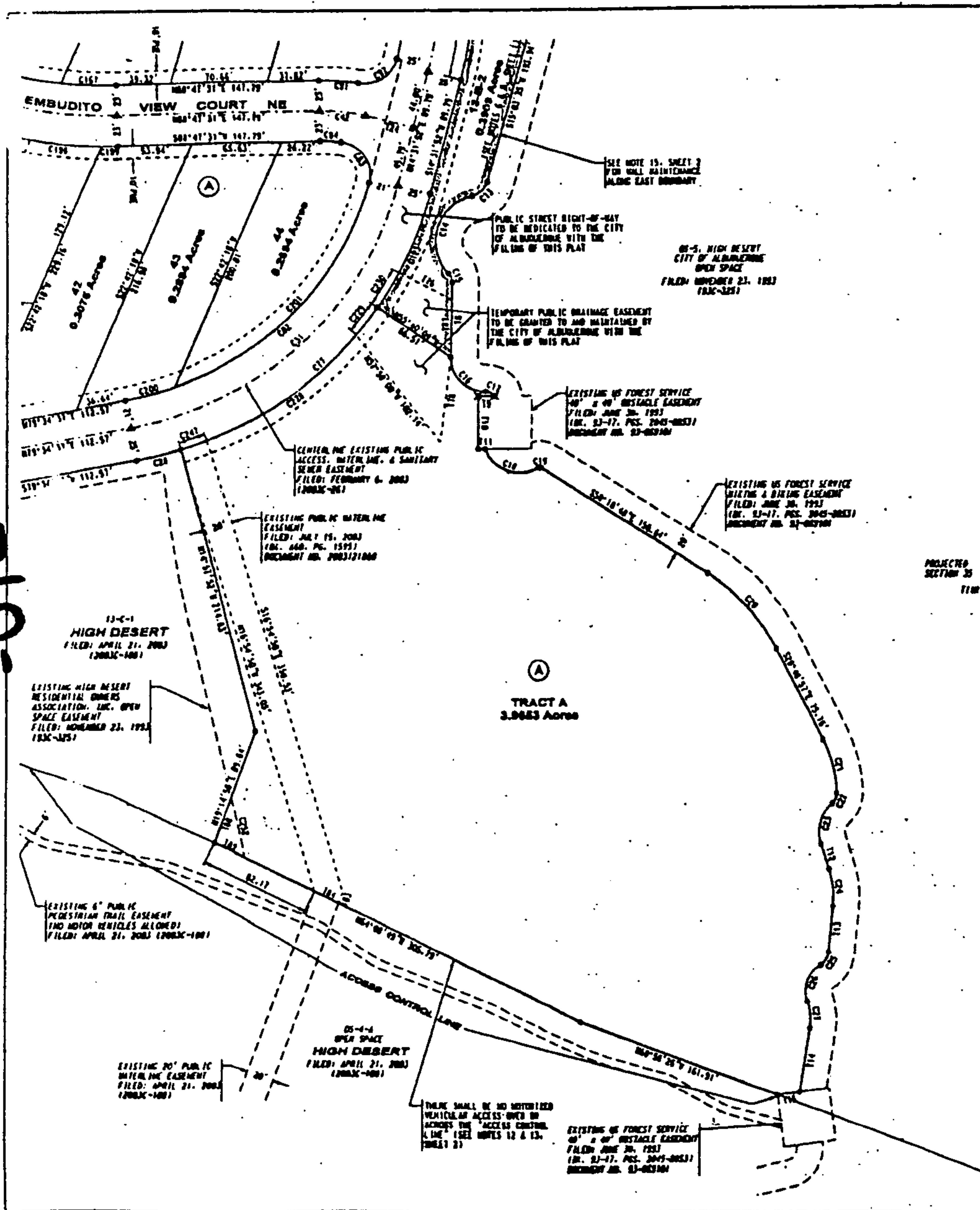
SIDEWALK
EXHIBIT C
 Date 10/25/06



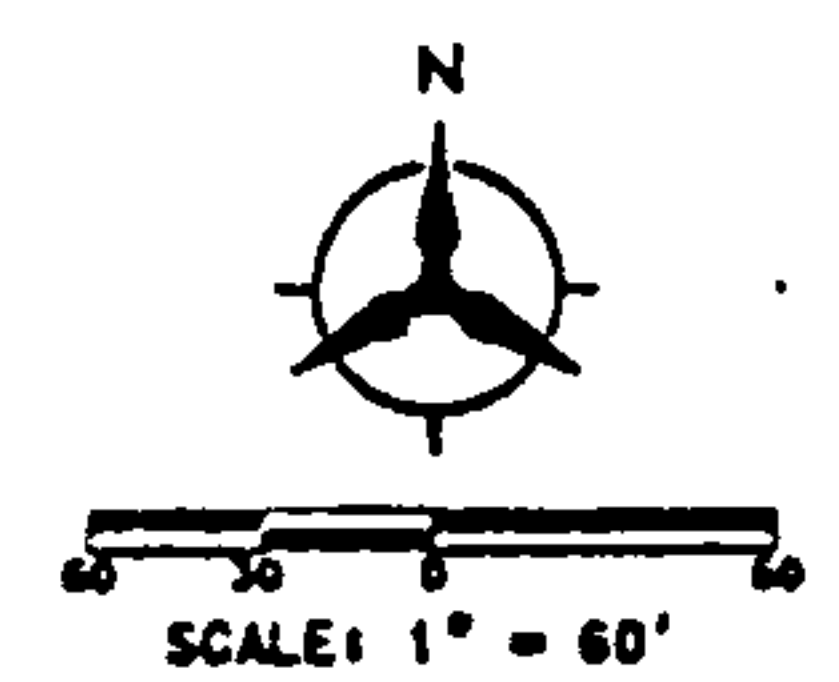


SDV
EXHIBIT D
Date 10/25/06

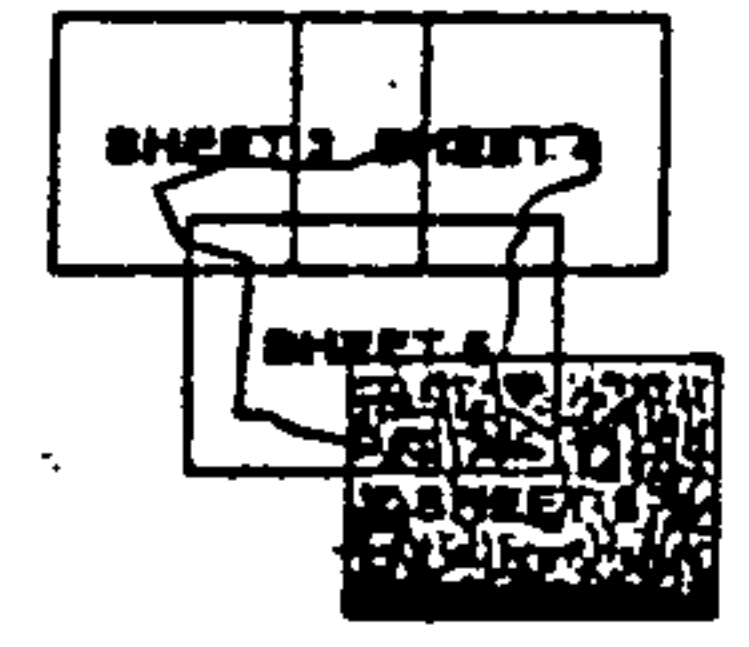
EXHIBIT "D"



**PLAT OF
UNIT 2 - WILDERNESS SUBDIVISION
AND
UNIT 3 - WILDERNESS SUBDIVISION
AT HIGH DESERT
(A REPLAT OF TRACT 13-B, HIGH DESERT)
ALBUQUERQUE, NEW MEXICO
SEPTEMBER, 2003**



LEGEND	
	SUBDIVISION BOUNDARY LINE
	NEW LOT LINE
	CENTER LINE
	PROPOSED EASEMENT LINE
	EXISTING EASEMENT LINE
	ADJOINING PROPERTY LINE
	RIGHT OF WAY
	10' PUBLIC UTILITY EASEMENT TO BE GRANTED WITH THE FILING OF THIS PLAT
	CITY OF ALBUQUERQUE CONTROL MONUMENT
	CENTER LINE MONUMENT TO BE INSTALLED
	1/2" BEAR WITH 1/4" YELLOW PLASTIC SURVEY CAP STAMPED "TRACT 13-B"
	UNIT 2 - WILDERNESS SUBDIVISION
	UNIT 3 - WILDERNESS SUBDIVISION

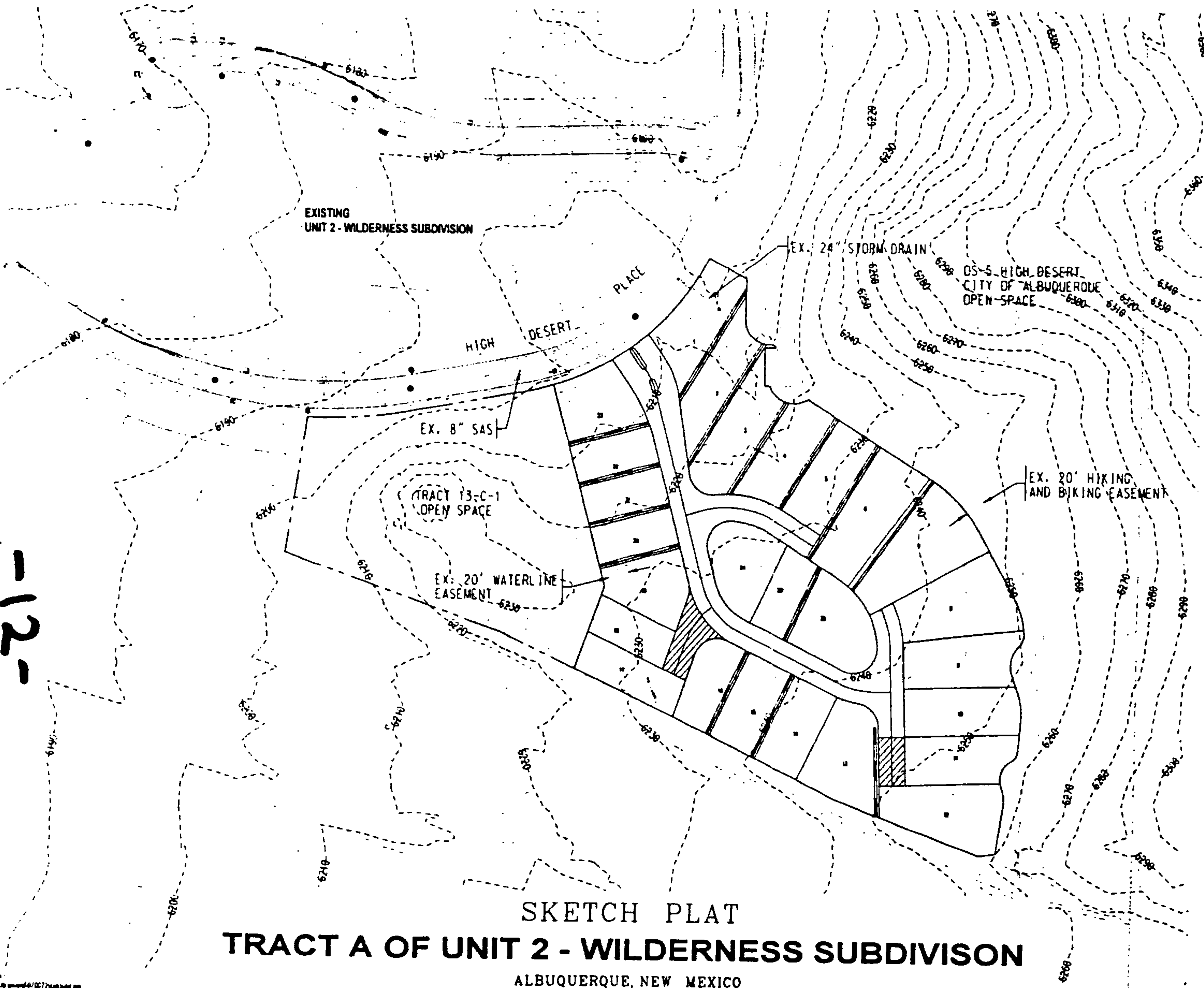


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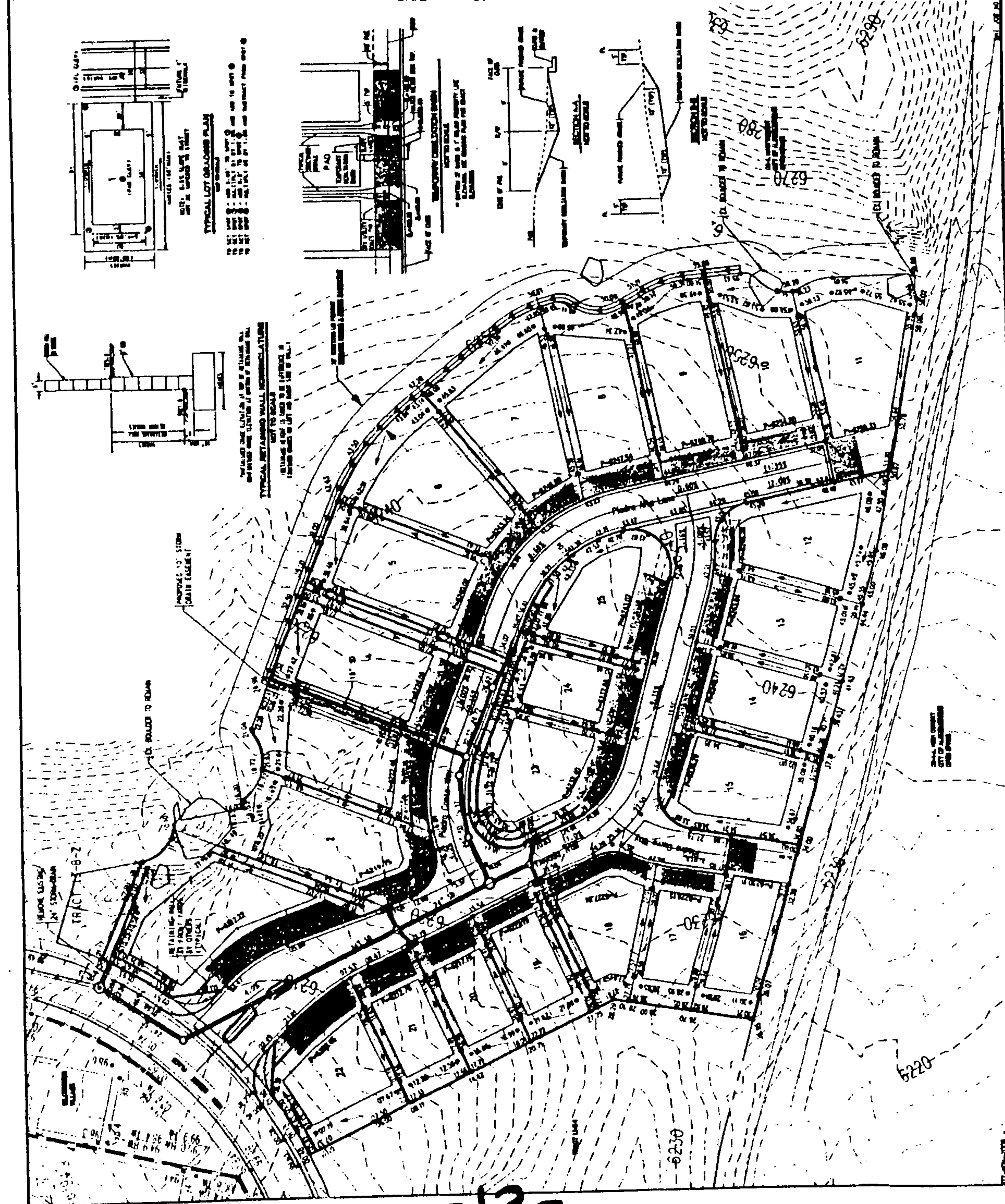
-12-



ENGINEER'S SEAL		NO. DATE		REVISIONS		DESIGN		DATE		BY	
SURVEY INFORMATION		FIELD NOTES		BENCH MARKS		AS-BUILT INFORMATION		NO. DATE		REVISIONS	
DATE		BY		NO. DATE		REVISIONS		DATE		BY	
ACROSS TAPELIT STATION (MAD 1927)		GEOGRAPHIC POSITION (MAD 1927)		M. STATE PLANT COORDINATES		CENTRAL ZONE		MAD 02/2000		MAD 02/2000	
MAD 02/2000		MAD 02/2000		MAD 02/2000		MAD 02/2000		MAD 02/2000		MAD 02/2000	
MAD 02/2000		MAD 02/2000		MAD 02/2000		MAD 02/2000		MAD 02/2000		MAD 02/2000	

GENERAL NOTES

- CONTRACTOR MUST OBTAIN A SPECIAL INSURANCE POLICY FROM THE INSURANCE COMPANY BEFORE BEGINNING CONSTRUCTION.
- THE CONTRACTOR IS TO REFER TO LATEST SPECIFICATIONS AS ISSUED BY THE STATE ENGINEERING BOARD.
- THE CONTRACTOR SHALL COMPLY TO ALL CITY, COUNTY, STATE, AND FEDERAL LAWS, ORDINANCES, REGULATIONS, AND ALL APPLICABLE PERMITS AND OBTAIN ALL NECESSARY APPROVALS AND PERMITS FOR THE PROJECT.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY ENGINEERING DEPARTMENT.
- ALL SPOT ELEVATIONS ARE TO FURNISH UNLESS OTHERWISE NOTED.
- ALL SPOT ELEVATIONS GREATER THAN 1 FOOT IN BARRIER EXCEEDED DURING GRADING ACTIVITIES SHALL BE STOPPED AND DEPOSED OF AT THE DISCRETION OF THE ENGINEER.
- ALL SETBACKS SHALL BE EXACT POINTS AND LOCATED 7 FEET FROM THE



Robinson & Associates
 ENGINEERS & ARCHITECTS
 1000 10th Street, N.E.
 Albuquerque, N.M. 87102
 PHONE: (505) 243-1111
 FAX: (505) 243-1112

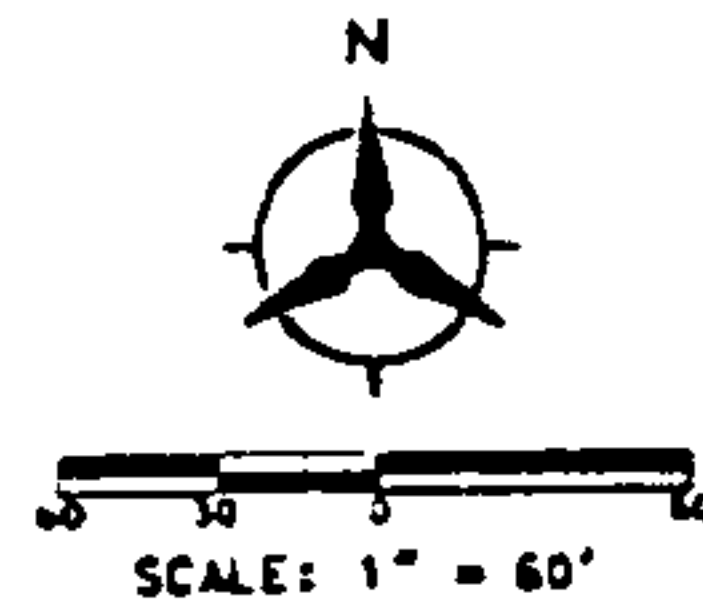
CITY OF ALBUQUERQUE
 PUBLIC WORKS DEPARTMENT
 ENGINEERING DEVELOPMENT GROUP
 WALDRESS TRACT AT HIGH DESERT
 GRADING PLAN

DESIGN REVIEW COMMITTEE CITY ENGINEERING DEPARTMENT

LAST REVISION
 DATE: 02/2000
 BY: [Signature]

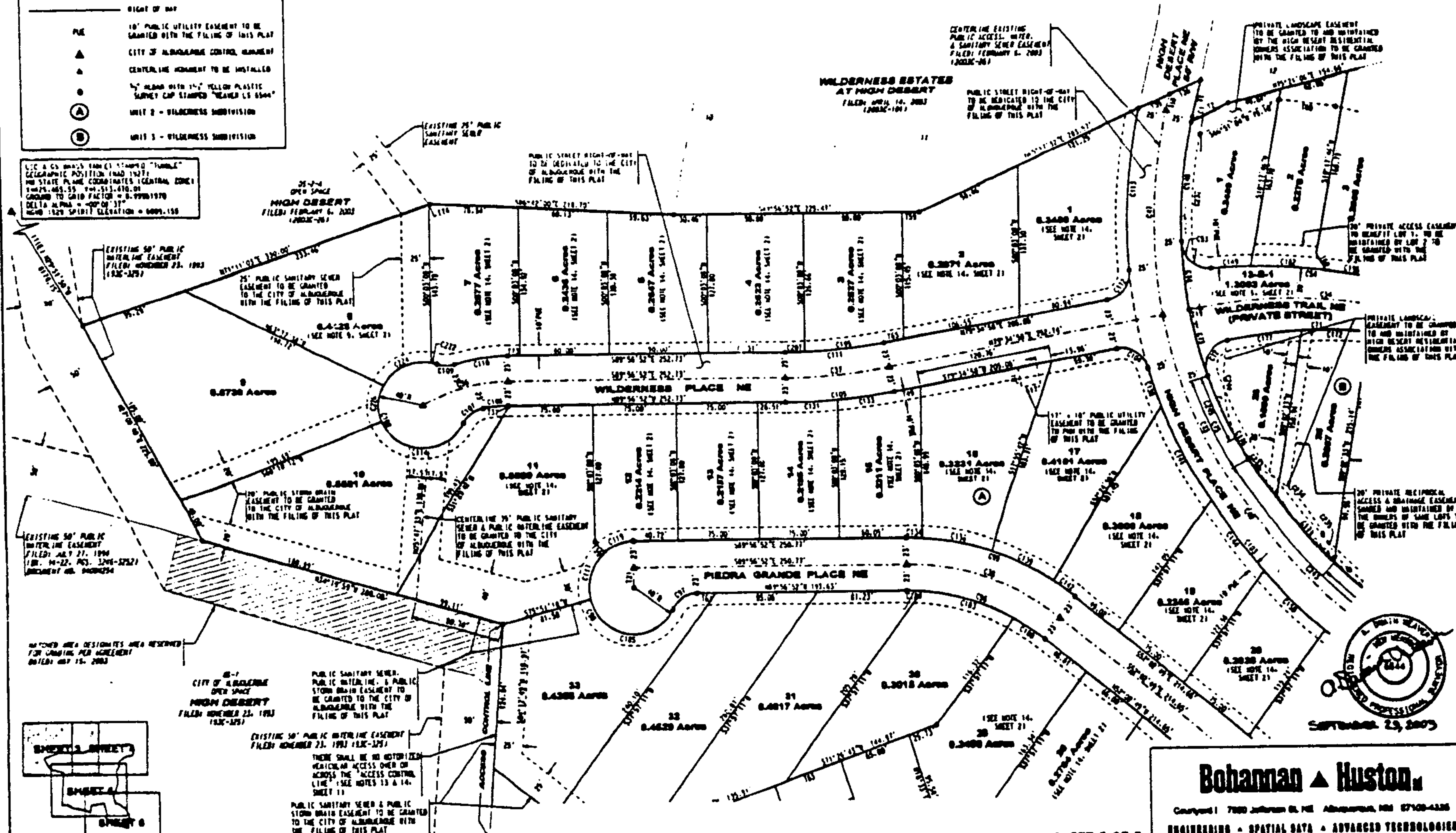
CITY PROJECT NO. F-23

PLAT OF
UNIT 2 - WILDERNESS SUBDIVISION
AND
UNIT 3 - WILDERNESS SUBDIVISION
AT HIGH DESERT
 (A REPLAT OF TRACT 13-B, HIGH DESERT)
 ALBUQUERQUE, NEW MEXICO
 SEPTEMBER, 2003



LEGEND	
	SUBDIVISION BOUNDARY LINE
	NEW LOT LINE
	CENTERLINE
	PROPOSED EASEMENT LINE
	EXISTING EASEMENT LINE
	ADJACENT PROPERTY LINE
	RIGHT OF WAY
	10' PUBLIC UTILITY EASEMENT TO BE GRANTED WITH THE FILING OF THIS PLAT
	CITY OF ALBUQUERQUE CONTROL MARKER
	CENTERLINE MONUMENT TO BE INSTALLED
	4" ALUMINUM WITH 1/2" YELLOW PLASTIC SURVEY CAP STAMPED "WILDERNESS SUBDIVISION"
	UNIT 2 - WILDERNESS SUBDIVISION
	UNIT 3 - WILDERNESS SUBDIVISION

LIC & CO. SURVEYORS STAMPED "TUMBLE"
 GEOGRAPHIC POSITION (FAD 1987)
 THE STATE PLANE COORDINATES (CENTRAL ZONE)
 14N-10E-35-35 744,513.476.00
 GRID TO GRID FACTOR = 0.99991970
 DELTA HPLM = 400.00 "3"
 NAD 83 SPIRIT ELEVATION = 6009.150



Bohannon & Huston
 Surveyors
 7800 Jefferson Blvd. NE, Albuquerque, NM 87109-4236
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SHEET 3 OF 7

P:\2003\2003\2003\2003.dwg 12-01-2003 10:00 AM

NCS ALUMINUM CAP STAMPED 71-024 RESET 1978/1995
 GEOGRAPHIC POSITION (NAD 1973)
 STATE PLANE COORDINATES (CLAYTON ZONE)
 14031.310 24 140515.364 75
 CURVED TO GRID FACTOR = 0.99999997
 DELTA ALPHA = 0.000154
 MEAD 1929 SPIRIT ELEVATION = 4261.910

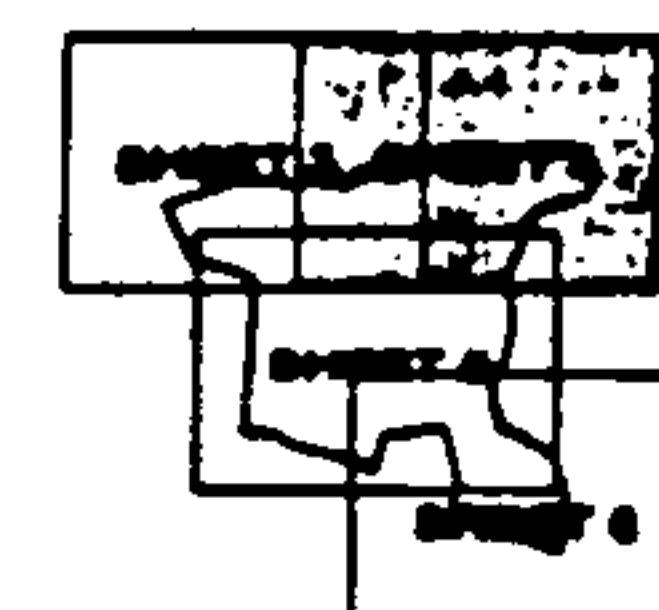
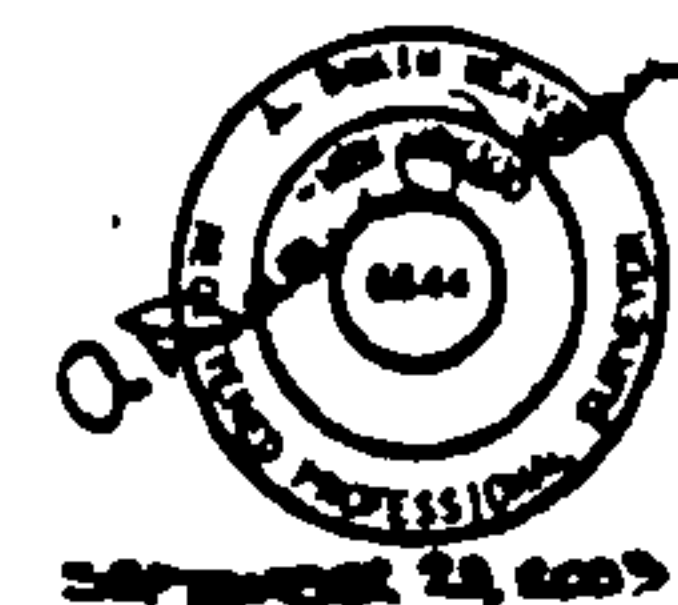
**PLAT OF
 UNIT 2 - WILDERNESS SUBDIVISION
 AND
 UNIT 3 - WILDERNESS SUBDIVISION
 AT HIGH DESERT**

(A REPLAT OF TRACT 13-B, HIGH DESERT)
 ALBUQUERQUE, NEW MEXICO
 SEPTEMBER, 2003



SCALE: 1" = 60'

LEGEND	
	SUBDIVISION BOUNDARY LINE
	RED LOT LINE
	CENTER LINE
	PROPOSED EASEMENT LINE
	EXISTING EASEMENT LINE
	ADJACENT PROPERTY LINE
	RIGHT OF WAY
	10' PUBLIC UTILITY EASEMENT TO BE GRANTED WITH THE FILING OF THIS PLAT
	10' PUBLIC UTILITY EASEMENT TO BE GRANTED WITH THE FILING OF THIS PLAT
	1" RED WITH 1/2" YELLOW PLASTIC SURVEY CAP STAMPED "READER 43 0044"
	UNIT 2 - WILDERNESS SUBDIVISION
	UNIT 3 - WILDERNESS SUBDIVISION

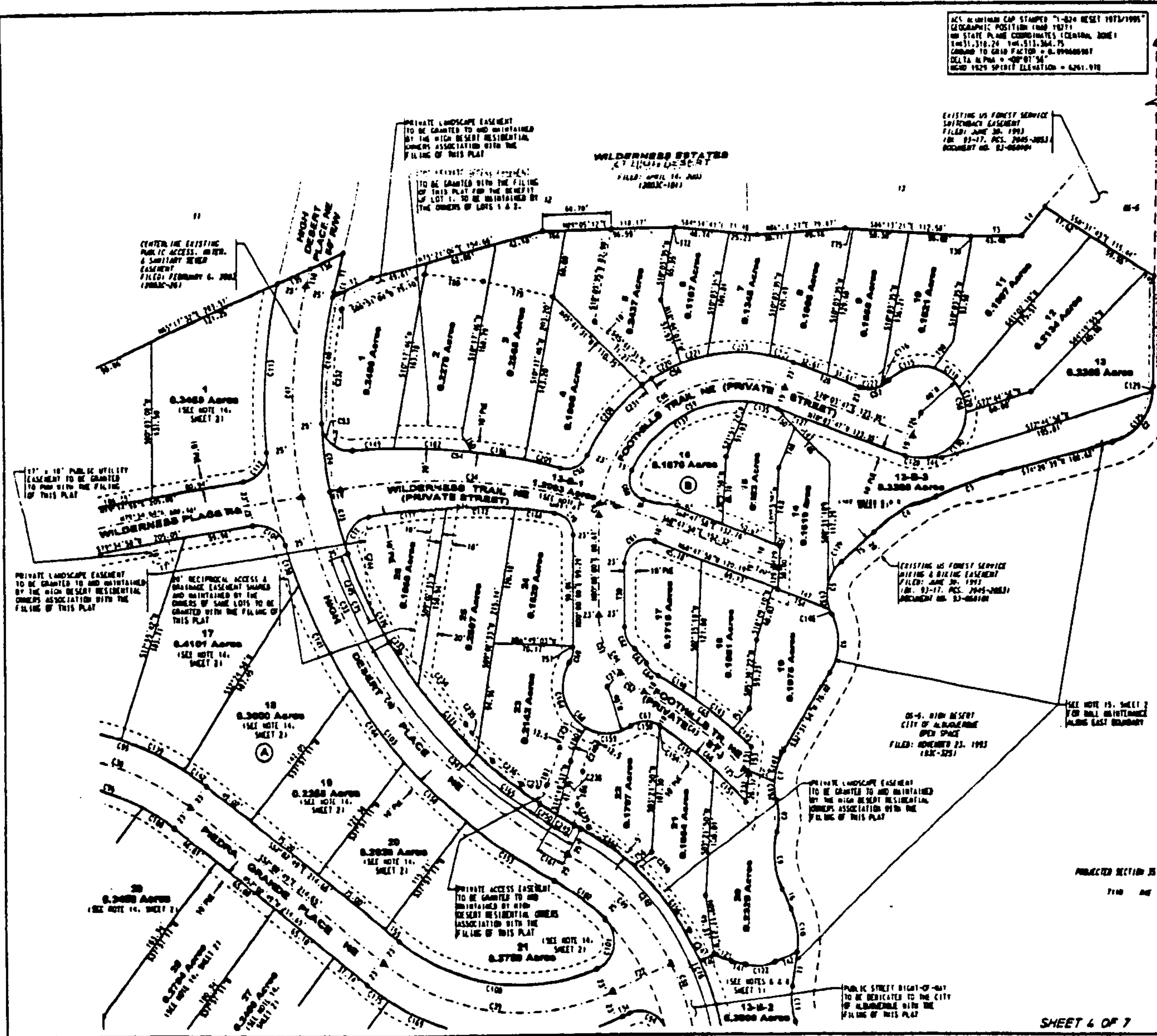


PROJECTED SECTION 16

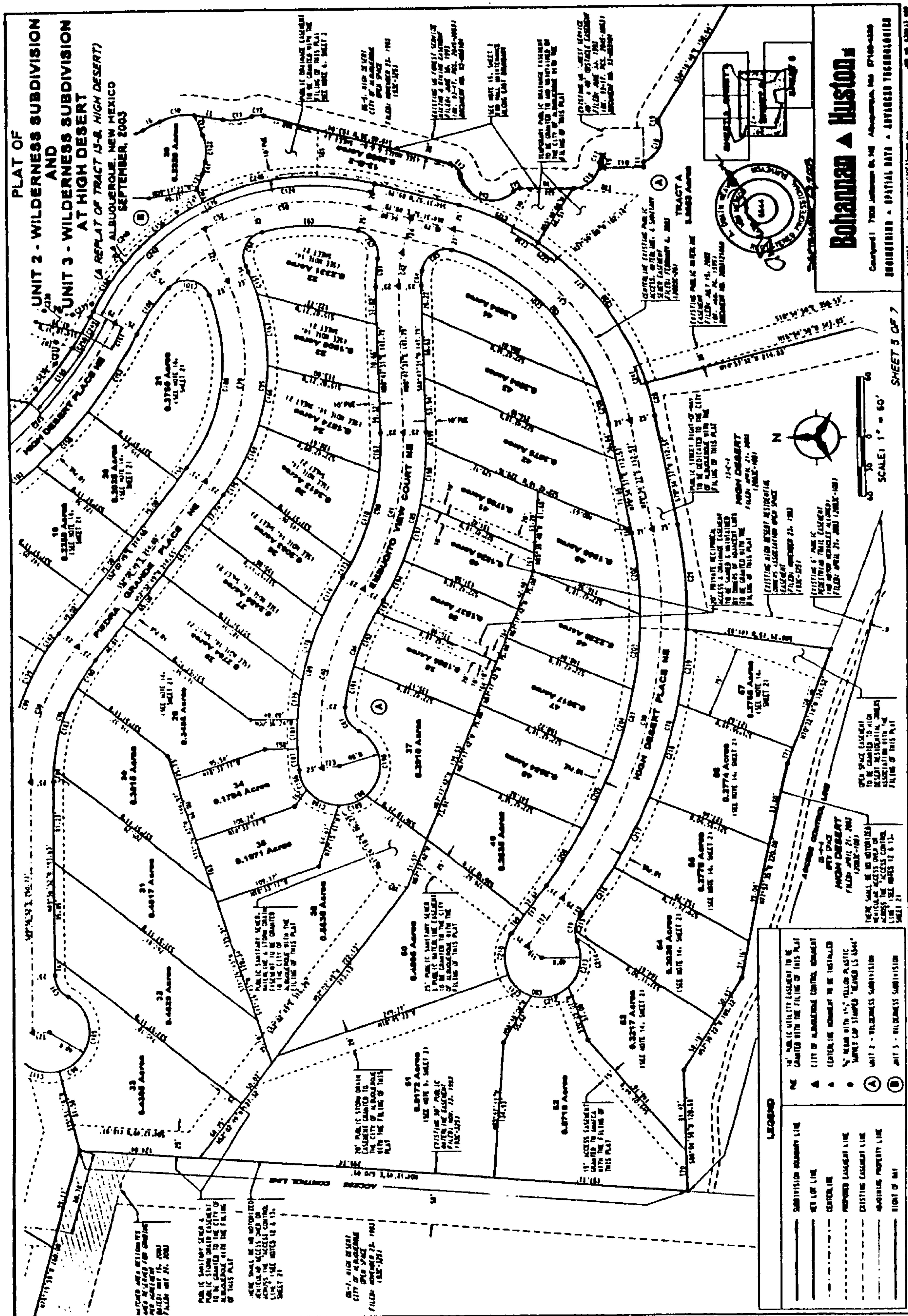
PROJECTED SECTION 35
 7100 AC

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 Courtyard 1 7500 Jefferson St. NE Albuquerque, NM 87109-4336
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SHEET 4 OF 7



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**PLAT OF
UNIT 2 - WILDERNESS SUBDIVISION
AND
UNIT 3 - WILDERNESS SUBDIVISION
AT HIGH DESERT
(A REPLAT OF TRACT 13-B, HIGH DESERT)
ALBUQUERQUE, NEW MEXICO
SEPTEMBER, 2003**

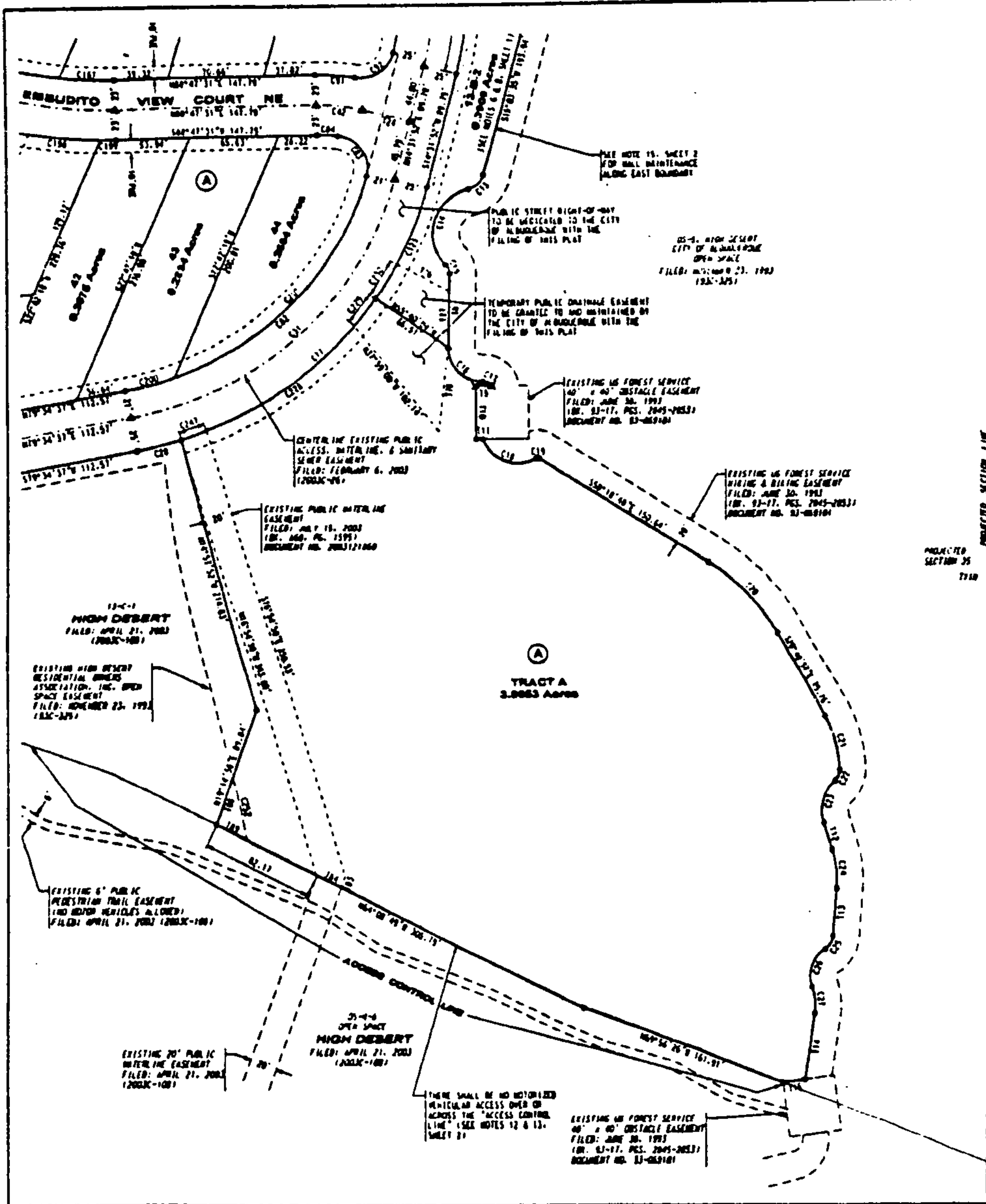
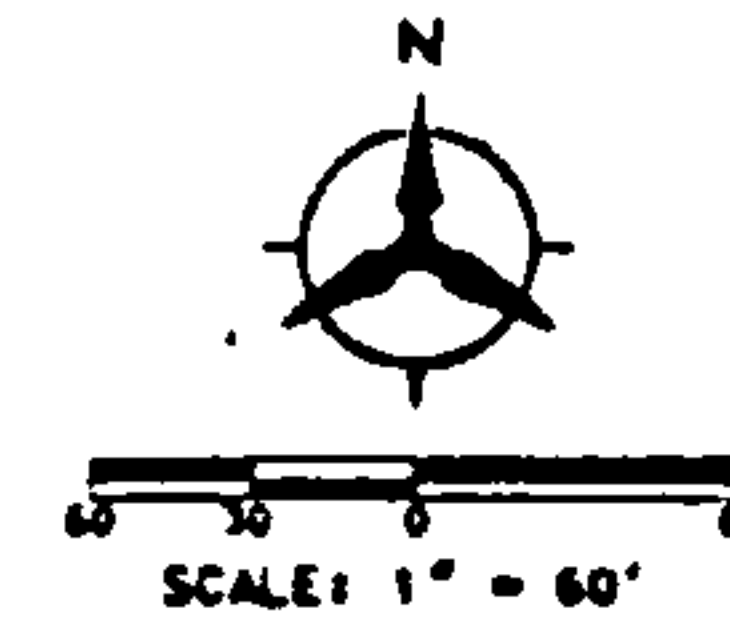
Bohannon & Huston

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 1-200313, Survey Data by Bohannon & Huston, 11/2003
 11/2003

SHEET 5 OF 7

LEGEND	
	SUBDIVISION BOUNDARY LINE
	SET LOT LINE
	CENTER LINE
	PROPOSED EASEMENT LINE
	EXISTING EASEMENT LINE
	EASEMENT PROPERTY LINE
	STREET OF WAY
	10' PUBLIC UTILITY EASEMENT TO BE GRANTED WITH THE FILING OF THIS PLAT
	CITY OF ALBUQUERQUE CONTROL EASEMENT
	CENTER LINE EASEMENT TO BE INSTALLED
	1/2" BEAM WITH 1/4" YELLOW PLASTIC SURVEY CAP STAMPS "BEAM 15 1544"
	UNIT 2 - WILDERNESS SUBDIVISION
	UNIT 3 - WILDERNESS SUBDIVISION

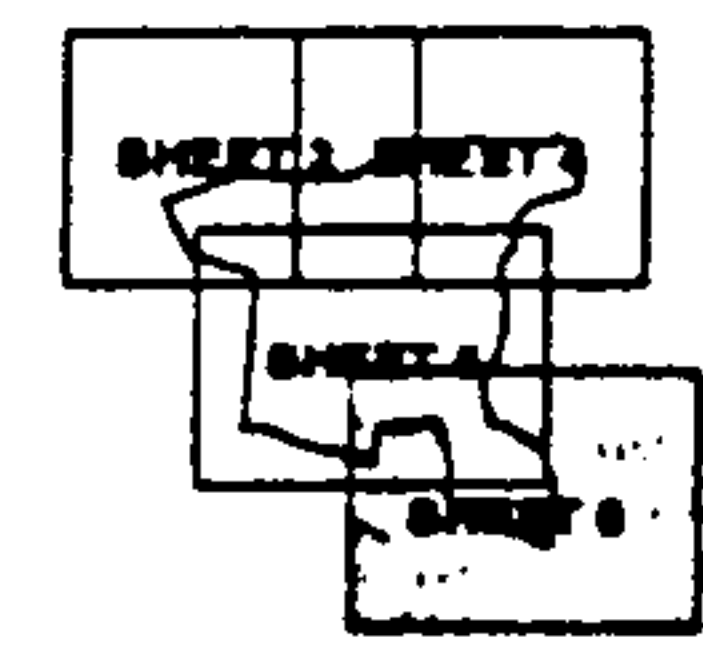
**PLAT OF
UNIT 2 - WILDERNESS SUBDIVISION
AND
UNIT 3 - WILDERNESS SUBDIVISION
AT HIGH DESERT
(A REPLAT OF TRACT 13-B, HIGH DESERT)
ALBUQUERQUE, NEW MEXICO
SEPTEMBER, 2003**



PROJECTED SECTION 25
7910

PROJECTED SECTION 26
8010

LEGEND	
	SUBDIVISION BOUNDARY LINE
	NEAR LOT LINE
	CENTRAL LINE
	PROPOSED EASEMENT LINE
	EXISTING EASEMENT LINE
	ADJOINING PROPERTY LINE
	RIGHT OF WAY
	10' PUBLIC UTILITY EASEMENT TO BE GRANTED WITH THE FILING OF THIS PLAT
	CITY OF ALBUQUERQUE CONTROL MONUMENT
	CENTRAL LINE MONUMENT TO BE INSTALLED
	1/2\"/>



Bohannon & Huston,

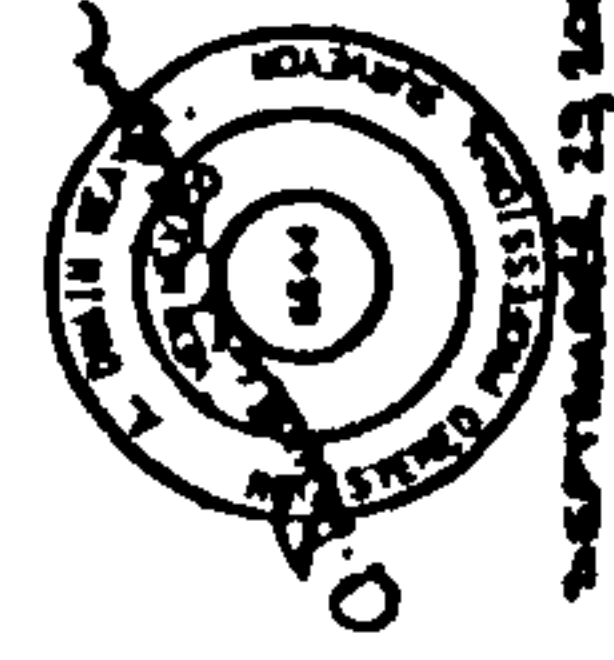
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SHEET 6 OF 7

PLAT NO. 03-0311, 1st reg. filed 09/23/03 at 10:00 AM. 03-0311, 1st reg. filed 09/23/03 at 10:00 AM. 03-0311, 1st reg. filed 09/23/03 at 10:00 AM.

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**PLAT OF
UNIT 2 - WILDERNESS SUBDIVISION
AND
UNIT 3 - WILDERNESS SUBDIVISION
AT HIGH DESERT
(A REPLAT OF TRACT 13-B, HIGH DESERT)
ALBUQUERQUE, NEW MEXICO
SEPTEMBER, 2003**



Bohannon & Huston
 Chartered 7500 Johnson Blvd. Albuquerque, NM 87109-4300
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 A COMPANY OF THE BOHANNON GROUP

TANGENT DATA	BEARING	DISTANCE
10	S 89° 59' 57" W	1.00
11	S 89° 59' 57" W	1.00
12	S 89° 59' 57" W	1.00
13	S 89° 59' 57" W	1.00
14	S 89° 59' 57" W	1.00
15	S 89° 59' 57" W	1.00
16	S 89° 59' 57" W	1.00
17	S 89° 59' 57" W	1.00
18	S 89° 59' 57" W	1.00
19	S 89° 59' 57" W	1.00
20	S 89° 59' 57" W	1.00
21	S 89° 59' 57" W	1.00
22	S 89° 59' 57" W	1.00
23	S 89° 59' 57" W	1.00
24	S 89° 59' 57" W	1.00
25	S 89° 59' 57" W	1.00
26	S 89° 59' 57" W	1.00
27	S 89° 59' 57" W	1.00
28	S 89° 59' 57" W	1.00
29	S 89° 59' 57" W	1.00
30	S 89° 59' 57" W	1.00
31	S 89° 59' 57" W	1.00
32	S 89° 59' 57" W	1.00
33	S 89° 59' 57" W	1.00
34	S 89° 59' 57" W	1.00
35	S 89° 59' 57" W	1.00
36	S 89° 59' 57" W	1.00
37	S 89° 59' 57" W	1.00
38	S 89° 59' 57" W	1.00
39	S 89° 59' 57" W	1.00
40	S 89° 59' 57" W	1.00
41	S 89° 59' 57" W	1.00
42	S 89° 59' 57" W	1.00
43	S 89° 59' 57" W	1.00
44	S 89° 59' 57" W	1.00
45	S 89° 59' 57" W	1.00
46	S 89° 59' 57" W	1.00
47	S 89° 59' 57" W	1.00
48	S 89° 59' 57" W	1.00
49	S 89° 59' 57" W	1.00
50	S 89° 59' 57" W	1.00
51	S 89° 59' 57" W	1.00
52	S 89° 59' 57" W	1.00
53	S 89° 59' 57" W	1.00
54	S 89° 59' 57" W	1.00
55	S 89° 59' 57" W	1.00
56	S 89° 59' 57" W	1.00
57	S 89° 59' 57" W	1.00
58	S 89° 59' 57" W	1.00
59	S 89° 59' 57" W	1.00
60	S 89° 59' 57" W	1.00
61	S 89° 59' 57" W	1.00
62	S 89° 59' 57" W	1.00
63	S 89° 59' 57" W	1.00
64	S 89° 59' 57" W	1.00
65	S 89° 59' 57" W	1.00
66	S 89° 59' 57" W	1.00
67	S 89° 59' 57" W	1.00
68	S 89° 59' 57" W	1.00
69	S 89° 59' 57" W	1.00
70	S 89° 59' 57" W	1.00
71	S 89° 59' 57" W	1.00
72	S 89° 59' 57" W	1.00
73	S 89° 59' 57" W	1.00
74	S 89° 59' 57" W	1.00
75	S 89° 59' 57" W	1.00
76	S 89° 59' 57" W	1.00
77	S 89° 59' 57" W	1.00
78	S 89° 59' 57" W	1.00
79	S 89° 59' 57" W	1.00
80	S 89° 59' 57" W	1.00
81	S 89° 59' 57" W	1.00
82	S 89° 59' 57" W	1.00
83	S 89° 59' 57" W	1.00
84	S 89° 59' 57" W	1.00
85	S 89° 59' 57" W	1.00
86	S 89° 59' 57" W	1.00
87	S 89° 59' 57" W	1.00
88	S 89° 59' 57" W	1.00
89	S 89° 59' 57" W	1.00
90	S 89° 59' 57" W	1.00
91	S 89° 59' 57" W	1.00
92	S 89° 59' 57" W	1.00
93	S 89° 59' 57" W	1.00
94	S 89° 59' 57" W	1.00
95	S 89° 59' 57" W	1.00
96	S 89° 59' 57" W	1.00
97	S 89° 59' 57" W	1.00
98	S 89° 59' 57" W	1.00
99	S 89° 59' 57" W	1.00
100	S 89° 59' 57" W	1.00

ID	CURVE DATA				
	DELTA	TANGENT	ARC	MADIUS	CHORD
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11	11.00	11.00	11.00	11.00	11.00
12	11.00	11.00	11.00	11.00	11.00
13	11.00	11.00	11.00	11.00	11.00
14	11.00	11.00	11.00	11.00	11.00
15	11.00	11.00	11.00	11.00	11.00
16	11.00	11.00	11.00	11.00	11.00
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33	11.00	11.00	11.00	11.00	11.00
34	11.00	11.00	11.00	11.00	11.00
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98	11.00	11.00	11.00	11.00	11.00
99	11.00	11.00	11.00	11.00	11.00
100	11.00	11.00	11.00	11.00	11.00

SIA Sequence #	COA DRC Project #

Size	Type of Improvement	Location	From	To
PUBLIC WATERLINE IMPROVEMENTS - ON-SITE				
10" DIA	WATERLINE W/ NEC. VALVES FH'S, MJS & RJS	ELEVADA TRAIL	HIGH DESERT PLACE	PIEDRA CERRO WAY
6" DIA	WATERLINE W/ NEC. VALVES FH'S, MJS & RJS	ELEVADA TRAIL	PIEDRA CERRO WAY	PIEDRA ALTA LANE
6" DIA	WATERLINE W/ NEC. VALVES FH'S, MJS & RJS	PIEDRA CANTO WAY	ELEVADA TRAIL	PIEDRA ALTA LANE
10" DIA	WATERLINE W/ NEC. VALVES FH'S, MJS & RJS	PIEDRA CERRO WAY	SOUTH PROPERTY BOUNDARY (LOT 16)	ELEVADA TRAIL
6" DIA	WATERLINE W/ NEC. VALVES FH'S, MJS & RJS	PIEDRA ALTA LANE	PIEDRA CANTO WAY	SOUTH PIEDRA ALTA ALTA TERMINUS (LOT 11)
	REMOVAL OF EXISTING 6" WATERLINE	LOTS 16-22	LOT 16	HIGH DESERT PLACE

Private Inspector	City Inspector	City Cnst Engineer

Size	Type of Improvement	Location	From	To
PUBLIC SANITARY SEWER IMPROVEMENTS - ON-SITE				
8" DIA	SANITARY SEWER W/ NEC. MHS & SERVICES	ELEVADA TRAIL	HIGH DESERT PLACE	PIEDRA ALTA LANE
8" DIA	SANITARY SEWER W/ NEC. MHS & SERVICES	PIEDRA CANTO WAY	PIEDRA CANTO WAY TERMINUS	ELEVADA TRAIL
8" DIA	SANITARY SEWER W/ NEC. MHS & SERVICES	PIEDRA CERRO WAY	PIEDRA CERRO TERMINUS	ELEVADA TRAIL
8" DIA	SANITARY SEWER W/ NEC. MHS & SERVICES	PIEDRA ALTA LANE	NORTH PIEDRA ALTA ALTA TERMINUS	SOUTH PIEDRA ALTA ALTA TERMINUS

Size	Type of Improvement	Location	From	To
PUBLIC STORM DRAIN IMPROVEMENTS - ON-SITE				
18-36" DIA	RCP W/ NEC. MHS, LATERALS & INLETS	PIEDRA CANTO WAY/ LOT 5	NORTH PIEDRA ALTA ALTA TERMINUS (LOT 5)	ELEVADA TRAIL
18-36" DIA	RCP W/ NEC. MHS, LATERALS & INLETS	ELEVADA TRAIL	LOT 19	HIGH DESERT PLACE
NOTE	A GRADING AND DRAINAGE CERTIFICATION OF THE APPROVED GRADING PLAN IS REQUIRED PRIOR TO THE RELEASE OF FINANCIAL GUARANTEES			

Size	Type of Improvement	Location	From	To
PRIVATE DRAINAGE IMPROVEMENTS - ON-SITE				
2' - 5' WIDE	PCC RIBBON CHANNEL	PRIVATE DRAINAGE EASEMENT	LOT 4	LOT 10
18" DIA	RCP	PRIVATE DRAINAGE ESMNT BTWN LOTS 3 & 4	TRACT OS-5 COA OPEN SPACE	PIEDRA CANTO WAY
NOTE	THE DEVELOPER WILL EITHER CONSTRUCT \$5,000 WORTH OF DRAINAGE IMPROVEMENTS ON THE EXISTING CITY OPEN SPACE ADJACENT TO WILDERNESS CANON OR PROVIDE THAT AMOUNT TO THE CITY TO CONSTRUCT THEIR OWN DRAINAGE IMPROVEMENTS.			

ORIGINAL

NOTE. PERIMETER WALL AS APPROVED BY DRB SHALL BE CERTIFIED BY A NM PE PRIOR TO THE RELEASE OF FINANCIAL GUARANTYS. THERE IS NO LANDSCAPING PROPOSED W/IN THE PUBLIC RIGHT OF WAY AT THIS TIME. THERE ARE NO IMPROVEMENTS BEING PROPOSED W/IN THE COA PUBLIC OPEN SPACE AT THIS TIME.

AGENT/OWNER		DEVELOPMENT REVIEW BOARD MEMBER APPROVALS			
KEVIN G. PATTON, P.E.		<i>[Signature]</i>	12/06/06	<i>[Signature]</i>	12-6-06
PREPARED BY PRINT NAME		DRB CHAIR	DATE	(PARKS & GENERAL SERVICES)	DATE
EDMAN HAN HUSTON INC		<i>[Signature]</i>	12-6-06		
FIRM		TRANSPORTATION DEVELOPMENT	DATE	AMAFCA	DATE
<i>[Signature]</i>	12-6-06	<i>[Signature]</i>	12/6/06		
SIGNATURE		UTILITY DEVELOPMENT	DATE	NEW MEXICO UTILITIES INCORPORATED	DATE
MAXIMUM TIME ALLOW TO CONSTRUCT IMPROVEMENTS WITHOUT A DRB EXTENSION		<i>[Signature]</i>	12/6/06		
		CITY ENGINEER	DATE		DATE

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT/OWNER

1-2-06



City of Albuquerque

PLEASE NOTE: The Neighborhood Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter - you will need to get an updated letter from our office. It is your responsibility to provide current information - outdated information may result in a deferral of your case.

Date: September 26, 06

Planning Department
 Plaza Del Sol Building
 600 Second St. NW
 Second Floor (924-3860)

This letter will serve to notify you that on 9-26-06 (date)

TO CONTACT NAME: Stephanie Walton
 COMPANY/AGENCY: BOHANNAN - HUSTON Engineering
 ADDRESS/ZIP: 7500 JEFFERSON ST. NE / 87109-4335
 PHONE/FAX #: 823-1000 - Fax - 798-7988

Contacted the Office of Neighborhood Coordination requesting the contact names for any Recognized Neighborhood Associations affected by their request concerning a Zoning Action or Site Development Plan, etc. at Tracts A Wilderness Utillage At High Desert
 zone map page(s) F-23.

Our records indicate that as of 9-26-06 (date), there were **no Recognized Neighborhood Associations** in this area.

If you have any questions about the information provided, please contact our office at (505) 924-3914 or by fax at 924-3913.

Sincerely,

Dalinda Y. Carmona
 OFFICE OF NEIGHBORHOOD COORDINATION

NOTICE TO APPLICANTS

Suggested Information for Neighborhood Notification Letters... Applicants for Zone Change, Site Plan, Sector Development Plan approval or an amendment to a Sector Development Plan by the EPC, DRB, LUCC, etc. are required under Council Bill O-92 to notify all affected recognized neighborhood associations **PRIOR TO FILING THE APPLICATION TO THE PLANNING DEPARTMENT.** Because the purpose of the notification is to ensure communication as a means of identifying and resolving problems early, it is essential that the notification be fully informative.

We recommend that the Notification Letter include the following information:

- > The street address of the subject property.
- > The legal description of the property, including lot or tract number (if any), block number (if any), and name of the subdivision.
- > A physical description of the location, referenced to streets and existing land uses.
- > A complete description of the actions requested of the EPC:
- > If a **ZONE CHANGE OR ANNEXATION**, the name of the existing zone category and primary uses and the name of the proposed category and primary uses (i.e., "from the R-T Townhouse zone, to the C-2 Community Commercial zone").
- > If a **SITE DEVELOPMENT OR MASTER DEVELOPMENT PLAN** approval or amendments describe the physical nature of the proposal (i.e., "an amendment to the approved plan to allow a drive-through restaurant to be located just east of the main shopping center entrance off Montgomery Blvd.>").
- > If a **SECTOR DEVELOPMENT PLAN OR PLAN AMENDMENT** a general description of the plan area, plan concept, the mix of zoning and land use categories proposed and description of major features such as location of significant shopping centers, employment centers, parks and other public facilities.
- > The name, address and telephone number of the applicant and of the agent (if any). In particular the name of an individual contact person will be helpful so that neighborhood associations may contact someone with questions or comments.

Information from the Office of Neighborhood Coordination (ONC)

The following information should always be in each application packet that you submit for an EPC or DRB application. Listed below is a "Checklist" of the items needed.

- [] ONC's "Official" Letter to the applicant and "Attachment A" (if there are associations). A copy must be submitted with application packet -OR-
- [] The ONC "Official" Letter (if there are no associations). A copy must be submitted with application packet.
- [] Copies of Letters to Neighborhood Associations (if there are associations). A copy must be submitted with application packet.
- [] Copies of the certified receipts to Neighborhood Associations (if there are associations). A copy must be submitted with application packet.

Just a reminder - Our ONC "Official" Letter is only valid for a one (1) month period and if you haven't submitted your application by this date, you will need to get an updated letter from our office.

(Below this line for ONC use only)

Date of Inquiry: 9-26-00 Time Entered: 26-21 ONC Rep. Initials: DM

SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the City Zoning Code or Subdivision Ordinance are responsible for the posting and maintaining of one or more signs on the property which the application describes. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign.

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to public hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Development Services Front Counter at a charge of \$3.75 each.

1. LOCATION

- A. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Staff may indicate a specific location.
- B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be at least two feet from the ground.
- C. No barrier shall prevent a person from coming within five feet of the sign to read it.

2. NUMBER

- A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
- B. If the land does not abut a public street, then, in addition to a sign placed on the property, a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

3. PHYSICAL POSTING

- A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
- B. Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.

4. TIME

Signs must be posted from OCTOBER 10, 2006 To OCTOBER 25, 2006

5. REMOVAL

- A. The sign is not to be removed before the initial hearing on the request.
- B. The sign should be removed within five (5) days after the initial hearing.

I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.

Stephanie Walker
(Applicant or Agent)

9-29-06
(Date)

I issued 3 signs for this application,

09/29/06
(Date)

Sandy Handley
(Staff Member)

DRB PROJECT NUMBER: 1004989

ROBERT M. ST. JOHN
MARK K. ADAMS
BRUCE HALL
JOHN P. SALAZAR
JOHN P. BURTON
REX D. THROCKMORTON
JONATHAN W. HEWES
RICHARD C. MINZNER
W. ROBERT LASATER, JR.
MARK C. MEIERING
CATHERINE T. GOLDBERG
EDWARD RICCO
W. MARK MOWERY
PATRICK M. SHAY
ELLEN T. SKRAK
TRACY M. JENKS
HENRY M. BOHNHOFF
CHARLES K. PURCELL
ANDREW G. SCHULTZ
JOHN M. BRANT
SCOTT D. GORDON
DEWITT M. MORGAN
MARK A. SMITH
NELSON FRANSE
THERESA W. PARRISH
PAUL R. KOLLER
JAMES P. BIEG
CHARLES J. VIGIL
THOMAS L. STAHL
DAVID W. BUNTING
LESLIE McCARTHY APODACA
SUSAN BARGER FOX
WILLIAM J. ARLAND
JAMES A. ASKEW
JEFFREY M. CROASDELL
SUNNY J. NIXON

JEFFREY L. LOWRY
DEBORAH E. MANN
R. TRACY SPROULS
DONALD B. MONNHEIMER
ALAN HALL
JULIE P. NEERKEN
THOMAS A. OUTLER
SETH L. SPARKS
NELSE T. SCHRECK
KARLA K. POE
LISA CHAVEZ ORTEGA
JOCELYN C. DRENNAN
MICHAEL J. BRESCIA
AARON C. VIETS
KURT B. GALBERT
DAVID H. JOHNSON
MEGHAN D. STANFORD
JESSICA M. HERNANDEZ
WILLIAM G. GILCHRIST
CHRISTOPHER M. WOLPERT
KIMBERLY N. BELL
BRYAN J. DAVIS
CHRISTOPHER D. LEE
JUSTIN A. HORWITZ
TODD E. FINNER
SANDRA L. BEERLE
WADE L. JACKSON
CARMELA D. STARACE
MARIA S. MC CULLEY
MARCOS D. MARTINEZ
MARGARET Y. ROMERO
AMBER L. CREEL
NASHA Y. MARTINEZ
AMANDA C. SANCHEZ
SOMA F. TURFLER
VALERIE S. REIGHARD

RODEY, DICKASON, SLOAN, AKIN & ROBB, P. A.
ATTORNEYS AT LAW
201 THIRD STREET NW, SUITE 2200
ALBUQUERQUE, NEW MEXICO 87102

P.O. BOX 1888
ALBUQUERQUE, NEW MEXICO 87103
WWW.RODEY.COM

TELEPHONE (505) 765-5900
FACSIMILE (505) 768-7395

OF COUNSEL
JACKSON G. AKIN
JOHN D. ROBB
JAMES C. RITCHE
JO SAXTON BRAYER
ROBERT G. McCORKLE
CHARLES A. SEIBERT III

BERNARD S. RODEY (1856-1927)
PEARCE C. RODEY (1889-1968)
DON L. DICKASON (1908-1998)
WILLIAM A. SLOAN (1910-1993)

SANTA FE OFFICE
315 PASEO DE PERALTA
SANTA FE, NEW MEXICO 87501-2034
P.O. BOX 1357
SANTA FE, NEW MEXICO 87504-1357
TELEPHONE (505) 954-3900
FACSIMILE (505) 954-3942

WRITER'S DIRECT NUMBER
(505) 768-7220

JSALAZAR@RODEY.COM

February 28, 2007

Sheran Matson, Development Review Board Chair
Development Review Division of the Planning Department
c/o Barbara Findley
3rd Floor, Plaza del Sol Building
600 Second St. NW
Albuquerque, NM 87103

RE: Appeal AC-07-2 and AC-07-3
DRB Project No. 1004989
Mesa Verde Development / Wilderness Canyon at High Desert
Documents to Include in Appeal Record

Dear Ms. Matson:

The purpose of this letter is to submit the below listed documents for inclusion in the referenced Appeal Record. We also request that a copy of the High Desert Sector Plan be included in the Appeal Record as well.

The attached documents are:

1. Copy of Original Infrastructure List Exhibit "A", with a sign off date of 12/06/07.
2. Copy of letter dated 11/14/096 from Bradley L. Bingham, PE to Yolanda Padilla, PE.
3. Copy of map titled "HIGH DESERT VISION".
4. Copy of "WILDERNESS TRACT A AT HIGH DESERT GRADING PLAN" DATED 05/2005.
5. Color map showing blowup of carve out of Tract 13.
6. Color Slope map done in 1991 for the Albuquerque Academy.

Thank you.

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

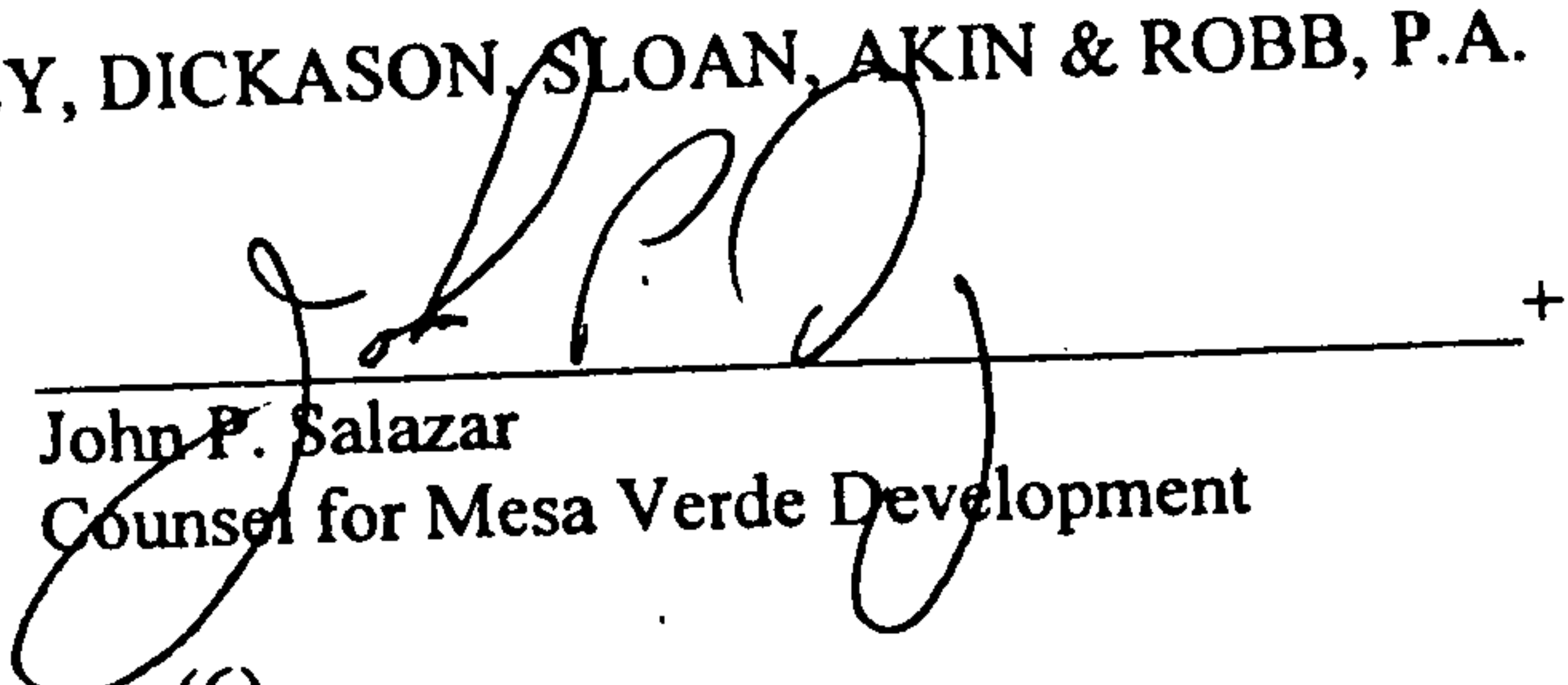
February 28, 2007

Page 2

Sincerely,

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By:

 +

John P. Salazar
Counsel for Mesa Verde Development

Enclosures (6)

cc: Kevin Curran, City Attorney (w/o encl., via email)

SIA Sequence #	COA DRC Project #

PUBLIC WATERLINE IMPROVEMENTS - ON-SITE

Size	Type of Improvement	Location	From	To
10" DIA	WATERLINE W/ NEC. VALVES FH'S, MJS & RJS	ELEVADA TRAIL	HIGH DESERT PLACE	PIEDRA CERRO WAY
6" DIA	WATERLINE W/ NEC. VALVES FH'S, MJS & RJS	ELEVADA TRAIL	PIEDRA CERRO WAY	PIEDRA ALTA LANE
6" DIA	WATERLINE W/ NEC. VALVES FH'S, MJS & RJS	PIEDRA CANTO WAY	ELEVADA TRAIL	PIEDRA ALTA LANE
10" DIA	WATERLINE W/ NEC. VALVES FH'S, MJS & RJS	PIEDRA CERRO WAY	SOUTH PROPERTY BOUNDARY (LOT 16)	ELEVADA TRAIL
6" DIA	WATERLINE W/ NEC. VALVES FH'S, MJS & RJS	PIEDRA ALTA LANE	PIEDRA CANTO WAY	SOUTH PIEDRA ALTA ALTA TERMINUS (LOT 11)
	REMOVAL OF EXISTING 6" WATERLINE	LOTS 16-22	LOT 16	HIGH DESERT PLACE

Private Inspector	City Inspector	City Cnst Engineer

PUBLIC SANITARY SEWER IMPROVEMENTS - ON-SITE

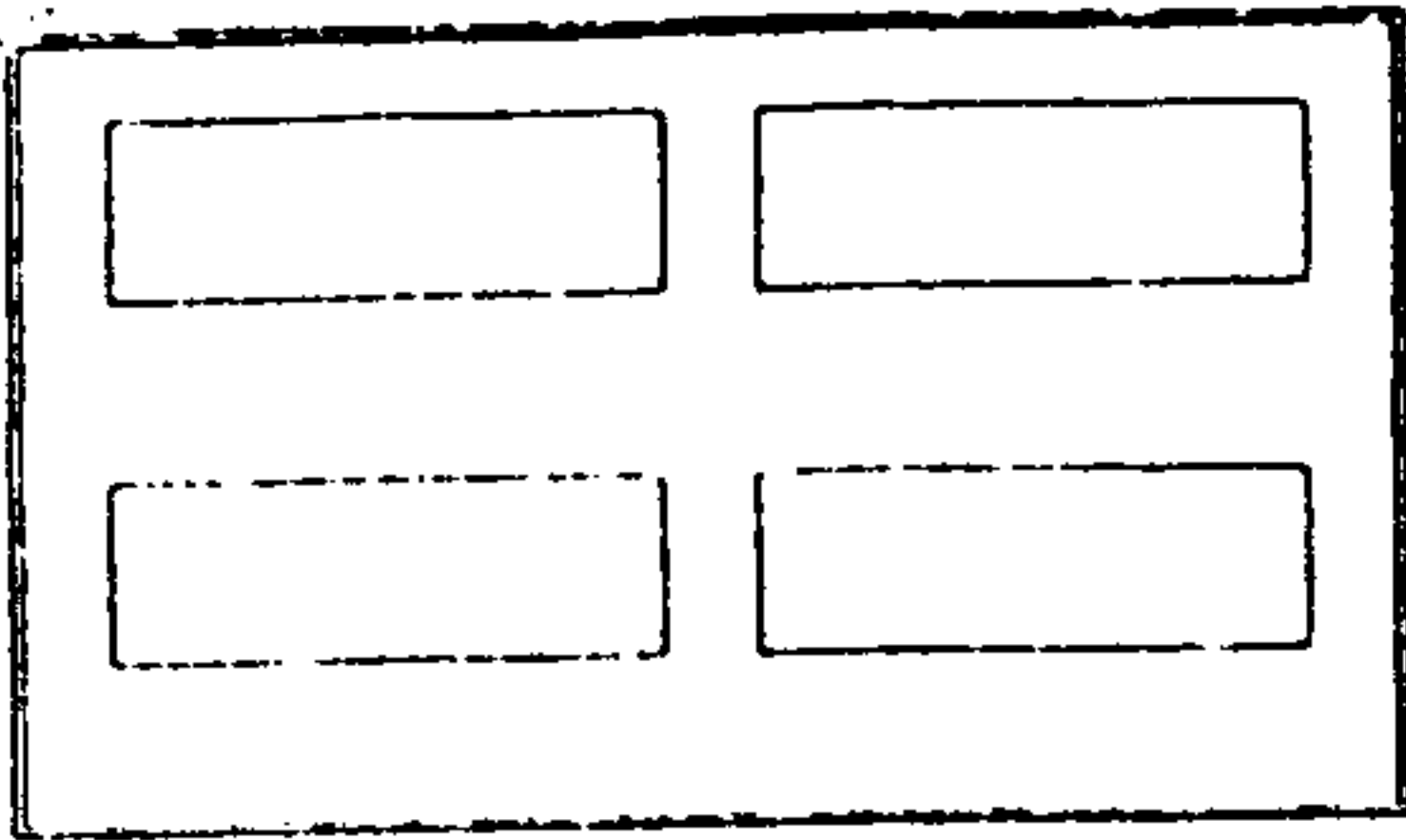
Size	Type of Improvement	Location	From	To
8" DIA	SANITARY SEWER W/ NEC. MH'S & SERVICES	ELEVADA TRAIL	HIGH DESERT PLACE	PIEDRA ALTA LANE
8" DIA	SANITARY SEWER W/ NEC. MH'S & SERVICES	PIEDRA CANTO WAY	PIEDRA CANTO WAY TERMINUS	ELEVADA TRAIL
8" DIA	SANITARY SEWER W/ NEC. MH'S & SERVICES	PIEDRA CERRO WAY	PIEDRA CERRO TERMINUS	ELEVADA TRAIL
8" DIA	SANITARY SEWER W/ NEC. MH'S & SERVICES	PIEDRA ALTA LANE	NORTH PIEDRA ALTA ALTA TERMINUS	SOUTH PIEDRA ALTA ALTA TERMINUS

PUBLIC STORM DRAIN IMPROVEMENTS - ON-SITE

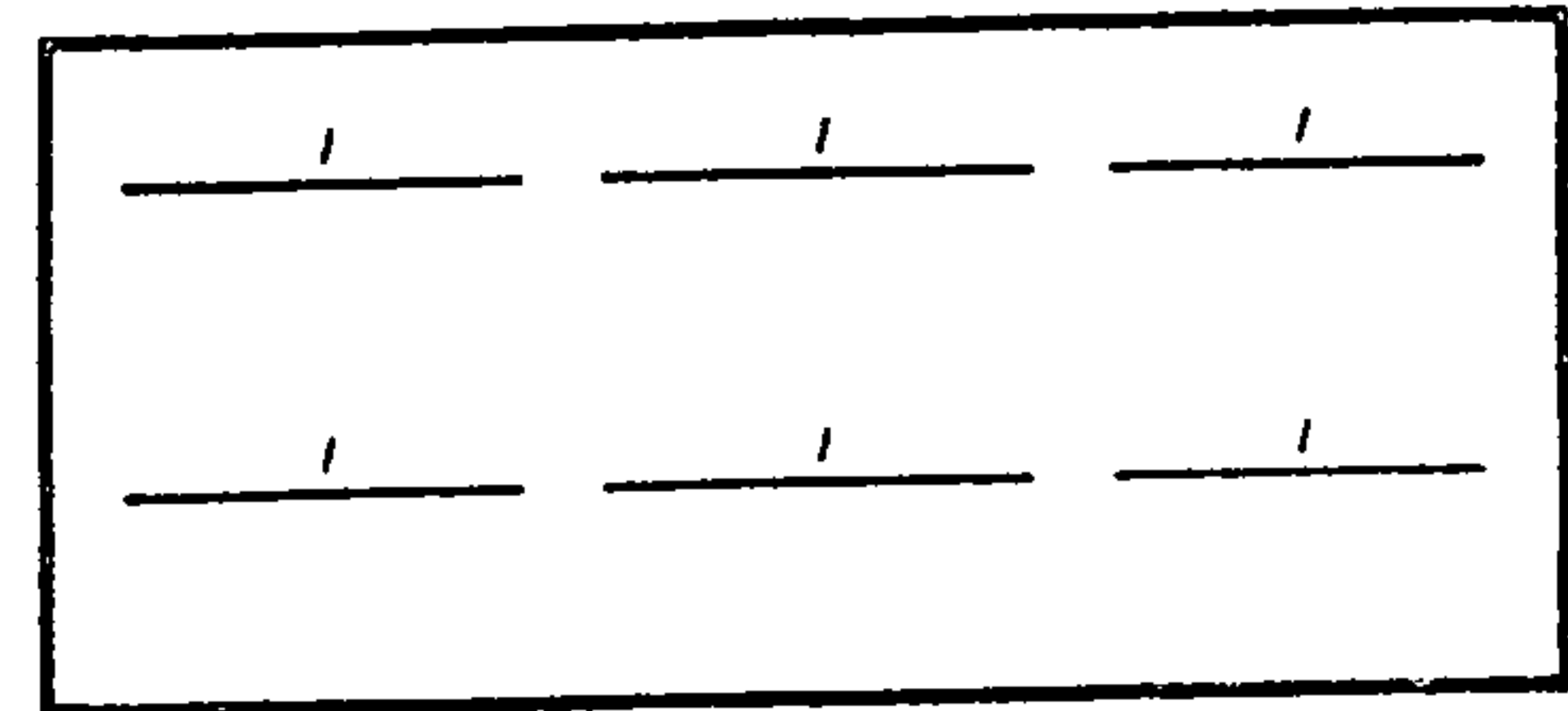
18-36" DIA	RCP W/ NEC. MH'S, LATERALS & INLETS	PIEDRA CANTO WAY/ LOT 5	NORTH PIEDRA ALTA ALTA TERMINUS (LOT 5)	ELEVADA TRAIL
18-36" DIA	RCP W/ NEC. MH'S, LATERALS & INLETS	ELEVADA TRAIL	LOT 19	HIGH DESERT PLACE
NOTE	A GRADING AND DRAINAGE CERTIFICATION OF THE APPROVED GRADING PLAN IS REQUIRED PRIOR TO THE RELEASE OF FINANCIAL GUARANTEES			

PRIVATE DRAINAGE IMPROVEMENTS - ON-SITE

2' - 5' WIDE	PCC RIBBON CHANNEL	PRIVATE DRAINAGE EASEMENT	LOT 4	LOT 10
18" DIA	RCP	PRIVATE DRAINAGE ESMNT BTWN LOTS 3 & 4	TRACT OS-5 COA OPEN SPACE	PIEDRA CANTO WAY
NOTE	THE DEVELOPER WILL EITHER CONSTRUCT \$5,000 WORTH OF DRAINAGE IMPROVEMENTS ON THE EXISTING CITY OPEN SPACE ADJACENT TO WILDERNESS CANON OR PROVIDE THAT AMOUNT TO THE CITY TO CONSTRUCT THEIR OWN DRAINAGE IMPROVEMENTS.			



NOTE: PERIMETER WALL AS APPROVED BY DRB SHALL BE CERTIFIED BY A NM PE PRIOR TO THE RELEASE OF FINANCIAL GUARANTYS. THERE IS NO LANDSCAPING PROPOSED WIN THE PUBLIC RIGHT OF WAY AT THIS TIME THERE ARE NO IMPROVEMENTS BEING PROPOSED WIN THE COA PUBLIC OPEN SPACE AT THIS TIME.



AGENT/OWNER		DEVELOPMENT REVIEW BOARD MEMBER APPROVALS			
KEVIN G. PATTON, P E PREPARED BY PRINT NAME		<i>[Signature]</i> DRB CHAIR	12/06/06 DATE	<i>[Signature]</i> (PARKS & GENERAL SERVICES)	12-6-06 DATE
BOHANNAN HUSTON INC FIRM		<i>[Signature]</i> TRANSPORTATION DEVELOPMENT	12-6-06 DATE		AMAFCA DATE
<i>[Signature]</i> SIGNATURE	12-6-06	<i>[Signature]</i> UTILITY DEVELOPMENT	12/6/06 DATE		NEW MEXICO UTILITIES INCORPORATED DATE
MAXIMUM TIME ALLOW TO CONSTRUCT IMPROVEMENTS WITHOUT A DRB EXTENSION		<i>[Signature]</i> CITY ENGINEER	12/6/06 DATE		DATE

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRB CHAIR	USER DEPARTMENT	AGENT/OWNER

CITY OF ALBUQUERQUE



November 14, 2006

Yolanda Padilla, PE
Bohannan Huston, Inc
7500 Jefferson NE
Albuquerque, NM 87109

**Re: Wilderness Canon at High Desert Drainage Report
Engineer's Stamp dated 11-7-06, (F23/D12)**

Dear Ms. Padilla,

Based upon the information provided in your submittal dated 11-8-06, the above referenced plan is approved for Preliminary Plat approval by the DRB. Once that board approves the grading plan, please submit a mylar copy for my signature in order to obtain a Rough Grading Permit.

This project requires a National Pollutant Discharge Elimination System (NPDES) permit. If you have any questions about this permit, please feel free to call the Municipal Development Department, Hydrology section at 768-3654 (Charles Caruso).

Prior to Release of SIA and Financial Guarantees, an Engineer's Certification of this grading plan will be required.

If you have any questions, you can contact me at 924-3986.

Sincerely,

Bradley L. Bingham
Bradley L. Bingham, PE
Principal Engineer, Planning Dept.
Building and Development Services

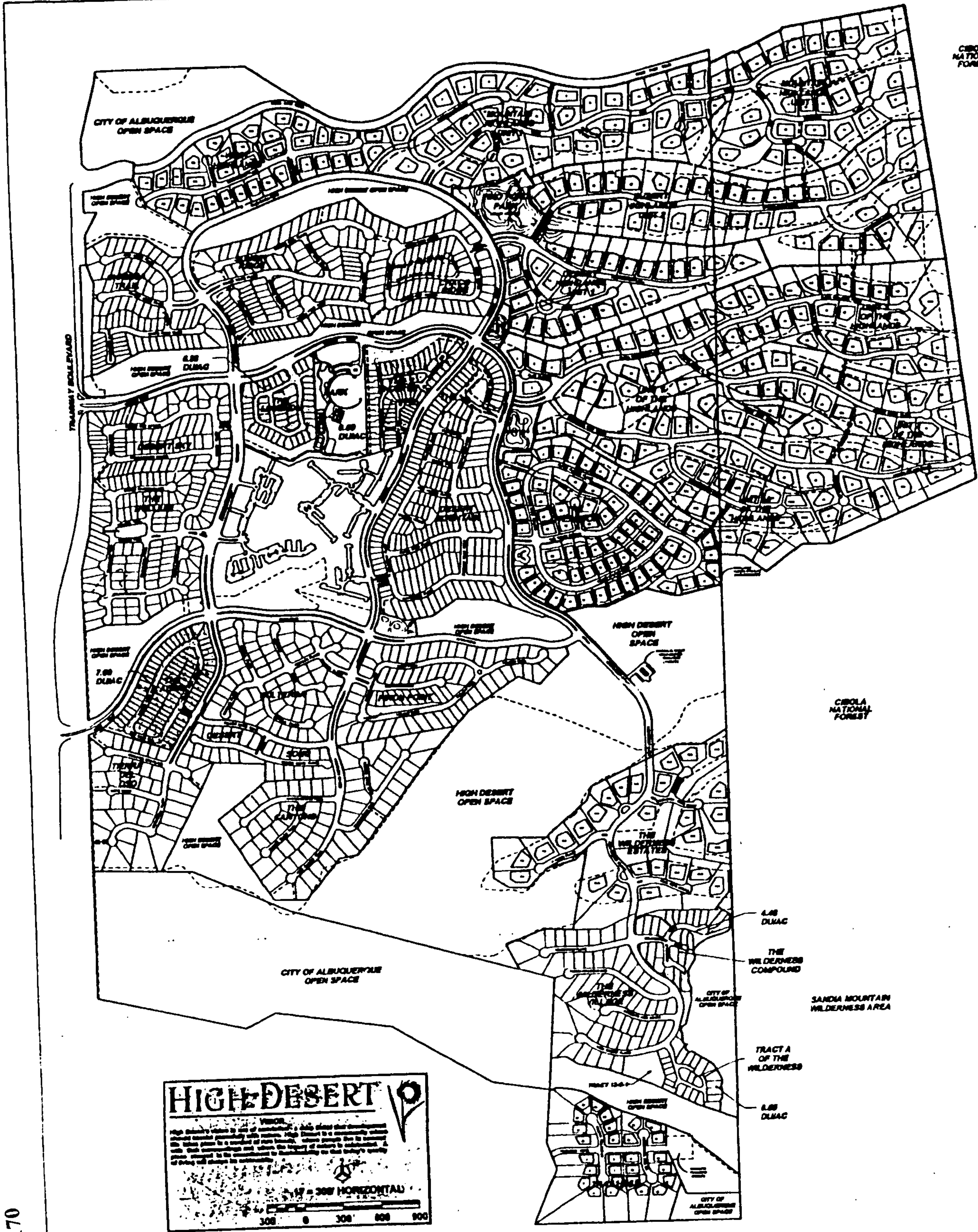
C: Chuck Caruso, DMD
file

P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov



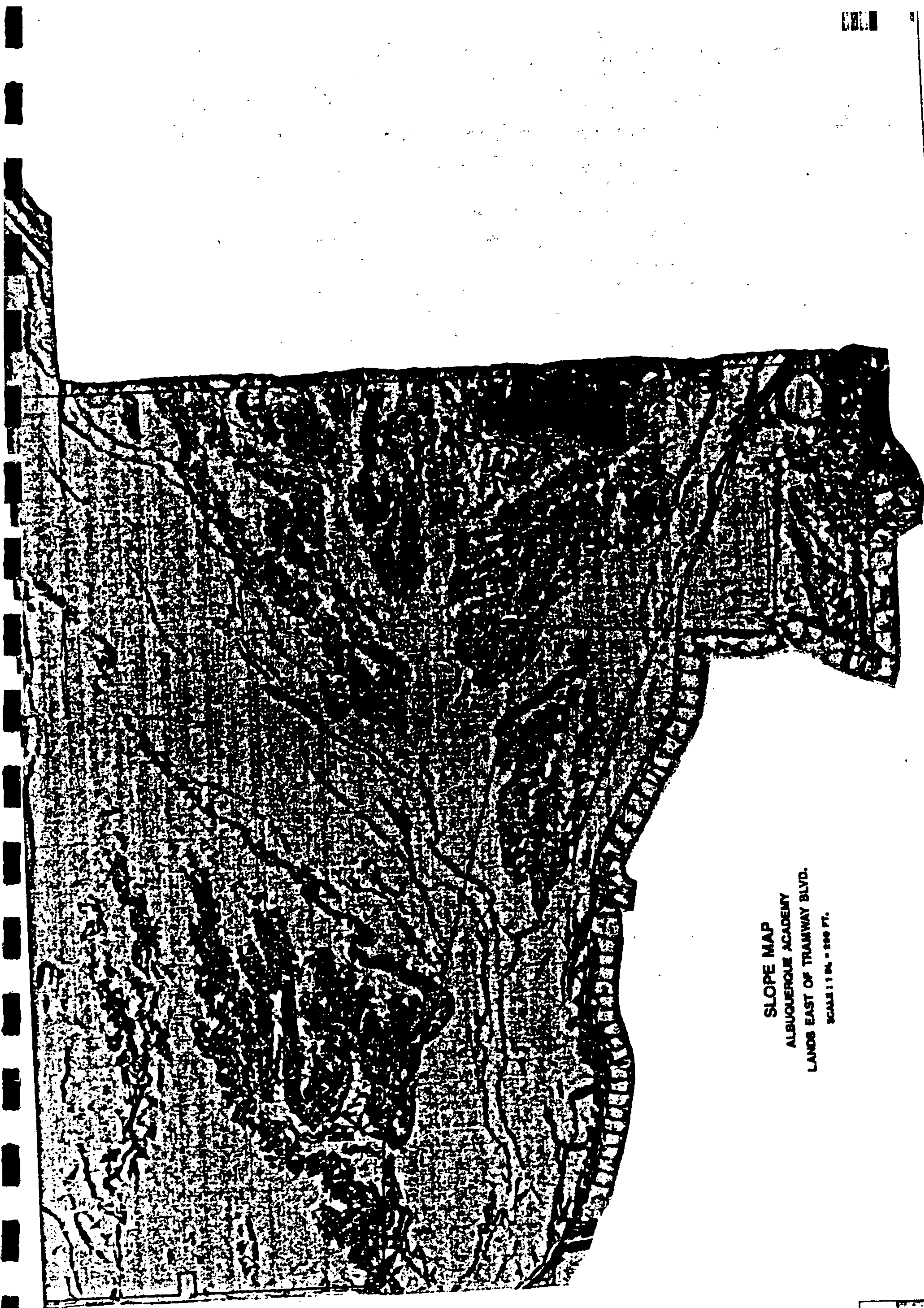
HIGH DESERT

VISION: High Desert's vision is one of sustainable, high quality development that respects the natural beauty of the desert. High Desert is a development that respects the natural beauty of the desert. High Desert is a development that respects the natural beauty of the desert. High Desert is a development that respects the natural beauty of the desert.

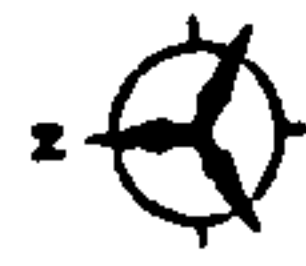
1" = 300' HORIZONTAL

300 0 300 600 900





SLOPE MAP
ALBUQUERQUE ACADEMY
LANDS EAST OF TRAMWAY BLVD.
SCALE 1 IN. = 500 FT.

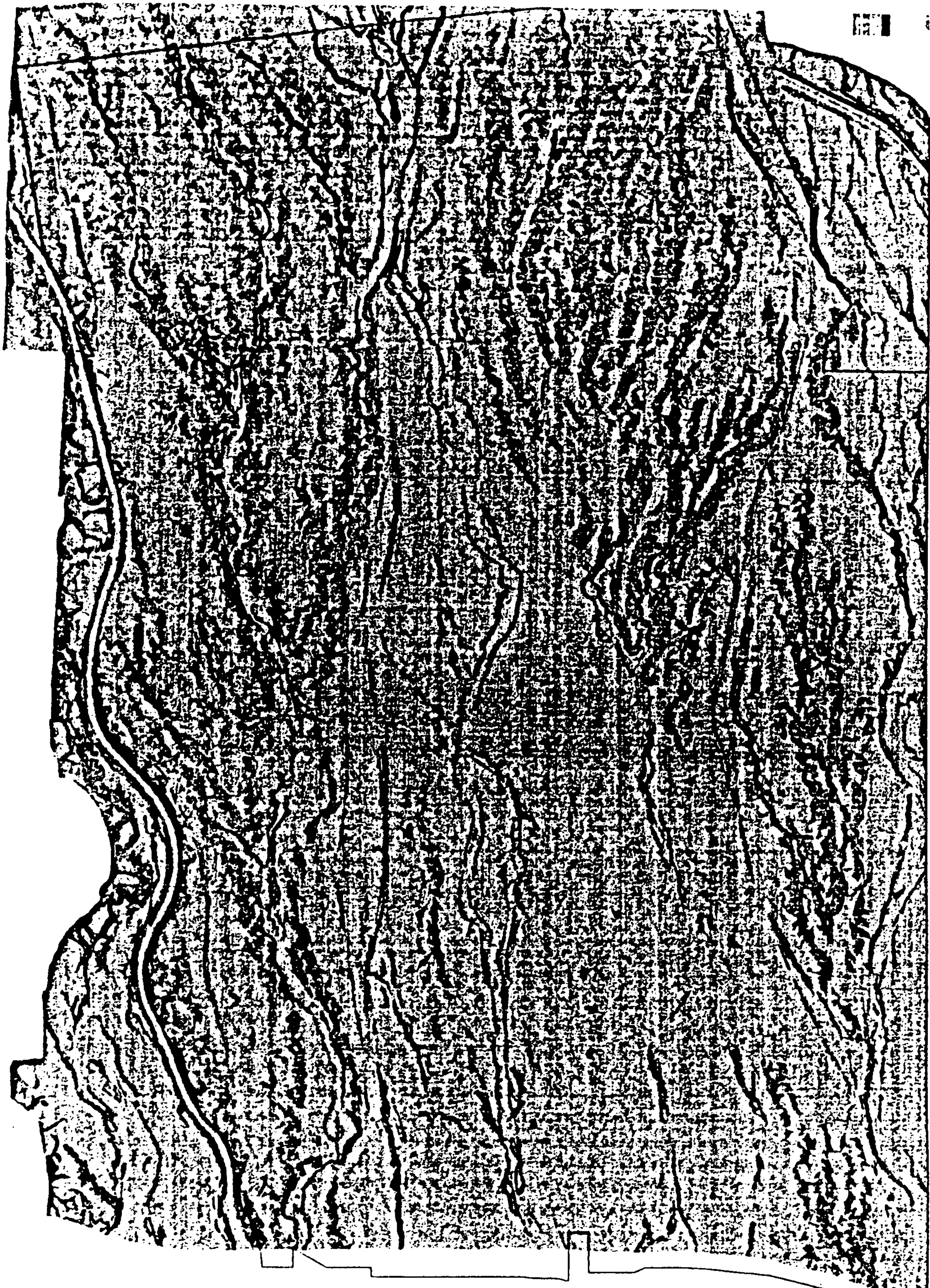


SHEET TWO
SHEET ONE

SHEET ONE OF TWO

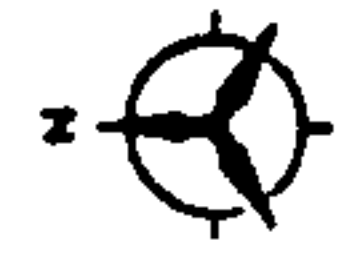
- 37 -

174



174

-38-



SCALE 1:50,000	SCALE 1:50,000
-------------------	-------------------

LEFT TWO OF TWO

John E. Farrow
2400 Meadowview NW
Albuquerque, New Mexico 87104
505.249.7148
RunNM@prodigy.net

January 26, 2007

City of Albuquerque Planning Department
Development Review Division
600 2nd Street - 3rd Floor
Albuquerque, NM 87102

**Re: AC-07-2 - 06DRB-01411; 06DRB-01412; 06DRB-01413; 06DRB-01414;
06DRB-01415**

**AC-07-3 - 06DRB-01411; 06DRB-01412; 06DRB-01413; 06DRB-01414;
06DRB-01415**

Project #1004989

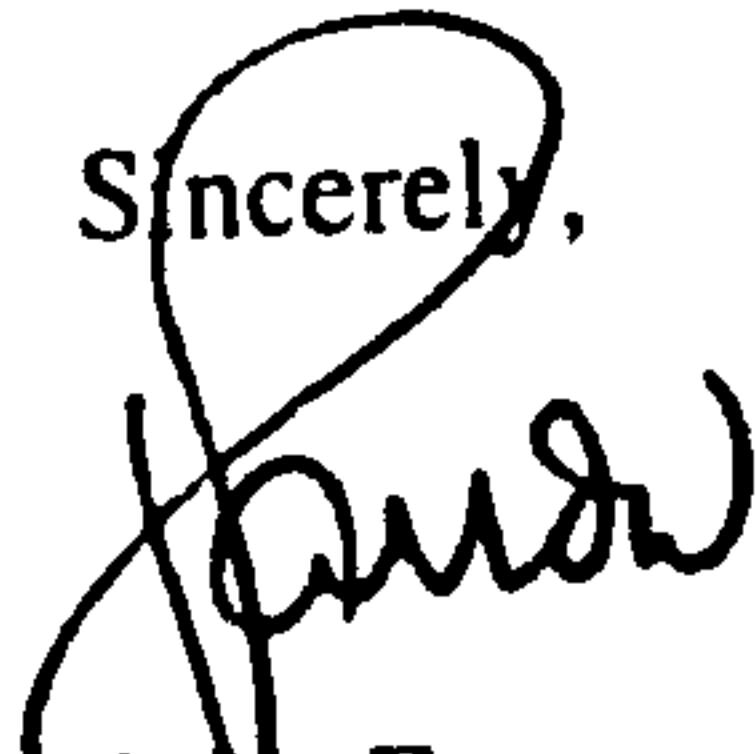
Gentlemen:

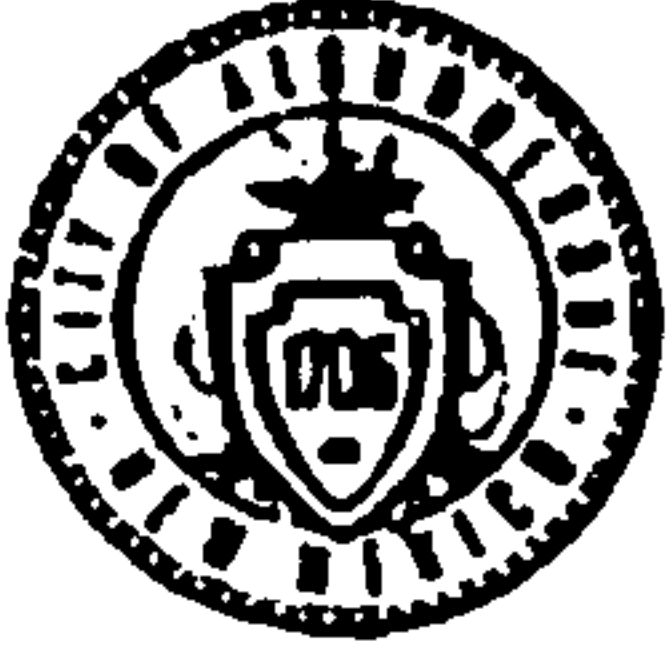
I appeared at an earlier hearing in the above matter. However, the issue in which I was interested was resolved to my satisfaction. Therefore, I have no further interest in this case.

Please remove me from your mailing list as to any further proceedings.

Thank you for your attention to this matter. Should you have any questions, please contact me at your convenience.

Sincerely,


John Farrow
JEF/c



"Kym Dicome"
<kdicome@high-desert.com>
01/08/2007 01:57 PM

To <smatson@cabq.gov>
cc
bcc
Subject Unit count for Wilderness (previously Tract 13)

Sheran;

Here is the breakdown of existing and proposed unit count:

Wilderness Estates	27 lots
Wilderness Compound	26 lots
Wilderness Village	57 lots
Wilderness Canon	25 lots

Totaling 135 lots out of the maximum allowed 300.

Hope you had a good holiday. Sorry to hear about Don Newton. How sad to not feel like you have another route!

Kym E. Dicome
Planner/Vice President
High Desert Investment Corporation
3791 Southern Boulevard SE
Suite 202
Rio Rancho, New Mexico 87124
505-823-9360
505-823-9611 (fax)

Exhibit A

Recd
12/06/06
B.H.I.N.C

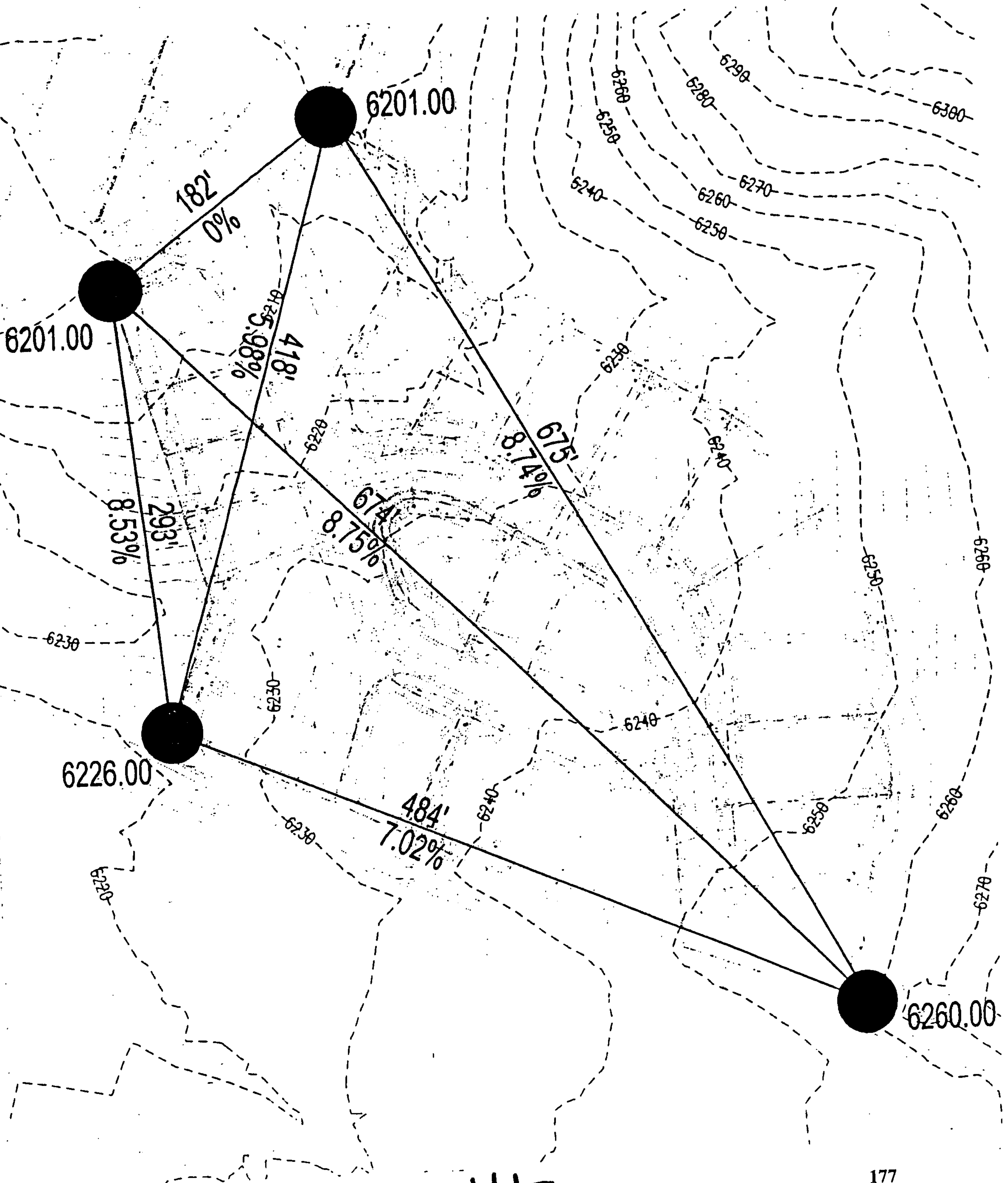


EXHIBIT A

PRELIMINARY
PRE-DEVELOPMENT FACILITIES FEE AGREEMENT

THIS AGREEMENT is made by and between the Albuquerque Municipal School District No. 12, Bernalillo and Sandoval Counties, New Mexico ("Albuquerque Public Schools" or "APS"), a public school district organized and existing pursuant to the laws of New Mexico, and

Mesa Verde Development, Co. ("Developer")
effective as of this 14 day of November, 2006, and pertains to the
subdivision commonly known as Wilderness Canon at High Desert, and
more particularly described as Tract A of Unit 2 Wilderness

(the "Subdivision".)

WHEREAS, In order to provide for APS becoming more knowledgeable of development plans within the City so that APS may better plan for future growth, the City of Albuquerque requires that APS approve the plat(s) for any new subdivision; and

WHEREAS, Developer is proposing the development of a new residential subdivision, and requires APS approval of the plat for said subdivision; and

WHEREAS, Developer is the owner of the real estate being subdivided and platted; and

WHEREAS, Developer is required by the Albuquerque Subdivision Ordinance to provide appropriate infrastructure and improvements as a condition of developing a subdivision; and

WHEREAS, as a condition of approving such plat APS requires the provision of appropriate infrastructure and facilities or the payment of a facilities fee for each new residence to be constructed to help defray the cost of school construction, expansion, or maintenance; and

WHEREAS, APS has determined that the amount of the facilities fee is reasonably related to the impact the subdivision will have on the operation of the area schools:

THEREFORE, in consideration of the mutual promises contained herein, APS and Developer agree as follows:

1. Developer agrees that a facilities fee will be paid to APS for each dwelling unit to be constructed in the Subdivision.
2. The amount of the fee shall be:

DRB Project #

1004989

APS Cluster

Eldorado

- If the permit is issued on or after January 1, 2010, the fee shall be \$2975 per dwelling unit.

The fee for each dwelling unit in multi-family residential structures shall be sixty percent (60 %) of the fee for a single family home. "Multi-family residential structure" means any type of residential property other than single-family houses (one single family, detached dwelling unit per lot).

3. Developer agrees that the fee shall be paid to APS at or before the issuance of any building permit for any lot or other parcel of property subject to this agreement.
4. Developer may satisfy all or part of its obligations under this contract by transferring improved or unimproved property to APS, provided that APS must agree to the transfer and to the value placed on the transferred property. APS, upon accepting such transfer, shall credit Developer with an amount equal to the agreed value, and the developer may designate the lot(s) to which such amount(s) shall be applied in satisfaction of its obligations hereunder.
5. This contract may be recorded in the office of the County Clerk of Bernalillo and/or Sandoval County, and shall serve as notice of the Developer's obligation to pay facilities fees. Developer shall include on the plat of the Subdivision a statement that "The property on this plat is subject to a Pre-Development Facilities Fee Agreement with the Albuquerque Public Schools, recorded at [recording data]."
6. APS, through its Facilities Fee Administrator, will provide a Payment Acknowledgement in the form attached hereto to the Developer reflecting receipt of the facilities fee (or equivalent compensation as described in paragraph 4 above), which form may be given to the City to show satisfaction of the fee obligation and satisfy that condition for receiving building permits. Developer may record that Payment Acknowledgment in the real estate records of Bernalillo or Sandoval County, but APS shall not be responsible for paying any recording fees nor shall APS be responsible for recording any such documents with the office of the County Clerk or any other office.

DRB Project # 1004989

APS Cluster Eldorado

[Signature]
Signature

Scott Schiabor, President
Name (typed or printed) and title

Mesa Verde Development, Co.
Developer

STATE OF NEW MEXICO
COUNTY OF BERNALILLO

This instrument was acknowledged before me on 11-14-2006, by Scott Schiabor as President of Mesa Verde Development, a corporation.

(Seal)  OFFICIAL SEAL
STEPHANIE L. WALTON
NOTARY PUBLIC - STATE OF NEW MEXICO
My Commission Expires: 6-24-07

Stephanie L. Walton
Notary Public
My commission expires: 6-24-2007


ALBUQUERQUE PUBLIC SCHOOLS

By: Brad Winters
Signature

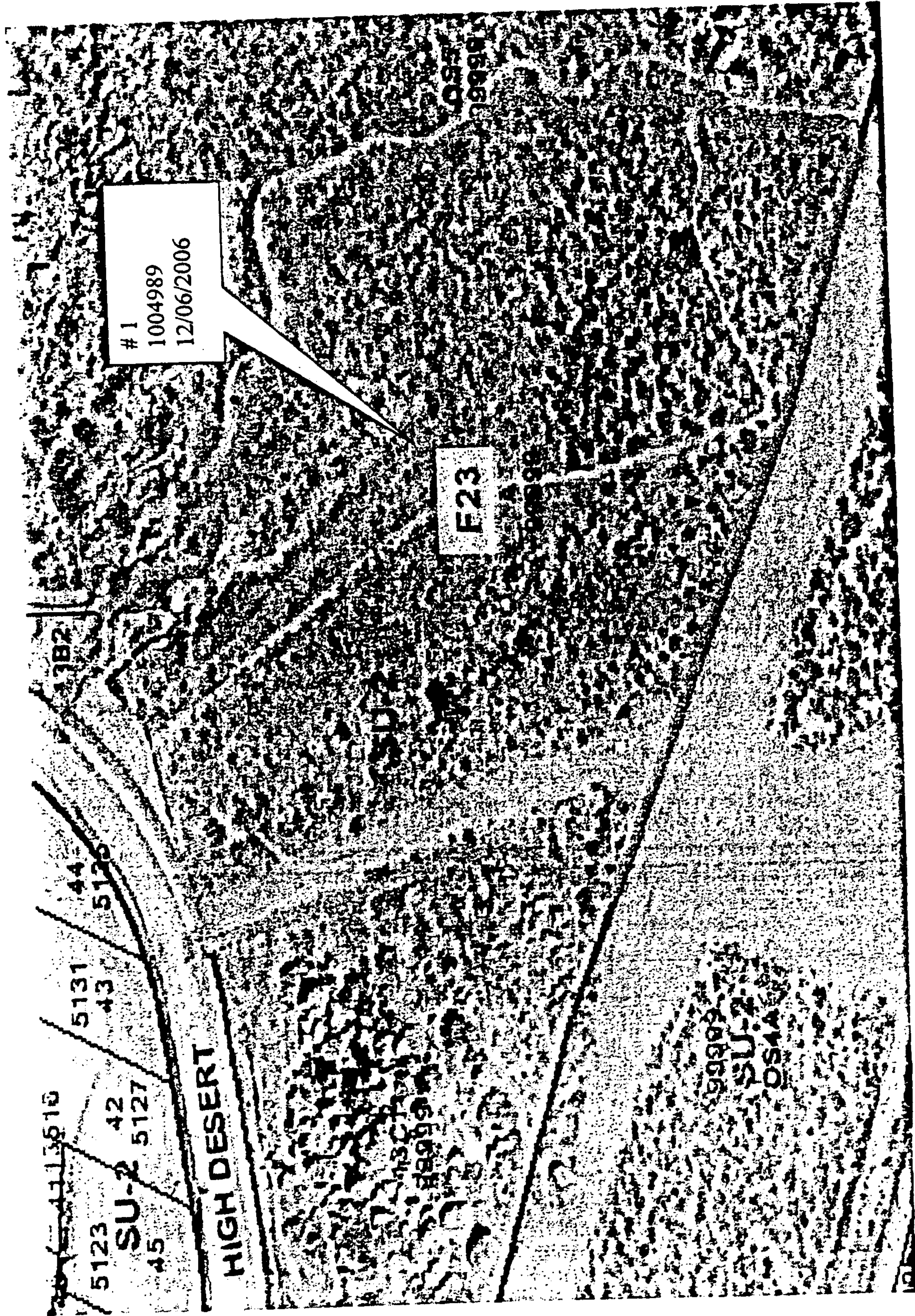
BRAD WINTERS Ex Air Facilities
Name (typed or printed) and title

STATE OF NEW MEXICO
COUNTY OF BERNALILLO

This instrument was acknowledged before me on 11/14/06, by Brad Winters as Executive Director of the Albuquerque Municipal School District No. 12, Bernalillo and Sandoval Counties, a school district organized and existing under the laws of the State of New Mexico.

(Seal)  OFFICIAL SEAL
Mary Ann Rinehart
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires: 9-13-2010

Mary Ann Rinehart
My commission expires: 9/13/2010



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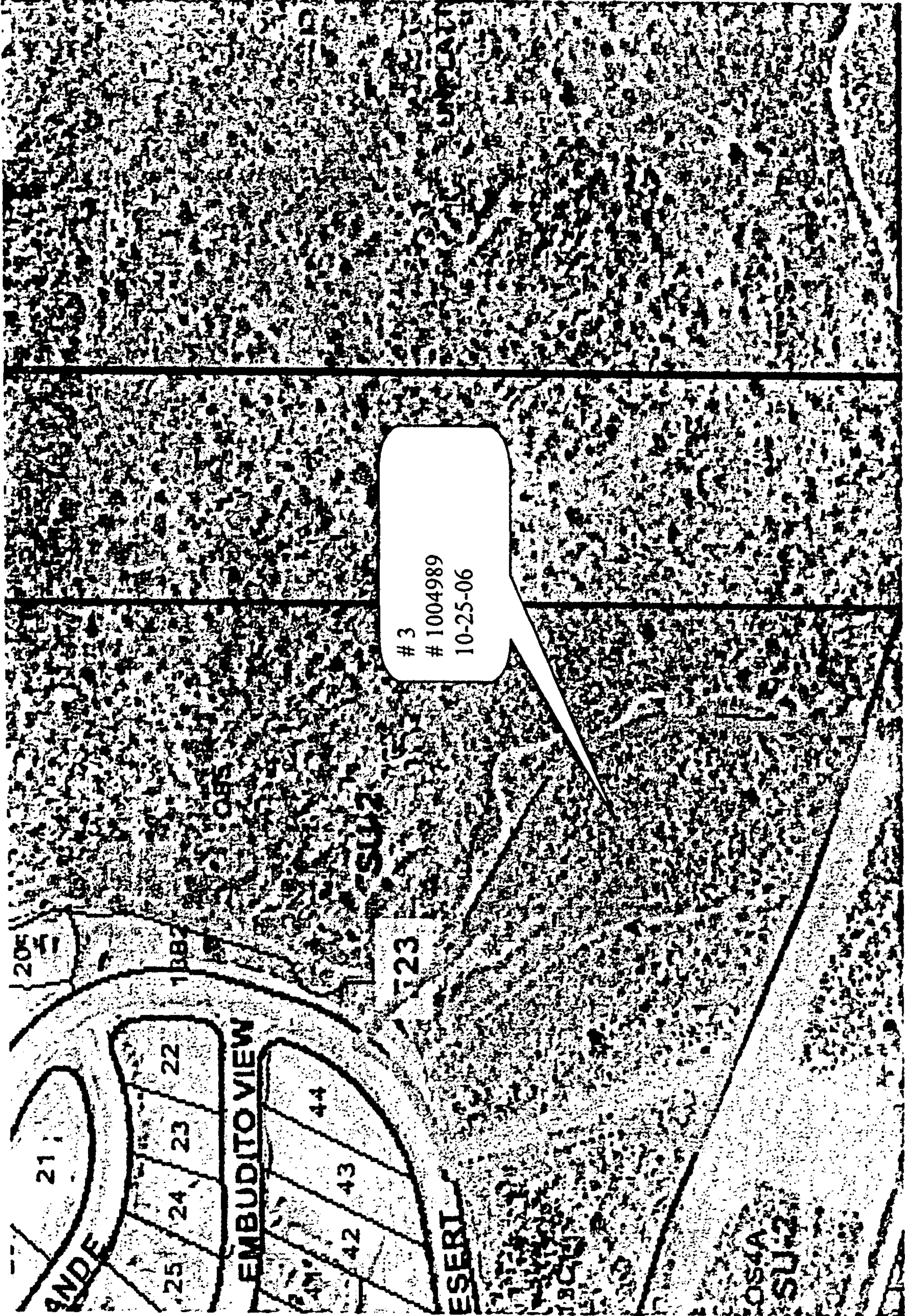
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Keed
12/06/06

HIGH DESERT RESIDENTIAL OWNERS ASSOCIATION
c/o HOAMCO
P.O. Box 21699
Albuquerque, New Mexico 87154-1699

December 5, 2006

Ms. Sheran Matson, Chair
Development Review Board
City of Albuquerque
P.O. Box 1293
Albuquerque, New Mexico 87103

VIA Hand Delivery

Dear Ms: Matson:

Section 4.A.7 of the High Desert Sector Development Plan requires that the High Desert Residential Owners Association (HDROA) certify to the City at time of submittal for approval to the Development Review Board that any proposed plat meets requirements of the Sector Development Plan. It further requires that at time of submittal for building permit for new construction that any construction plans meet the requirements of the Sector Plan. The Association is also required certify that the number of units constructed in the zone does not exceed the maximum allowed by the Sector Plan.

Because the topics of the High Desert Sector Development Plan are highly technical, the Association has contracted with several professionals who have a variety of specialties in areas of importance to the HD SDP. These include:

Paul Kienzle, Attorney, Scott & Kienzle, PA
William Fanning, Principal, Fanning Bard Tatum Architects AIA Ltd
Kevin Banks, PE, HDR Engineering
Dean Bressler, PE, HDR Engineering
Steven Borbas, Adjunct Professor, UNM School of Planning and Architecture

The latest version of the development Plat Plan was not made available until last Friday, Dec 1, so we have not had sufficient time to examine it in detail. However, we have taken incomplete reports from our consultants and assembled a recommendation from them. Some of the reports by these consultants are included with this letter as attachments.

It is the opinion of these consultants that none of the submitted plans meets the requirements of the HD SDP.

Since the deficiencies of the submission are pervasive, we are compelled to comment on the process by which this determination has been made. It should not be the intent of the certification process in the above reference to the HD SDP that the High Desert

Residential Owners Association would be an Engineering Organization that generates certification data to justifying claims that the submitted plan meets or does not meet the requirements of the HD SDP. Rather, the plan submission should be accompanied by clear certification data that the Association's consultants can use to verify whether or not the requirements have been met. Certification data was not part of the submission.

The deficiencies of the submissions are broad and pervasive, and indicate a lack of appreciation the SDP requirements. HDROA has spent thousands of dollars identifying the requirements of the plan and requesting information on how the submission meets those requirements. There are numerous quantitative, substantive requirements in the HD SDP which have still not been addressed by any of the several submissions. Some examples of areas that have not been addressed are the following:

- Data and readable maps verifying that the location of the plat is below the 10% Demarcation Line are not available for a determination that the slope requirement is met (see "Slopes" p 2.2, p3.4 and Table 3.B on p 3.7.)
- The SDP clearly identifies the area in question as part of the "Semi-Urban Residential Zone" (see for example "Semi-Urban Residential Zone" on p 3.4, p 3.15, and p 7.3) and defines the meaning of this term in the context of the HD SDP. There are numerous requirements of this designation that have not been addressed or contradict the submitted plan.
- There are numerous references to requirements related to the existing development, boundaries, areas adjacent to the City Open Space, and zones that transition to the edges of the development that describe requirements on density (See for example "Existing Development" p 3.5, "Project Boundaries and Interfaces" p 3.10, and "Forest Service Boundary" p 3.11.)
- There are repeated and numerous references to the preservation of views, the importance of viewsheds, and the control of development that would otherwise intrude on them (see for example "Scenic Qualities" p3.5, "Viewshed Protection" p 3.9 and "Building Heights" p 3.10)
- The Stormwater Management system must satisfy EPA and City water emission requirements before stormwater enters the storm drain system (see for example "Design Goals" p 7.2 and "Semi-Urban Residential Zones" p 7.3). Calculations based on the "Drainage Report for The Wilderness Canon Subdivision at High Desert" show that an average of almost 10 tons of sediment will need to be removed every year and in a 100-year design basis event alone the amounts will be 5.6 tons. There are no features capable of handling this amount of sediment and no way on the existing drawing of providing service. This is a particularly critical part of the system, as evidenced by the history of nearby detention ponds designed and built by MVD and BHI for this purpose, which have experienced major failures in storms below the design limit. As the organization responsible for maintenance and upkeep of this

system indefinitely into the future, we believe it is a necessary part of the plan that should be shown and should not be deferred to later discovery.

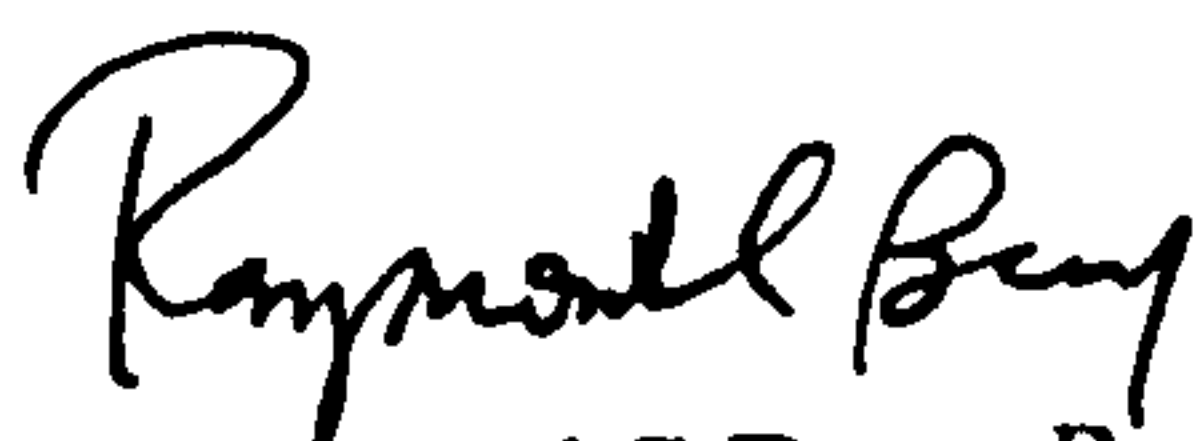
The requirements of the HD SDP are significantly greater than those of the City of Albuquerque Comprehensive Plan for good reason. In the words of the SDP "Issues, Impacts, and Mitigations" section introduction on p 3.1 (italics added.)

High Desert is set in the foothills of the Sandia Mountains. Its rolling contours are bounded by the City on one side and by the massive forms of the Sandias on the other. It is home to wildlife and wildflowers and is host to people seeking relief from the urban environment. The outdoors and the relationship of man to his environment are important parts of New Mexico culture. As indicated in the previous section, planning for High Desert began with a thorough assessment of the environmental structure of the land, and a thorough appreciation of what impacts development would have.

Completion of the environmental studies set the stage for the development of a land use plan which would respect natural resources while providing a sustainable urban environment. Market research and social goals establish the mixture of uses and life styles. However, the plan must also direct attention to mitigation of environmental impacts external to the site, and must also comply with the policies set forth in the Albuquerque/Bernalillo County Comprehensive Plan. *The purpose of this section is to document the aspects of this plan which address these issues.*

In communications with the DRB Chair earlier this week we requested that because of the serious, pervasive deficiencies of the proposed plan, that the proposal be deferred indefinitely unless and until the applicant adequately addresses the requirements of the High Desert Sector Development Plan. We renew that request.

Sincerely,



Raymond S Berg, President
High Desert Residential Owners Association
c/o HOAMCO
P. O. Box 21699
Albuquerque, NM 87154

cc: Mr. Kevin Patton, Bohannon Huston Inc.
Mr. Douglas Collister, High Desert Investment Corporation

Attachments: ~~Raymond Berg~~ *Raymond Berg*
Fot Architects

Rec'd
12/06/06
Ray Berg



December 5, 2006

Mr. Ray Berg, President
High Desert Residential Owners Association Board of Directors
c/o Homeowners Association Management Co. (Hoamco)
6605 Uptown Blvd. NE, Suite 200
Albuquerque, New Mexico 87154-1699

Reference: Sector Development Plan Requirements
Wilderness Canon - Tract A, Unit 2 of Wilderness at High Desert

Dear Mr. Berg:

This letter is a follow-up to one I sent you dated October 24, 2006 in which I outlined requirements for the above tract based upon an interpretation of its zoning. In this letter, I will analyze constraints on development from a more global perspective based upon the High Desert Sector Development Plan.

Location:

The tract that is the subject of this report is located at the southeast corner of the Wilderness at High Desert, a subdivision within the High Desert Sector Plan area. It adjoins single family residential development to the west and north, City Open Space and the Sandia Mountains Wilderness area to the east, and a City Open Space Easement containing the Embudito Arroyo to the south. Beyond the open area on the south is the Trailhead Subdivision, the initial development by High Desert Investment Corp.

Regulations:

Development in High Desert is governed by a "sector plan" or special use zoning district. The High Desert Sector Development Plan was adopted by the City on May 3, 1993 following extensive public hearings before the City's Environmental Planning Commission during 1992. Since then, there have been several amendments to the Plan.

Site Area, Zoning, and Streets:

The site area of Tract A is 3.9653 acres. There are 25 lots proposed for a density of 6.30 du/acre. The Wilderness at High Desert, of which this tract is a part, is zoned SU-2 HD/R-R. This is the only zone in High Desert that does not have a direct City zoning equivalent. This zoning category was created to allow development of the Wilderness at High Desert as a golf resort and conference center however other uses, including a mixture of dwelling unit types, were also permitted in this zone. Based upon the proposed plat, the developer of Tract A is planning to construct single family detached homes. As noted in my previous letter, this development is proposed to conform to requirements of the R-G zone and in turn the R-T zone.

The streets within Wilderness Canon are proposed as private and are to be maintained by the High Desert Residential Owners Association similar to other gated communities within High Desert. Street widths are shown as 26 feet. The front property line of each lot corresponds to the face of curb.

Fanning Bard Tatum Architects AIA, Ltd.
6100 Indian School Rd. NE Ste 210
Albuquerque, NM 87110

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Web www.fbtarch.com



successors." The site was apparently mapped at a large scale, thus not recognizing some areas within High Desert as having slopes in excess of 10%. The subject parcel has two areas that substantially exceed a 10% slope, the north side along the rear of lots 4 and 5 with a slope of approximately of 14% and on the southwest side along the rear of lots 19 thru 21 with a slope of approximately of 23%.

The slope condition on the north side has resulted in an odd feature in the street design: Piedra Canto Way appears to be part of a continuous loop road design but in fact is not continuous, being blocked between lots 4 and 5 with retaining walls that separate adjacent grades with a more than eight foot height difference. If this street section were continuous, the street grade would have been excessive. The effect of this condition creates two problems: the street has two dead ends and the pad elevations at lots 4 and 5 differ by about 12', requiring a double retaining wall to separate these two lots.

Street Design:

As noted above, this development has a conventional loop road system except that the Piedra Canto Way is not continuous resulting in two dead end street sections. Since neither of these roads terminates in a cul-de-sac, they would both be problematic for residents and visitors alike. A similar road design in other gated communities of High Desert has already created problems with street parking and subsequent access (both regular and emergency) problems for residents. It should be remembered that these streets will be only 26' wide, narrower than the City standard for residential streets, and are permitted only because they will be private.

Site Drainage:

The site does not appear to contain any arroyos. Nonetheless, given slopes in excess of 10% in some locations, runoff could be problematic. Rapidly moving runoff water has a scouring effect that picks up substantial sediment that must be filtered or separated for removal downstream. To overcome this problem along the northeast property line abutting lots 4 thru 10, a 5' wide private drainage easement granted to the High Desert Residential Owners Association is proposed along the rear property lines. This easement is to be finished with a lined channel designed to collect runoff that would otherwise cross the property. The runoff is then directed to a 10' drainage easement between lots 3 and 4. From there runoff water would flow to an underground storm drainage system in Piedra Canto Way.

The 5' drainage structure would be separated from the remainder of the rear yard by a retaining wall. Since this system is located entirely on-site, the effect is to potentially reduce the usable rear yard of each of the lots from 15' deep per code to 10'. While the houses on these lots could be designed somewhat shallower, thus allowing a deeper rear yard, the building pads shown on the Grading Plan are in fact shown 15' from the rear property line. Since the east side of this site abuts a Forest Service Hiking Easement, the drainage channel could not be located off-site.

The proposed plan for Wilderness Canon therefore creates two problems with respect to drainage: a need for a drainage channel that reduces the rear yards of lots and the requirement that Residential Owners Association maintain the easement. This method for handling runoff is not consistent with the Comprehensive Plan requirement in a Semi-Urban Residential Zone that "existing hydrologic conditions will be impacted in a negligible fashion. The sheet flow pattern of the natural surface will generally be maintained; flow rates will be essentially unaffected." Natural flows are affected to the extent that a lined drainage structure must be built to protect this subdivision.

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Facsimile 505/884-5390

-51-



City Comprehensive Plan:

High Desert site is located in a Semi-Urban area of the city generally north of Montgomery Blvd. and east of Tramway Blvd. Semi-Urban areas are defined in the Comprehensive Plan as low to moderate density residential areas with densities ranging from 2 to 7.5 DU/acre. As defined in the High Desert Sector Plan on p. 3.15, "These zones are located predominately in the upland areas of the project and will be developed in a manner intended to minimize disturbance to ground cover and existing arroyos. Existing hydrological conditions will be impacted in negligible fashion. The sheet flow pattern of the natural surface will generally be maintained; flow rates will be essentially unaffected." As an underlying principle, property developed in the Semi-Urban Area "shall be consistent with development limitations imposed by topography, soil conditions, groundwater quality, agricultural potential, flood potential, scenic qualities, recreation potential, and existing development; overall gross density shall be up to three dwelling units per acre."

Land Use Concepts:

The section of the Plan titled "Land-Use Transition Concepts" (p.3.2) defines the overall pattern of development within High Desert:

Because of its location, the project must serve as a link between natural open areas and urban activity. Thus uses within the plan area must range from very low intensity recreational and residential opportunities to the level of intensity necessary to provide essential retail and institutional services to its residents. Therefore, the land-use plan is designed around a neighborhood "center" and the transition from that center to natural open areas at its edges.

From the neighborhood center, residential land use densities transition from higher densities in the project center to lower densities at the interface with adjacent lands. For example, apartments within the project are located next to the neighborhood center. This also places the tallest buildings within the interior of the site with lower building along Tramway. Such a relationship provides a more visually pleasing interface with Tramway Boulevard and responds to concerns expressed in the meetings with residents of adjacent neighborhoods. The core area would be surrounded by residential areas at a density generally equivalent to the northeast heights. As development approaches the project boundaries to the north and east, the density continues to diminish, leaving the least dense residential areas (generally equivalent to similar development in Sandia Heights) at the boundaries with natural open space areas.

The proposal for Wilderness Canon is not consistent with these concepts for development in that it would place a relatively high density, two story, development immediately adjacent to City Open Space.

It should be noted that while the general pattern of densities outlined above have been maintained, plans for the neighborhood center and related school and church uses proposed, were abandoned one by one by High Desert Investment Corp. in favor of higher density, gated communities. The rationale given for these changes were essentially economic in nature.

Slope Restriction:

In compliance with the Comprehensive Plan, the Sector Plan reiterated a slope demarcation line of 10%. Therefore it is the intent of the Sector Plan to preserve areas in excess of 10% slope as open space, "either by direct dedication to public entities or by easements retained or controlled by the developer or its

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Protection of Views:

The Albuquerque Zoning Code does not attempt to protect views except by limiting height of buildings. However, the Sector Plan makes various references to protection of views. "Viewshed Protection", p. 3.9, it states "Visual access to the mountains to the east and the City and Mesas to the west will be preserved by the preservation of major arroyos as public or private open space, creation of building envelopes, and limitations on building heights." In the section on "Building Heights", p. 3.10, it is stated that "Building heights and site lighting levels will also be keyed to view preservation. From the neighborhood center, residential land use densities transition from higher densities in the project center to lower densities at the borders with adjacent lands. The lowest structures, governed by the Highlands Design Overlay Zone Regulations and in the Special Regulations related to Glenwood Hills, will be against the boundaries with the Forest Service lands." It is clear that the authors of this Sector Plan intended that development at the perimeter of High Desert and adjacent to public lands be lower than all other areas and be designed to protect views for residents. The proposed development is a particular issue with respect to the Trailhead area of High Desert since the two story homes proposed would have a significant impact on their views of the Sandias.

Density of Development:

The developer is attempting to maximize the development potential of this site under the constraints of the R-T zoning category. ~~While this proposed development falls within the range of densities allowed in the Semi-Urban Zone (up to 7.5 du/acre), it is problematic in several respects noted herein. These problems are a result of existing site slopes; they would not be found here if this site were substantially flatter.~~

Summary:

The design of this proposed development presents several significant problems. Existing drainage patterns have not been respected, the street design incorporates a broken loop and two dead end streets that create access problems, lots are stepped excessively in several locations requiring high retaining walls between narrow lots, and views of the mountains from the adjacent Trailhead subdivision within High Desert are impacted. Overcoming the problems inherent with this site would be greatly simplified at a lower density of development. As well, the development could then conform to other requirements of the Sector Plan pertaining to lower density at the perimeter of High Desert as noted in the section on "Land Use Concepts" above.

Please feel free to contact me should you have any questions regarding this report.

Very truly yours,

Fanning Bard Tatum Architects AIA Ltd. by

H. William Fanning, Principal

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6100 Indian School Rd. NE Ste 210
Albuquerque, NM 87110

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Web www.fbtarch.com

- 52A -
(Pg. 4 of 12/5/06 letter)



"Ray Berg"
<rsberg01@comcast.net
>
12/03/2006 09:46 AM

To <SMatson@cabq.gov>
cc "Berg, Ray" <rsberg01@comcast.net>, "Bosarge, Paul"
<paulb@hoamco.com>, "Hartfield, Jay"
<jayhartfield@comcast.net>, "Baca, Sam"
bcc .

Subject DRB Hearing on High Desert Tract 13b-1

Sunday, December 3, 2006

Sheran Matson, Chair
Development Review Board
City of Albuquerque

Sheran,

As I have thought over the MVD/BHI proposal for the development of High Desert Tract 13b-1, several troubling issues have become apparent. As a result, I have a proposal which I am submitting for your consideration.

It is clear from the diversity of drawing that are in circulation that BHI has not put together a well thought out proposal for the Mesa Verde Development tract. The drawing you have, until I emailed you copy on Friday, Dec 1, did not have any capability to handle stormwater, one of the primary requirements. The fix that BHI sent to Kevin Banks, our Drainage Engineer, has a drainage feature that is not even on the property. The copy BHI sent me last Friday has the drainage feature on the property but it consequently violates the intent of the P1 designation of the Zoning Code. The latest drawing I received also does not include any capability to strip sediments and floatables from stormwater before it enters the city storm system, a primary requirement of the Sector Development Plan through the requirement that it also meet EPA standards. There are several other requirements that the submission does not even address. The submission by MVD and BHI is a moving target that cannot be fairly evaluated because it is changing weekly if not daily.

The High Desert Residential Owners Association has now had to hire 5 technical experts, at the cost of several thousand dollars so far, to examine the proposal and determine whether or not it meets the requirements of the High Desert Sector Development Plan. The prospect is that we will eventually have to spend more than \$10,000 to do the job that BHI should rightfully be doing as part of their submission to the DRB. It is not the intent of Section 4.A.7 of the High Desert Sector Development Plan that the High Desert Residential Owners Association should be the Engineering organization that generates this design information. Rather, we are supposed to examine existing submitted data and make a judgment on whether or not they demonstrate compliance with the requirements.

There are quantitative, substantive requirements in the High Desert Sector Development Plan in areas such as Definitions of Land Use, Viewsheds, Zoning, Stormwater Management, Traffic, and numerous others areas that need to be met. It is neither reasonable nor fair that the High Desert Residential Owners Association should have to spend thousands of dollars to generate the data or prod BHI into producing the data that demonstrate that the MVD proposal meets the requirements of the Sector Plan. The data demonstrating compliance should be part of the submission to the DRB. We believe that this documentation should be a required part of the submission, particularly when the submission is of such a controversial nature.

As the submission exists today in any of the submitted drawings, there is no way that it can fairly be represented that the submission meets all of the requirements of the High Desert Sector Development Plan. The data that have been made available, either as part of one of the numerous submission or as a

result of requests for clarification, simply do not support such a claim. Continuing in the current mode will not only be very time consuming, but will cost the Owners Association more time and money to re-examine the proposal repeatedly. We will be meeting weekly with the DRB simply to request further deferments in order to obtain data to support the submission.

Therefore, we request that the DRB dismiss or defer the proposal indefinitely unless and until MVD and BHI produce quantitative, clear, unambiguous data to support their contention that the intent of each and every one of the requirements of the High Desert Sector Development Plan is met. These data should be in such a form that we can perform an independent examination to determine if they properly support claims that the HDSDP requirements are met by the submitted plan.

If this proposal is one you are willing to realistically consider, I will personally forward it to all of the appropriate parties.

Sincerely,

Ray Berg
President, HDROA
13501 Osage Orange Rd NE
Albuquerque, NM 87111-8218
Ph (505) 294-4112
Email: rsberg01@comcast.net

borbasdesigns
STEVE BORBAS AICP

urban design • planning • architecture • graphics • research
836 TRUMAN NE ALBUQUERQUE NM 87110 505 265 7088

Rec'd
12/06/06
Ray Bury

December 3, 2006

This Letter of Findings is submitted to the Board of Directors of the High Desert Residential Owners' Association. At their request, a review of the issues related to the Preliminary Plat for Wilderness Canyon was made, through viewing and walking the site and its context, through reading the High Desert Sector Development Plan and through discussions with area residents.

The critical difference between the proposed development of Tract 13, and the objections to that development by the residents of the Trailhead and Wilderness subdivisions is ZONING versus the planning and environmental principles in the HIGH DESERT SECTOR DEVELOPMENT PLAN. Section 4.A.7, Provision for Design Review states that "...the High Desert Homeowner's Association ...shall certify to the City at time of submittal for approval to the Development Review Board that any proposal plat meets the requirements of the Sector Development Plan....." In the following sections, it is clearly shown that the proposed development plat for Tract 13 DOES NOT conform to the Sector Development Plan.

The Sector Plan's goal states that the "High Desert Investment Corporation's approach to the development of the land is a reflection of Albuquerque Academy's continuing concern for the environment.....and intend to make a major contribution to the quality of life in the community by setting the standard (my underlining) for environmentally sound planning in Albuquerque." In fact, the Environmental Evaluation chapter of the Sector Development Plan, developed by a myriad of experts in their fields of geology, hydrology, air quality, cultural resources, paleontology, hazardous materials, landform, habitat, landscape character, and species, has set a very high standard of development, respecting the land, the views and the people who came to settle in this area.

Map 10, Zoning, in fact, is the only disconnect in the Sector Development Plan, because it does not, in great detail, follow the standards set through the Environmental Evaluation. It lays down a general zone over a very large area, without the sensitivity expressed in the description that "land use densities transition from higher densities in the project center to lower densities at the interface with adjacent lands.....As development approaches the project boundaries to the north and east, the density continues to diminish, leaving the least dense residential areas (generally equivalent to similar developments in Sandia Heights) at boundaries with natural open space areas." The proposed development on Tract 13 is adjacent to natural open space..... If the zoning map would have followed the tenets of the

Sector Development Plan, Tract 13 should have been zoned at SU-2 HD-R-1 (Estate Lots), the least dense residential development, or the SU-2 HD-R-LT (Custom Lots) which was used for the Trailheads subdivision, which is similar and adjacent to the Tract 13 site. Furthermore, the existing zone for this tract is SU-2 HD-R-R which is referred to as a Recreational and Resort zone, including flood plain and resource efficient golf course. No housing is mentioned in the general zone description and this zone does not have a City equivalent (page 3.3)..... Another disconnect is Table 3A, Land Use Allocation, Sector Development Plan, which suggests a Probable Buildout for the HD-R-R zone to have a density of 1.67 units per acre, (and not the 6 units per acre in the proposal).

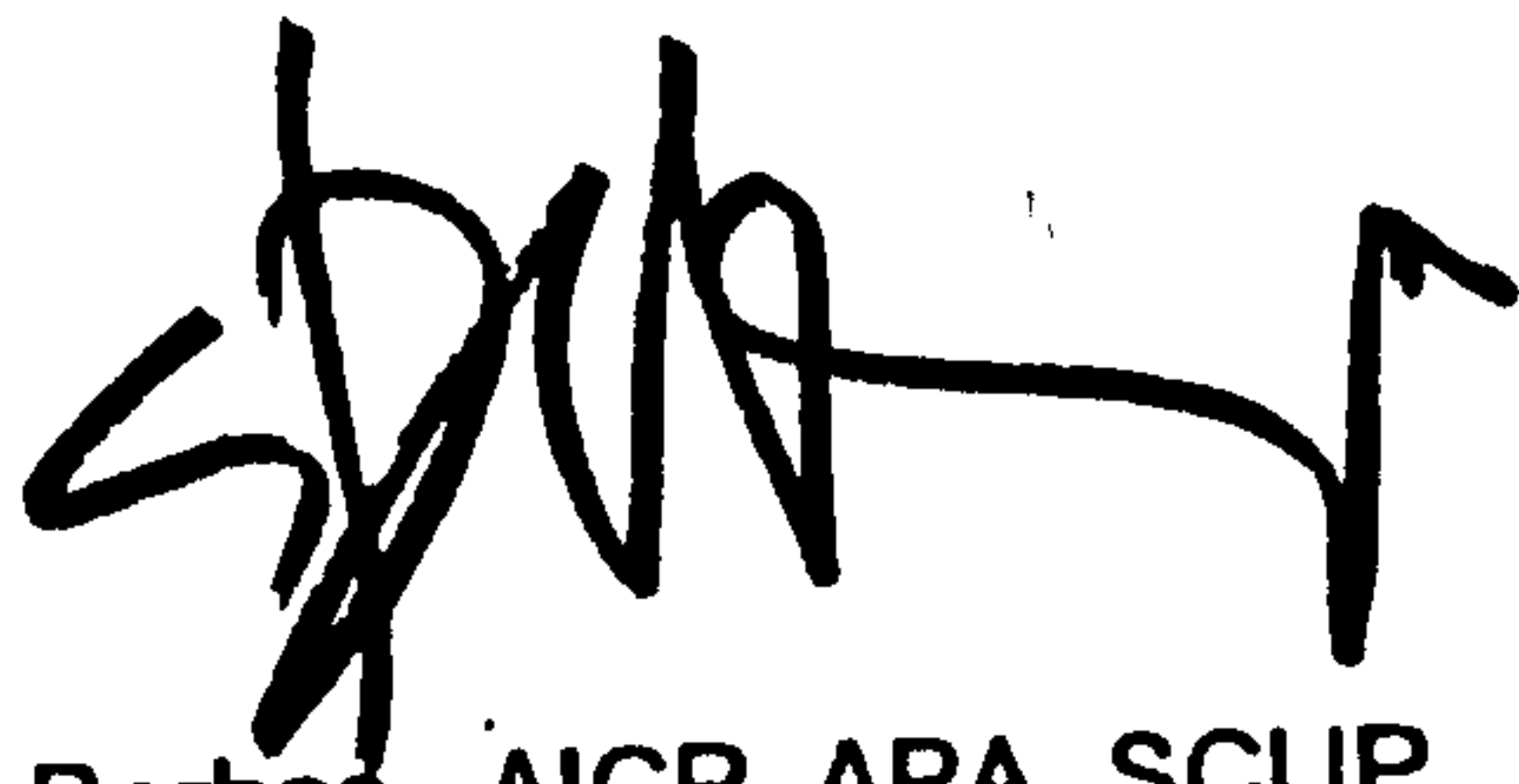
Map 11, Open Space Plan, indicates part of Tract 13 as a Conservation Trust Easement, supported by Map 15, Floodplains on the Site, and on page 7.2, it mentions that "Conservation easements will be established for the floodplains in these zones." In the definitions, Section 4.A.8, it "means an easement granted specifically to a third, nonprofit entity for the purpose of entering upon and maintaining property held in common for open space purposes." Along the eastern side of Tract 13, a Pedestrian Trail connects one trailhead with the other and provides a major pedestrian and bicycle system for residents and visitors alike. At this time, walking along this trail offers expansive views to the westside, volcanoes, the whole City in fact, as well as views to the Sandias. As mentioned in the Sector Development Plan "with few exceptions, the most distinctive landforms affecting character and perception of the site are the Sandia Mountains, east of the project site. These mountains serve as a scenic backdrop, dominating the perception of the property. A small portion of the foothills of the Sandia Mountains occurs on the site, immediately north of the Embudito Canyon, in the southern portion of the property." With a proposed development on Tract 13, of high density, 2 story tall housing - the views to the west would be severely reduced for the residents and visitors. "Public hiking trails are generally considered to have the highest sensitivity to visual impacts." Furthermore, views to the Sandias will be severely reduced from the Trailhead subdivision, Wilderness Village subdivision and Glenwood North.

Map 4, 10% Slope Demarcation Line, and Map 15, Floodplains on the Site, although the maps are not very detailed or clear, they both seem to indicate that the difficult, more than 10% slopes, will present development problems and some flooding, and most certainly add to flooding, due to the very high amount of hard surfaces for buildings, parking spaces and roads, leaving almost no natural terrain for water percolation. The Sector Development Plan states that "the Sandia Foothills Policy Plan, which applies to all property east of Tramway south of and including Glenwood Hills North, contains slope measurement provision designed to restrict development on the extreme slopes and rock outcrops of the Sandia Foothills." On Map 3, Soils, part of Tract 13 contains Rock Outcrop - Orchids Complex. The 2 story proposed for the houses doesn't comply with the Sector Development Plan's directive under Landforms, in order to mitigate impacts by "limiting building roofline and vegetation heights to protect views across the site, and to minimize contrast with the existing landform."

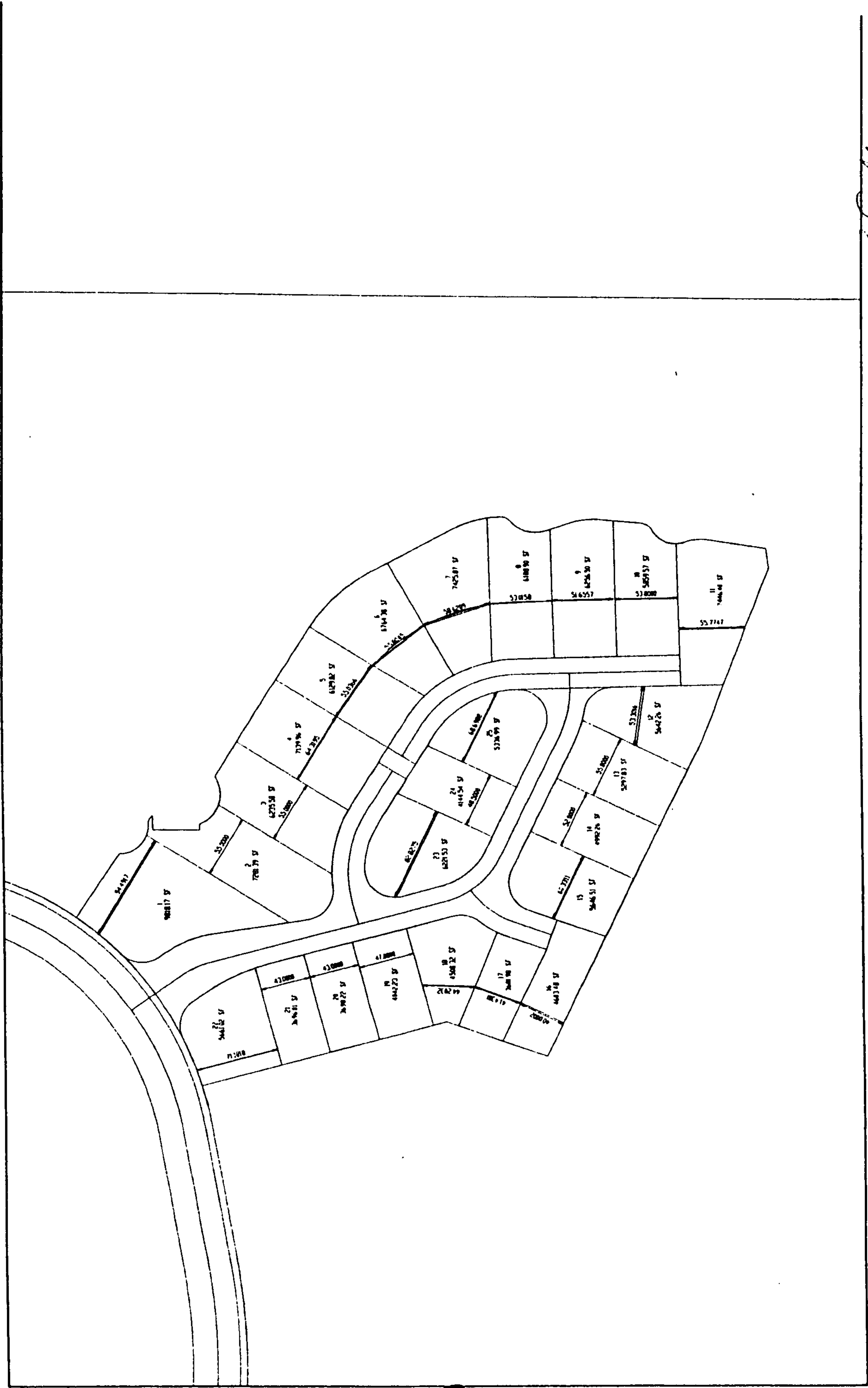
Previous presentations to the Development Review Board by the Homeowner's Association showed a number of other reasons why the proposed development for Tract 13 did not conform to the Sector Development Plan, such as:

- > the property is located in the Semi-Urban Area of the Comprehensive Plan
- > not the lowest density placed against the forest wilderness and trails
- > traffic and traffic flow from this proposed development would adversely impact on the local road
- > drainage and flooding problems

The finding is (within the very short time I had to review the Sector Plan) that the proposed site development for Tract 13, of 25 units on 4.2 acres, does NOT comply with or is consistent with the language or the intent of the High Desert Sector Development Plan.



Steve Borbas AICP, APA, SCUP
Planner/Adjunct Professor



K. Pittor
1/2/20

Nov. 28. 2006 4:40PM

Bohannon Huston

Courtyard I
7500 Jefferson St. NE
Albuquerque, NM
87109-4335

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voice: 505.823.1000
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November 28, 2006

Sheran Matson, Chair
Development Review Board
City of Albuquerque
P.O. Box 1293
Albuquerque, New Mexico 87103

Re: Wilderness Canyon at High Desert (Tract A of the Wilderness Unit 2), DRB Project # 1004989
Request for deferral to the December 6, 2006 DRB Meeting

Dear Ms. Matson:

It is our understanding that the Development Review Board (the "DRB") is requesting a deferral of the project mentioned above deferring the requested actions from the Wednesday, November 29, 2006 DRB meeting to the December 6, 2006 DRB meeting. It is our understanding the purpose of this deferral is to allow the High Desert Residential Owners Association (the "HDROA") an additional week to certify to the City that the proposed plat meets the requirements of the Sector Development Plan.

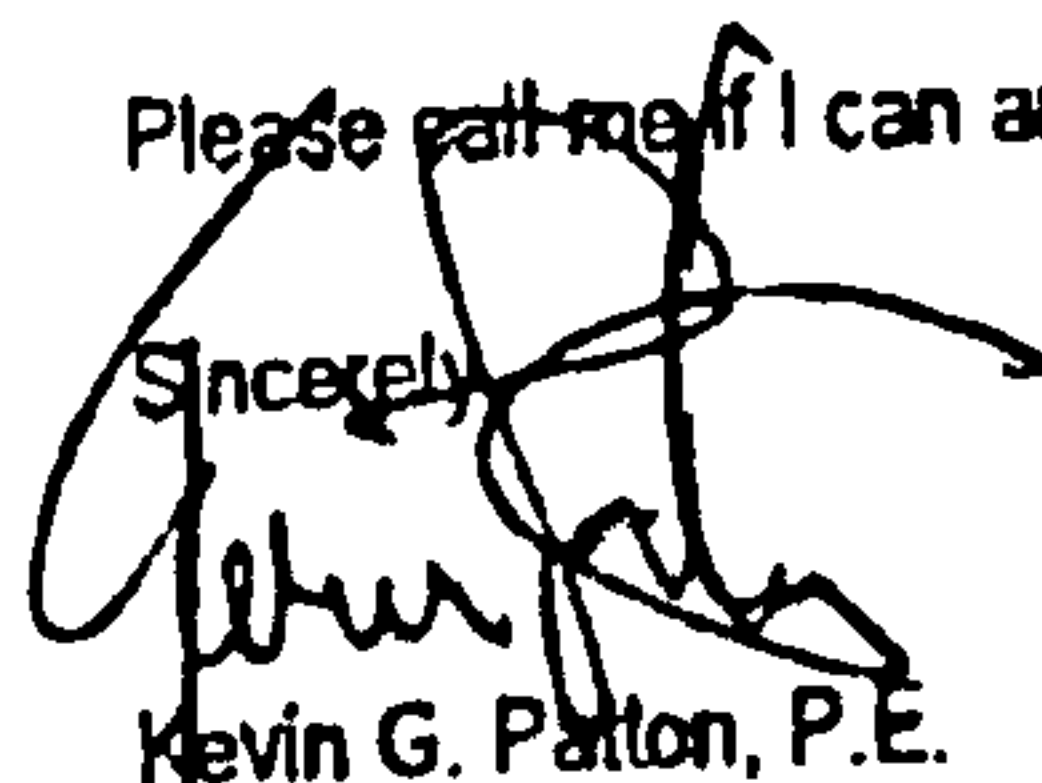
It is our belief that this certification has previously been provided to the DRB by the letter that was previously submitted into the record, addressed to Sheran Matson, dated November 6, 2006, from Raymond S. Berg, President of the Board, HDROA. This letter states the following:

Section 4.A.7 of the High Desert Sector Development Plan requires that the High Desert Residential Owner Association (HDROA) certify to the City at time of submittal for approval to the Development Review Board that any proposed plat meets requirements of the Sector Development Plan. It further requires that at time of submittal for building permit for new construction that any construction plans meet the requirements of the Sector Plan. The Association is also required certify that the number of units constructed in the zone does not exceed the maximum allowed by the Sector Plan.

HDROA has performed a review of the proposed plat through Mr. William Fanning, Fanning Bard Tatum Architects AIA Ltd. Based on that review we believe that proposed plat is consistent with the underlying zoning requirements of the Sector Development Plan. We also agree that the number of units in the proposed plat does not exceed the maximum number of units allowed..... (Emphasis added.)

We defer to the DRB's judgment whether to defer this matter to the December 6, 2006 DRB meeting. We do ask that should the DRB defer this matter to the December 6, 2006 DRB meeting to allow additional information to be supplied to the DRB by the HDROA, that the DRB allow the applicant the opportunity to further defer this matter, if we find it necessary to review and respond to any new information that may be entered into the record at the December 6, 2006 DRB meeting.

Please call me if I can answer any questions regarding the above items.

Sincerely,


Kevin G. Patton, P.E.
Senior Vice President and Managing Principle

Kp

Mesa Reprographics
5901 Lomas Blvd. NE
262-2046 office
256-9435 fax

Date: 12/18/06

PLEASE CALL/DELIVER COPIES & INVOICE TO:

Scott & Kuenzle, P.A.
Attn: Rob Erickson
201 3rd St. NW, Ste. 1570
Albuquerque, NM 87102
→ 505/246-8600

PLEASE RETURN ORIGINALS

TO: City Of Albuquerque
Planning Department /Publications
2nd Level (on the west side from the entry area)
600 2nd St. NW Suite 201

CONTACT: Sandy Handley @ 924-3861 or ~~Tim Sims~~ @ 924-~~3895~~

ANDREW GARCIA 3858

DRB
DOCUMENT: PROJECT File # 1004989

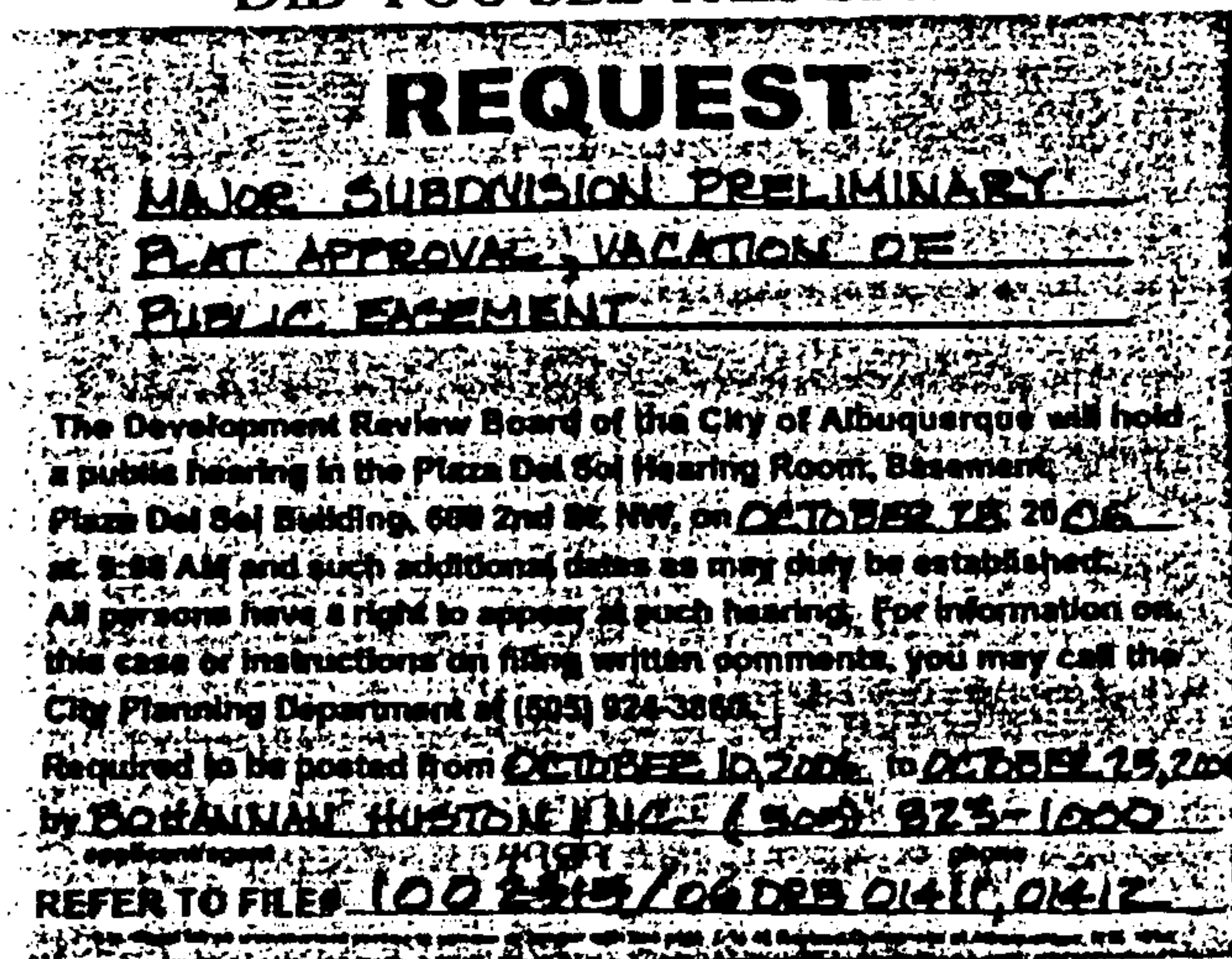
RELEASED TO: MIKE MARTIN MESA

DATE: 12 18

RETURNED TO: Andrew Garcia

DATE: 12/19/06

NOTICE
DID YOU SEE THIS SIGN:



PROBABLY NOT, BECAUSE IT IS CLEVERLY LOCATED ON THE STREET IN HIGH DESERT, AND FACING THE STREET. IT IS A PROPOSAL TO ELIMINATE PUBLIC ACCESS TO THE TRAIL ALONG THE FOOTHILLS BEHIND THE HOUSES OF THE HIGH DESERT DEVELOPMENT. THIS WILL EFFECTIVELY

CLOSE THE BIKE AND RUNNING TRAIL ALONG THE FOOTHILLS

IF YOU UTILIZE THE TRAIL FOR ENJOYMENT ALONG THE FOOTHILLS, I WOULD RECOMMEND THAT YOU INQUIRE ABOUT THIS PROPOSAL AND FIGHT IT. CALL (505)924-3860 TO INQUIRE ABOUT THIS PROPOSAL. REFER TO FILE # 1004989/06DRB01411,01412. IF IT THREATENS THE FOOTHILLS TRAIL AND IS SOMETHING YOU CARE ABOUT I WOULD RECOMMEND TRYING TO ATTEND THE MEETING ON OCTOBER 25, 2006 AT 9:00AM IN THE PLAZA DEL SOL HEARING ROOM, BASEMENT, PLAZA DEL SOL BUILDING, 600 2ND ST. NW.

November 21, 2006

HAND DELIVERED ONLY

Ms. Sharon Matson, AICP
Chair, Development Review Board
City of Albuquerque

Re: Project # 1004989, Nos. 06-DRB-01411, 01412, 01413, 01414, and 01415
– Wilderness Canyon at High Desert Preliminary Plat

Dear Ms. Matson:

I write to address a number of concerns that the residents of Trailhead and other nearby residents have concerning the above referenced Wilderness Canyon preliminary plat application.

By way of introduction, I am a resident of Trailhead. I purchased lot 4 in 1994, and after examining the lot and its full view of the city and limited view of the mountain for a few days, I exchanged it for lot 19. Lot 19 was and is the premium lot in the development with open mountain views and limited city views. It also faces directly into the south end of the proposed plat..

I built on the lot in 1999. The restrictions in the High Desert Sector Development Plan and the Declaration of Covenants and Restrictions limited buildings in Trailhead to a 7,200 sq. ft. building envelope and a 19 ft height, to protect the view corridors. The HD Sector Development Plan (page 4.8) required a two hundred foot set back of the edge of the building envelope from Glenwood Hills to the south and west of Trailhead. Building envelopes of lots along the Embudito Arroyo were no closer than thirty-five feet to the arroyo property. Over the years as I have met and visited my neighbors, I have been surprised by the number of Trailhead houses having excellent views of the Sandia mountains. The view corridors and height restrictions have worked well.

In my letter dated November 15, 2006, presented to you at the DRB meeting I expressed concerns shared by my neighbors that the design guidelines of the HD Sector Development Plan were not being observed, and that zoning was not the sole determining factor in the plan. The day after the November 15 DRB meeting, I met with Mr. Ray Berg, President of High Desert Residential Owners Association (HDROA) and discussed my concerns with the apparent non-compliance of provisions of the comprehensive plan. Mr. Berg said his concern was with the "technical issues" such as zoning and storm sewers which the HDROA would be responsible for maintaining after development was complete. He said that we the residents would have to lead the way if we wanted to pursue our concerns.

November 20, 2006 Mr. Berg provided us with a copy of a letter being sent to you by Mr. Collister to address questions that have been raised. I have studied the letter and do not agree with all of its findings, nor does it address a major question we have.

What is the High Desert Residential Owners Association required to approve at time of plat submittal to the DRB?

In the November 15 DRB, you advised Mr. Berg that compliance with zoning alone was not sufficient, that he was to certify compliance with the Sector Development Plan.

We the residents agree that the Sector Development Plan requires much more than a review of zoning. This interpretation is consistent with the organization of Section 3 in the Sector Plan which first addresses Issues, Impacts, and Mitigations, including zoning. The zones are then addressed with references to section 4 in the plan for additional details. Following zoning, Section C of the plan addresses Comprehensive Plan Compliance, identifying compliance Policies A, B, and C. This would appear to be the area where significant guidance on what issues should be reviewed when determining if a proposed development is compliant with the plan.

Is the land use and zoning in accordance with the Sector Plan?

The residents do not believe the plat is in compliance with the Sector Plan, primarily for reasons other than zoning.

Is the proposed development subject to the 10% Slope Demarcation Line?

Mr. Collister contradicts his response to resident's concerns at the October 25 DRB, where he said the 10% slope demarcation line contained in 1995 Sector Plan Revisions was repealed in 1993.

This response shows the areas east of the Wilderness Compound and Trailhead are above the 10% Slope Demarcation Line and are "preserved either by direct dedication to public entities or by easements retained and controlled by the developer or its successors" (page 3.4). The area adjacent to the eastern boundary of the proposed plat was dedicated to the City as Open Space. The steeply sloped area adjacent to the western edge of the proposed plat and identified in the plan (page 3.7) as the "The Knoll" was retained as a private easement.

The "The Knoll" is approximately 30 ft higher than the base of the 10% Slope Demarcation Line and separated from the dedicated Open Space by a shallow saddle which is the southern boundary of the proposed plat. This is shown on the 2 ft contour graphic illustrating the saddle depth given to the DRB as an attachment to my letter on November 15, 2006.

Is density of the proposed development appropriate?

Mr. Collister notes that there is much discussion in the plan about decreasing densities at boundaries but his feeling is that it only applies to other areas, specifically the Highlands. The proposed plat has an estimated density of 6.25 lots per acre with each lot.

Trailhead, the High Desert area immediately to the south has an estimated density of 1.47 lots per acre. If land usage in Trailhead is calculated based on the average lot size of 29,538 sq ft and the required building envelope size (7,200 sq ft) a developed lot area to undeveloped lot area ratio of about 0.24 results. It should be noted that the average lot size in the proposed plat is approximately 7,000 sq ft. A visual illustration of these differences can be seen on the plat map labeled as Attachment 1.

Within Wilderness, the densest plat is being placed at the Open Space boundary.

Will trails or open space be impacted by development of the Wilderness Canyon?

The Sector Development Plan (page 2.3) states, "Public hiking trails are generally considered to have the highest sensitivity to visual impacts.... The Foothill trail runs from Simms Park and Pino Canyon south through Forest Service lands crossing the High Desert property prior to reaching the Embudito Canyon trailhead." (page 2.6) states "Middle ground views to the trail that runs south from the Simms Park to the wilderness will be impacted to varying degrees. Impacts to views from these portions of the trail can be minimized with implementation of the appropriate architectural and engineering design criteria."

In Trailhead, the building envelopes of all lots along the Embudito Arroyo did not approach closer than thirty-five feet to the property line along the arroyo. The set back from the arroyo has enhanced the views for to the hikers and bikers along the Embudito Arroyo trail and those along the north-south Forest Service trail.

I question Mr. Collister's assertion that all participants were aware of the densities and future development of a then undivided four acre lot in the early 1990's.

Will there be adverse environmental impacts resulting from development of Wilderness Canyon?

The plat is classified as part of the Short Grass Prairie areas of High Desert. It should be noted that the southern 150 ft of the plat has several large granite surfaces exposed. Is it known if these surfaces are the part of a rock ridge between "The Knoll" and the Open Space outcrop or isolated boulders? The Sector Development Plan (page 2.2) indicates that a small granite rock outcrop is present in the southeast corner of the property and that development of the area is limited because of steep slope, exposure to bedrock, and shallow soils.

Will development of the Wilderness Canyon create unforeseen traffic problems?

This is seen as a potential problem by the HD Residential Owners Association Board of Directors and Wilderness residents. I have no comments.

Does the proposed plat relate appropriately to land areas surrounding it?

The preamble to Section 4.B (page 4.5) "As noted before, one of the main principles driving the High Desert Sector Plan is the transition from open areas to urban uses. Nowhere is this transition more important than at the project boundary with Simms Park Access Road, and U.S. Forest Service lands" Although section 4.B applies specifically to the Highlands it should be noted that the first sentence is directed at the entire plan. The second sentence also applies in part as the southern 300 ft of the eastern boundary of the plat is about 100 ft from US Forest Service Lands.

Land-use Transition Concepts (page 3.2) states " residential land use densities transition from higher density to lower densities at the interface with adjacent lands....As development approaches project boundaries to the north and east, the density continues to diminish, leaving the least dense residential areas at boundaries with natural open space areas."

The Comprehensive Plan Compliance preamble (page 3.4) States "Development within the semi-urban area shown by the Plan map shall be consistent with developmental limitations imposed by topography, soil conditions, groundwater quality, agricultural, potential, flood potential, scenic qualities, recreational potential, and existing development..."

Comprehensive Plan Compliance , Policy A, Existing Development (page 3.5) "The plan also respects its urban neighbors and their influence on the site setting. The lowest density uses are placed against the Forest, Wilderness, park access, and existing open space boundaries."

Note: The urban neighbor to this plat is Trailhead.

Project Boundaries and Interfaces (page 3.10) states "While attempting to incorporate its own land use standards, new development must be sensitive too the social and physical character of the properties which bound it. The project area has four 'faces' – the semi-rural nature of Sandia Heights; the urban quality of the Tramway frontage; the semi-suburban character of Glenwood Hills; and the natural character of the Bear Canyon Public Open Spaces and the foothills." Note: This plat position is adjacent to the foothills, and the southern end of it is visible from Glenwood Hills.

Project Boundaries and Interfaces, Glenwood Hills "Panhandle" (page 3.11) addresses the development of Trailhead. Building heights were restricted to 19 ft and building envelopes were used to protect view corridors.

(Note: The view corridor towards Sandia Mountain passes directly over the south end of the proposed plat. This is illustrated in Attachment 1)
The 29 Trailhead lots permitted by Section 4.C (page 4.8) were reduced to 28 by the developer when platted. The building envelopes were placed no closer than 35 ft to the arroyo and the building envelopes were limited to 7,200 ft.

Scenic Qualities are identified as a programmatic concern by Comprehensive Plan Compliance, Policy A (page 3.5) The site perches at the edge of one of the great scenic assets of the State of New Mexico. Visual access to the mountains to the east and the City and Mesas to the west will be preserved by the preservation of major arroyos as public or private open spaces creation of building envelopes, and limitations on building heights.

Comprehensive Plan Compliance, Policy B (page 3.6) states "Visual and physical access across the site is critical to the interface between the City and its most significant recreational asset, the Sandia Mountains. The relationship between urban aggregations and natural open areas is a critical socio-cultural element of life in New Mexico." The trail up Embudito arroyo on the south edge of the plat and the north-south trail on Forest Service on the east edge of the plat are both mentioned in this section..

Comprehensive Plan Compliance, Policy C, Viewshed Protection (page 3.9) Protecting views from without and within the site will be handled by "Limiting building roofline and vegetation heights to protect views across the site, and to minimize contrast with the existing landform."

Comprehensive Plan Compliance, Policy C, Building Heights (page 3.10) Building heights and site lighting levels will also be keyed to view preservation

I would suggest restricting building height in the plat to 19 ft, restricting the southern edge of the plat to two lots with 8000 sq ft envelopes set back 35 ft from the arroyo, and restricting the total number of lots in the plat to twelve, would solve the residents concerns.

Thank you and the members of the DRB for your continuing concern for quality of development in the city.


Carl Fesler

5005 Cumbre Del Sur NE
Albuquerque, NM 87111

Copy Ray Berg, High Desert Residential Owners Association

HIGH DESERT

November 20, 2006

VIA EMAIL ONLY

Ms. Sharon Matson, AICP
Chair, Development Review Board
City of Albuquerque

Re: Project # 1004989, Nos. 06-DRB-01411, 01412, 01413, 01414 AND 01415 - Wilderness Cañon
at High Desert Preliminary Plat

Dear Ms. Matson:

I respectfully write to address a number of questions that have arisen pertaining to the above referenced Wilderness Cañon preliminary plat application.

By way of introduction, I am President of High Desert Investment Corporation (HDIC), the master developer of High Desert, having held that position since incorporation of the business in 1991. I was president of HDIC at the time the High Desert Sector Development Plan (Sector Plan) was drafted and recommended by the Environmental Planning Commission of the City of Albuquerque on December 17, 1992 and adopted by the City of Albuquerque on May 3, 1993. I have a unique position from which to respond to some of the questions that have been asked because I was intimately involved in helping draft the plan, worked with the public, city staff, elected and appointed officials to secure approval of the plan. I was also part of a small team that worked on the transfer of over 7,700 acres (the west face of the Sandia Mountains) to the City of Albuquerque in 1982. In addition to the previously mentioned activities, I was also involved in drafting and implementing the High Desert Residential Owners Association (HDROA) By-Laws and Declaration of Covenants Conditions and Restrictions. For many years I appointed all or a majority of the Board of Directors of the HDROA and thus have a good working knowledge and understanding of the history of previous association plat approvals.

The following general questions have been raised about the preliminary plat application for the Wilderness Cañon:

What is the HDROA required to approve at time of plat submittal to the Development Review Board?

It is my understanding, based on my involvement in drafting and securing approval of the Sector Plan that the city wished assurance that any proposed development conformed to the requirements of the zoning on the specific site submitted. This interpretation is reinforced by the placement of this requirement as Section 4.A.7, on page 4.4 of Chapter 4, Zoning Regulations. In past HDROA plat approvals, at least when directors were appointed by HDIC, Section 4.A.7 - 1 was interpreted to pertain to assurance that any proposed plat conformed to the zoning for the site.

Is the land use and zoning in accordance with the Sector Plan?

It is logical to be able to rely on the zoning for Tract 13 which is designated SU-2 HD-R-B. This zone category, as described on page 4.3, Section 4.A.6: "permits a mixture of dwelling unit types", this section further provides: "Uses permissive in the HD-R-G zone" and, "If developed as R-G the total number of units shall not exceed 300." The proposed preliminary plat conforms to the zoning for the property. To further determine if the proposed plan is in accordance with the Sector Plan it is necessary to overlay several maps from the Sector Plan to make sure that there are no conflicts. The Zoning/Land Use Map 10 is used as the base and overlaid with the following to determine conflicts and uses: Map 6, Vegetative Communities, Map 9, circulation Hierarchy, Map 11, Open Space Plan (includes trails) and Map 15 Floodplains on the Site. When performing this exercise it is clear that there are no conflicts. Map 6 clearly shows that the site is Short Grass Prairie, suitable for development of the type proposed; Map 9 clearly shows that there is no roadway requirement conflicts; Map 11 clearly shows that there are no open space or trail conflicts; and

High Desert Investment Corporation
3791 Southern Blvd., SE Suite 202 Rio Rancho, NM 87124
tel: 505 823-9360 fax: 505 823-9611
e-mail: info@high-desert.com

-67-

Map 15 that the adjacent floodplain is confined to the Embudito Arroyo Open Space. On page 3.11 of the Sector Plan it provides that: "In the recreation/resort zone (HD-R-R) townhouses surrounded by common public or private open areas may form an adjacent land use." While the proposed land use plan does not contemplate townhouses, the single family development is in keeping with this concept, with the site being surrounded on 80% of its boundary by open space. HDIC approved the preliminary plat and found it in conformance with the Sector Plan.

Is the proposed development subject to the 10% Slope Demarcation Line - "no build area"?

Quoting from page 2.2 of the Sector Plan: "The Sandia Foothills Policy Plan, which applies to all property east of tramway south of and including Glenwood Hills North, contains a slope measurement provision designed to restrict development on the extreme slopes and rock outcrops of the Sandia foothills. How this "demarcation line" was determined when the plan was adopted in June 1983 is not clearly documented, and hence unknown. However, it appears that a United States Geodetic Survey (USGS) 7.5 minute quadrangle map was utilized. A recalculation of the line by the same method virtually duplicates the line found in the Sandia Foothills Plan. Therefore, this same methodology was utilized to calculate the 10% Slope Demarcation Line shown in Map 4. There are also areas of 10% slopes on the side slopes of the arroyos on the site."

As noted on page 3.4 of the Sector Plan the above requirements of determining the 10% Demarcation Line were followed and agreed to by the city in the Sector Plan, and the result is depicted on Map 4. While Map 4 is quite small (a requirement of having all documents reproduced on standard 8 1/2 x 11 pages in the Sector Plan) an enlarged digital map was used to determine the exact location of the 10% Slope Demarcation Line and two tracts were created that encompassed all of the property within High Desert that was above the 10% Slope Demarcation Line. As required and noted in Slopes on page 3.4 the two tracts created, Tracts OS-5 (9.45 acre tract east of Wilderness Compound and Wilderness Cañon) and OS-8, (2.5 acre tract East of Trailhead at High Desert) containing all of the property above the 10% Slope Demarcation Line were dedicated to the City of Albuquerque Open Space Division with the filing of the Plat Of High Desert on November 23, 1993 in Volume 93C and Folio 324. There were no other areas in High Desert above the 10% Slope Demarcation Line, and specifically the proposed Wilderness Cañon preliminary plat area does not contain any area above the 10% Slope Demarcation Line.

Is density of the proposed development appropriate?

While there is much discussion in the Sector Plan about decreasing density near certain boundaries of the project; if the Sector Plan is read carefully and in its entirety, it is clear that such language was not directed toward the subject property. During the planning stages and drafting of the Sector Plan the city and HDIC had a strong desire to minimize the density and visual impact on an area of High Desert that projects east of the section line that runs north/south. The area east of the section line was designated in the Sector Plan as the Highlands Design Overlay Zone and numerous restrictions were placed on development within the area. Section 4.B, starting on page 4.5 of the Sector Plan describes the background and restrictions of the Highlands Design Overlay Zone and Map 10 locates the zone. The Wilderness Cañon proposed preliminary plat area is located outside of the Highlands Design Overlay Zone and is not subject to those restrictions. The probable buildout of Tract 13, as noted on Table 3.A in the Sector Plan is 300, which provided a density of 1.67 units per acre. It is noted in footnote 3, that: "The densities for these zones appear low due to the large amounts of public or private open space contained in each zone. The respective maximum buildout densities on the developable acreage are: . . . 2.85 in the R-R zone." Thus, the density implications of the zoning on Tract 13 were understood at the time the Sector Plan was drafted and approved by the city and understood the large amount of open space that was being created around Tract 13.

Will trails or open space be impacted by development of the Wilderness Cañon?

No public or private open space will be taken or used and no public trails will be eliminated or altered. The trail in the Embudito open space was located and constructed by HDIC at the time that the Final Plat for Wilderness Village and Wilderness Compound was approved and recorded. The Embudito trail, which had existed informally in the arroyo drainage path had been subject to flooding and was moved and constructed on the north side of the arroyo to protect it from flood damage. A public trail easement was recorded in Embudito arroyo (property owned by HDIC.) Trail 365 on the east side of Wilderness Cañon was located by HDIC, in consultation with representatives of the City of Albuquerque Open Space Division, City of Albuquerque Trails Committee and the United States Forrest Service prior

to dedication of the open space to the city. All participants in locating the trail were aware of the densities and future development of Tract 13.

Will there be adverse environmental impacts resulting from development of Wilderness Cañon?

Although not a requirement, the first step in the planning process that HDIC undertook in 1992 was a number of environmental investigations, which were performed (as noted on page 2.1 of the Sector Plan) by SWCA Environmental Consultants. The biological survey found no threatened or endangered species and the land plan and zoning for High Desert, including Tract 13 was based in large part on the recommendations contained in biological survey report. The report suggested that development be generally avoided in areas with riparian vegetation and generally limited to low impact "building envelope" style of development in the Juniper Ecotone areas. The report suggested that conventional "over-lot graded" areas be located in the Short Grass Prairie areas of High Desert. The proposed Wilderness Cañon development is located in the Short Grass Prairie area of High Desert, as depicted on Map 6 in the Sector Plan. In 2002 HDIC again had SWCA perform an updated biological survey of Tract 13 and found nothing that changed the original recommendations for the tract. It should also be noted that because of environmental considerations no wood burning fireplaces are allowed in Tract 13.

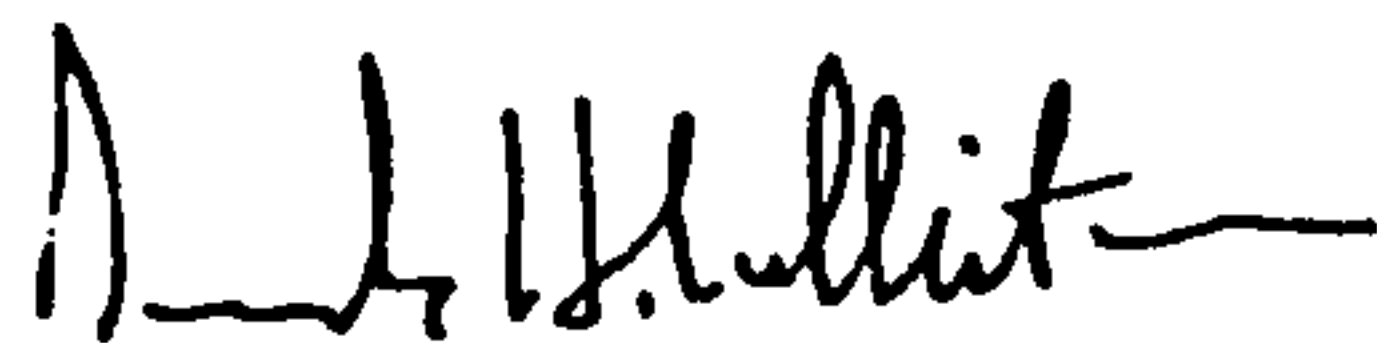
Will development of the Wilderness Cañon create unforeseen traffic problems?

The traffic studies performed in 1992 were based on the maximum number of units, 2,730, that could be developed in the community. The design and construction of the streets in High Desert were based on those studies and are designed to accept the maximum development potential of the community, including traffic created by the development of Tract 13. It should be noted that the total number of actual residential units in High Desert will be approximately 1,975, which is 775 units, or 25% less than the traffic study was based on. The traffic study anticipated that Tract 13 would have 300 residential units and in fact development will be less than half that number.

I would also like to note that my wife and I are residents in High Desert. I care deeply about preserving the sustainable concepts and principals upon which High Desert was planned and making sure that the quality of the development that HDIC and its homebuilder partners created is maintained. My wife and I frequently use the trails in the community and in the public open spaces and take considerable pride in the fact that HDIC, or its parent corporation was responsible for creating most of the open space and many of the trails.

Thank you and the members of the Development Review Board for your continuing attention to the quality of development in the city.

Sincerely,



Douglas H. Collister
President

Copy Kevin Patton, Bohannon Huston, Inc.
 Scott Schiabor, Mesa Verde Development
 Ray Berg, High Desert Residential Owners Association
 John Salazar, Rodey Law Firm



JRLentz4@aol.com
11/16/2006 08:02 AM

To smatson@cabq.gov

cc.

bcc

Subject Project # 1004989, Wildemess Canon

Sheran,

In case the letter submitted by Carl Fesler is not perfectly clear, please see first bullet below which comes from an email I just sent to residents to update them on yesterday's events.

Also, please see that I emphasize "all" the requirements of the sector plan in the second bullet. As I mentioned, the Sector Plan is not internally consistent. This, of course makes your job most difficult. Yet, it will also be challenging for Ray Berg to certify. Residents are concerned that this effort will not be thorough...therefore we have emphasized the "all" below.

Thank you,
Janet Lentz

- Carl Fesler of Trailhead has joined the debate and found an interesting and valuable detail in the Sector Development Plan. In previous meetings, our lawyer and many residents had argued that the Sector Plan requires developers to specially treat land with slopes greater than 10%. Doug Collister of High Desert Development had publicly brushed off these claims saying "We took care of that a long time ago. It doesn't apply." I had even asked Sheran Matson, Chair of the DRB, to show me where the 10% was eliminated. The area she pointed me to was in the front of the Plan and involved Amendments to the plan #'s 50-1993 and 73-1993. In the first amendment, Section 5, it talks about 10% shall be mapped and those areas shall be either dedicated as open space or shall be subject to additional policies stated in the Sector Plan. In the second amendment, it says that Section 5 of the first amendment was a clerical error and therefore is deleted. Now, on first reading, one would think that the special treatment of areas of 10% slope were deleted. In fact, that was the understanding of the DRB and Sheran Matson. Yet, it was only Section 5 of the amendment that was deleted, likely because an amendment was unnecessary since the Sector Plan has several references to special treatment of 10% slope areas. And, in fact, Amendment 10-1993, Section 1 says the City Council adopts the Sector Plan and that "(a)ll development activities within the plan area shall be guided by this plan." Carl pointed out that on page 2.7 the Sector Plan says the following: Areas above the 10% Slope Demarcation Line should be protected by granting them as public open space. Impact on areas of arroyo sideslopes greater than 10% should be mitigated through limitations on building siting, area, and construction methods. And, there are other similar statements on page 3.4. Page 3.4 has a revision date of 10/1995, two years after the above mentioned amendments.
- The Board of the High Desert Residential Homeowners Association wrote a letter to the DRB file saying that the project met the zoning and density requirements of the Sector Plan. However, the Board is, in fact, required to certify that the project meets all the requirements of the sector plan, not just the zoning one. When asked by the Chair of the DRB if the project did meet all the requirements, Ray Berg (President of the HDROA) said that he could not say at this time.

rec'd 11/15/06

November 15, 2006

Sheran Matson, AICP
Chair, Planning Department
Development Review Board

Re: Project #1004989
Case Nos. 06-DRB-01411, 01412, 01413, 01414, and 01415
Approximately 4 acres; Major Preliminary Plat Approval;
Major Vacation of Public Easements; Minor Subdivision Design Variance;
Minor sidewalk Waiver, and Minor Temporary Deferral of Sidewalks for the
Wilderness Canon at High Desert

Dear Ms. Matson:

As was noted at the last DRB meeting on October 25, 2006, a particular issue with slopes has been identified by the residents of High Desert. Particularly, whether or not the areas above the 10% Slope Demarcation Line were protected by the plan. When the issue was identified by the residents, Mr. Collister stated, I believe erroneously, that the 10% demarcation line had been repealed. I reached this conclusion after reading the repeal he referred to, which was identified as correcting a clerical error in a prior bill, which deleted a reference in the bill to the 10% Slope Demarcation Line. It did not refer to the plan itself.

Council Bill R-245 Enactment No. 50-1993, as corrected for clerical error by Council Bill R292 Enactment No. 73-1993, resolved that the High Desert Sector Development Plan is adopted as a Rank 3 sector development plan and that all development activities within the plan area shall be guided by this plan.

I believe that there are several areas in the plat under consideration which are not in compliance with the High Desert Sector Development Plan.

Page 4.3 Section 4.A.6: SU-2 HD-R-R Recreational/Resort Zone. This zone, unlike the other zones does not correspond to an existing zoning classification. It is subject to the following regulations:

1. Permissive Uses, when pursuant to only the Sector Development Plan are the Uses permissive in the HD-R-G zone.
5. Conditional Uses use the HD-R-LT zone, excluding private utility structures.

Comment: This zoning leaves the developer a great deal of latitude, but because of this latitude, a higher degree of responsibility is placed on the developer and the High Desert Homeowners Association to ensure the guidelines of the Sector Development plan are followed. Regulation 5, above implies that there are areas within this zone where the Sector Development Plan would not permit use of the HD-R-G zone uses, and that it is the responsibility of the developer and the High Desert Homeowners Association to review planned developments against the restrictions of the Development Plan and identify when conditional use is appropriate.

The first area in which the plat does not appear to be in compliance with the High Desert Sector Development Plan is dealing with slopes and landforms.

The Comprehensive Plan Compliance Policy A, Slopes, states that the Sector Development Plan regulations require location of slope areas in excess of ten percent. Areas of excess slope meeting the intent of the Slope Demarcation Line of the Sandia Foothills Plan are preserved by either by direct dedication to public entities or by easements retained and controlled by the developer or its successors. Based on the 2 ft contour line on the Albuquerque GIS Data Website this plat appears to have slopes in excess of ten percent. The Comprehensive Plan Compliance Policy C, Impacts and Mitigations, says to lessen the impacts of development, those areas corresponding to those which would be protected through the imposition of the 10% Slope Demarcation Line found in the Sandia Foothills policy plan are to be preserved. The proposed plat does not address the issue of where it is in relation to the 10% Slope Demarcation Line.

The Comprehensive Plan Compliance Policy C, Viewshed Protection states the protecting views from without and within the site will be handled by limiting building roofline and vegetation heights to protect views across the site and to minimize contrast with the existing landform. The southern most portion of the lot forms a saddle between "The Knoll" and Forest Service land. The saddle is approximately twenty-eight feet deep. The plat proposes building six houses with a maximum height of twenty-six feet across the width of the saddle. This would put the rooflines at almost the same height as the top of "The Knoll", visually eliminating the saddle, and presenting a twenty-eight foot wall of houses, instead of a view across High Desert to all people visiting or hiking from the Trailhead parking lot into the wilderness trails.

The second area in which the plat does not appear to be in compliance with the High Desert Sector Development Plan is in dealing with transitions.

The plat is bounded on the south by the Embudito Arroyo and "the panhandle", now known as Trailhead, on the east by Forest Service land including the trailhead for the south end of the wilderness trail, and on the west by the open area known as "The Knoll".

The plan specifically addresses building adjacent to the Forest Service boundary in the HD-R-R zone noting that public or private open areas would provide a low density transition.

The plan states that the lowest density uses are placed against the Forest, Wilderness, park access, and existing open space boundaries. The northern and southern boundaries maintain land use intensities similar to Sandia Heights and Glenwood Hills respectively.

Comment: The developer has used a variety of densities within the Wilderness Village, all zoned SU-2 HD-R-R. Contrary to the plan, the proposed plat is the highest density area in the Wilderness village. While the arroyo frontage density is comparable to Glenwood Hills, it is over twice the density of the adjacent High Desert development of Trailhead and over three times the density of the two closest lots (18 and 19) in Trailhead. Note: Trailhead did not exist at the time the plan was written.

Subdivision/Lots	Arroyo Frontage	Number of Lots
Glenwood Hills/48-52	450 feet	5
Trailhead/ 18, 19, 23, 24, 25A	921 feet	5
Wilderness/53-57	533 feet	5
Proposed Plat	474 feet	6

In closing, I and my fellow neighbors, encourage you not to approve this project on the basis of its failure to address protection of slopes, and to comply with transition requirements as required by the High Desert Sector Development Plan. Likewise, the Board of the High Desert Residential Homeowners Association should not have approved the development because it is clearly not in compliance with the High Desert Sector Development Plan.

Relevant sections of the High Desert Sector Plan are attached in support of this issue.



Carl Fesler

5005 Cumbre Del Sur NE
Albuquerque, NM 87111

SANDVA HILLS

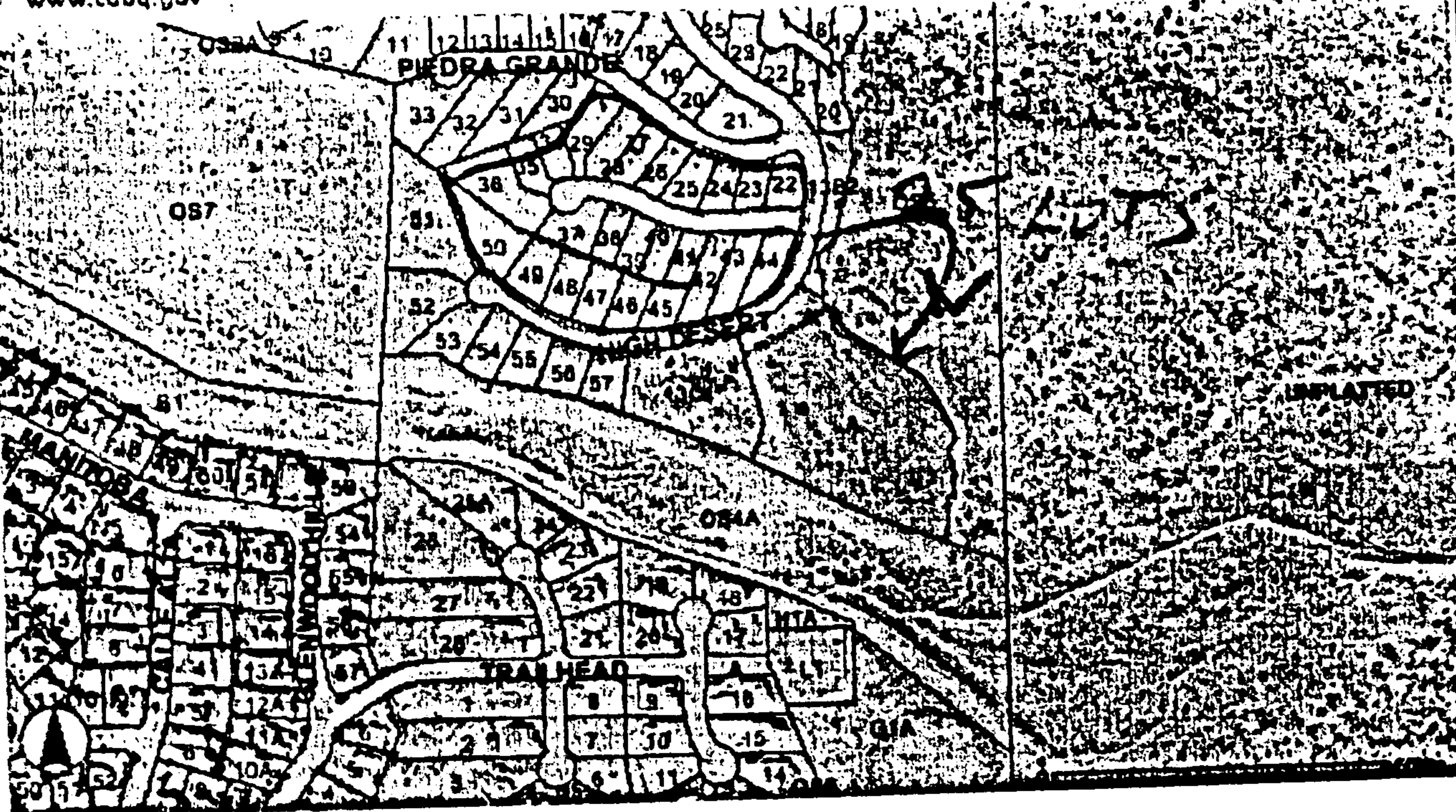
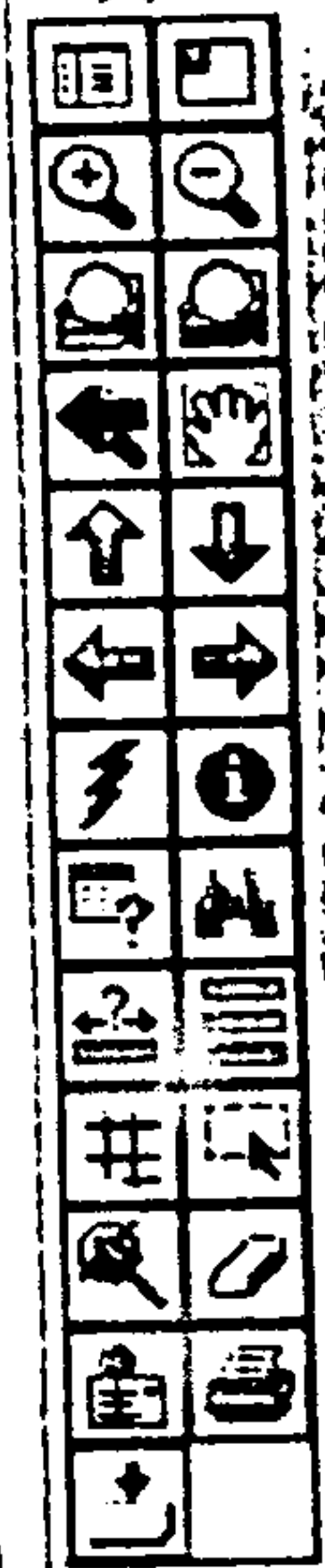


CLUNWIDD HILLS

DEVELOPMENT DENSITY OVERVIEW

CITY OF ALBUQUERQUE
www.cabq.gov

ALBUQUERQUE GIS DATA WEBSITE



- LAYERS**
- STREETS
 - BASEMAP
 - PARCELS
 - LOT NUMBERS
 - METRO ADDRESS
 - ZONING
 - OWNERSHIP
 - 2FT CONTOUR
 - ADDRESS POINTS
 - LANDUSE
 - INFRASTRUCTURE
 - TRANSIT/SUNTRAN
 - BOUNDARIES
 - SITES
 - ENVIRONMENT
 - APS
 - TRAFFIC ENG.
 - AIR PHOTO
 - 2004 AIR PHOTO
 - 2002 AIR PHOTO
 - 1999 AIR PHOTO

Refresh Map
 Auto Refresh

SIZE OF 25 CORE AREA LOTS RELATIVE TO PROPOSED FLAT AREA IN DIRECT PROXIMITY TO FOREST SERVICE LAND

2FT CONTOUR
Selection cleared.

- Help:**
- Closed group, click to open.
 - Open group, click to close.
 - Map layer.
 - Hidden group/layer, click for visible
 - Visible group/layer, click to hide.
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CITY of ALBUQUERQUE
TENTH COUNCIL

COUNCIL BILL NO. R-245 ENACTMENT NO. 50-1993
SPONSORED BY Deborah E. Lattimore

Underscored Material - New
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1 RESOLUTION
2 ADOPTING THE HIGH DESERT SECTOR DEVELOPMENT PLAN AS A RANK 3
3 SECTOR DEVELOPMENT PLAN, ESTABLISHING THE ZONING, AND ADOPTING
4 A DESIGN OVERLAY ZONE, ALL AS SPECIFIED IN THE HIGH DESERT SECTOR
5 DEVELOPMENT PLAN.

6 WHEREAS, the Council, the Governing Body of the City of Albuquerque,
7 has the authority to adopt plans for physical development within the planning
8 and platting jurisdiction of the City as authorized by New Mexico Statutes and
9 by the City Charter as allowed under home rule provisions of the Constitution of
10 the State of New Mexico; and

11 WHEREAS, the Council recognizes the need for sector development plans
12 to guide the City, County, other agencies, property owners and other individuals
13 to ensure orderly development and effective utilization of resources; and

14 WHEREAS, the Council recognizes the need for design guidelines for
15 development of lands which contain highly scenic natural features or physical
16 setting, or have highly significant views; and

17 WHEREAS, the High Desert Sector Development Plan has been reviewed
18 by the official planning bodies having jurisdiction over the plan area in
19 accordance with the interests and needs of the area residents and property
20 owners as expressed through public meetings; and

21 WHEREAS, the High Desert Investment Corporation has prepared a sector
22 development plan to guide future development of the plan area by addressing
23 requirements for public services, land use, zoning, and other matters;

24 WHEREAS, the Environmental Commission has reviewed the plan and
25 has recommended that the City Council adopt the High Desert Sector Development Plan as
26 a resolution of the City Council.

1 a public hearing on December 18, 1992, finding the plan consistent with the provisions
2 of the Albuquerque/Bernalillo County Comprehensive Plan and other adopted City plans
3 and policies; and

4 WHEREAS, this plan is a creative and innovative response to development of
5 the last large tract of land within the Sandia Foothills at the edge of urban
6 development; and

7 WHEREAS, it is appropriate, consistent with this sector development plan, to
8 amend the Comprehensive Plan to designate the area which is known as the Highlands
9 as Semi-Urban Area; and

10 WHEREAS, the area hereby planned is simultaneously being annexed by action
11 of Bill No. O-93 of the Tenth Council,

12 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
13 ALBUQUERQUE:

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14 Section 1. The High Desert Sector Development Plan, attached hereto is hereby
15 adopted as a Rank 3 sector development plan. All development activities within the
16 plan area shall be guided by this plan.

17 Section 2. The zone map, adopted by Section 7-14-46 C. R.O. 1974 is hereby
18 amended to reflect the zoning specified in Section IV of the attached High Desert
19 Sector Development Plan.

20 Section 3. The Design Overlay Zone, as proposed in the attached High Desert
21 Sector Development Plan and recommended for adoption by the Environmental
22 Planning Commission, is hereby mapped reflecting the boundaries of the 165 acre area
23 known as the Highlands shown in Section IV of the attached High Desert Sector
24 Development Plan.

25 Section 4. The design standards contained in Section IV of the attached High
26 Desert Sector Development Plan are hereby adopted and shall be enforced within the
27 boundaries of the Design Overlay Zone.

28 Section 5. The 10% slope demarcation line shall be mapped to designate those
29 areas for food control/recreation open space purposes with the intent of public
30 agencies purchasing these areas or, in the event the land is not purchased by a public
31 agency, development of the land shall be subject to additional policies stated in the

32 High Desert Sector Development Plan

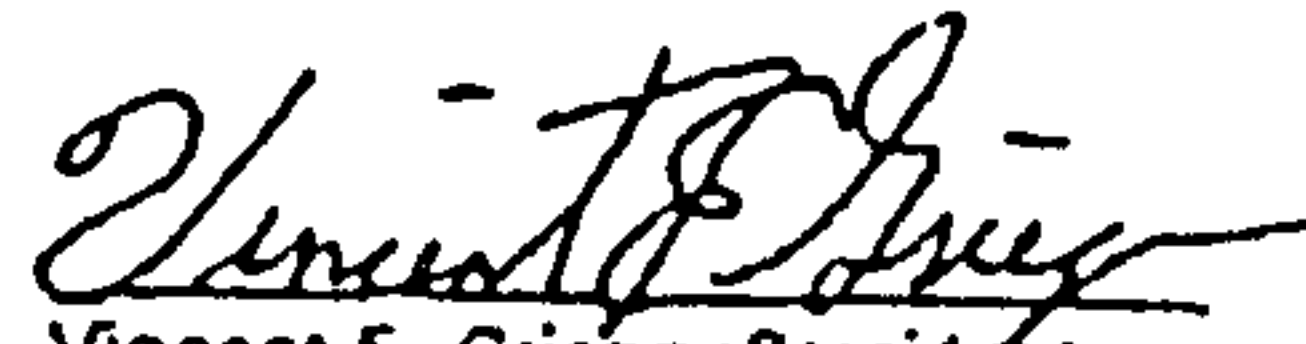
33 Section 6. The Trail along Simons Park Access Road shall be provided
1 described in the attached letter of agreement

Wednesday, November 15, 2006 (5).max

1 PASSED AND ADOPTED THIS 3rd DAY OF May, 1993

2 BY A VOTE OF 8 FOR AND 0 AGAINST

3 Yes: 8
4 Excused: Gallegos

5 
Vincent E. Griego, President
City Council

8 APPROVED THIS 26th DAY OF MAY, 1993.

12 
Louis E. Saavedra, Mayor
City of Albuquerque

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14 ATTEST:

15 
16 Janet Sanchez, Deputy
City Clerk

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CITY of ALBUQUERQUE
TENTH COUNCIL

COUNCIL BILL NO. R-292 ENACTMENT NO. 73-1993

SPONSORED BY: Deborah S. Lattin

RESOLUTION

1
2 REPEALING SECTION 5 OF RESOLUTION 50-1993, CONCERNING THE HIGH
3 DESERT SECTOR PLAN.

4 WHEREAS, Resolution 50-1993 was adopted by the Council on May 3,
5 1993; and

6 WHEREAS, an amendment deleting Section 5 was adopted by the
7 Council but was inadvertently overlooked in the enrolling and engrossing
8 procedure; and

9 WHEREAS, the Council is desirous of eliminating this clerical error from
10 Resolution 50-1993.

11 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY
12 OF ALBUQUERQUE:

13 That Section 5 of Resolution No. 50-1993 is hereby repealed.
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which formed the Sandia and Manzano Mountains. The Precambrian and Paleozoic rocks which cap these mountains stand as much as 5,000 feet above the surface of the adjacent Santa Fe Group deposits. The Sandia Fault lies just east of the project area.

Soils The soils of the High Desert property are primarily composed of level to moderately sloping, well drained loamy and gravelly alluvial deposits. The drainageways are of primarily Embudo Soils (EmB and EIC) derived from decomposed coarse-grained granitic rocks. Embudo soils are prone to periodic flooding and require moisture control for proper compaction. The slopes are primarily of Tesajo (Te) and Tijeras (TgB) soils of alluvial origin. These soils are well-drained and removed from flooding hazards. A small granite rock outcrop (ROF) is present in the southeast corner of the property. Development of the latter area is severely limited because of steep slope (40-80%), exposure of bedrock, and shallow soils.

Slopes Slopes across the site range from a low of 4% up to 30% in the Rocky Outcrop Formation area in the very southeastern corner. The average across the site is 5%, and the transitions to steep slopes are very abrupt.

The Sandia Foothills Policy Plan, which applies to all property east of Tramway south of and including Glenwood Hills North, contains a slope measurement provision designed to restrict development on the extreme slopes and rock outcrops of the Sandia Foothills. How this "demarcation line" was determined when the plan was adopted in June 1983 is not clearly documented, and hence unknown. However, it appears that a United States Geodetic Survey (USGS) 7.5-minute quadrangle map was utilized. A recalculation of the line by the same method virtually duplicates the line found in the Sandia Foothills Plan. Therefore, this same methodology was utilized to calculate the 10% Slope Demarcation Line shown in Map 4. There are also areas of 10% slopes on the sideslopes of the arroyos on the site.

Paleontology A paleontologic resource assessment was completed in two parts: first, a records review to determine if any existing fossil localities are known in the project vicinity; and second, detailed field investigations of the project area. The Quaternary Alluvium and Quaternary Terrace Alluvium which occur on the majority of the project site are rated as "high" in paleontologic sensitivity due to the existence of Ice Age vertebrate fossils in the vicinity of the project area. Site areas containing these alluviums were surveyed; no fossils were found.

Landform and landscape character are subjective descriptions of the environmental elements of an area which create a special character or sense of place to the site. These elements include landforms, vegetation, views, and climate.

Landform and Landscape Character This property is situated upon coalesced alluvial fans that originated from slopes and canyons of the Sandia Mountains immediately east of the property. The site has the classic form and landscape character of desert alluvial landforms: gradual uniform slopes, numerous parallel ridges and arroyos, as well as uniform and open vegetation transitioning to a more wooded habitat with increasing elevation east of the project area.

With few exceptions, the most distinctive landforms affecting character and perception of the site are the Sandia Mountains, east of the project site. These mountains serve as a scenic backdrop, dominating the perception of the property. A small portion of the foothills of the Sandia Mountains occurs on the site, immediately north of Embudo Canyon, in the southern portion of the property.

The numerous parallel ridges and arroyos that dissect the site run from east to west. The arroyos are characterized by greater densities of trees and shrubs, which create visual interest because of increased species and structural diversity. Some of the arroyos contain plantings of Osage Orange, an exotic ornamental tree, probably planted for bank stabilization. In addition, many of the larger arroyos have small bluffs which add vertical diversity to the site. In the northeastern portions of the property, juniper dominated xero-riparian habitat provides a sense of enclosure and screening that does not occur elsewhere on the site.

The Peregrine Falcon is federally listed as endangered. Peregrine Falcons nest in the Sandia Mountains, and the western face of these mountains is part of a raptor migration pathway. It is possible that a Peregrine Falcon occasionally forages or flies over the project site. The project site would not be considered to be important foraging habitat for Peregrine Falcons, however, because of the relatively low bird densities found throughout the year.

Birds

The Gray Vireo is a State Endangered Group 2 species. Preferred habitat of this bird is open woodland, normally containing juniper, pinon, and an assortment of small shrubs. Only one breeding pair of vireos has been reported in the Sandias and its occurrence on the property is considered unlikely because of its rarity in the Sandias and the relatively low densities of juniper which occur on site.

While they are not protected by either Federal or State regulation, and thus not strictly under the charge of this report, interviews with concerned citizens indicated that there was a high degree of interest in the mule deer which populate the east face of the Sandia Mountains. The following special section addresses their role in this development.

Mule Deer

Mule deer are common in the Sandia Mountains east of the project site. They are also reported to occasionally occur on the project site as well as in developments north and south of the project area. Chaparral and Juniper/Pinon Pine/Oak habitats east of the project area provide primary winter range for mule deer in the Sandias.

While there is little in the way of quantitative population or habitat preference data for this herd, an aerial survey conducted on January 19, 1992 by the New Mexico Game and Fish Department to determine sex ratios of this deer population found 177 deer in one and one-half hours of flight time. These deer were all found between 7,500 and 8,300 feet in the Domingo Baca/Pino Canyon area. The New Mexico Game and Fish Department also estimate, though there are no data or survey results, that an additional 200 deer occur in the Sandia Mountains east and southeast of the project site.

A viable, huntable population of deer on public lands adjacent to the development will remain after the development of the High Desert property. Development of the higher density portions will probably preclude the use of those areas by mule deer. However, just as mule deer are regularly found in residential developments north and south of the project area, they are also expected to occur regularly in lower density residential areas and interconnected natural open space areas within the project.

A cultural resources survey of the property was completed in October, 1991. The pedestrian survey covered 100 percent of the project area. During the survey two small archaeological sites were found. These sites are located within an area likely to be retained as natural open space. No Traditional Cultural Properties (ritual, ceremonial, or otherwise significant cultural sites) were identified in the project area.

Cultural Resources

No paleontological resources were found, and no impacts are expected. There is the potential for sub-surface deposits. If such deposits are unearthed during construction, a qualified paleontologist should be contacted.

Paleontology

The only adverse impact on soil resources that could be expected from development of the project is increased erosion as a result of stormwater discharges generated from within developed portions of the property. It is understood that stormwater generated from high-density portions will be discharged into a storm-drain system, and ultimately removed from the site into established public stormwater conveyance system. No adverse off-site erosion is expected.

Impact Assessment:
Physical Factors

Soils

The landform and landscape character of the site will be altered by development of this project. The recommendation provided.

Landform

High Desert Sector Plan

Viewshed

Impacts to trail viewpoints in Simms Park area from the proposed development of the site will be minimal. Middle ground views to the trail that runs south from the Simms Park to the wilderness will be impacted to varying degrees. Impacts to views from these portions of the trail can be minimized with implementation of the appropriate architectural and engineering design criteria.

Public Access

The project will not result in adverse alteration of the existing points of public access to public forest lands east of the project area.

Groundwater

This project, as proposed, will utilize City water services. In addition, the project will utilize Albuquerque's municipal sewer system, avoiding the potentially adverse impacts septic systems may have on the quality of ground water.

**Impact Assessment:
Biological Resources**

Wildlife Habitat

A summary of impacts by habitat type for the proposed plan (with and without a golf course) is provided in Table 3. Within the table existing acreage by habitat type, undisturbed acreage following construction, and lost habitat value (LHV) as a percentage of the total volume of vegetation lost, are provided. The greatest impact of development will be to the Short-Grass Prairie habitat type, with approximately 66% and 76% loss in habitat value in the "no-golf" and "golf" scenarios respectively. The relative impacts to the Juniper Short-Grass Prairie Ecotone Xero-Riparian Habitat were essentially equivalent in the "no-golf" and "golf" scenario with 30% and 39% lost habitat values respectively. Development of a golf course would impact an additional 18% of the Xero-Riparian Habitat. Eleven percent (11%) of the Juniper-Dominated Xero-Riparian Habitat would be lost with or without the development of a golf course. Habitat value of Chapparral and Desert-Willow-Dominated Xero-Riparian Habitats are not reduced by the golf alternative.

In a "no-golf" scenario, 46% of the land surface remains undisturbed. If a golf course is built, 37% of the land surface remains undisturbed.

**TABLE 3:
Impact Assessment
by Habitat Type**

Habitat Type	Existing Acreage	Post-Buildout Acreage w/out Golf	LHV*	Post-Buildout Acreage w/ Golf	LHV*
Short Grass Prairie	689	235	66%	166	76%
Juniper-short grass Prairie Ecotone	153	108	30%	108	30%
Interior Chaparral	12	12	0%	12	0%
Juniper dominated Xero-riparian	39	32	16%	32	16%
Xero-riparian	94	68	29%	48	47%
Desert Willow Dominated Xero-Riparian	2	2	0%	2	0%

*LHV: Lost Habitat Value Prior to Mitigation as a percentage of Total Vegetation Volume

Cacti

The population and distribution within the project area of the three state-endangered cacti and the Club Cholla are not known. Some level of impact to the population of these species within the project area would be expected without an appropriate salvage and relocation program.

Clover

It is not known if the La Jolla Clover actually occurs on the site; therefore, an accurate assessment of impacts is not possible. Because of the relatively low protection classification of the species

It is very unlikely, given the nature of the habitat on the project site, for this development to adversely impact the Peregrine Falcon.

Peregrine Falcon

Because of the relatively low tree density of juniper and pinon on the project area; the fact that the species is considered unlikely to occur; and the ability to preserve in place the majority of trees that currently occur on the project site, it is extremely unlikely the development will have an adverse impact on this species.

Grey Vireo

Impact Assessment:
Cultural Resources

There are two small pre-historic sites. While their location in the project area will protect them from direct impact, indirect impacts are possible. No traditional cultural properties were identified within the project area.

Archaeological Sites

The foregoing material was extracted from the report entitled "Environmental Evaluation of Albuquerque Academy Lands East of Tramway" prepared by SWCA, Inc. Environmental Consultants in February 1992. The full text of the document is attached to the sector plan as Volume 5 and is available for inspection in the Albuquerque Academy Library. For ease of reference, the entire text of the "recommendations" portion of that document is reproduced below; you may also refer to Section 3 of this volume...

Recommendations

Though no fossils were found on the surface of the two Quaternary rock units, there is potential for the presence of subsurface paleontologic resources which could be uncovered by construction activities. In the event that vertebrate fossils are uncovered during construction a local paleontologist should be called to assess the significance of the finds and to determine mitigation if any. Qualified paleontologists from the Paleontology Department of the New Mexico Museum of Natural History and the Geology Department of the University of New Mexico can be contracted for this work. Both institutions are located in Albuquerque.

Paleontology

* Areas above the 10% Slope Demarcation Line should be protected by granting them as public open space. Impact on areas of arroyo sideslope greater than 10% should be mitigated through limitations on building siting, area, and construction methods.

Slopes

Recommendations to preserve, and/or mitigate impacts associated with development of existing landform and character are presented below:

Landforms

- Maintain arroyo land forms in an undisturbed or enhanced condition to allow for view corridors across the site to the valley and the mountains.
- Preserve existing trees on site, particularly in the Juniper transition area. Pre-select house building and grading envelopes to minimize disturbance.
- Minimize over-lot grading in order to maintain the character of the existing landform. To the greatest degree possible buildings and roadways should be designed to adjust for changes in grade rather than adjusting grade to compensate for the design of a building.
- Mitigate off-site views of Tramway through landscaping and earthen berms. Create openings in the visual screen at the arroyos to allow for views of the Sandias across the site.
- Landscaping, especially trees and in many cases shrubs, should be predominately native species either indigenous to the site or from upland and riparian areas immediately adjacent to the site. Large scale landscaped features, possibly employing skyline canopy trees such as Fremont Cottonwood or ash should be limited to designated portions of the site.
- Landscape buffers should be employed in combination with fences, walls or earthen berms, to control negative off-site or on-site views and noise.
- * Limit building roofline and vegetation heights to protect views across the site, and to minimize contrast with the existing landform.
- Buildings should repeat the form, line, color (reflectivity) and texture of the existing site landscape and surrounding mountains.

SWCA recommends that vegetation lost through development be replaced, on a volume basis, at a 1:1 ratio. Native plants which occur in the adjacent foothills and low elevations of the Sandias, such as pinon, juniper, ponderosa pine, and Interior Chaparral species should be used. These species can be established at these lower elevations through implementation of appropriate water harvesting techniques. This approach would be consistent with overall project goals of water conservation. Not only are native trees and shrubs more appropriate as a landscape amenity than are the native grasses, they will also create a habitat on the site which is structurally much more diverse than the existing grassland. As a result, breeding

Habitat Value

- Relating appropriately to the character of the land and land uses which surround it.
- Providing a broad mixture of housing types at various price points to accommodate social diversity and respond to market demand.
- Providing a full complement of neighborhood facilities including a park, school, church, and commercial activities, sufficient to minimize automobile trips outside of the plan area.
- Clustering these services into a neighborhood center within easy walking distance of the majority of project residents to encourage community values and multi-modal transportation.
- Creating a comprehensive system of public and private open space areas and a walkway and trail network to link residential areas and the neighborhood center together internal to the site; and link the plan area and the city to regional recreational and natural open space areas.
- Creating a hierarchical road system which links residential areas together and connects these residential areas to the neighborhood center rather than dividing the development into private enclaves.

Land-Use Transition Concepts

Because of its location, the project must serve as a link between natural open areas and urban activity. Thus uses within the plan area must range from very low intensity recreational and residential opportunities to the level of intensity necessary to provide essential retail and institutional services to its residents. Therefore, the land-use plan is designed around a neighborhood "center" and the transition from that center to natural open areas at its edges.

From the neighborhood center, residential land use densities transition from higher densities in the project center to lower densities at the interface with adjacent lands. For example, apartments within the project are located next to the neighborhood center. This also places the tallest buildings within the interior of the site with lower buildings along Tramway. Such a relationship provides a more visually pleasing interface with Tramway Boulevard and responds to concerns expressed in meetings with residents of adjacent neighborhoods. The core area would be surrounded by residential areas at a density generally equivalent to the northeast heights. As development approaches the project boundaries to the north and east, the density continues to diminish, leaving the least dense residential areas (generally equivalent to similar development in Sandia Heights) at boundaries with natural open space areas.

The neighborhood center would be the focal point of an internal system of trails, themselves connected to the regional network of trails connecting the city to the natural open space areas to the east. Regional trails would be located in arroyos preserved in their natural state as stormwater management areas or as natural open areas, both public and private.

In addition to the passive public and private open space provided by the preservation of existing arroyos, a ten acre neighborhood park will be dedicated and developed within the neighborhood center. Facilities to be included within this park will be determined through cooperative efforts with the City, although it is generally intended that this park be "passive" in nature. High Desert has proposed to design, construct, and dedicate this park during an early phase of project development through a cost sharing method. In addition to the major park, various subdivisions of the plan will contain private parks approximately one acre in size to act as focal points at a smaller scale.

General Circulation Plan

The project would be linked to the City by two access points on Tramway Boulevard: extensions of Academy and Spain Roads. These extensions would join to form a loop generally in the middle of the site. The more urban land uses including the neighborhood center, park, and apartment areas would lie within the loop. Lower density residential areas would lie outside the loop. A second major internal road links the Academy and Spain extensions on the north-south direction, providing additional road capacity in the most dense parts of the plan. Roadway sections in the lower density areas would be minimized to contribute to the appearance of transition from higher to lower densities.

Utility Concept

Water and sewer will be provided through normal city systems. Septic tanks will not be permitted; the only well permitted on site will, if private, irrigate a golf course, and if public, may be used as a supply source for the Canada and Simms Reservoirs. A closed-loop water pumping system might be used for part of the project area depending on the construction schedule for the Canada Reservoir. Effluent re-use (subject to further approvals) is being considered for golf course irrigation. All other normal private utility services can be supplied to the site.

**SU-2 HD-OS
"Open Space"** The uses described above will comprise the 987 acres of land held by High Desert Investment Corporation. In addition to this land, the Sector Plan also contains the Bear Canyon Open Space which was previously granted to the City in the late 1970s. It is maintained in the plan as passive Open Space and is the focus of the City-wide trail system.

Rights-of Way The Sector Plan Boundary also contains the right-of-way of Tramway Boulevard and the right-of-way of the Simms Park Access Road. Existing Public Open Space and these rights-of-way will be annexed along with High Desert's property, thus bringing the total Sector Plan area to 1067 acres.

**Note that elsewhere in the plan the capitalized term "Open Space" refers to lands publicly dedicated to the City as Open Space for management by the Open Space Division. Other lands referred to as open space may be privately held, or granted to other public agencies as easements. Each of the zones described above contains some area that will be used as open space; the location and disposition of these areas is described in Table 3.B.*

**Comprehensive
Plan Compliance**

Semi-Urban Area The property is located in the Semi-Urban Area of the Comprehensive Plan.

Development within the semi-urban area shown by the Plan map shall be consistent with development limitations imposed by topography, soil conditions, groundwater quality, agricultural potential, flood potential, scenic qualities, recreation potential, and existing development; overall gross density shall be up to three dwelling units per acre.

Policy A The sector plan proposed here is responsive to each of these programmatic concerns:

Slopes In the initial study phases, the site was mapped using Ground Positioning Satellite (GPS) technology to provide the most accurate contour data base possible. The resulting maps have been used to accurately locate slope areas in excess of ten percent (10%) as required by the Sector Development Plan regulations. Areas of excess slope meeting the intent of the Slope Demarcation Line of the Sandia Foothills Plan are preserved either by direct dedication to public entities or by easements retained and controlled by the developer or its successors. Arroyo sideslopes in excess of 10% in the area known as the Highlands will be developed in a limited fashion as defined in Section 4 of the Plan.

Soils Soils were mapped using conventional Soil Conservation Survey data. In combination with the preservation of excess slope areas, none of the soils present any hazard whatsoever in normal development practice.

Groundwater Quality Concerns about groundwater quality and quantity continue to grow throughout the region. The site is to be annexed and served by public systems; septic tanks will not be permitted. Only one well will be permitted; if private, it will serve to irrigate the golf course. If public it may be used to supply area-wide needs through the Canada Reservoir. Geohydrologic testing to determine the location and environmental safety of the well site will be conducted by the appropriate party if and when the well is implemented. Recreational uses might also be irrigated with partially treated effluent of sufficient standard as to not threaten groundwater supplies. Implementation of this technique will require considerable further approval. Palmettos of native plant materials for use in the urbanized areas of the plan will be developed; a large portion of the plan area will be left in an undisturbed state. Arroyos and their vegetation will be preserved. Stormwater which falls on the site is to be, in part, "harvested" and used to enhance vegetation. A monitoring system will be installed during Phase 1 to monitor the groundwater for the effects of fertilizers, pesticide, road salts, petrochemical products and other potential pollutants potentially contained in the harvested water. The City will be responsible for the testing of this well. The water-harvesting system will be designed to be immediately taken out of operation if risks to groundwater are detected by the monitoring system.

Water-Harvesting as used in this Plan refers to a passive collection system that will convey a small portion of the storm-water generated from developed areas of the project to landscaped areas, or to existing arroyos preserved in their natural landform. The purpose of this effort is to provide supplemental irrigation to landscaped areas and to enhance wild-life habitat within the arroyos. This system is not designed, or required, to be part of the storm-water management system, or to augment ground-water recharge.

Definition of Water Harvesting

The property has been traditionally used for light grazing of feed stock and horses; this use will be discontinued.

Agricultural Potential

In the majority of circumstances, floodplain areas are proposed to be left in their natural condition. Careful management practices in the past have resulted in a partially modified system of natural arroyos whose pattern and flow is an integral part of the drainage system of the northeast heights. To the extent possible, this plan leaves the arroyo pattern in place, with a minimum of artificial control devices. As part of system maintenance, incidental control devices in keeping with the Facility Plan for Arroyos may occasionally have to be implemented, and necessary sedimentation ponds may have to be emptied.

Flood Potential

The site perches at the edge of one of the great scenic assets of the State of New Mexico. Visual access to the mountains to the east and the City and Mesas to the west will be preserved by the preservation of major arroyos as public or private open areas, creation of building envelopes, and limitations on building heights. Internally, the maintenance of the pattern of arroyos and their vegetation will contribute to a perception of openness consistent with the psychological role of the Foothills. Concerns have been raised about the area of the project most proximate to the Elena Gallegos Park and surrounded by Forest Service; this area is commonly known as "the Highlands". A special set of design regulations (Section 4.A of this plan) will govern development in the Highlands area and addresses land use intensity, building heights, colors, material reflectivity, roof lines, and roof-top equipment.

Scenic Qualities

The plan also respects its urban neighbors and their influence on the site setting. The lowest density uses are placed against the Forest, Wilderness, park access, and existing open space boundaries. The northern and southern boundaries maintain land use intensities similar to Sandia Heights and Glenwood Hills respectively. These relationships are discussed in detail under "boundaries and interfaces" on page 3.10.

Existing Development

The plan area abuts the Cibola National Forest (Sandia Mountain Unit), the Sandia Mountain Wilderness, and the Simms Park Access Road. It also contains the trailhead for the Embudito Trail, owned by the City, which receives use by hikers and mountain bikers alike. The recently adopted Bear Canyon Arroyo Trail System will pass through and become part of the site. In addition, an easement will be provided for a trail through Bear Canyon and along the Simms Park access road. The large amounts of public and private open areas planned within the development allow recreation potential, whether maintained in their native state or as manicured areas for active recreation such as golf and tennis. The location, extent, and probable governance of these areas is illustrated on Map 11, and is charted in Table 3.B on page 3.7. The framework of regional trails will be joined by a public trail system internal to the project area, provided primarily for the purpose of linking the residential districts to both the open areas and central community uses located in a neighborhood center. Every attempt will be made to conform to the goals, objectives of the Parks, Open Space, and Trails (POST) documents in the design of these systems. These trails are also depicted on Map 11.

Recreational Potential

The gross area of the plan is 1067 acres. Eighty acres comprised of the Tramway and Simms Park Access Road rights-of-way and the Bear Canyon Open Space Area were granted to the City prior to the development of this plan, and thus do not constitute part of the developable acreage. The gross developable acreage of the plan is thus 987 acres, representing the property held by High Desert. The maximum number of units permitted is 2961, representing the 3 dwelling unit per gross acre limit of the Semi-Urban Area. The maximum requested is 2730 units representing 2.77 units per gross developable acre; the probable scenario at 2400 units represents 2.43 units per gross developable acre.

Density

These community facilities are immediately proximate to the highest density areas of the site. Townhouses flank the public center on either side while apartments are planned immediately south. The "island" formed by this combination of public and higher-density residential uses is immediately adjacent to the major internal streets, thus protecting lower density residential and recreational spaces from the higher trip generation factors and other impacts.

The single largest impact of development is on the land form itself, through the removal of natural features and the disturbance of the earth's surface. To lessen these impacts the following measures will be implemented:

Impacts And Mitigations

- The fundamental tenet of the plan is the combination of urban development with the preservation and enhancement of the natural arroyos connecting the city to the mountains. Thus, all of the major arroyo floodplains and the vegetation in them are preserved.

- Those areas corresponding to those which would be protected through imposition of the 10% Slope Demarcation Line found in the Sandia Foothills Policy Plan are to be preserved.

- Impact on areas of arroyo sideslope greater than 10%, particularly in the Highlands, will be minimized through limitations on building siting, area, and construction methods.

Quantitatively:

- The major arroyos within the property (Bear Canyon, Embudito, South Pino, South Pino Tributary, Bear, and Bear Tributary, as well as the finger arroyos in "the Highlands") maintained in their natural landform, constitute 15% to 25% of the project area, depending on whether a golf course is constructed.

Common Name	General Description	Area	Disposition for Governance
South Pino Arroyo	Floodplain north of Simms Park Access Road.	18	Dedication to City for Park or Public Open Space w / AMAFCA easement and joint-use agreement; drainage maintenance by AMAFCA.
South Pino Tributary Arroyo	Floodplain between Tramway and Internal loop road.	17	City drainage easement and private or conservation easements; land and drainage maintenance by High Desert.
Bear Arroyo	Floodplain between Tramway and Internal loop road.	28	City drainage easement and private or conservation easements; land and drainage maintenance by High Desert.
Bear Tributary Arroyo	Floodplain between Tramway and internal loop road.	15	City drainage easement and private or conservation easements; land and drainage maintenance by High Desert.
Bear Canyon Arroyo	Floodplain of major east-west arroyo; connects to pre-existing Public Open Space and Forest lands.	119	AMAFCA easement and Open Space trails; joint-use agreement to allow construction of golf course; drainage maintenance by AMAFCA; other maintenance by High Desert.
Embudito Arroyo	Narrow floodplain extended from Bear Canyon Arroyo east to Forest Service lands.	9	AMAFCA easements; joint-use agreement with City to allow trails; drainage maintenance by High Desert.
Dendritic Arroyos in the HD-R-1 Area	Floodplains of "finger" arroyos in the "Highlands" Area.	57	Private Conservation easements and AMAFCA easements; drainage maintenance by High desert; land maintenance by Conservation Trust.
Mountain Face in SE Corner	Area above 10% Slope Demarcation Line.	11	Dedication to the City as Public Open Space; maintenance by Open Space Division.
"The Knoll"	Circular rock outcrop north of Embudito Arroyo.	1	Private conservation easement; maintenance by High Desert.
Panhandle Buffer	200' buffer around 29-unit subdivision south of Embudito Arroyo.	8	Private conservation easement; maintenance by High Desert.

Table 3.B: Disposition of Private and Public Open Areas

Transition Area will be preserved, and building and grading envelopes will be preselected to minimize disturbance.

Use of Building Envelopes

Current zoning districts within the city provide for the establishment of building setbacks based upon standard dimensions from front, rear, and side property lines as prescribed in the city code. In order to limit encroachment of buildings into the major arroyos of the site, respond to site topography, and preserve existing vegetation, High Desert's HD-R-1 and HD-R-LT zones establish a building envelope. This envelope, which will be recorded on the final plat for each portion of the development in these zones, will establish setbacks on an individual lot basis. In establishing building envelopes, existing drainages, vegetation, and topography, as well as views to and from adjacent lots will be considered. The building envelope will serve as the limit of all improvements, including landscaping. Within the envelope, exotic species and traditional irrigation will be allowed. Outside the envelope drip irrigation systems will be encouraged, and only native plant species will be allowed.

Building Heights

Building heights and site lighting levels will also be keyed to view preservation.

From the neighborhood center, residential land use densities transition from higher densities in the project center to lower densities at the borders with adjacent lands. The lowest structures, governed by the Highlands Design Overlay Zone Regulations and in the Special Regulations related to Glenwood Hills (both contained in Section 4), will be against the boundaries with the Forest Service lands. Apartments within the project are located next to the neighborhood center. This also places the tallest buildings within the interior of the site with lower buildings along Tramway. Such a relationship provides a more visually pleasing interface with Tramway Boulevard and in turn responds to concerns expressed in meetings with residents of adjacent neighborhoods.

Site Lighting

In order to conserve energy and preserve night views of the city skyline and night sky, it is proposed that street lights in the eastern, estate lot portion of the property be limited to major intersections and the ends of cul-de-sacs. This portion of the project is proposed to be of comparatively low density. It is not believed, therefore, that the typical lighting standards of more urbanized areas is appropriate for this condition. This limitation on street lighting is also consistent with the desires of residents in adjacent neighborhoods. Street lighting throughout the remainder of the project will be low level, decorative fixtures at standard city spacings. In addition solar energy efficient lighting systems will be considered along designated bike and pedestrian pathways.

Project Boundaries and Interfaces

While attempting to incorporate its own land use standards, new development must be sensitive too the social and physical character of the properties which bound it. The project area has four "faces" - the semi-rural nature of Sandia Heights; the urban quality of the Tramway frontage the semi-urban character of Glenwood Hills; and the natural character of the Bear Canyon Public Open Space and the foothills. The following paragraphs describe how each of these aspects is to be treated:

Sandia Heights

The same size lots or larger as those found in Sandia Heights are proposed in order to maintain continuity with the pre-existing neighborhood. Furthermore, based upon numerous conversations with the Sandia Heights neighborhood association, no road connections between High Desert and Sandia Heights are proposed. Subdivision standards for these portions of the project will include narrow roadways, low impact street lighting and natural landscaping consistent with the character of Sandia Heights. We believe this approach is consistent with the wishes expressed by neighbors during several meetings with the neighborhood association.

In addition to these steps, it is also proposed that approximately eighteen acres of land in the North Pino arroyo, which divides Sandia Heights from High Desert, be dedicated to the City for open space. (Please see table 3.B for a list of private and public open space areas and their disposition) This will preserve a natural division between the two communities. This dedication is proposed to be made in a manner that will not preclude limited development of this land as a neighborhood park. In order to ensure that any such park development does not negatively impact the adjacent homes, prohibition of parking areas and lighted ballfields will be a condition of the dedication.

A significant landscape buffer will be provided along the portion of the property that borders Tramway Boulevard consistent with the wishes of the Peppertree/Royal Oaks and other neighborhood associations surrounding the property. Due to expansion of Tramway Boulevard and extension of its trail system, a strong separation will be created between High Desert and the properties on the west side of Tramway*.

Tramway
Boulevard

* EPC Condition #10 requires that "the developer shall provide maintenance of landscaping at each entrance to the site in the Tramway Boulevard public right-of-way for a period of three years". By agreement with the Parks and General Services Division, this requirement is being held in abeyance pending completion of a public landscaping project in the right-of-way.

In the portion of the property south of the Embudito Arroyo referred to as "the panhandle", lots will generally be equivalent to those found in Glenwood Hills North. In addition, the use of building envelopes is proposed to ensure that a minimum of 200 feet is provided between existing homes in Glenwood Hills North and new homes in High Desert; outside the building envelope areas will remain in their natural state (subject to the necessary location of trails and utilities). Special care will be taken with in planning and designing the area. Building heights will be limited to nineteen (19) feet, and building envelopes will be utilized to protect view corridors. Certain improvements, as listed in Section 4.C of the Plan, will be provided within the existing neighborhood. This portion of the property will not have direct access to the balance of the land north of the Embudito Arroyo.

Glenwood Hills
"Panhandle"

Sixty acres of the flood-plain of the Bear Arroyo, already held by the City as Public Open Space, form a major buffer adjacent to Glenwood Hills. Furthermore, approximately nine acres of the flood channel of the Embudito Arroyo, extending east from its confluence with the Bear to Forest Service land, will be preserved as open space through an AMAFCA easement, forming a continuous physical and visual link to the Sandia Mountains. This action will provide the last remaining land parcel required to carry out the Bear Canyon Arroyo Trail Plan in the vicinity of the project site. The grant of easement of the flood channel of the Embudito arroyo will be made simultaneously with final plat approval of the adjacent lands.

Bear Canyon
Public Open
Space

Mixed single-family detached and attached housing (HD-R-1 and HD-R-LT zones) is proposed along the majority of the boundary with the USDA Forest Service lands. In the recreational/resort zone (HD-R-R), townhouses surrounded by common public or private open areas may form an adjacent land use. This will provide a low density transition to the public lands on the eastern border of the property. As with the Sandia Heights Interface, these areas will be developed with narrow roadways, low impact street lighting, and "in-kind" landscaping which will reinforce the natural image of the area. The project will be separated from the Forest Service lands by a smooth wire fence to be installed and maintained by High Desert.

Forest Service
Boundary

In the portion of the project known as "the Highlands" (i.e., the 165 acre area east of the section line) certain additional "viewshed regulations" will apply which govern land use intensity, building height, colors, materials, roof-lines, and roof-top equipment. Complete details of the viewshed regulations are described in Section 4.B of this sector plan.

The site abuts the Cibola National Forest (Sandia Mountain Unit), the Sandia Mountain Wilderness, and Simms Park. It also contains the trailhead for the Embudito Trail, owned by the City, which receives use by hikers and mountain bikers alike.

Open Space and
Trails

One of the chief goals of the plan is to preserve the major existing arroyos as public or private open areas. These arroyos form the structure of the recreational system within the project and provide locations for the creation of a trail system which ties the development together internally, and connects it to the regional Public Open Space and trail system. In addition, the large amounts of private open space areas planned within the development allow recreation potential, whether maintained in their native state or as manicured areas for active recreation such as golf or tennis.

In addition to maintaining existing trail heads and easements through the Embudito Arroyo, an additional trail will be established to provide an alternative connection from the Bear Canyon Arroyo to the project. The alignment of this trail is shown on Map #11.



Zoning Regulations

High Desert seeks to create a mixed use community which applies state of the art solutions to environmental, engineering, and planning issues. But the plan must also form a coherent, administrable whole consistent with the general intent of the zoning regulations. Its zoning pattern will therefore consist of carefully composed variations on zones already contained in the Comprehensive City Zoning Code of the City of Albuquerque. These zones, and special procedural and design considerations are presented in this section.....

The zones and terms described below were devised for the purpose of carrying out the High Desert Sector Plan. Where not specifically defined in Section 4.A.8 of this plan, all terms refer to the definitions contained in the Comprehensive Zoning Code of the City of Albuquerque. Refer to Section 4.A.7 of this plan regarding allocation of densities within residential zones.

This zone corresponds to the R-1 Residential Zone in the Comprehensive City Zoning Code and provides for low-density residential housing and uses incidental thereto. It is subject to the same regulations as that zone with the following exceptions. Portions of this zone are also subject to the Design Overlay Zone described in Section 4.B of this sector plan.

Section 4.A.1
SU-2 / HD-R-1

1. Density: A maximum of 380 units exclusive of caretaker quarters is permissible in this zone.
2. Up to 110 Caretaker units as defined herein are permissible in this zone. Caretaker quarters consist of not more than 750 square feet and not more than bedroom, and incorporating separate bath and kitchen facilities. The unit must be attached to the primary residence or to an accessory building. The square footage of the caretaker quarters shall be assessed against the total square footage allowed on the lot. The Caretaker Quarters cannot be conveyed separate from the primary residence on the lot.
3. Private parks are permissible.
4. Recreational trails, whether public or private, are permissible.
5. Parking Reserve Areas as defined herein are permissible.
6. Walls and Fences are limited to eight (8') in height and must be constructed entirely within the building envelope area defined below.
7. Lot Size:
 - a. Minimum Net Lot Area shall be 21,780 square feet.
 - b. Minimum lot width shall be one hundred (100) feet.
8. Floor Area Ratio
Lots shall have a maximum floor area ratio of 0.30.
9. Setback
 - a. Setbacks shall be established by building envelopes shown on the subdivision plat.
 - b. Building envelopes shall not enclose more than 12,000 square feet of land.
 - c. Building envelopes shall be separated from property lines by a minimum of ten (10) feet.
 - d. Minimum setback from a right-of-way line to a building envelope shall be twenty (20) feet.
 - e. Minimum setback from the edge of the High Desert external boundary in the Highlands Design Overlay Zone shall be 100 feet, except along the east boundary, opposite the Simms Park, the setback shall also be at least 360 feet from the west boundary of Simms Park.
10. Agricultural animal keeping is not permitted.

This zone corresponds to the R-LT Residential Zone in the Comprehensive City Zoning Code and provides for houses, and limited townhouses and uses incidental thereto. It is subject to the same regulations as that zone with the following exceptions. Portions of this zone are also subject to the Design Overlay Zone described in Section 4.B and 4.C of this sector plan.

Section 4.A.2:
SU-2 HD-R-LT

1. Density: A maximum of 460 dwelling units exclusive of Caretaker Quarters is permitted in this zone.
2. Up to 90 Caretaker Quarters as regulated in the HD-R-1 zone are permissible.
3. Private parks as regulated in the HD-R-1 zone are permissible.
4. Public or private recreational trails as regulated in the HD-R-1 zone are permissible.

5. Parking Reserve Areas as defined herein.

6. Lot Size

- a. If developed as detached houses, minimum net lot area shall be 7,500 square feet, and minimum lot width shall be seventy-five (75) feet.
- b. If developed as townhouses, minimum net lot area shall be 4,200 square feet and minimum lot width twenty-two (22) feet.

7. Floor Area Ratio

- a. If developed as detached houses, lots shall have a maximum floor area ratio of 0.65.
- b. If developed as townhouses, lots shall have a maximum floor area ratio of 0.70.

8. Clustering of Townhouses

Notwithstanding the provisions of this plan, or any provision of the Comprehensive City Zoning Code, up to eight (8) townhouse units may be clustered on a townhouse site as defined herein provided that a subdivision plat shall be approved by the City showing that: the minimum area of such site is equal to the number of units times the minimum net lot area defined above; that the Off-Street Parking Regulations of the Comprehensive City Zoning Code are met; that the minimum amount of area conveyed for ownership (including the townhouse, any accessory structures, and private outdoor spaces) is not less than 1400 square feet as measured at the ground plane; that proper evidence of common title to the residual lands is evidenced on the plat; and that proper evidence that the residual lands may only be used for common open areas, vehicular circulation, or recreational purposes is also shown on the plat.

**Section 4.A.3:
SU-2 HD-R-T**

This zone corresponds to the R-T Residential Zone in the Comprehensive City Zoning Code and provides suitable sites for houses, townhouses, and uses incidental thereto. It is subject to the same regulations as that zone with the following exceptions:

1. Density: A maximum of 1100 dwelling units is permitted in this zone.
2. Private parks as regulated in the HD-R-1 zone are permitted.
3. Public or private recreational trails as regulated in the HD-R-1 zone are permitted.
4. Parking Reserve Areas as regulated in the HD-R-1 zone are permissive.
5. Floor Area Ratio shall be as regulated in the HD-R-LT zone.
6. Clustering of Townhouses, as regulated in the HD-R-LT zone.

**Section 4.A.4:
SU-2 HD-R-G**

This zone corresponds to the R-G Residential Zone in the Comprehensive City Zoning Code and provides suitable sites for houses, townhouses, and low density apartments. It is subject to the same regulations as that zone with the following exceptions:

1. Density: A maximum of 430 dwelling units is permitted in this zone; density shall not exceed 13 dwelling units per net acre.
2. Private parks as regulated in the HD-R-1 zone are permissive.
3. Private or public recreational trails as regulated in the HD-R-1 zone are permissive.
4. Parking Reserve Areas as regulated in the HD-R-1 zone are permissive.
5. Clustering of Townhouses, as regulated in the HD-R-LT zone, is permissive.

**Section 4.A.5:
SU-2 HD-C-1**

This zone corresponds to the C-1 Neighborhood Commercial zone in the Comprehensive City Zoning Code and is subject to the same regulations as that zone with the following exceptions:

1. The sale of alcoholic drink for consumption on premises is permissive; and, the sale of alcoholic drink for consumption off premises, as an incidental use within a grocery store, is permissive.
2. The following additional services and special events with outdoor storage and activities are permissive:
 - a. Outdoor retail sales of food and drink including alcoholic drink for consumption on-premises.
 - b. Music, Theater, and Artistic Performances
 - c. Crafts Fairs
 - d. Antique Fairs

- f. Charitable Fund Raising Special Events
 - g. Neighborhood (non-commercial) recycling activities
 - h. Public and community gardens
3. Assisted Living Facility as defined herein including medical care for project residents, but not a hospital for human beings, is permissive.
 4. One Caretakers Quarters for public or private school is permissive.
 5. A maximum of 65,000 net leasable square feet of retail sales and service uses is permissive.

This zone, unlike the other zones described in this section, does not correspond to any existing zoning classification. It provides for stormwater management; the construction of a golf course; and permits a mixture of dwelling unit types, including a resort/conference center and related commercial facilities. It is subject to the following regulations:

Section 4.A.6:
SU-2 HD-R-R
Recreational/Resort
Zone

1. Permissive Uses, when pursuant to only the Sector Development Plan:
 - a. Uses permissive in the HD-R-G zone.
2. Density: If developed as R-G the total number of units shall not exceed 300.
3. Permissive Uses, when pursuant to the Sector Plan and to a Site Development Plan and Landscaping Plan approved by the Environmental Planning Commission:
 - a. Golf Course
 - b. Uses Related to a Golf Course, including:
 1. Structures incidental to a golf course (shelters, bathrooms, maintenance buildings, and utility housings) provided the aggregate net leasable area of such uses does not exceed 12,000 square feet.
 2. Public trails for pedestrian, equestrian, bicycle, and physically disadvantaged use.
 3. Private trails and golf-cart paths.
 4. Facilities for the maintenance of the common area and trails whether public or private, provided that the aggregate net leasable area of such facilities does not exceed 6,000 square feet.
 5. One "Caretakers Quarters" as regulated in the HD-R-1 zone.
 6. A construction Office in connection with a specific construction project provided it is limited to a period of one year.
 - c. Resort/ Conference Center, with a maximum of 350 hotel rooms, the aggregate of which shall not exceed 245,000 net leasable square feet, and meeting facilities not exceeding 20,000 net leasable square feet; and incidental maintenance and recreational structures not exceeding 12,500 net leasable square feet.
 - d. Uses Related to the Resort/Conference Center, including:
 1. Swim Club and Tennis Center not to exceed 15,000 net leasable square feet exclusive of structures containing indoor recreational courts and swimming pools.
 2. Retail sales of food and drink, including alcoholic drink, for consumption on-premises.
 3. Commercial Club for recreational or athletic activity, not to exceed 25,000 net leasable square feet.
 4. Golf Clubhouse, not to exceed 50,000 net leasable square feet.
4. Signs: As regulated in the HD-C-1 zone.
5. Conditional Uses
 - a. Conditional Uses the HD-R-LT zone, excluding private utility structures.

rec'd 11/15/06

Submitted 11/15/06
Project # 1004989
by Janet Lentz

Committee members:

My name is Marilyn Myers, I have a B.S. in Natural Resources Conservation, a B.A. in Zoology both from Humboldt State University, and a Masters and Ph.D. from UC Berkeley in biological science. I am employed by the U.S. Fish and Wildlife Service as a biologist and have over 20 years of experience as a professional biologist analyzing the effects of land management activities on natural resources. I am presenting my comments today as a homeowner in High Desert. My remarks do not represent the U.S. Fish and Wildlife Service.

One of the primary reasons I selected my house in High Desert is because it is adjacent to open space. I spend much of my free time hiking the trails in the Sandia Mountains. When the "Wilderness" section of High Desert began to be developed, I was dismayed and disheartened because I had never been face to face with such an instantaneous reshaping of the landscape. Open space I had used became inaccessible. Habitat for wildlife was either destroyed or fragmented. However, of even bigger concern to me was the population pressure that would naturally follow on the already heavily used trail system on Forest Service land adjacent to the development. To someone who accesses the Forest Service lands adjacent to the development on a daily basis, the increase in human (and pet) use is obvious. People in general are unfortunately either ignorant of how their recreational activities impact the land, do not have a land ethic, or they just don't care. However, the result is the same; cutting of switchbacks on established trails, a large increase in rouge trails, use of bikes on trails reserved for hikers, more litter, and more dog waste. As someone who is compelled to "not leave a trace" I always pick up after my own dogs and after other people's dogs as well. While an unpleasant task, if there were not a few of us who feel a responsibility towards maintaining the public lands the trails would be overrun with dog feces.

In the human/wildlife interface, wildlife loses. These losses are well-documented in terms of the number of migratory birds house cats eat, the transmittal of disease from domestic animals to wildlife, displacement of wildlife, fragmentation of habitat, loss of habitat, and direct mortality of animals from road kills and removal or relocation of "dangerous" animals such as rattlesnakes.

I am sure the developer of the High Desert feels no responsibility towards the public land that is adjacent to the development. However, I would urge the committee members to consider the fact that the wildlife in the area has already been severely impacted and that adding more houses (people), cats, and dogs will only add to the problem. Please look at the bigger picture, the long-term picture. Increasing home density at the expense of our natural resources is not wise management and focuses on short-lived gains over long-term responsible management of our limited resources. Thank you for your attention.

Marilyn Myers, Ph.D.
4904 Cumbre del Sur Ct NE
Albuquerque, NM 87111

rec'd 11/15/06

To: DRB 11-17-06

11-6-06

To the High Desert Board of Directors:

I have a copy of the Sector Development Plan (SDP), Volume 1. My thoughts on this are given below.

The blue in quotes is verbatim from the Sector development Plan. The red are my comments.

Section 3.2 ✓

Page 3.2: Land-Use Concepts. "The land use plan is designed around a neighborhood "center" and the transition from that center to natural open areas at its edges. From the neighborhood center, residential land use densities transition from higher densities in the project center to lower densities at the interface with adjacent lands" And "...leaving the least dense residential areas (generally equivalent to similar development in Sandia Heights) at boundaries with natural open space areas."

Clearly the proposed plan-use violates this intent. And it is not like Sandia heights at all!

Section 3.5 ✓

Page 3.5: 3rd paragraph from the bottom: "The plan also respects its urban neighbors and their influence on the site setting. The lowest density uses are placed against the forest wilderness, park access, and existing open space boundaries. The northern and southern boundaries maintain land use intensities similar to Sandia Heights and Glenwood Hills."

How does the plan respect its urban neighbors? And the lowest density is neither against the forest service nor the open space. It also does not resemble in any way the densities of Sandia Heights and Glenwood Hills.

Section 3.7 ✓

Page 3.7: 3rd paragraph: "Those areas corresponding to those which would be protected through imposition of the 10% slope Demarcation Line found in the Sandia foothills Policy Plan are to be preserved."

There is more than a 10% grade in this area. Map 4 shows this clearly on the eastern and southern corner, just where the planned development is to go. This is a clear violation of the SDP.

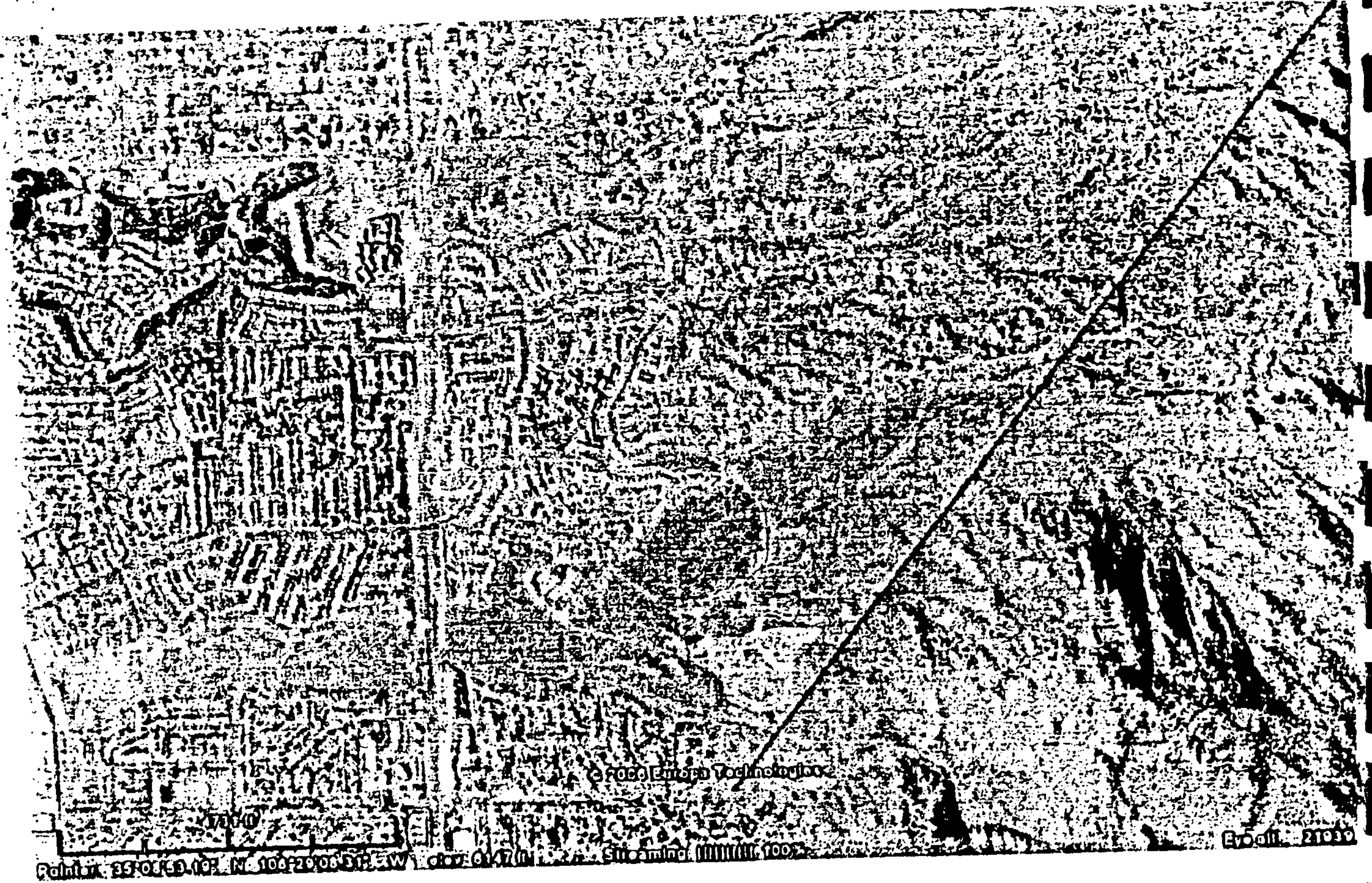
not mentioned Section 3.8 X

Page 3.8: 3rd paragraph: "all construction, including all non-native landscaping installations, MUST take place within the enclosed area of the (building) envelope, thus preserving the rest of the lot surface in its native state".

They blade the ground clear of any vegetation. They have done this in the previous developments, except for Trailhead, and ignored any building envelopes. The proposed development does not preserve in any way the rest of the surface in its native state.

Section 3.10 ✓

Page 3.10: Forest Service boundary: "...townhouses surrounded by common public or private open areas may form an adjacent land use. This will provide a low density transition to the public lands on the eastern border of the property."



GLENWOOD HILLS / TRAIL HEAD SIGHT LINE TO SANDIA MOUNTAIN

**HIGH DESERT RESIDENTIAL OWNERS ASSOCIATION
c/o HOAMCO
P.O. Box 21699
Albuquerque, New Mexico 87154-1699**

November 6, 2006

Ms. Sheran Matson, Chair
Development Review Board
City of Albuquerque
P.O. Box 1293
Albuquerque, New Mexico 87103

VIA Fax and Hand Delivery

Dear Ms: Matson:

Section 4.A.7 of the High Desert Sector Development Plan requires that the High Desert Residential Owners Association (HDROA) certify to the City at time of submittal for approval to the Development Review Board that any proposed plat meets requirements of the Sector Development Plan. It further requires that at time of submittal for building permit for new construction that any construction plans meet the requirements of the Sector Plan. The Association is also required certify that the number of units constructed in the zone does not exceed the maximum allowed by the Sector Plan.

HDROA has performed a review of the proposed plat through Mr. William Fanning, Fanning Bard Tatum Architects AIA Ltd. Based on that review we believe that proposed plat is consistent with the underlying zoning requirements of the Sector Development Plan. We also agree that the number of units in the proposed plat does not exceed the maximum number of units allowed in the specified zone by the Sector Development Plan.

If you have any questions about this opinion please contact me at (505) 294-4112.

Sincerely,



Raymond S. Berg, President of the Board
High Desert Residential Owners Association

cc: Mr. Kevin Patton, Bohannan Huston Inc.
Mr Scott Schiabor, Scott Patrick Homes/Mesa Verde Development
Mr. Douglas Collister, High Desert Investment Corporation

rec'd 11/15/06

November 1, 2006

Residents of Surrounding Neighborhoods of Wilderness Canon
Tract A, Plat of Unit 2 – Wilderness Subdivision

RE: Agreement requiring Mesa Verde Development Corporation to address certain impacts and concerns of surrounding residents, in exchange for any private resident and/or board refraining from any opposition to the development of the Wilderness Canon Subdivision.

Dear Residents:

Mesa Verde Development (MVD) Corporation is currently starting the development process to create and construct Tract A, Plat of Unit 2 within The Wilderness at High Desert. The development will be known as Wilderness Canon. As part of that process, MVD is seeking approvals from the City of Albuquerque.

This project was heard in a public meeting before the City of Albuquerque Development Review Board (DRB) at approximately 9:00 a.m., October 24, 2006. Approximately 19 residents representing various boards and neighborhoods spoke in opposition to aspects of the requested approvals, or requested deferral of the requests.

Several meetings have been held with various boards and private residents to discuss these matters. In an effort to further understand and address the concerns and questions of these individuals, MVD scheduled a meeting on October 31, 2006 at 1 p.m. at MVD office at 8300 Carmel, Ste. 401. This meeting included Sam Baca of Trailhead subdivision (500 Cumbre del Sur St.), Tarin Davies of Glenwood Hills (3209 Manitoba NE), Janet Lent of Wilderness Village (5109 High Desert Place NE), and Kathy Pelletier of Wilderness Village (5123 High Desert Place NE).

The following items were discussed and were offered by MVD in this meeting in order to address the impacts of the development and to allow for orderly processing and construction of the development.

1. MVD will limit all the two-story construction to a maximum parapet height of 24' throughout the Wilderness Canon subdivision;
2. MVD will limit the square footage size of second-story construction to no more than 75% of the total footprint area of the first floor on lots 12-15;
3. MVD will limit the square footage size of second-story construction to no more than 67% of the total footprint area of the first floor on lots 2-10;
4. MVD will limit the square footage of second story construction to no more than 50% of the total footprint area of the first floor on Lot 11;
5. MVD will restrict the residence built on Lot 1 to a single-level home;

6. MVD will limit the vertical massing of the upstairs portions, facing the trails (rear of homes) on Lots 2-10 and on Lots 12-15. The vertical massing will not exceed 2/3rd of the width of the home. The remaining 1/3 of the massing shall be set back a minimum of 6 ft.;
7. Perimeter walls along or adjacent to city open space trails shall not extend for more than 75 ft. without a visual break in the wall to minimize the visual impact of the wall;
8. MVD will create easements to preserve (3) large boulders along the trail which share their location on both the city open space and within the Wilderness Canon property. Homeowners on these lots will agree not to remove these natural monuments. Easements for boulder protection will be designated on the plat;
9. MVD has proposed to provide donations to help improving the existing trail to help with future drainage and erosion problems, reducing future maintenance of the trail. There are ongoing discussions with Ray Berg (President of HDROA) on this matter.

If the Wilderness Canon is opposed at City of Albuquerque DRB hearing on November 8, 2006, appealed by any individual, board or other entity, MVD's offer will be withdrawn and void.

Thank you for helping to resolve these issues and for taking the responsibility on behalf of the additional concerned individuals. We very much appreciate your concerns and look forward to working with you to implement this agreement.

Sincerely,

Scott Schiabor, President
Mesa Verde Development Corporation

94 signatures
to date
10-25-06

original

Rec'd 10/25/06

TO: THE DEVELOPMENT REVIEW BOARD
OF THE
CITY OF ALBUQUERQUE
RE: PROJECT # 1004989 , TRACT 13 IN THE WILDERNESS AT HIGH DESERT

We, as residents of Wilderness Village at High Desert, Wilderness Compound at High Desert, Wilderness Estates at High Desert, and Trailhead at High Desert, oppose the currently proposed development plans for the above-named project. Opposition is based on the following issues, including but not limited to: the direct conflict of the proposed dwelling unit density with respect to the High Desert Sector plan, impact upon the existing neighborhoods in terms of singular ingress and egress affecting traffic and public safety, soils engineering and drainage, environmental issues, initial disclosures, or lack of, regarding development of this tract and the nature of the Wilderness Development as a whole, community trail access, and highly limited time for community information and comment on the proposed plans.

In view of the above concerns, we respectfully request that the Development Review Board postpone the approval of the currently proposed plans in order to allow investigation, discussion, and resolution of these serious issues, and encourage the developer to put forth an alternative plan that mitigates or eliminates the problems that exist with the current plan.

NAME	ADDRESS	PHONE
Mike Tobin	13523 Embudo View Ct NE	797-0361
Sylvia Tobin	13523 Embudo View Ct NE	797-0361
MOLA J. Quic	13401 Embudo View Ct NE	797-8709
Jay GREENHOOD	13409 Embudo View Ct NE	872-8400
Lynette Henry	13501 Piedra Grande Pl NE	275-9024
BUB HENRY	13501 Piedra Grande Pl NE	275-9024
Janet Vogt	13404 Piedra Grande Pl. NE	823-1714
Andy Vogt	13404 Piedra Grande Pl. NE	823-1714
Elizabeth Romero	13423 Piedra Grande NE	797-3311
David Carey	13423 Piedra Grande NE	797-3311
Linda Cecchi	5001 Cumbre del Sur NE	293-2703

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NAME	ADDRESS	PHONE
Carole Clipperton	13501 Embudito View Ct. NE	797-0755
Sabrina Beherette	13500 Wilderness Trail NE	21739
Brian G. Tamm	13309 Wilderness Pl. NE	797-9261
Donna Lewiner	13309 Wilderness Pl. NE	797-9261
Drew Ost	13407 Picnic Meadow Pl. NE	797-1909
Steve Steider	5105 High Desert Pl. NE	858-0407
Ken Clipperton	13501 Embudito View Ct. NE	797-0755
Miriam F. Probst	13509 Embudito View Ct. NE	994-9155
Adrian J. Probst	13509 Embudito View Ct. NE	994-9155
Richard	13415 Embudito View Ct. NE	797-7750
Lynn Alexander	13415 Embudito View Ct. NE	797-7750

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NAME	ADDRESS	PHON.
DAVID GAULDEN	5259 FOOTHILLS TRAIL NE	828-09
Dan Martinez	5021 FOOTHILLS TR NE	927 7812
Udi Cookwell	5215 FOOTHILLS TR NE	821-09
Mark Raney	5219 FOOTHILLS TRAIL	8569894
Wendy Jackson	13509 WILDERNESS TR	505 821 3095
Jan Jackson	13509 WILDERNESS TR	505 821-309
Mica Sueabood	13409 Embudito View Ct NE	822.8400
BILL PAYNE	13415 WILDERNESS PL NE	293-5703
Quinn Klein	13419 WILDERNESS PL NE	822-1450
Robert Dockerty	13401 Piedra Grande Pl NE	828-0745
Russell Walden	5120 High Desert Pl NE	828 4816

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NAME	ADDRESS	PHONE
Karen E. Martinez	5004 Cumbre Del Sur NE	298-4292
Patrick Kij	4909 Cumbre Del Sur NE	332-4903
FRED GARDNER	4901 CUMBRE DEL SUR CT. NE	271-1944
Donald Keller	5004 Cresta Del Sur Ct. NE	294-3621
Brad Irwin	4909 Cresta Del Sur Ct. NE	293-3393
WF WITTMAN	4905 CRESTA DEL SUR CT NE	332-4805
Patricia K Wittman	4905 CRESTA DEL SUR CT NE	332-4805
Kara Gigliotti	5010 Glenwood Hills Dr. NE	332-2702
Andrew Gigliotti	5010 Glenwood Hills Dr. NE	332-2702
Patrick J. Murphy	5409 High Desert Pl. NE	856-5199
Hae-Jung L. Murphy	5409 High Desert Pl. NE	856-5199

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NAME	ADDRESS	PHONE
Rebecca Swainson	5231 Footwills Trl NE	856-3492
Scott Swainson	5231 Footwills Trl NE	856-3492
Joel Stevenson	13505 Wilderness Trail NE	797-2608
Kari Stevenson	13505 Wilderness Trail NE	797-2608
Anna VanderJagt	13423 Wilderness Pl. NE	857-517
Peter Roberts	13423 Wilderness Pl. NE	350-04
Socorro LARA	13415 Piedra Grande Pl	856-18
Armand Lara	13415 Piedra Grande	856-189
David Del Bello	13405 Embarito View Ct NE	490-12
Vera Jennie Baca	5000 Cimbre Rd SW NE	292-46
Sam Baca	5000 Cimbre Rd SW NE	292-693

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NAME	ADDRESS	PHONE
CARL FESLER	5005 CUMBRE DEL SUR CT, NE	299-4724
Melissa Vigil	4908 Cumbre del Sur CT NE	275-5938
Marcolla B Stahly	5015 Cresta del Sur NE	298-1816
Christine Rancier	5016 Cresta del Sur Ct. NE	296 8822
Andrew Davis	5008 Cumbre del Sur Ct NE	299 1481
MICHAEL MALLOY	5006 Glenwood Hills DR NE	294-3236
Sue Malloy	5006 Glenwood Hills	294 3236
Ed Kline	5405 High Desert Place NE	292-4524
SYLVE LUCY	13405 CA ARISTA PL NE	797-3939
Kathy Pelletier	5123 High Desert Pl NE	821-8128
Robert Pelletier	5123 High Desert Pl NE	821-8128

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NAME	ADDRESS	PHONE
ZICK CRESHER	13515 TRAIL VISTA CT	797-7615
TED SPENCER	5239 FOOTHILLS TRL NE	797-0075
MARSHIA SPENCER	" "	" "
Janet Leutz	5109 High Desert Place, NE	797-2758
Kick Leutz	5109 High Desert Place, NE	797-2758
JOHN BAILEY	5104 HIGH DESERT PL NE	269-09...

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NAME	ADDRESS	PHONE
Laura Lauze	13505 Embudich Vain Ct. NE Alb., NM 87111	293-9451
John Lauze	13505 Embudich Vain Ct. NE Alb. NM 87111	293-9451
Tarin Davies	13209 MANITOBA DR NE ALBQ 87114	298-8928
PETER DAVIES	13209 MANITOBA DR NE ALBQ 87111	298-8928
BILL DABBEEK	4904 Glenwood Hills Dr NE ALBQ 87111	294-8246
Christin Woodruff	4904 Glenwood Hills Dr NE ALBQ 87111	294-8246
Larolyn Woodruff	13117 Manitoba Dr. NE ALBQ 87111	

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NAME	ADDRESS	PHONE
<i>[Signature]</i>		822 1000
<i>[Signature]</i>	13419 Piedra Grande Pl NE	822 1005
<i>[Signature]</i>	13511 Embudo View Ct	856-7051
<i>[Signature]</i>	13511 Embudo View Ct	856-7051

11

TO: THE DEVELOPMENT REVIEW BOARD
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NAME	ADDRESS	PHON
Bruce/ta Patu	4909 Cresta del Sur	ABQ 87111 293-3392
Michael Viera	4908 ^{Cumbre} Cumbre del Sur LANE	" " 295-5938
Caryl Peterson	4916 Glenwood Hills Dr.	NE 87111 294-6616
David Bice	4916 GLENWOOD HILLS Dr.	NE 87111 294-6616
Glen + King Seguruna	5018 Glenwood Hills Dr	ABQ 87111
Dana Peterson	13109 Manitoba Dr NE	ABQ 87111
Anna Marie Morais	13109 Manitola Dr NE	" "
Marilyn Gruen	13201 Manitoba Dr NE	" "
Doug Majewski	13201 Manitoba Dr. NE	" "



CITY OF ALBUQUERQUE
 PLANNING DEPARTMENT
 DEVELOPMENT REVIEW BOARD

October 25, 2006

Project # 1004989

- 06DRB-01411 Major-Preliminary Plat Approval
- 06DRB-01412 Major-Vacation of Public Easements
- 06DRB-01413 Minor-Subd Design (DPM) Variance
- 06DRB-01414 Minor-Sidewalk Waiver
- 06DRB-01415 Minor-Temp Defer SDWK

BOHANNAN HUSTON INC agent(s) for MESA VERDE DEVELOPMENT CO request(s) the above action(s) for all or a portion of Tract(s) A, UNIT 2, WILDERNESS @ HIGH DESERT (to be known as WILDERNESS CANON @ HIGH DESERT) zoned SU-2, HD/R-R, located on HIGH DESERT PL NE, between TRAILHEAD RD NE and EMBUDITO VIEW CT NE containing approximately 4 acre(s). [REF: 06DRB-00933, 04DRB-00713,, 04DRB-01723] (F-23)

- AMAFCA No adverse comments.
- COG No adverse comments.
- Transit No comments received.
- Zoning Enforcement No adverse comments.
- Neighborhood Coordination

Courtesy Notify Only to: High Desert Residential Owners Assoc.

APS **Wilderness Canon at High Desert** will consist of 25 single-family residential lots. The proposed development is assigned to Georgia O'Keefe Elementary School, Eisenhower Middle School, and Eldorado High School. All three schools should be able to absorb student growth from the proposed development.

School	2006-07 Projections	2006-07 Capacity	Space Available
G. O'Keefe	590	614	24
Eisenhower	921	1,021	100
Eldorado	2,230	2,300	70

Mayberry

-115-

Police Department

A review of the following DRB case(s) indicates the following problems or crimes may occur or that the following concerns may need to be evaluated or addressed on this site or in this area. These comments do not indicate that a thorough CPTED evaluation has been done, or that other criminal activities may not occur. Lighting Issues: addition of lighting (street) especially within curves for safety. Other: encourage neighborhood watch early on.

Fire Department Fire Department is not approving street widths less than 32 feet at this time. Per Ray Sanchez, AFD. All required fire hydrants shall be installed and made serviceable prior to and during construction of subdivision.

PNM Electric & Gas Approved.

Comcast No comments received.

QWEST No comments received.

Environmental Health No comments received.

M.R.G.C.D. No comments received.

Open Space Division

No objection to vacation of public water line easement. Vacation of temporary public drain easement should be deferred until applicant and Open Space Division have determined drainage solutions from adjacent trail easement. No objection to vacation of Open Space easement.

City Engineer

An approved drainage report is required for Preliminary Plat approval. No objection to the vacation of the waterline easement but will reserve approval of the vacation of the drainage easement to the acceptance of the drainage report.

Transportation Development

No objection to the subdivision design variance. No objection to the vacation requests. No objection to the sidewalk waiver or deferral. Signage per DRC is required. Are street lights required? Where is Fire and Solid Waste approval for use of a hammerhead. Where are the maintenance and beneficiaries notes for Tract "A" and easement "A"?

Parks & Recreation

No objection to the plat. Defer to Utilities and Hydrology regarding the vacation request. Defer to Transportation regarding the Sidewalk waiver, design variance and temporary deferral of sidewalks.

Utilities Development

No objection to Vacation request. Minor comments on infrastructure list and Preliminary Plat. No objection to Sidewalk Waiver/Deferral.

Planning Department

The perimeter wall design is too "conceptual". The landscaping plants should be identified. The location of the walls should be located on a small version of the subdivision layout. There are other submittal requirements missing.

Be sure the walls are listed on the infrastructure list so that the engineer will have to certify that they were built according to the approved design. They are not financially guaranteed.

An LMA for any plants in the City RW is also a requirement.

The proposed density is within the range of the SU-2 RG-HD zoning in the plan to which the SU-2 HDRR refers for residential development.

Page 4.4 of the High Desert Sector Plan requires a signature from the High Desert Homeowners' Association certifying the plat meets the requirements of this plan. This signature should appear on the final plat.

Planing has no objections to the requested vacations, the sidewalk waiver or deferral. Defer to Transportation on the Subdivision Design Variance.

Approval of the peerimeter wall design is required before the preliminary plat is approved.

Impact Fee Administrator

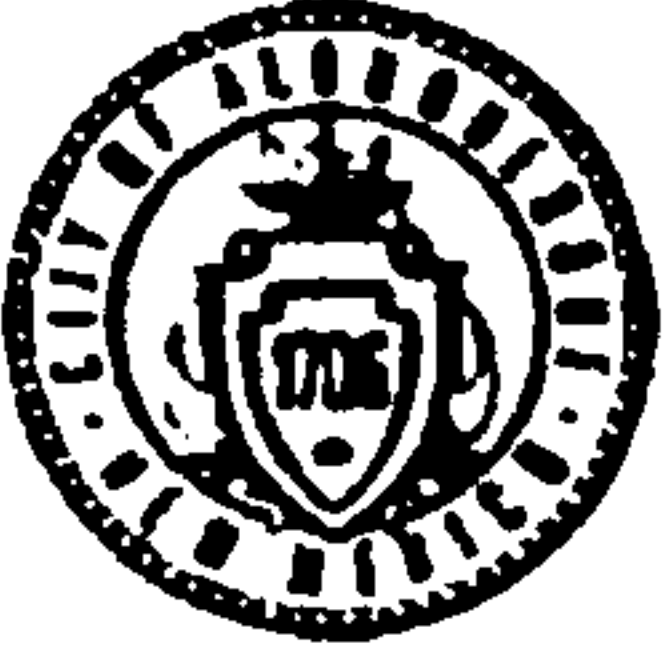
Impact Fees are not applicable at this time of platting. However, Impact Fees will be required at the time a permit is issued for each home built in this subdivision. Using an average of 2000sf of heated area the estimated impact fees for each home are as follows:

1. Public Safety Facilities for the Eastside: \$552.00
2. Parks, Recs., Trails, for the Foothills SE: \$1040.00

Impact Fee Administrator

Impact Fees are to be paid at the time of issuance of building permits; however, the total Impact Fees may be paid at a rate of 67% if permits are obtained by December 29, 2006.

IT IS REQUIRED THAT THE APPLICANT AND/OR AGENT BE PRESENT AT THE HEARING
Cc: Mesa Verde Development Co., 8300 Carmel Ave NE, 87122
Bohannon Huston Inc., 7500 Jefferson St NE, 87109



Angela Wandinger-Ness
<awness@comcast.net>

10/25/2006 07:19 AM

To Sheran Matson <smatson@cabq.gov>

cc

bcc

Subject Project #1004989

Dear Ms. Matson,

My husband and I will attend the public hearing today to consider project #1004989 and would like to register our desire to speak at the meeting. I left a phone message to this effect last week and wanted to follow up in writing.

Below are some of our concerns:

- 1) According to the sector plan, the lowest density housing should abut the edges of the development and National Forest land. Thus, the plan appears to be at odds with the approved sector plan.
- 2) During the development of the "Wilderness" area of High Desert just northwest of the proposed project one of the homes under construction went up in flames. A few years prior, errant fireworks set an adjacent area of National Forest land ablaze. In each case city firefighters did an admirable job of bringing the blaze under control. Nevertheless the incidents point out the importance of adequate access to emergency vehicles to these remote areas of the city. Only a private loop road that does not meet the requirements for a city road will serve the new development so as to allow maximum housing density on the tract. This poses a safety threat to areas of High Desert and Glenwood Hills communities and should be disallowed.
- 3) The proposed development will abut the heavily used Foothills trail and destroy the treasured views that cyclists, hikers, residents and visitors come to the Trailhead at High Desert to enjoy. Every day of the year and especially on weekends the parking lot at this Trailhead is full of cars and in the summer there is overflow parking on the adjacent streets. This area is truly a jewel of our city and needs to be preserved or developed in a manner that is consistent with the beauty of the land--one story and lower density housing at a minimum.
- 4) Glenwood Hills NA reached a written agreement with High Desert Development Corp and its subsidiaries (currently Mesa Verde) during the planning of the Wilderness Development. It was affirmed that the neighbors of Glenwood Hills and the purchasers of homes in the Wilderness would be apprised of the development plans for the remaining 4.1 acres. Not only did this not happen in a timely manner, but the public hearing was set with just 20 days notice. At a meeting of homeowners from both Glenwood Hills and High Desert, there was a common theme. No one was told what the plans would be and assurances were given that the housing to be developed would be similar to what was already being built--one story, max. three homes/acre. At the last possible moment the plan was revealed. Why you might ask, if this is such a great plan, would there be the need for so much haste and secrecy? We believe it is because the developers fear their plan will be opposed and there will be undue delay in their ability to make maximum profit. There needs to be adequate time for public hearings and discussion before this plan is approved.

5) Early plans for High Desert included additional schools. These plans were scrapped in favor of building more homes. Thus, increasing numbers of homes have been added over the years during the development of High Desert without regard for the impact on existing schools. The schools serving the NE heights are overcrowded with many students already being educated in portables. The explosion of new Town homes and other high density housing throughout the NE heights neighborhoods continues to exacerbate the problem. Therefore, the development of High Desert has not been undertaken in a manner that supports the needs of the community and current residents.

6) Resident of the Wilderness express existing concerns regarding traffic safety that have been ignored. Adding 25 more homes will exacerbate this problem and put public safety at risk.

7) The heavy summer rains brought to the fore problems with hydrology planning that will only be exacerbated by the addition of 25 more homes which are being built on a rise that is between two major arroyos at the foothills of the Sandias.

Millions of dollars are being spent on the beautification of Albuquerque's streets and have greatly improved the look of neighborhoods and the airport area. Therefore, I would like to invite Development Review Board members to take this opportunity to protect the last of our wilderness areas and not let them fall prey to the pressures of developers trying to eke out a few more millions before leaving the residents and city leaders to deal with the aftermath of their poor planning decisions.

Sincerely yours,

Angela Ness

#3



"Steve Buerger"
<steve.buerger@gmail.com>

10/25/2006 11:02 AM

Please respond to
steve.buerger@gmail.com

To smatson@cabq.gov

cc

bcc

Subject Proj 1004989 / 06DRB-01411, 06DRB-01412

Dear Ms. Matson:

I recently became aware that a proposal before your board, referenced by project # 1004989 / 06DRB-01411 and 06DRB-01412 would result in the closure of a significant portion of foot trails in the Sandia foothills. Although my work schedule prevents me from attending today's meeting, I would like to express my concern that approval of this proposal would provide a benefit to a relatively small group of residents and a developer at the expense of the greater Albuquerque community.

My wife and I recently became homeowners in the South Glenwood Hills neighborhood, but even before we lived in the foothills we regularly enjoyed the advantages offered by easy access to trails close to the city. In fact easy access to the mountain wilderness is one of the most important elements that makes Albuquerque a special place to live. We moved here just one year ago from the East Coast and have quickly come to appreciate this special feature of Albuquerque that few cities of its size can rival. To begin to encroach on the access to the wilderness for all city residents and their guests to enjoy would be a civic tragedy of the first order.

The residents and developers of the High Desert community have a right to the wilderness equal to that of other Albuquerque residents; they have neither more or less privilege. But they knew that there would eventually be limits to the spread of their community and influence, and they were well aware of the public's legitimate use of the mountain wilderness. This area is not the exclusive purview of this narrow set of residents, it belongs to the entire Albuquerque community. Please do not make the mistake of placing the narrow interest of a small increase in housing development above the interests of the broader community.

I also believe that if more residents were aware of this proposal, there would be a greater outcry; many residents use the trails in question but may not have visited them in the relatively short time of the posting.

Thank you for your consideration.

Sincerely,
Steve Buerger
4015 Calle Castano Ct. NE
Albuquerque, NM 87111

-121-



"Bouchier, Frank"
<fabouch@sandia.gov>
10/25/2006 07:41 AM

To csenova@cabq.gov
cc
bcc
Subject 06DRB-01411

3

I just received word of this application. Please forgive me if my information is not complete. I was told that this request would result in closing the recreational trail in the foothills near Spain. These trails are a major recreational asset for all the citizens of Albuquerque. They have been in regular use for years. I would strongly urge you to deny this request.

Thank you for your consideration
Frank Bouchier
1001 Warm Sands Trail SE
Albuquerque, NM



"Rawlinson, K Scott"
<ksrawli@sandia.gov>
10/25/2006 07:59 AM

To csenova@cabq.gov
cc
bcc
Subject Foothills access

#3

Hi,

I am very disappointed to hear that people are trying to eliminate access to the trails. This area has been designated as a recreational area for the city and has been paid through our taxes. I strongly encourage you to not allow this by a few homeowners. Unbelievable!

Please let me know if I need to sign a petition.

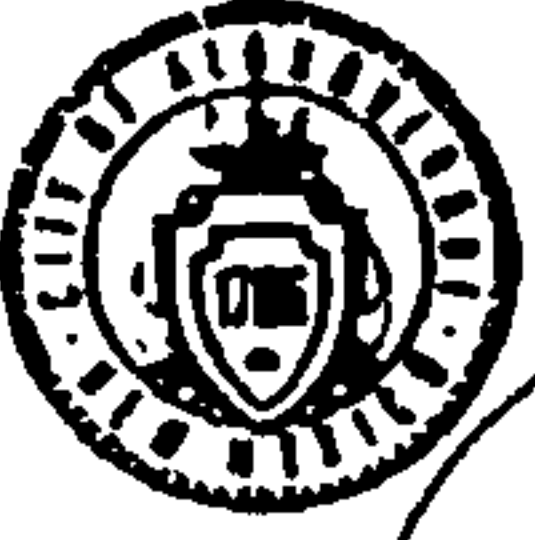
Thank you,
Scott Rawlinson
764-8540
845-3137 (W)

"Plan"

after 2nd sentence, 2nd ¶

and that, to the best of our knowledge, no conflict exists w/ remaining portions of the plan.

Suggested language from City Attorney to revise 11/4/06 letter from Ray Berg, HDROA President. Mr. Berg rejected the suggested addition.



"Theisen, Lisa"
<ltheise@sandia.gov>
10/25/2006 08:14 AM

To csenova@cabq.gov
cc
bcc
Subject Easements in high desert

#3

To Whom it may concern:

I am writing in response to a change in the easements along the foothills trail. Access to the open space and wilderness areas is why Albuquerque is so special and wonderful. The trails have been there for years and people have had access to these trails for years.

In has been more recently, that people have purchased property in high desert, they chose to build and move to these areas, where some of the houses were quite close to existing trails. Now they want public easements to go away.

This is not right and I believe that the change in plat on public easement needs to be denied.

Sincerely
Lisa Theisen

Lisa Theisen
phone: (505) 844-6241
fax: (505) 844-0011
email: ltheise@sandia.gov

-125-



Bing LeRoy
<bingleroy@comcast.net
>

10/24/2006 03:31 PM

To Sheran Matson <smatson@cabq.gov>

cc Angela Wandinger-Ness <awness@comcast.net>, Steve
Ciepiela <ciepiela5@comcast.net>, Thurlow Caffey
<thurwash@yahoo.com>

bcc

Subject Project # 1004989

Dear Ms. Matson and Board members:

The Neighborhood and Association of Glenwood Hills offer their support in protest regarding this project. We did see plans for this project, and they are very attractive, except for two things: the tall buildings and the very high density. Those two things will make them a blemish to a quality residential area, and also to the area which abuts one of the nicest parts of the Open Space and Wilderness areas.

One story and less density is preferable. Especially as this is an area which sits quite a bit higher than the surrounding terrain.

The onslaught of townhouses that we are experiencing being built helter skelter on every scrap of land from Candelaria north, and from Eubank to east of Tramway, is as if we have been hit by a jumble of blocks just dropped from the sky, piling up and hiding the very best part of Albuquerque - the view of the mountains.

When Glenwood Hills North was built, and for years after we were told that the land east of, and belonging to the Academy would be kept as Open Space - forever. We doubted that, but hoped it would be true.

However, even in nightmares, we never imagined the density that has hit us, even in parts of High Desert, which is nevertheless a most attractive and valuable addition to the northeast part of town. Since we had to have neighbors, we were lucky to get the quality we did, and so we support them in their effort to keep the profile of this addition lower - and, again, less dense.

Please encourage modification of this project, with a lower profile and a less dense project. If it must be developed!

Thank You,

Virginia LeRoy
Vice-President
Land Use Chairman
Glenwood Hills NA
13625 Cedarbrook NE
ABQ, NM 87111 296-4575



"Kara Gigliotti"
<nmgiglio@msn.com>
10/24/2006 01:56 PM

To smatson@cabq.gov
cc
bcc
Subject Project 1004989 - Wilderness Canon at High Desert

Sheran,

My name is Kara Gigliotti, a resident of the Glenwood Hills neighborhood, and I'm writing to ask that the Development Review Board give serious consideration to Project 1004989 during tomorrow's meeting before approving this plan.

There has been little, if any, opportunity for concerned residents to discuss this proposal. This type of high density housing that will border the City of Albuquerque Open Space not only dramatically impacts the nearby residents, but most importantly a broader group of residents that routinely use the Open Space. I implore you and the Board to thoroughly review the negative implications of such a development - from environmental impact, disruption of trail access, and traffic considerations to name just a few.

A number of years ago, when the original "Wilderness at High Desert" project was begun, we were assured that great measures were being taken to protect the land and preserve the trail system. Over the next few years we watched with sadness as the ground was bulldozed and the trails rerouted within feet of new living rooms. The landscape and the Open Space was forever changed. Please consider the long term implications before allowing further progress.

Thank you for your time.

Kara Gigliotti
332-2702

SCOTT & KIENZLE, P.A.

201 Third Street NW, Suite 1570
Albuquerque, NM 87102
MAIL: Box 587
Albuquerque, NM 87103-0587

rec'd
10/25/06
LAW OFFICES

FAX (505) 246-8682
PHONE (505) 246-8600

Duncan Scott
Paul M. Kienzle III
Robert Erickson

October 24, 2006

VIA HAND DELIVERY &
smatson@cabq.gov

Sheran Matson, AICP
Chair, Planning Department
Development Review Board
City of Albuquerque
600 Second Street NW
Albuquerque, NM 87102

RE: Project #1004989
Case Nos. 06-DRB-01411, 01412, 01413, 01414, and 01415
Approximately 4 acres; Major Preliminary Plat Approval;
Major Vacation of Public Easements; Minor Subdivision
Design Variance; Minor Sidewalk Waiver; and Minor
Temporary Deferral of Sidewalks for the Wilderness Canon
at High Desert

Request for a Deferral for 14 to 21 Days

Dear Ms. Matson:

This office represents High Desert Residential Owners Association.

This Project and Case Numbers are covered by the High Desert Sector Development Plan ("Plan"). The Plan is a controlling plan.

Ms. Matson
October 24, 2006
Page Two

Section 4.A.7, Page 4.4 of the Plan states, in part, as follows:

... Further the High Desert Homeowner's Association or its successor shall certify to the City at the time of submittal for approval to the Development Review Board that any proposed plat meets the requirements of the Sector Development Plan, and at time of submittal for building permit for new construction or renovation, that any construction plans meet the requirements of the Sector Plan. The Homeowner's Association shall further certify that the number of units constructed in the zone does not exceed the maximum allowed by the Sector Plan.

A copy is attached.

High Desert Residential Owners Association is the "High Desert Homeowner's Association" or its successor-in-interest identified in Section 4.A.7 of the High Desert Sector Development Plan. High Desert Residential Owners Association (HDROA) has standing.

HDROA has an obligation under the Plan to certify any proposed plat and related matters. If HDROA does not fulfill its role, it has liability to its members and to the City.

Mesa Verde Development Company ("Mesa Verde") and its agent, Bohannon Huston, Inc., did not obtain certification of the proposed plat from HDROA prior to submitting its application and project to the City. Mesa Verde has clearly violated Section 4.A.7 of the Plan. Thus, the proposed plat and related requests cannot be approved by the DRB at this time. To approve the proposed plat and related requests at this time will merely give good grounds for administrative appeals and an ultimate appeal to state district court.

Mesa Verde must seek and obtain certification from HDROA before it can submit its proposed plat to the City. HDROA is ready, willing, and able to undertake the certification process. To that end, HDROA has hired an architect and hydrologist to review Mesa Verde's submissions and review by those professionals is already underway. HDROA needs additional time to complete that review and certification process.

Ms. Matson
October 24, 2006
Page Three

HDROA has made a good faith effort to complete its certification process prior to the hearing set for October 25, 2006, but has not had enough time to do so. It would be patently unfair and procedurally defective to proceed at the hearing on October 25, 2006.

Accordingly, HDROA asks for a deferral of this matter for 14 to 21 days to allow it to complete its review and certification process. HDROA has not had enough time to complete its certification process. HDROA is diligently making an effort to do so.

The application was accepted on September 29, 2006, and the hearing on the application is scheduled for October 25, 2006; the application has been on file less than 30 days. There is no prejudice to Mesa Verde if the application is deferred for a short period of time. If Mesa Verde does not agree to a deferral or the DRB does not order one, HDROA will be left with no choice but to consider an appeal.

The DRB cannot ignore Section 4.A.7 of the Plan and HDROA's role in the planning process. HDROA is an integral part of the planning process and must be allowed to fulfill its role in the planning process. While HDROA may not ultimately certify the proposed plat and related matters, the certification process must nevertheless be completed.

HDROA cannot certify the proposed plat and related matters at this time because it does not have enough information. HDROA has hired professionals and is gathering that information at this time.

HDROA has spotted the following potential issues on which it needs more information and professional analysis:

1. Density of dwelling units at the edge of the development. (Page 3.2, 3.5, 3.10)
2. Transition from high density to low density. (Page 3.2, 3.5, 3.10, 3.11)
3. Slope angles. (Page 2.2, 3.7)

Ms. Matson
October 24, 2006
Page Four

4. Preservation of open space and low density near open space, trails, and wilderness. (Page 3.5)
5. Traffic and traffic flow. There appears to be very limited access to the proposed development.
6. Drainage issues. The site is in an elevated position relative to the rest of High Desert development.

In light of the foregoing issues, HDROA respectfully asks for a 14 to 21 day deferral to allow it to complete its review and certification process. Thank you.

Very truly yours,

SCOTT & KIENZLE, P.A.

By: 

Paul M. Kienzle III

PMK:ep

Enc. -- Section 4.A.7 of the Plan
cc: Bohannon Huston, Inc.

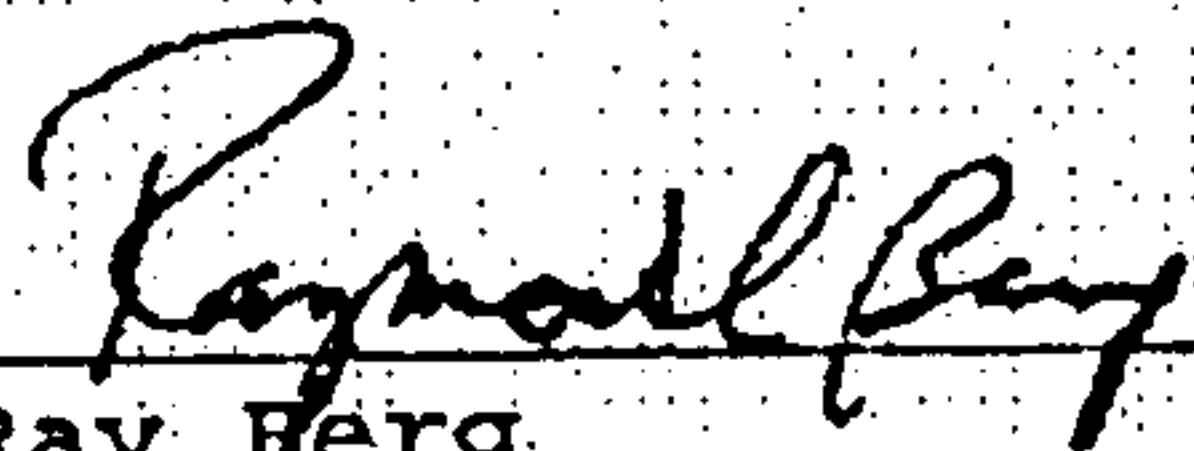
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Development Review Board
City of Albuquerque
600 Second Street NW
Albuquerque, NM 87102

RE: Project #1004989
Case Nos. 06-DRB-01411, 01412, 01413, 01414, and 01415
Approximately 4 acres; Major Preliminary Plat Approval; Major
Vacation of Public Easements; Minor Subdivision Design
Variance; Minor Sidewalk Waiver; and Minor Temporary Deferral
of Sidewalks for the Wilderness Canon at High Desert

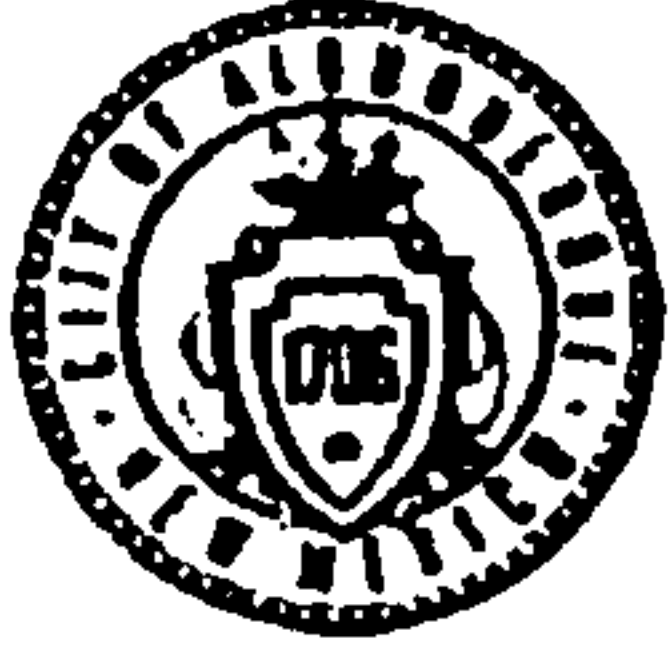
Request for a Deferral for 14 to 21 Days

Scott & Kienzle, P.A. (Paul M. Kienzle III and Robert Erickson) at P.O. Box 587, Albuquerque, NM 87103-0587, will appear for High Desert Residential Owners Association. High Desert Residential Owners Association authorizes Scott & Kienzle, P.A. (Paul M. Kienzle III and Robert Erickson) to appear on its behalf.



Ray Berg

President,
High Desert Residential Owners Association



Caroline Smith
<caroline@unm.edu>
10/24/2006 05:05 PM

To smatson@cabq.gov

cc

bcc

Subject DRB hearing 10/25 - Project # 1004989 06DRB-01412

Hello,

I am writing about the DRB hearing tomorrow, specifically about project 1004989 06DRB-01412, the Vacation of Public Easements, relating to the Wilderness @ High Desert development.

As a trail user in the area concerned, I am extremely disturbed by the proposal to close public access to trails. The open space - public land owned by the citizens of Albuquerque - is a crucial element in creating the quality of life that the city prides itself on. The recent recognition of the Bosque Trail as a "Top 10" trail shows how important recreation opportunities are.

As a property owner in the Foothills, I consider that full access to the open space is one of the prime factors in making this a desirable part of town in which to live.

I would also like to point out that trails must not be broken up into short sections. Long, continuous routes are essential for walking, running or biking. Closing even short sections breaks up the available routes, making them far less usable.

I hope the DRB will ensure that development at High Desert does not result in the destruction of that community's most precious asset.

Sincerely,
Caroline Smith

Rec'd
12/10/06



October 24, 2006

Mr. Ray Berg, President
High Desert Residential Owners Association Board of Directors
c/o Homeowners Association Management Co. (Hoamco)
6605 Uptown Blvd. NE, Suite 200
Albuquerque, New Mexico 87154-1699

Reference: Proposed development of Tract A, Unit 2 of Wilderness at High Desert

Dear Mr. Berg:

In response to your request, I have completed a review of the regulations governing development in High Desert, related correspondence, and the preliminary plat and other civil engineering drawings prepared by Bohannan Huston Engineering. I have also met with Mr. Jack Bayse, City of Albuquerque Zoning Enforcement to discuss the proposed development. Following are the facts related to this project as I understand them along with my conclusions.

Location:

The tract that is the subject of this report is located at the southeast corner of the Wilderness at High Desert, a subdivision within the High Desert Sector Plan area. It adjoins single family residential development to the west and north, City Open Space and the Sandia Mountains Wilderness area to the east, and a City Open Space Easement containing the Embudito Arroyo to the south. Beyond the open area on the south is the Trailhead Subdivision, the initial development by High Desert Investment Corp.

Regulations:

Development in High Desert is governed by a "sector plan" or special use zoning district. The High Desert Sector Development Plan was adopted by the City on May 3, 1993 following extensive public hearings before the City's Environmental Planning Commission during 1992. Since then, there have been several amendments to the Plan.

Site Area and Zoning:

The site area of Tract A is 3.9653 acres. It is zoned SU-2 HD/R-R. This is the only zone in High Desert that does not have a direct City zoning equivalent. This zoning category was created to allow development of the Wilderness at High Desert as a golf resort and conference center however other uses, including a mixture of dwelling unit types, were also permitted in this zone. It is the intention of the developer of Tract A to construct single family detached homes.

Fanning Bard Tatum Architects AIA, Ltd.
6100 Indian School Rd. NE Ste 210
Albuquerque, NM 87110

Phone 505/883.5200
Facsimile 505/884-5390
Web www.fbtarch.com

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ARCHITECTS

Section 4.A.6: SU-2 HD R-R (page 4.3 of Sector Plan) notes that uses permissive in the HD R-G zone are also allowed. The HD R-G zone is outlined in Section 4.A.4: SU-2 HD R-G, page 4.2, of the Sector Plan. This zone, unlike the R-R zone, corresponds to the R-G Residential Zone in the City Zone Code. Referring to the City Zone Code, the R-G zone in turn allows uses permissive in the R-T zone. This is the appropriate zone for development of Tract A with single family detached homes. Minimum lot size for a house in R-T is 3,600 sf with a minimum lot width of 36 feet. Attached to this report are pages 47 and 48 of the City Zone Code, 7/2003 edition, entitled R-T Residential Zone along with pages 49 and 50 of the Zone Code related to the R-G Zone.

Streets:

The streets within Tract A are proposed as private and are to be maintained by the High Desert Residential Owners Association similar to other gated communities within High Desert. Street widths are shown as 26 feet measured face-to-face. The front property line of each lot corresponds to the face of curb.

Opinion:

I believe that the proposed development is consistent with the underlying zoning in High Desert in all respects. Lot sizes and widths exceed minimums required in the R-T zone and setbacks noted on the Preliminary Plat are consistent with this zone. Structures may not exceed 26 feet in height in this zone except as outlined in Section 14-16-3-3, Supplementary Height Regulations. Based upon the 25 lots proposed, the density is 6.30 DU/acre.

It should be noted that other, more intense, development such as townhouses or low density apartments are also permitted within the R-G zone. I would suggest that you contact the City Traffic Engineer with respect to the design of the private streets proposed in this development.

Please feel free to contact me should you have any questions regarding this report.

Very truly yours,

Fanning Bard Tatum Architects AIA Ltd. by

H. William Fanning, Principal

Fanning Bard Tatum Architects AIA, Ltd.
6100 Indian School Rd. NE Ste 210
Albuquerque, NM 87110

Phone 505/883.5200
Facsimile 505/884-5390
Web www.fbtarch.com

-135-

HIGH DESERT

Rec'd
10/25/06

October 24, 2006

Scott Schiabor, President
Scott Patrick Homes/Mesa Verde Development
8300 Carmel Avenue #401
Albuquerque, New Mexico 87112

VIA Fax and Hand Delivery

Dear Mr. Schiabor;

High Desert Investment Corporation ("HDIC"), as Developer of High Desert, is required to review and approve plans for the development of all properties in High Desert to ensure their compliance with the High Desert Sector Development Plan, as amended, other High Desert governing documents and our requirements. In that regard, HDIC has reviewed the proposed preliminary plat, drainage report and associated grading and drainage plans titled Wilderness Canon, dated September 28, 2006, which is a 4.2 acre tract of land zoned SU-2 HD/R-R by the High Desert Sector Development Plan. The zoning allows a variety of uses which includes single family residential with a minimum lot size of 3600 square feet with a minimum width of 36 feet.

The property directly to the north and adjacent to this tract, Wilderness Compound, which you developed, is zoned the same and was platted and developed as single family residential having similar density as this proposed project. That plat was signed by you, HDIC, HDROA and the City of Albuquerque and subsequently recorded.

HDIC has reviewed the proposed preliminary plat and find it in conformance with the High Desert Sector Development Plan. We approve the preliminary plat, drainage report and grading and drainage plan with the following minor conditions:

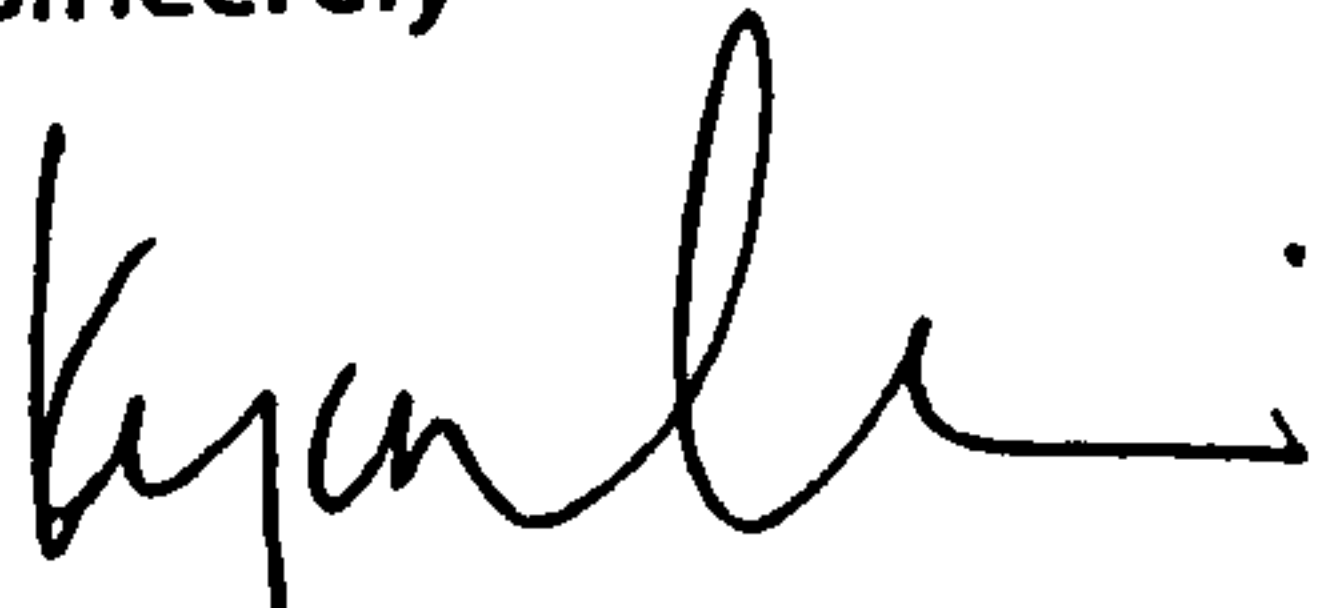
1. Lower the pad elevation of Lot 5 by three (3) feet on the grading and drainage plan.
2. Add a landscape easement to Lots 1, 2, 10 and 11 to ensure that the existing boulders remain.
3. Tie the perimeter wall into the boulders so they can be seen from public view on the grading and drainage plan.

As part of our review process, we requested that Lawrence Kline, FAICP, of Denish Kline and Associates review the proposed preliminary plat for conformance with the High Desert Sector Development Plan and have attached a copy of his review. We have also attached previous correspondence, dated July 12, 2002 between Mr. Kline and Ellen Concini, who at the time was Zoning Enforcement Manager of the City of Albuquerque. Mr. Kline was the principal author of the High Desert Sector Development Plan.

HDIC will also review the construction plans and Final Plat of this project for their compliance with the High Desert Sector Development plan, associated High Desert governing documents and our requirements.

If you have any questions please contact us.

Sincerely



Kym E. DiCome
Vice President

High Desert Investment Corporation

CC: Mr. Kevin Patton, Bohannon Huston Inc.

Mr. Ray Berg, President High Desert Residential Owners Association

Ms. Sheran Matson, Chair of the DRB, City of Albuquerque



DENISH + KLINE ASSOCIATES

October 20, 2006

Mr. Douglas H. Collister, President
High Desert Investment Corporation
3791 Southern Boulevard SE
Rio Rancho NM 87124

re: Proposed Plat of Wilderness Canyon at High Desert

Dear Mr. Collister:

I am in receipt of a copy of the proposed plat of the above referenced subdivision. As one of the original draftors of the High Desert Sector Plan, you have asked me to review this plat for compliance with the Sector Plan with regard to the subdivision and zoning regulations contained therein. I have concluded that the proposed subdivision is in compliance with the Sector Plan.

Specifically I have reviewed the Sector Plan, the Comprehensive City Zoning Code, and a letter originally signed by myself on July 12, 2002 to Ellen Concini, who was on that date the Zoning Enforcement Manager of the City of Albuquerque.

With regard to density:

1. The site is zoned SU-2 HD•R-R "High Desert Recreational/Resort". The Sector Plan at § 4.A.6 defines the uses allowed in the zone under certain regulatory configurations. "Golf Course", "Uses Related to a Golf Course", and "Resort/Conference Center" would be permissive if a Site Plan for Building Permit was taken through the Planning Commission review process. This was never done - therefore the only permissive use allowed today is "Uses Permissive in the HD•R-G Zone", with the further caveat that "if developed as R•G the total number of units shall not exceed 300."
2. The proposed subdivision would contain 25 single-family units. Added to the 110 units that exist in the R•R zone today (this figure was provided by you) the density limitation of the SU-2 HD•R-R zone would not be exceeded. Thus there is no issue of density.

With regard to zoning:

1. The SU-2 HD•R-G zone at §4.A.4 of the Sector Plan clearly states that HD•R-G is equivalent to the same designation in the Comprehensive City Zoning Code, i.e., §14.16.2-10 R-G "Residential Garden Apartment Zone". The R-G Zone then "pyramids" on top of the R-T Zone (§14.16.2-9

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Mr. Douglas H. Collister

October 20, 2006

Page 2

of the Zoning Code), which clearly permits the uses of the R-1 Zone (§14.16.2-6) where the first permissive use listed is "House, one per lot". "House" is defined in the Zoning Code (§14.16.1-5) as "A single-family detached dwelling unit; a building containing only one dwelling unit."

Therefore there is no question that a single family detached dwelling is a permissive use in the HD•R-G zone.

With regard to lot width and size :

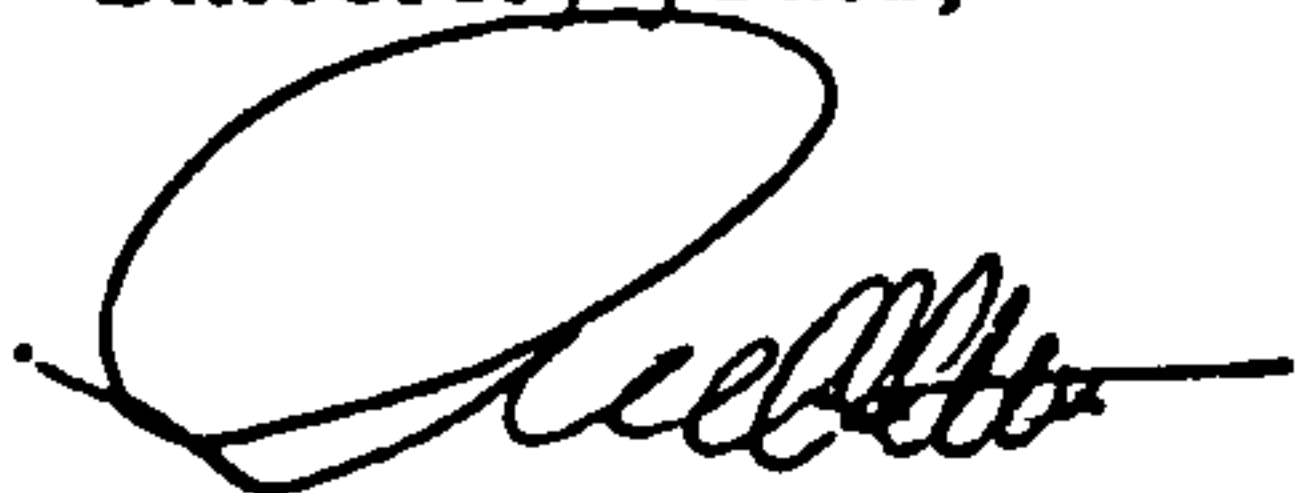
1. By the same "pyramid" the lot size requirements of the R-T zone apply. §14.16.2-9.D.3 of the Zoning Code states that the lot width requirement is "For a house..... minimum lot area shall be 3600 square feet per dwelling unit; minimum lot width shall be 36 feet." I have examined the proposed plat: although two of the lots are "flag lots", all the lots appear to comply with the definition of "Lot Width" contained in §14.16.1-5 of the Zoning Code. All appear, according to the proposed plat, to contain the requisite minimum of 3600 square feet.

In brief:

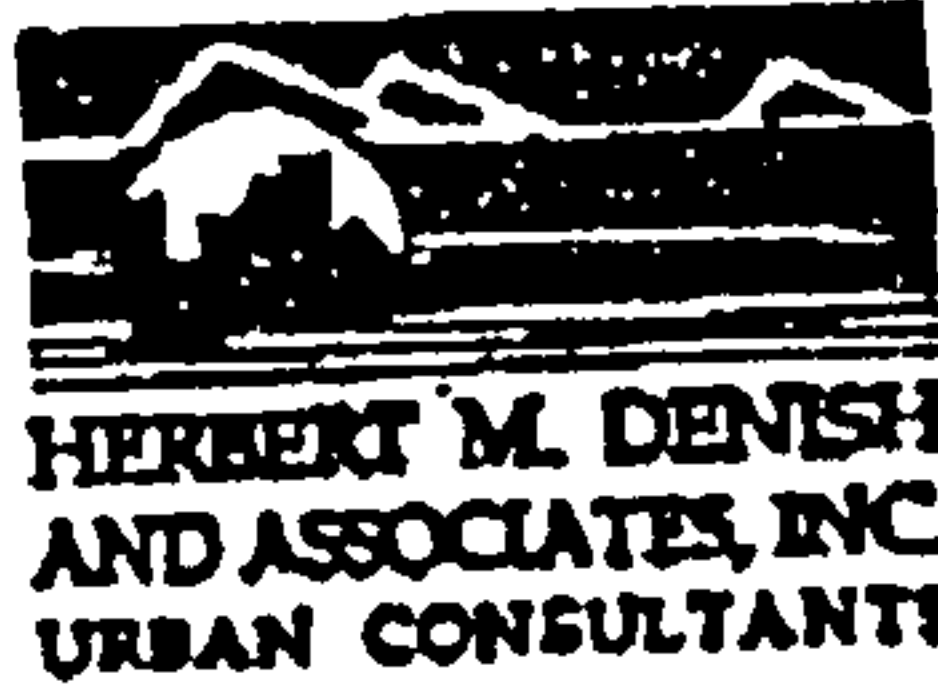
- The proposal is consistent with the zoning of the property.
- The proposal is consistent with density limitations on the property.
- The proposal is consistent with the lot width and lot size requirements for the property.

I am not privy to construction plans, so I cannot speak to compliance with height regulations, so I will only note there is a 26-foot height limit.

Sincerely yours,



Lawrence Kline FAICP



July 12, 2002

Ms. Ellen Concini
Zoning Enforcement Manager
City of Albuquerque
P.O. Box 1293
Albuquerque NM 87103

HAND-DELIVERED

re: High Desert Sector Plan Tract 13
Development of the HD "R-R" Zone

Dear Ms. Concini:

Thanks once again from Kym Dicome and myself for our very informative meeting on June 10th. We continue to study and assess what will actually be developed on the property and it was very helpful to hear your views on the mutually supportive nature of the Zoning Code and Sector Plan.

It is our understanding from our discussion that:

- Those portions of Tract 13 not within the open space areas of the sector plan can be developed for residential uses.
- Multiple types of housing can be constructed ranging from single-family detached to "garden apartments".
- These types of residential uses can be intermixed.
- Other uses associated with residences, and as regulated by the Zoning Code and Sector Plan, e.g., some limited commercial uses, parks, and so on, can also be developed. (I have attached a zoning analysis which lists these possibilities.)
- The lot sizes for housing types are governed by the Zoning Code equivalent for that type, e.g. single-family detached must meet the requirements of the R-T zone; apartments the requirements of the R-G zone and the like. Specifically, the smallest lot size for a single-family detached unit would be 3600 square feet with a minimum width of 36 feet; and the smallest for an attached single-family house or townhouse would be 2200 square feet with a minimum width of 22 feet.
- The Sector Plan limits us to a total of not more than residential 300 units of any kind on Tract 13.

*Concini Reviewed & Approved
Correction R-T zone
Ellen Concini
8-07-02
City of Albuquerque
Zoning Enforcement*

Ms. Ellen Concini
July 12, 2002
Page 2

• No further zoning review is required for these residential uses; however a subdivision plat will probably be required to be approved by the Development Review Board and structures are subject to the Uniform Building Code and all other applicable regulations of the City.

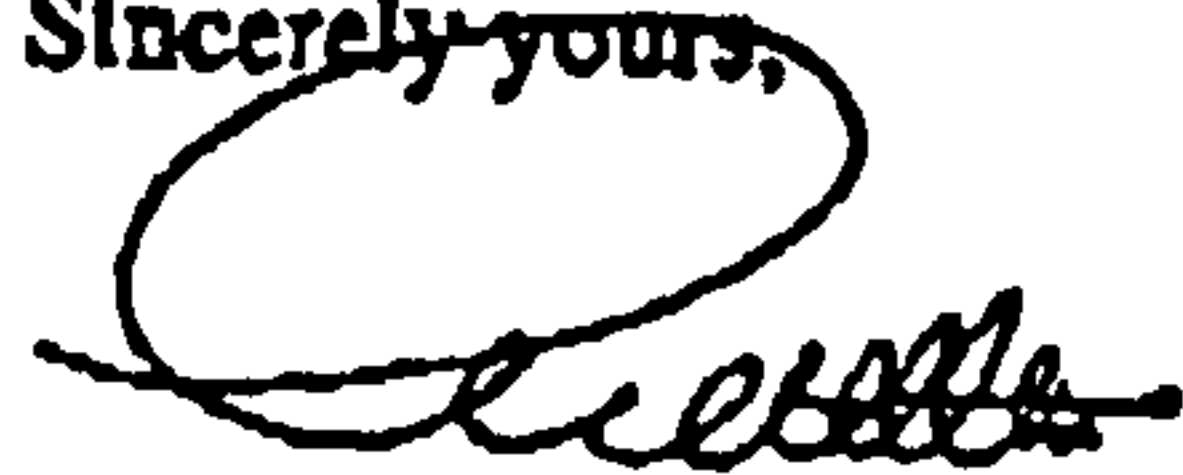
It is also our understanding that these rules change considerably if we wish to carry out any of the recreation- or resort-oriented uses also allowed by the sector plan:

- These uses include a golf course, uses related to a golf course, a resort or conference center and uses related to a resort or conference center
- Such uses are permissive only pursuant to a "sector plan and a site development/landscaping plan approved by EPC":. We construe this to mean a "Site Development Plan for Building Permit" as defined in the Zoning Code and as regulated by City process.
- Residential units of any type used for commercial renting purposes - hotels, motels, inns, bed-and-breakfasts, etc. - cannot be constructed without approval of such a plan.
- No conference center, resort, golf course, or use related to a golf course, such as a club house, can be constructed without approval of such a plan.

I believe I have completely and accurately summarized the conclusions of our analysis and discussion but I would appreciate your reviewing this letter and the attached analysis with a critical eye and if possible confirm them in writing - a simple countersignature on this letter would serve for our purposes. Whatever my client chooses to do I want to be sure it rests on strong procedural ground.

Again our thanks

Sincerely yours,



Lawrence S. Kline AICP

cc: Ms. Kym Dicome

**CITY OF PLANNING
PLANNING DEPARTMENT
PROPERTY OWNERSHIP LIST**

Meeting Date: October 25, 2006
Zone Atlas Page: F-23-Z
Notification Radius: 100 Ft.

Project# 1004989
App#06DRB-01411
06DRB-01412
06DRB-01413
06DRB-01414
06DRB-01415

Cross Reference and Location: HIGH DESERT PL NE BETWEEN TRAIL HEAD
RD NE AND EMBUDITO VIEW CT NE

Applicant: MESA VERDE DEVELOPMENT CO.
8300 CARMEL AVE NE
ALBUQUERQUE, NM 87122

Agent: BOHANNAN HUSTON, INC
7500 JEFFERSON ST NE
ALBUQUERQUE, NM 87109

Special Instructions:

**Notice must be mailed from the
City's 15 day's prior to the meeting.**

Date Mailed: OCTOBER 8, 2006
Signature: YVONNE SAAVEDRA

OR CURRENT RESIDENT
102306146320041024
BACA SAMUEL V & VERA JENNIE
500 ESPERANZA RD
BOSQUE FARMS, NM 87068

OR CURRENT RESIDENT
102306151336810179
BARR RICHARD R & LINDA L
5251 FOOTHILLS TRL NE
ALBUQUERQUE, NM 87111

OR CURRENT RESIDENT
102306151538810302
CIEPIELA STEPHEN & MARIAN
12924 MANITOBA DR NE
ALBUQUERQUE, NM 87111

OR CURRENT RESIDENT
102306148333910186
DAVIS RICHARD C & ELAINE C
5208 FOOTHILL TRL NE
ALBUQUERQUE, NM 87111

OR CURRENT RESIDENT
102306144521341026
FESLER WALTER C & LILLIAN
5005 CUMBRE DEL SUR NE
ALBUQUERQUE, NM 87111

OR CURRENT RESIDENT
102306139322341033
GRAPIN BERTRAM & ELLEN S
5009 CRESTA DEL SUR CT NE
ALBUQUERQUE, NM 87111

OR CURRENT RESIDENT
102306146025510105
HIGH DESERT INVESTMENT CORP
3791 SOUTHERN BLV SE
RIO RANCHO, NM 87124

OR CURRENT RESIDENT
102306150740510303
HIGH DESERT INVESTMENT CORP
13000 ACADEMY RD NE
ALBUQUERQUE, NM 87111

OR CURRENT RESIDENT
102306151842810310
HIGH DESERT INVESTMENT CO
3791 SOUTHERN BLV SE
RIO RANCHO, NM 87124

OR CURRENT RESIDENT
102306142921141029
KELLER DONALD V
5004 CRESTA DEL SUR CT NE
ALBUQUERQUE, NM 87111

OR CURRENT RESIDENT
102306142721941030
LEE IHN P & PHILOMENA
5008 CRESTA DEL SUR CT NE
ALBUQUERQUE, NM 87111 2989

OR CURRENT RESIDENT
102306149424510167
LIFE INVESTMENTS LLC
8300 CARMEL NE 401
ALBUQUERQUE, NM 87122

OR CURRENT RESIDENT
102306146120941025
MARTINEZ RUBEN J & KAREN E
5004 CUMBRE DEL SUR NE
ALBUQUERQUE, NM 87111 2987

OR CURRENT RESIDENT
102306149029410168
MESA VERDE DEVELOPMENT
P O BOX 91417
ALBUQUERQUE, NM 87199

102306149029410168
MESA VERDE DEVELOPMENT
P O BOX 91417
ALBUQUERQUE, NM 87199

OR CURRENT RESIDENT
102306141822641031
RANCIER JERRY & CHRISTINE
13704 CRESTED BUTTE DR NE
ALBUQUERQUE, NM 87112

OR CURRENT RESIDENT
102306149135210184
SCOTT PATRICK INC
8300 CARMEL AVE NE #401
ALBUQUERQUE, NM 87122

OR CURRENT RESIDENT
102306137223320453
SEGERLUND GLEN L &
5018 GLENWOOD HILLS DR NE
ALBUQUERQUE, NM 87111 2951

OR CURRENT RESIDENT
102306140323241032
STAHLY CONRAD L & MARCELLA B
5015 CRESTA DEL SUR CT NE
ALBUQUERQUE, NM 87111 2989

OR CURRENT RESIDENT
102306137222320454
STROHACKER FAMILY REVOCABLE
PO BOX 14239
ALBUQUERQUE, NM 87191 4239

OR CURRENT RESIDENT
102406230322040101
UNITED STATES OF AMERICA
333 BROADWAY BLV SE
ALBUQUERQUE, NM 87102 3498

OR CURRENT RESIDENT

OR CURRENT RESIDENT

OR CURRENT RESIDENT

OR CURRENT RESIDENT

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OR CURRENT RESIDENT

OR CURRENT RESIDENT

OR CURRENT RESIDENT



**PUBLIC HEARING--DEVELOPMENT REVIEW BOARD
CITY OF ALBUQUERQUE**

Notice is hereby given that the Development Review Board, City of Albuquerque, will hold a public hearing on the 3rd FLOOR in the PLANNING DEPARTMENT LARGE CONFERENCE ROOM, Plaza del Sol Building, 600 2nd St NW, on Wednesday, October 25, 2006, beginning at 9:00 a.m. for the purpose of considering the following:

Project # 1001562
06DRB-01408 Major-Two Year SIA

MARK GOODWIN & ASSOCIATES agent(s) for PULTE HOMES OF NEW MEXICO request(s) the above action(s) for the RESERVE @ FOUR HILLS, zoned R-1, located on WAGON TRAIN SE, between RATON AVE SE and RIO ARRIBA AVE SE containing approximately 17 acre(s) (M-22)

Project # 1002984
06DRB-01386 Major-Vacation of Pub Right-of-Way

ROBERT J. POWERS request(s) the above action(s) for all or a portion of Lot(s) 21, Block(s) 2, VOLCANO CLIFFS, UNIT 2, zoned R-1, located on KIMBERLITE NW, between CLIFF RD NW and POPO NW containing approximately 1 acre(s). (E-10)

Project # 1004989
06DRB-01411 Major-Preliminary Plat Approval
06DRB-01412 Major-Vacation of Public Easements
06DRB-01413 Minor-Subd Design (DPM) Variance
06DRB-01414 Minor-Sidewalk Waiver
06DRB-01415 Minor-Temp Defer SDWK

BOHANNAN HUSTON INC agent(s) for MESA VERDE DEVELOPMENT CO request(s) the above action(s) for all or a portion of Tract(s) A, UNIT 2, WILDERNESS @ HIGH DESERT (to be known as WILDERNESS CANON @ HIGH DESERT) zoned SU-2, HD/R-R, located on HIGH DESERT PL NE, between TRAILHEAD RD NE and EMBUDITO VIEW CT NE containing approximately 4 acre(s). [REF: 06DRB-00933, 04DRB-00713,, 04DRB-01723] (F-23)

Project # 1005179
06DRB-01417 Major-Amnd SiteDev Plan BldPermit

MAHLMAN STUDIO ARCHITECTURE agent(s) for CITY OF ALBUQUERQUE OFFICE OF SENIOR AFFAIRS, request(s) the above action(s) for all or a portion of Lot(s) 1-A-2, ATRISCO BUSINESS PARK, UNIT 2 (to be known as LOS VOLCANES FITNESS CENTER) zoned SU-1 FOR SENIOR CENTER, located on LOS VOLCANES RD NW, between AIRPORT NW and COORS NW containing approximately 3 acre(s). (J-10)

Details of the application(s) may be examined at the Planning Department Development Services Center One Stop Shop, Second Floor, Plaza Del Sol Building, 600 2nd St NW, between 8:00 a.m. and 4:30 p.m., Monday through Friday except holidays. INDIVIDUALS WITH DISABILITIES needing special assistance to participate in this hearing should contact Claire Senova, Planning Department, at 924-3946. TTY users may call the New Mexico Relay Network by calling toll-free 1-800-659-8331.


Sheran Matson, AICP, DRB Chair
Development Review Board

CITY OF ALBUQUERQUE

FYI



"COURTESY" DRB NOTIFICATION LETTER

October 6, 2006

TO: Ray Berg and Sam V. Baca, High Desert Residential Owners Association

This letter is a **"COURTESY NOTIFICATION"** from the City of Albuquerque pertaining to a request for: Requests the following for approximately four (4) acre(s) – Major Preliminary Plat Approval; Major Vacation of Public Easements; Minor Subdivision Design Variance; Minor Sidewalk Waiver; and Minor Temporary Deferral of Sidewalks *for the Wilderness Canon at High Desert.*

Proposed by: Bohannan Huston Inc. at (505) 823-1000

Agent for: Mesa Verde Development Company

For property located: On or near High Desert Place NE between Trailhead Road NE and Embudito View Court NE.

P.O. Box 1293

The case number(s) assigned is: 06DRB- 01411, 01412, 01413, 01414 and 01415, Project # 1004989.

Albuquerque

City Planning accepted application for this request on September 29, 2006.

New Mexico 87103

The owner, applicant, and/or agent **WAS NOT** required notifying you of the proposed action by *certified mail, return receipt requested.*

www.cabq.gov

Please be advised that this application is scheduled for a hearing before the Development Review Board at 9 a.m. on Wednesday, October 25, 2006 at the Third Floor in the Planning Department, Large Conference Room, Plaza Del Sol Building, 600 Second St. NW. **(Note – Change of Location for Hearing)**

You should contact Claire Senova at 924-3946 to confirm this date, time, and to seek further information.

If you have any questions, please call Stephani Winklepleck at 924-3902 or by e-mail at swinklepleck@cabq.gov.

Sincerely,

Stephani J. Winklepleck

Neighborhood Program Coordinator
OFFICE OF NEIGHBORHOOD COORDINATION
PLANNING DEPARTMENT

cc: Claire Senova, DRB
Administrative Assistant

Planning Department



VACANT

Or Current Resident

MAILED FROM ZIP CODE 87102

OR CURRENT RESIDENT
102306150740510303
HIGH DESERT INVESTMENT CORP
13000 ACADEMY RD NE
ALBUQUERQUE, NM 87111

VAC

DRB

87111\$8000 C039



148-821-

CITY OF ALBUQUERQUE

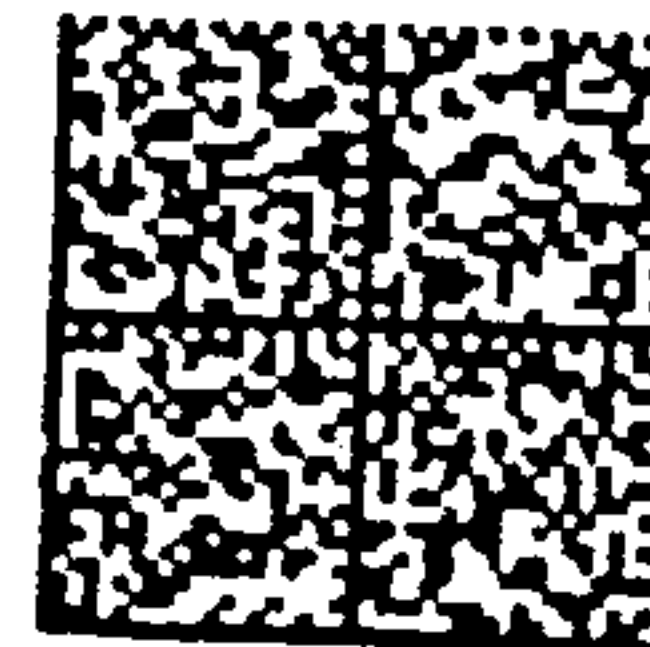


Planning Department



VACANT

Or Current Resident



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Planning Department

OR CURRENT RESIDENT
102306141822641031
RANCIER JERRY & CHRISTINE
13704 CRESTED BUTTE DR NE
ALBUQUERQUE, NM 87112

Or Current Resident

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NOT KNOWN

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DRB

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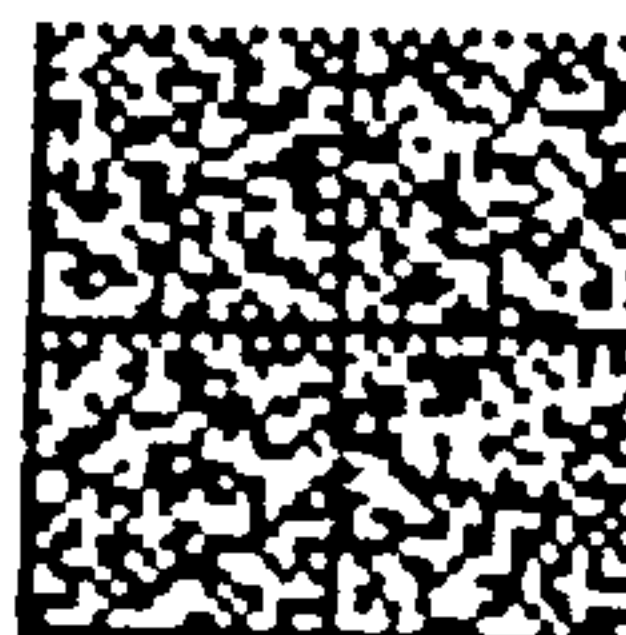
CITY OF ALBUQUERQUE



Planning Department

OR CURRENT RESIDENT
102306146320041024
BACA SAMUEL V & VERA JENNIE
500 ESPERANZA RD
BOSQUE FARMS, NM 87068

UTF



UNITED STATES POSTAGE
FIRST CLASS PERMIT NO. 1000 ALBUQUERQUE, NM
MINI BOWLS
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MAILED FROM ZIP CODE 87102.

Or Current Resident

NIXIE 871 1 10 10/10/06

RETURN TO SENDER
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CITY OF ALBUQUERQUE

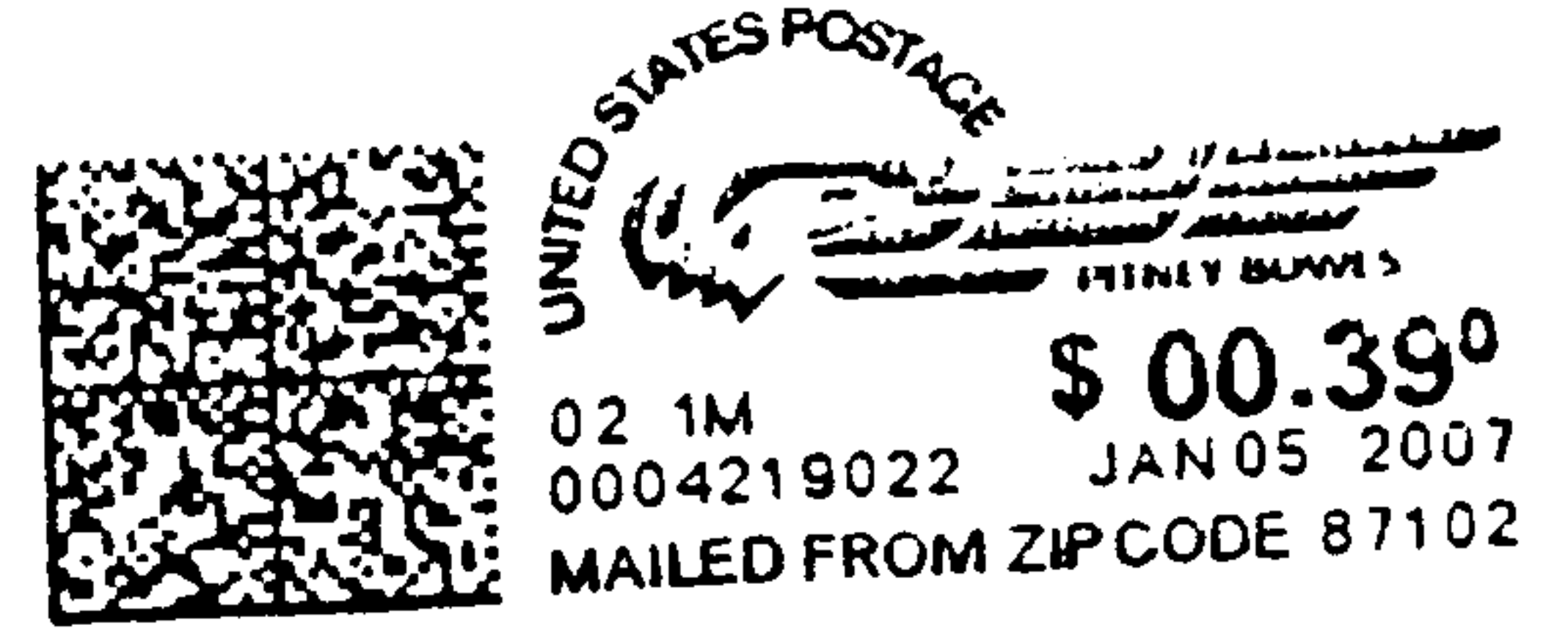


Planning Department

DRB APPEAL

Joe Witte
1570 West Ella Dr
Corrales, NM 87048

NMR



NO MAIL RECEPTACLE

NMR

8704859999

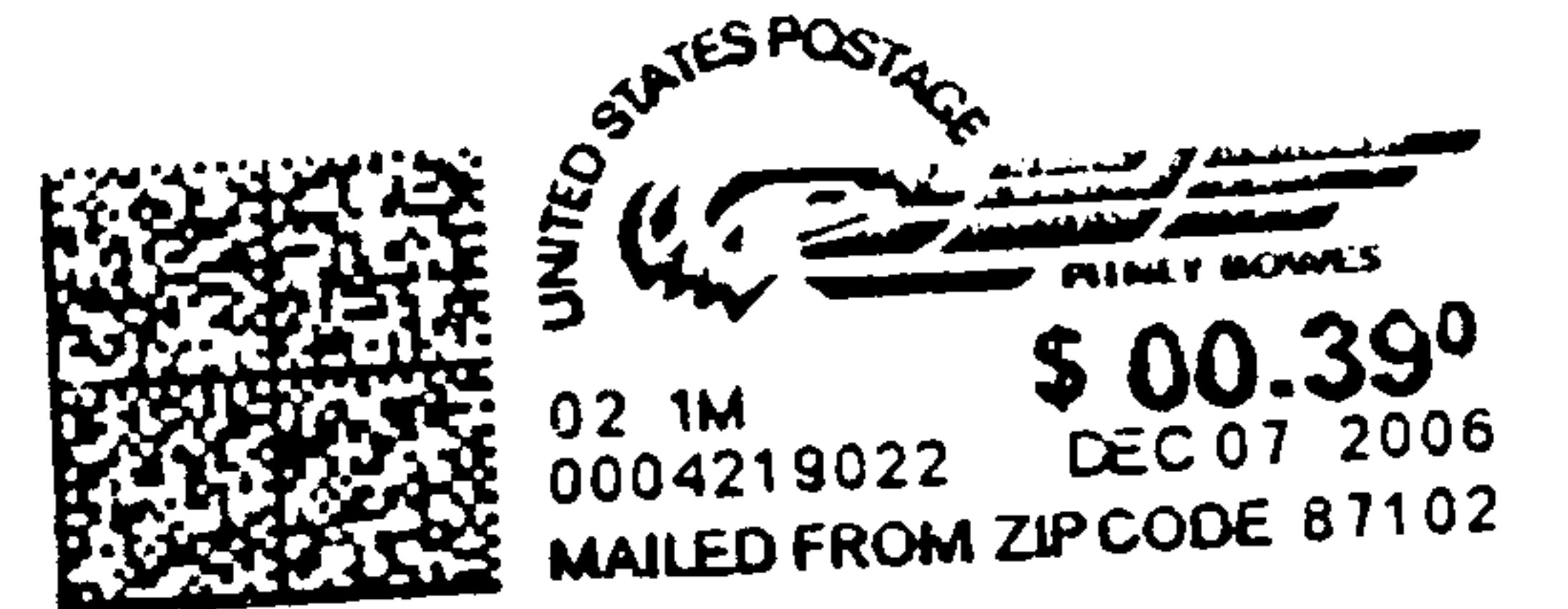


CITY OF ALBUQUERQUE



Planning Department

NMR
JOE WITTE
1570 WEST ELLA DR NE
ALBUQUERQUE NM 87048



NO MAIL



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

December 6, 2006

1. **Project # 1004989**
06DRB-01411 Major-Preliminary Plat Approval
06DRB-01412 Major-Vacation of Public Easements
06DRB-01413 Minor-Subd Design (DPM) Variance
06DRB-01414 Minor-Sidewalk Waiver
06DRB-01415 Minor-Temp Defer SDWK

BOHANNAN HUSTON INC agent(s) for MESA VERDE DEVELOPMENT CO request(s) the above action(s) for all or a portion of Tract(s) A, UNIT 2, WILDERNESS @ HIGH DESERT (to be known as **WILDERNESS CANON @ HIGH DESERT**) zoned SU-2, HD/R-R, located on HIGH DESERT PL NE, between TRAILHEAD RD NE and EMBUDITO VIEW CT NE containing approximately 4 acre(s). [REF: 06DRB-00933, 04DRB-00713, 04DRB-01723] [*Deferred from 10/25/06 & 11/8/06 & 11/15/06 & 11/22/06 & 11/29/06*] (F-23)

At the December 6, 2006, Development Review Board meeting, with the signing of the infrastructure list dated 12/6/06 and approval of the grading plan engineer stamp dated 11/7/06 the preliminary plat was approved with the following findings:

1. The November 6, 2006 High Desert Residential Owners' Association Letter satisfies the intent of Section 4.A.7 of the High Desert Sector Plan based upon past High Desert Residential Owners' Association letters submitted for previous preliminary plats in High Desert.
2. Planning agrees that the preliminary plat submitted for Wilderness Canon at High Desert complies with the zoning, density and lot size requirements of the High Desert Sector Plan.
 - a. Specifically, residential uses in the SU2-HD RR zoning must conform, according to the Sector Plan, to the SU2-HD RG zone. The sector plan states the total number of dwelling units cannot exceed 300. Wilderness Canon's preliminary plat contains 25 lots or 25 dwelling units. High Desert Investment Corporation has stated for the record that the SU2-HD RR zone currently contains 110 units. So even with the addition of these 25 lots, the total is well below the 300 unit limit.



OFFICIAL NOTICE OF DECISION

PAGE 2

- b. One dwelling unit per lot as proposed also conforms to City's RT zoning category to which the SU2-HD RG zoning refers for use and lot size.
 - c. The lot sizes shown on the submitted plat conform to the RT zoning category.
3. The developer must include this statement on the final plat: "The property on this plat is subject to a Pre-Development Facilities Fee Agreement with the Albuquerque Public Schools recorded at [insert recording information here]."

The vacations were approved as shown on Exhibit B in the Planning file, subject to these findings and conditions:

FINDINGS:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements.
2. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.

CONDITIONS:

1. The vacated property shall be shown on a replat approved by the Development Review Board and the approved replat shall be filed for record with the Bernalillo County Clerk's Office within one year.

A subdivision design variance from minimum DPM standards concerning internal streets was approved as shown on Exhibit C in the Planning file.

A sidewalk variance for waiver of sidewalks was approved as shown on Exhibit C in the Planning file. The temporary deferral of construction of sidewalks on the interior streets was approved as shown on Exhibit C in the Planning file.

If you wish to appeal this decision, you must do so by December 21, 2006, in the manner described below.



OFFICIAL NOTICE OF DECISION

PAGE 3

Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal. If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

Please note that the vacation of all plats, rights-of-way, and easements are void after one year from the final appeal date referenced above if all conditions are not met (The effective date of Development Review Board approval is the hearing date plus the 15-day appeal period.) (REF: Chapter 14 Article 14 Part 7-2 (E)(3)(6) Revised Ordinance.)

Please note that a Preliminary Plat approval date is the date of the DRB action plus the 15-day appeal period. The Preliminary Plat approval expires one year from that date. The DRB must take action on the Preliminary Plat Extension prior to the expiration of the approval or the Preliminary Plat approval is null and void. (REF: Chapter 14 Article 14 Part 3-4 (E) Revised Ordinance.)

Sheran Matson, AICP, DRB Chair

Cc: Bohannon Huston Inc., 7500 Jefferson NE, 87109
Mesa Verde Development Co., 8300 Carmel Ave NE, 87122
John Salazar, Rodey Law Firm, P.O. Box 1888, 87103
Kym Dicome, High Desert Investment Corp., 3791 Southern Blvd SE, Rio
Rancho, NM 87124
Douglas Collister, 8524 Snakedance Ct NE, 87111
Ray Berg, 13501 Osage Orange NE, 87111
Debra & Jay Greenhood, 13409 Embudito View Ct NE, 87111
Sam & Jennie Baca, 5000 Cumbre del Sur NE, 87111



OFFICIAL NOTICE OF DECISION

PAGE 4

Arinta Liem, 13419 Wilderness Pl NE, 87111
Robert Pelletier, 5123 High Desert NE, 87111
John Farrow, 2400 Meadowview NW, 87110
Keith Gainer, 5516 Carmelita NE, 87111
Conrad & Marcella Stahly, 5015 Cresta del Sur NE, 87111
Patricia Wittman, 4905 Cresta del Sur Ct NE, 87111
Rob Erickson, 2621-1/2 Granite Ave NE, 87104
Larry Garcia, P.O. Box 1576, Los Lunas, NM 87031
Pat Stovall, 6604 Rogers Ave NE, 87110
Angela Ness, 13213 Manitoba Dr NE, 87111
Charles Young, 13105 Enchantment Ln NW, 87111
Ken Wesselman, 4613 Huntington Dr NE, 87111
Anne Marie Morosin, 13109 Manitoba Dr NE, 87111
Ed Hernandez, 1219 Blue Quail NE, 87112
Alan Clipperton, 13501 Embudito View Ct NE, 87111
Jack Eichorn, 6316 Bobcat Hill Ln NE, 87111
Tarin Davies, 13209 Manitoba NE, 87111
Joe Witte, 1570 West Ella Dr NE, 87048
Armando Lara, 13415 Piedra Grande NE, 87111
Kathleen Conlin, 1021 Orchard NW, 87102
Jeni Turgeon, 720 Tramway Ln NE, #6, 87122
Janet Lentz, 5109 High Desert Place NE, 87111
Carl Fesler, 5005 Cumbre del Sur NE, 87111
Don Kellor, 5004 Cresto del Sur NE, 87111
Christine Ranier, 5016 Cresta del Sur Ct NE, 87111
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.
File

DRB MINUTES FROM THE DECEMBER 6, 2006, DEVELOPMENT REVIEW BOARD MEETING.

1. Project # 1004989

06DRB-01411 Major-Preliminary Plat Approval
06DRB-01412 Major-Vacation of Public Easements
06DRB-01413 Minor-Subd Design (DPM) Variance
06DRB-01414 Minor-Sidewalk Waiver
06DRB-01415 Minor-Temp Defer SDWK

BOHANNAN HUSTON INC agent(s) for MESA VERDE DEVELOPMENT CO request(s) the above action(s) for all or a portion of Tract(s) A, UNIT 2, WILDERNESS @ HIGH DESERT (to be known as WILDERNESS CANON @ HIGH DESERT) zoned SU-2, HD/R-R, located on HIGH DESERT PL NE, between TRAILHEAD RD NE and EMBUDITO VIEW CT NE containing approximately 4 acre(s). [REF: 06DRB-00933, 04DRB-00713, 04DRB-01723] [Deferred from 10/25/06 & 11/8/06 & 11/15/06 & 11/22/06 & 11/29/06] (F-23) WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 12/6/06 AND APPROVAL OF THE GRADING PLAN ENGINEER STAMP DATED 11/7/06 THE PRELIMINARY PLAT WAS APPROVED WITH FINDINGS. THE VACATIONS WERE APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. A SUBDIVISION DESIGN VARIANCE FROM MINIMUM DPM STANDARDS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE. A SIDEWALK VARIANCE FOR WAIVER OF SIDEWALKS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE. THE TEMPORARY DEFERRAL OF CONSTRUCTION OF SIDEWALKS ON THE INTERIOR STREETS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE.

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

Kevin Patton, Bohannan Huston Inc., 7500 Jefferson NE, 87109
Charles Young, 13105 Enchantment Ln NW, 87111 for
Mesa Verde Development Co., 8300 Carmel Ave NE, 87122
Kym Dicome, High Desert Investment Corp., 3791 Southern Blvd SE, Rio
Rancho, NM 87124
Douglas Collister, 8524 Snakedance Ct NE, 87111
John Salazar, Rodey Law Firm, P.O. Box 1888, 87103

PERSONS SPEAKING IN OPPOSITION:

Ray Berg, 13501 Osage Orange NE, 87111
Debra Greenhood, 13409 Embudito View Ct NE, 87111
Sam Baca, 5000 Cumbre del Sur NE, 87111

Christine Ranier, 5016 Cresta del Sur Ct NE, 87111
Arinta Liem, 13419 Wilderness PI NE, 87111
Janet Lentz, 5109 High Desert Place NE, 87111
Carl Fesler, 5005 Cumbre del Sur NE, 87111

CHAIR MATSON: We are on Agenda Item #1, Project 1004989, Wilderness Canon at High Desert.

ALL PERSONS WERE SWORN IN

CHAIR MATSON: Good morning.

MR. PATTON: Good morning Madam Chair, Board members, my name is Kevin Patton and I'm with Bohannan Huston agents for Mesa Verde Development. We are here today from a deferral from last week. We were looking for additional information from the High Desert Residential Owner's Association concerning their review. Mr. Ray Berg, I saw him in the back, he may be able to speak to that. Again, what we'd like to do today is from a number of deferrals ago there were some points that were made we would like to address some of those points. And enter into the record some of the comments that have been shared and our response to some of those issues.

CHAIR MATSON: Okay.

MR. PATTON: Do you want me to go ahead and start or do you want to start with the additional information that was requested from the homeowner's association. How would you like to proceed?

CHAIR MATSON: Why don't you go ahead with your comments Mr. Patton and then we'll got to the Residential Owner's Association.

MR. PATTON: As indicated in the sector plan we're looking for certification from the High Desert Residential Owner's Association. One of those refers to zoning and density. I think you are in receipt of the original letter from Mr. Ray Berg, the President of the High Desert Residential Owner's Association. I'm not sure if he provided a copy of the letter from Mr. Bill Fanning who had given his original review. I received a copy of that. I would like to give you a copy for your records if you don't have that.

CHAIR MATSON: Okay, I'd appreciate that. Thank you.

MR. PATTON: Again, Mr. Fanning and Mr. Berg may want to add to this since they have had additional time to review this but I would like it noted that in the October 24, 2006 letter to Mr. Berg from Mr. Fanning on the second page his opinion states "I believe that the proposed development is consistent with the

underlying zoning in High Desert in all respects." Then again there is other information in there that you can read that addresses his review.

CHAIR MATSON: Okay.

MR. PATTON: Again, you are in receipt of Mr. Ray Berg's letter to you dated November 6, 2006 in which it indicates that they believe it is in conformance with the existing zoning as well. Again, Mr. Berg may want to add to his comments here later on. You should also be in receipt of a letter from Mr. Collister dated November 20, 2006 which covers a number of points. Again, I may cover some of those as I go through some points but Mr. Collister addressed the High Desert Residential Owner's Association required their approval at the time of plat. Land use zoning in accordance with the sector plan, proposed development subject to the 10% slope demarcation line where the no-build area density associated with this development. Then the trails, environmental impacts and traffic issues. I think you are in receipt of that letter as well.

CHAIR MATSON: Yes.

MR. PATTON: I also provided you a letter last week on November 28, 2006 that indicated again that we felt that the first letter from the Residential Owner's Association, Mr. Berg's letter dated November 6, 2006, we felt that was in conformance with what's required with the sector plan. Again we defer to the Board's judgment with that.

CHAIR MATSON: Okay.

MR. PATTON: Associated with the sector development plan, in our conformance with that, you are also in receipt of a letter from Kym Dicome who represents the High Desert Investment Corporation who has reviewed our submittal package. It's a letter to Scott Schiabor dated October 24, 2006.

CHAIR MATSON: Yes.

MR. PATTON: We wanted to make sure your copy also included a review from Lawrence Kline so I wanted to give you that to make sure because when we looked in the file and made copies we didn't notice that.

CHAIR MATSON: It's here now if it wasn't before. But you can certainly give me another copy if you'd like to. It was dated October 20, 2006 I believe.

MR. PATTON: Yes ma'am.

CHAIR MATSON: Thank you.

MR. PATTON: Again, what I'd like to do is note that Mr. Kline in his review has also found that our package and our request is in conformance with the sector plan and the zoning for this area as well. Just to note that as indicated in Ms. Dicome's letter that Lawrence Kline was one of the authors of the sector development plan when it was approved many years ago.

Maybe we ought to start with the 10% slope demarcation line. I know this has been an issue that folks have raised. What I'd like to do is I've brought some exhibits. As you know there is a map 4 in the sector plan that indicates that area, or delineates the 10% demarcation line. As Mr. Collister has stated in previous hearings on this item that the line was established with the bulk land plat back in the beginning which created the open space tract. Let me point to that. We have this area here which is City Open Space. That originally was not City Open Space. That was dedicated, that was part of the High Desert Development, that was part of the original land. The slope demarcation line created the western boundary of that tract which again, as indicated in the sector plan, that those areas above. The demarcation line should be dedicated to the City as public open space and that was done.

CHAIR MATSON: Mr. Patton can I interrupt you for just a second. When you say the western boundary of the tract, you are referring to Tract 13 is that correct? The original tract.

MR. PATTON: It's the east boundary of Tract 13 right here. The tract was one large tract. So Tract 13 was carved out at the same time that the parcel was carved to create or dedicate the City Open Space.

CHAIR MATSON: Okay.

MR. PATTON: I have a blow up. This area shaded in blue right here again originally was part of the High Desert Master Plan. Then when they created the bulk land plat back in 1993 they carved out Tract 13 and they also carved out this tract and dedicated it to the City Open Space because it was above the 10% demarcation line.

CHAIR MATSON: Okay, thank you.

MR. PATTON: At the same time this area down here, within Trailhead, that is south of the existing reservoir was also, I didn't shade it blue my apologies, but was also part of that demarcation area and was also dedicated to the City of Albuquerque as open space.

There's been questions on the slope within this tract. I have an 8-1/2 x 11 exhibit I'd like to provide that I also sent to Mr. Berg that gives the average slope across the property.

CHAIR MATSON: Okay thank you.

MR. PATTON: The exhibit you see before you is a diluted grading plan. Basically you have 4 points which are the 4 corners of the boundary. I've given you the pre-development elevation at those corners. I've also given you the slope, a straight line between each of the corners, the distance between and the slope. You'll notice again that we have the maximum slope across the site. In doing this is about, the worse case is 8.75, an 8.74, an 8.53, an 5.98, an 7.02 and then it's flat in the front. Indicating that the average slope across the site is less then 10%. Again is not within the 10% demarcation line that is east of our site. The 10% demarcation line is addressed in Mr. Collister letter dated November 20, 2006 of which I thought Mr. Collister did a good job of explaining that.

We'd also like to note, I think we've indicated this in previous testimony at the hearing that is our belief that again that Section 5 in the sector plan referring to the demarcation line was repealed so it becomes a non-issue in our mind as well. What we want to do is explain that even if it remained this area is not included in that.

CHAIR MATSON: It's your opinion then that all of the references throughout the plan are no longer valid even though it only mentions only one particular area?

MR. PATTON: If we can read that Resolution. Located in the sector plan Council Bill #R-292, Enactment No. 73-1993, indicates "Repealing Section 5 of Resolution 50-1993, concerning the High Desert Sector Plan. Whereas, Resolution 50-1993 was adopted by the Council on May 3, 1993; and whereas, an amendment deleting Section 5 was adopted by the Council but was inadvertently overlooked in the enrolling and engrossing procedure; and whereas, the Council is desirous of eliminating this clerical error from the Resolution 50-1993. Be it resolved by the Council, the governing body of the City of Albuquerque: That Section 5 of Resolution No. 50-1993 is hereby repealed."

If you go to the actual section in the ordinance Council Bill No. R-245, Enactment No. 50-1993, Section 5, "The 10% slope demarcation line shall be mapped to designate those areas for flood control/recreation open space purposes with the intent of the public agencies purchasing these areas or, in the event the land is not purchased by a public agency, development of the land shall be subject to additional policies stated herein the High Desert Sector Development Plan." If that's repealed then that's no longer the issue. It is no longer subject to the additional policy stated herein.

CHAIR MATSON: Okay, I understand.

MR. PATTON: I'd also like to address again the zoning. We've talked about this being a permissive use. Again it's zoned HD RR with the permissive use referring to HD RG. Again we believe we are in conformance with that. We've had a number of reviews which I've mentioned from Bill Fanning and Lawrence Kline.

CHAIR MATSON: Okay.

MR. PATTON: Again there's been a question concerning density also in the transition areas. As the sector plan indicates for RG we are allowed to build 300 units. Currently there are 110 with the Wilderness Estates, Wilderness Village and Wilderness Compound. We are adding 25 which would increase this to 135. Far below the 300 that's allowed. It also talks about transitions as are adjacent to the forest boundary and the adjacent boundaries. I'd like to also just refer to this exhibit that I've shaded in blue here. That sector plan provides that transition. It refers to town homes. Town homes are narrow lots they are not 80-foot wide lots. Again, the sector plan refers to town homes in a transition. It talks about a buffer and providing open space. That's been done. That was done when we granted the City Open Space in blue here, private open space here below and open space knoll here as well. So this development that we're looking at that's before you is surrounded by open space that was dedicated either to the public or private entities with previous platting. I think people or folks are trying to look at this and saying that you need to provide additional buffer and I think that's incorrect. I think that's already been done.

CHAIR MATSON: Okay.

MR. PATTON: Just talking about the number of units if you look at the zoning designation for RR it encompasses about 180 acres. Again if we have 135 units on 180 acres our du's per acre is very low. If we just looked at this Tract 13 of 73 acres with the number of units we are proposing in the scheme of things, 135 we are at 1.85 du's per acre. If you use the 180 within the zone we're at 0.75 du's per acre within that zone. We feel that is not very dense. There may be areas but again you've got to look at the big picture. We think the sector plan also and this area, this zone, refers to a variety of products. I don't think it's intent is to have all very wide, very big lots. I think there is a mixture. Again it refers to town homes at other places in the sector plan associated with this area. Again we think we're accomplishing that and I think we are also being very sensitive to this project with our grading plan and how we've gone about that and what's been proposed.

There were some points concerning safety, traffic also with fire. I would like to note that we do have a plan approved by both the Fire Marshal and Refuse concerning the proposed roadway layout within our project. I think Mr. Gallegos has also spoken to the traffic issues.

We are also willing to do some additional signage outside of this project to accommodate an existing situation I think with site distance.

I think we've addressed the trail access issue and again we did give testimony that again we weren't removing the trail. I think everybody's aware of that at this time.

We have indicated that we are willing to do some or provide some improvements within the existing City Open Space to address some drainage issues that the Residential Owner's Association has commented on. We have added to our infrastructure list. The developer's indicated that they are willing to either do some improvements within the City Open Space to address that issue up to a certain amount, or just provide the City some money to do that on their own. So again we just want to honor our commitment that we had made with our first meeting.

I think we've talked about our impact to schools. I think we have a draft agreement with Albuquerque Public School System. Again there were no adverse comments from APS concerning the proposed development.

I know drainage has come up as an issue as well. We are in receipt of a letter from Mr. Brad Bingham indicating that we are in conformance with and we have an approved grading plan. At this time we are discussing installing a ribbon channel along our boundary. Just to note that we are proposing an inlet at the end of that ribbon channel that accommodates two times the 100 year storm event. Which accommodates a clogging factor which should address issues associated with sediment and floatables as well. There may be issues of whether or not floatables or sediment can make its way down the arroyo. That happens currently with the arroyos that we have. There is nothing to stop sediment or floatables that go through High Desert at this time in this area.

What I'd like to do is stand for any questions. I may have some response to additional comments that are made at this time. I would also like if John Salazar, who is our legal representative, he would like to go ahead and talk at this time or he may want to wait until the end again as well.

MR. SALAZAR: Madam Chair if I may I think Kevin has covered our points. I'd just like to make one point.

CHAIR MATSON: Mr. Salazar would you please give your name please first of all.

MR. SALAZAR: Yes, I'm John Salazar and I'm with the Rodey Law Firm representing the applicant.

CHAIR MATSON: Thank you.

MR. SALAZAR: Madam Chair I believe Kevin Patton has covered the points. The only thing I'd like to say is there has been a lot of discussion about the use. There is no question that the use proposed is a permissive use. It's within the zone RR High Desert zone. The plat and all the submittals comply with the technical requirements of the City. There is no question about the use. In terms of whether it complies with the sector plan, I think one thing that's very important to be aware of is the sector plan itself indicates on page 4.1 when it goes into the zoning regulations following in a discussion about guidelines and ideas and concepts for High Desert. What they are trying to achieve with open space, transition zones. As Kevin has pointed out Wilderness Canon is very sensitive to its neighbors by, in effect, creating open space all around it so that the neighboring properties interact with open space not the development itself.

The sector plan itself indicates that the zone, this is on page 4.1 right in the introduction to the zoning regulations "the zones in terms described below were devised for the purpose of carrying out High Desert Sector Plan". So the plan had all these goals and concepts. Then it put the zones in there which by definition comply with the sector plan. That's how the zones were chosen and they were tailored. We have here a zone in which we are proposing a permissive use and by definition the plan indicates if your use is consistent with the zone which is proposed in the sector plan your use is consistent with the sector plan by definition. That's the only point I'd like to make Madam Chair. I am available if there are questions later.

CHAIR MATSON: Thank you. Do any of the Board members have questions of either Mr. Salazar or Mr. Patton at this time? No. Okay thank you. Mr. Berg I would like to call you up first if that's okay. If you'll state your name and address please first of all.

MR. BERG: My name is Ray Berg and I live at 13501 Osage Orange Rd NE in Albuquerque. I'm the President of the Board of Directors of the High Desert Residential Owner's Association. First I just wanted to state that we received the latest version of the plat only last Friday and have not had a significant amount of time to look through it. There are some substantive differences between that and earlier versions of the plat that were submitted. Nevertheless, we have tried to put together a statement regarding our opinion of the proposed plat. I would like to submit that to the Board together with the letters that came from two of the consultants that we used in this regard. I'll comment on that.

CHAIR MATSON: Okay. Have you provided copies to Mr. Patton of this information yet?

MR. BERG: I have the main copy which I will provide him.

CHAIR MATSON: Okay thank you.

MR. BERG: Here is the letter. We believe that the requirements of the sector plan are significantly greater than those of the City and its various zoning and other plans for several reasons. I've mentioned on this letter that they refer to numerous attributes in the High Desert area. Then at the bottom of this section indicates that the purpose of this whole document is to document those aspects of the plan which address these particular issues that are the attributes.

We believe based on the opinions of the people that we have used referenced that the plan is not in compliance. I'd like to just mention a couple of those. This issue of the slope has come up numerous times. I think it's fair to say that there is a significant area in that property that exceeds 10%. Now we could go up and find points just like Mr. Patton's but which show slopes that are greater than 10% over significant parts of the property. What we asked for was the documentation that shows that this place, this location is really allowed by the 10% demarcation line. We also believe that the 10% demarcation line is still active in that the references throughout the document exist to the 10% slope. In this Section 5 was not really adding those it was actually adding a provision to allow development above the 10% slope. That was deleted from the City Council Resolution.

With respect to boundaries the plan clearly indicates that the area is semi-urban residential as defined in the plan itself. There are numerous attributes of the semi-urban residential area that have not been addressed by the plan.

I've mentioned a number of others here including other references to boundary zones around the property, existing development in forest service and open space boundaries. One that we think continues to be a serious problem is that of the Storm Water Management System. The calculations of the drainage report itself indicate that every year on average there will be about 5.6 tons of sediment that have to be handled by the system. Then the 100-year situation, I'm sorry, every year on average there would be about 10 tons of sediment and the single 100-year storm itself would be 5.6 tons. This is not an insignificant amount of sediment that has to be handled by this system and it should be delineated on the plan itself.

There are numerous other deficiencies in the plan. We don't think that the Owner's Association should have to be discovering these. They should be dealt with as part of the plan. We don't believe that they have. Thank you.

CHAIR MATSON: Okay. Thank you Mr. Berg. Mr. Patton do you have responses?

MR. PATTON: I do. One of the things I would like to do is talk about the 10%. I know that Mr. Berg has indicated that you could go within the site and find again topo that indicates that there may be an area, a small isolated portion of the site that has an existing grade greater than 10%. Again let me just reiterate that Mr.

Collister has given testimony here and indicated where that demarcation line is. We also have a map in the sector plan that indicates that and we've indicated that again this area is not within the 10% demarcation line or above that line. I've got a quick drawing to show you. I believe Bohannon Huston was involved in creating Map 4 so I was trying to find Map 4 that was enclosed in the sector plan to see if I could locate that and whether it would give us a clear indication. I was unable to locate that map. In my review of looking for this map I did come across a slope map that was done back in 1991 for the Albuquerque Academy when we were working on this project. This is half, this is the southern half of High Desert. I apologize for the colors but that's what we had back then.

The area that you are looking at, this is the existing reservoir, this is Trailhead Subdivision, the road that comes up through Trailhead and then the parking lot. This area here is the Embudito Arroyo, this is the knoll that we are looking at, this is the area that was dedicated as City Open Space. The different colors in our legend here indicate again the slopes. Zero to 10%, 10% to 20% and so forth. You'll notice that the area that we are looking at developing the Wilderness Canon is in the area here. The orange area is the area between zero and 10%. The pink is the area between 10% and 20%. You will notice that the Wilderness Village and Compound we can go throughout.

Throughout High Desert there are areas that you can pick isolated areas with slope greater than 10% that have been developed. That was not the intent. Again when establishing the 10% demarcation line this area is not above that line. I think that you've got to look at an average across the site and we've done that with the exhibit that we provided you.

I think we've addressed again I think there is a misinterpretation by Mr. Berg and the folks reviewing this. I think again just to note that we've been working on this site. We have a number of folks, Lawrence Kline, Mr. Collister, Ms. Dicome who have all worked on this, know the intent, helped author the sector plan and are aware of the requirements. Again as we have indicated we provide a transition from the forest service and the neighbors so again we have done that.

I think, Mr. Berg, when he talks about just receiving the recent plat this last Friday, the only difference on that, I don't believe there was any difference on the preliminary plat. There was a change on the grading plan to just make sure we had located the ribbon channel that is proposed along our eastern boundary within our boundary. There have been issues associated with setbacks which are not reflected and in no way have we indicated on the preliminary plat or the grading plan where a setback is. These were brought up by Mr. Berg in a phone conversation we have had with him. We do believe we've provided sufficient drawings for the preliminary plat and the grading plan. Again we have experts such as Mr. Bingham who reviewed and approved our plan as well as getting comments from the Board.

Again mentioning the letters from Mr. Collister, Mr. Kline, Ms. Dicome and so forth. Even Mr. Berg's original letter as well as Mr. Fanning's original letter have noted that we are in conformance.

CHAIR MATSON: Okay thank you. In terms of the rest of the people on the sign in sheet this is the third public hearing as you're probably all too well aware that we've had on this project. The Board is well aware of where most of you stand. What I would like to do is ask if any of you have anything totally different that we haven't heard before to say this morning. Otherwise I think we'll probably just limit Mr. Berg to the one that can actually make comments because we've already heard everything twice. So does anybody who's signed up have something that we haven't heard before or that you're not aware that we've heard before this morning? Mr. Fesler?

MR. FESLER: My name is Carl Fesler and I reside at 5005 Cumbre del Sur NE in the Trailhead Subdivision. I have just as yet have seen some of this and I would like to make an observation and comment. With respect to the slope map...

CHAIR MATSON: Mr. Fesler you'll need to take the microphone with you or you can use the pointer that Mr. Patton has.

MR. FESLER: Thank you Mr. Patton. Within the Trailhead Subdivision there are several portions that again it's a mixture of the less than 10% and over 10%. When we look at the proposed plat which basically comes across this area again there is a significant percentage that is above 10. Part of it is zero to 10. The ridgeline directly affects those views. In their presentation they had indicated that the open space arroyo and the open spaces provided the buffer zone. When Trailhead was built there was a 35-foot setback to any building envelope. I would presume that's because at that time at least it was considered not sufficient protection of the views if we were to build out to the edge of the plot. Those were some comments I felt appropriate based on the information that I've just heard.

What I had not brought up before was in addition to Planning Guidelines which again I had given my response to you in a letter of November 21, 2006 which responding to Mr. Collister's letter of the 20th. In addition to that the Declaration of Covenants, Conditions and Restrictions for High Desert Residential properties which were made in 1993 by the High Desert Corporation. In essence imposed restrictions on the property that were mutually beneficial under a general plan of improvement for the benefit of owners of each portion of their properties. It also noted that the declarant which was High Desert Investment Corporation had created High Desert as a residential and recreational development and in furtherance of it and every other owner's interest has established a general plan of development for High Desert as a Master Planned Community.

And it continued that they were promulgating the High Desert's general plan of development in order to protect all owner's quality of life and collective interest the aesthetics and environment within the properties.

During this entire discussion they seemed to ignore that the original and oldest Village in Trailhead was built to protect views of the people behind us and up in the mountains. The proposed development that they are doing is putting a high density wall on a level about us that we would be looking through in order to see our view of the mountains. This is inconsistent with the guidelines that we were given. It's inconsistent with the protection of our quality of life for all of the residents within Trailhead and it is also inconsistent with all of the advertising and promotions that High Desert has done in the development and promotion of the High Desert Community. Thank you for the opportunity to speak.

CHAIR MATSON: You're welcome. Is there anyone else that has something new to say? Mr. Baca? When I start to recognize you, you know this has been going on too long.

MR. BACA: I'm flattered that you recognized me. Thank you for allowing us to come up here. Some of the new stuff...

CHAIR MATSON: Would you please your name and address?

MR. BACA: My name is Sam B. Baca and I live at 5000 Cumbre del Sur NE. I'm a resident of Trailhead and also Board of Directors. I've had the opportunity to talk to several consultants. Most of them there is a conflict of interest because they either work with Mesa Verde or they work with Scott Patrick or they work with High Desert Development. Most of them could not look at this and give us an opinion because there is a conflict of interest. We did go to the University of New Mexico and there's a planner as you have the copy of their letter there. He's also an urban designer and has a lot of experience. I had an opportunity to talk to him and if you read the letter and I talked to him personally and things that aren't in the letter. It's very obvious, according to him, that they are not in compliance. It is not consistent and I'm sure the rest will be self-explanatory on this letter.

MR. PATTON: Madam Chair if I may I don't have a copy of that. Can I get a copy of that by chance?

CHAIR MATSON: Claire would you make him a copy please. In fact if you wouldn't mind making him copies of all three of these.

MR. BACA: There is a section that I'd like to read from the sector plan and it's very important. "The plan also respects its urban neighbors, their influence on the site setting, the lowest density uses are placed against the forest, wilderness, park access and existing open boundaries.

The northern and southern boundaries maintain the use of intensities similar to Sandia Heights, Glenwood Hills respectively." What this is saying is they respect the urban neighbors. Trailhead is an urban neighbor Glenwood Hills. It takes a significant amount of the sights away from numerous homes in that area. I think that along it's not in compliance.

CHAIR MATSON: What page where you on?

MR. BACA: This is 3.5 and it's 1, 3, 4, 5 paragraphs down.

CHAIR MATSON: Thank you.

MR. BACA: Also anybody that's been to that site Tract 13 and they look up it's very obvious with the people who've been there and I'm not an expert but we did bring experts. It's well above 10% slopes and we're talking about a significant amount of that land. I'm not sure why that shows low pockets but go up there and take a look at it and see the significant slopes on that. I know we've met with Mesa Verde, we've met with Scott Patrick representatives and High Desert representatives three or four times. The Board as well as residents. The first time they spoke they painted a beautiful picture. They had everything covered. As we went along we're finding out it's not as pretty as they painted it. There's a lot of obvious conflicts that weren't brought to our attention. Such as there's going to be one-story and two-story homes. We found out later there's going to be 1 one-story home and it's going to be at the lowest level. The rest are two-story homes that take the sites and they are going to be 26-feet high on that. They had numerous options and decisions to make that they could have made those 25 homes they're talking about in the lower areas. There are a lot of acres out there. They chose to select the highest area, prime land, and I feel that the reason it's about money. That's basically what it is. They can sell those premium lots out there. They take away the sights. They take away the whole concept and theme of Wilderness and its neighborhoods on that. Thank you.

CHAIR MATSON: You're welcome. You do realize that the zoning allows two-story homes correct?

MR. BACA: It does. But the picture they painted was there was going to be combinations of one-story and two-stories and we found out they're all two-stories except for one. They even considered maybe knocking one more down to one-story. Thank you.

CHAIR MATSON: Would you please come up. Is it Debra?

MS. GREENHOOD: Yes, oh my goodness what a good memory. I'm Debra Greenhood and I live at 13409 Emudito View Ct NE in Albuquerque. I am a resident of the Wilderness, it's actually the Wilderness Village part of the Wilderness. I do have something additional to add. First I have a question for



Mr. Patton. Could you tell me how many homes are going to be two-story? Have you decided for sure?

MR. PATTON: Madam Chair, Board, ma'am I actually don't determine that. Maybe Charles Young could determine that. I think that's determined by who purchases the home. I don't know if they could tell you. Let me let Charles Young with Mesa Verde Development Scott Patrick Homes answer that.

MS. GREENHOOD: Okay.

CHAIR MATSON: Mr. Young if you'd state your name please first of all.

MR. YOUNG: Charles Young of Mesa Verde Development. The site is zoned to do two-story buildings. We have at least two that will be single levels to the two that are adjacent to the Wilderness Village to not overlook Lots 1 and 22.

MS. GREENHOOD: Those are actually bordering High Desert.

MR. YOUNG: Right.

MS. GREENHOOD: The lowest portion of that.

MR. YOUNG: Right. As to not overlook these lots which Scott Patrick owns here. Whether or not we'll make all of these two-story homes is yet to be determined but we want the ability to be able to do that.

CHAIR MATSON: It's partially up to what the homeowner wants is that correct?

MR. YOUNG: Yes ma'am.

CHAIR MATSON: Thank you.

MS. GREENHOOD: Just so I understand this correctly it could be all two-story homes but are you saying that you are definitely making those two lots. This is part of the inconsistency. Initially when the homeowners were called together rather hastily for a meeting in the middle of October and we were presented with all of these plans. What we were initially told by Mr. Young as well as other representatives of Mesa Verde was that it was going to be one and two-story homes that they were going to be very consistent with the surrounding area. As Mr. Baca pointed out the inconsistency that has come up is that the information keeps changing. Based on what information you give me that's what I need to point out to the Board this morning. So, as I understand it, you really don't have any particular plan. It could be 25 two-story homes. It could be 23 one-story homes and 2 two-story homes.

MR. YOUNG: We want the flexibility to do two-story homes. It is going to be a combination of two and one-story homes. The number we have not yet determined. We have determined that Lot 1 for sure we've combined two lots prior to this plan here we had 26 lots. We wanted to have that one adjacent to the Wilderness Village, Lot 1 to make sure that would be a single level being adjacent to the Wilderness Village. So we combined two lots to make one just to make sure we had plenty of room to do a large enough single story home. We've also tried to make this one larger. Whether or not that one for sure will be two-story we're planning on it now but it could possibly be a two-story as well as all of these lots.

MS. GREENHOOD: Could be. Okay thank you. That's really the first chance that I've had to ask that question. How many two-story homes are there going to be? If I may, can I stand up there and point something out.

CHAIR MATSON: Why don't you use the pointer instead.

MS. GREENHOOD: This right here is High Desert Place. Before I go any further can I just ask is there ever any opportunity that the Development Review Board makes a field trip?

CHAIR MATSON: We do.

MS. GREENHOOD: You do.

CHAIR MATSON: Yes.

MS. GREENHOOD: You do so there have been occasions when you've done site inspections in particularly unusual circumstances if it's warranted.

CHAIR MATSON: Yes or if we need information that we can't get there yes.

MS. GREENHOOD: What I wanted to point out is that if you were to come into the entire Wilderness tract. It comes down a long road here. Then you come in all the way up here. This is the highest road in all of Wilderness. This is called High Desert Place. Now where this proposed plan comes off is this driveway is going to be coming in here and these are all houses around here. Now if you were to continue along this road there is a large rock pile over here. There is a public trailhead that people can walk into. You walk around this way. The trail goes all the way around the perimeter of this proposed development. If you walk around that trail and a lot of people do because this isn't just being used by Wilderness, by High Desert residents. In fact, as you saw at the meeting that you had several weeks ago there were people that were here in response to a tiny little article in the Albuquerque Journal saying that maybe the trail was going to be closed. When they found out the trail wasn't going to be closed they breathed a sigh of relief. My feeling and a lot of other people feel that if the

bikers, the hikers, the walkers all the people that use all of High Desert and this wonderful trail that goes all the way around here, all the way around here and actually continues all the way around all of High Desert. If they were to find out what was going to happen if there were in fact all two-story homes even primarily two-story homes in this development I believe that this would a large impact. Not only on the Wilderness and on High Desert but this would impact all of Albuquerque. This is why I'm asking if you ever do field trips. If you were to walk around this trail and you walk at every angle right now because this is all open you have the most incredible vistas of all of Albuquerque from the south all the way to the north. Seventy-five miles to the west you are looking at Acoma. I think actually that's detailed in Mr. Borbas' letter from the University of New Mexico the planner. If you have 26-foot high homes going all the way around here what happens is as you walk here just about at this point when you get to where those homes start, that entire vista is not only blocked it's obliterated. You cannot see anything. If the homes are 26-feet high you are looking at the back of a wall, the back of a wall, the back of a wall, the back of a wall all the way around here.

The other thing I wanted to point out and that's why a field trip might be necessary is right in this area where this is open space, right up against this trail it's a big pile of rocks. You've got 26-feet of wall going all the way around here with whatever setbacks you finally decide back there depending on whether it's the back of the house or the side of the house. Even so you've got a tiny trail right up against this wall and rocks right up against here. You've got hikers, bikers, mountain bikers. I personally wouldn't mountain bike on that trail because it's bumpy, but they do it. They are flying around that area. I personally feel and so do a lot of other people this would be a great impact environmental impact on the people that use this trail in Albuquerque.

You keep talking about you've got open space dedicated next to these places. That's great. Except this is a very unusual tract. Not only does it really go against the sector plan in terms of having less dense areas next to open space but you've got a really tight area for public use. Which is why we keep talking about the safety issues, the fire issues, the traffic issues. But for this if you were to walk up there you would see what happens when you've got 26-feet of wall going all the way around that entire place. A huge chunk of what the public sees is going to be gone.

MR. PATTON: If I could let me address some of that. I think you have brought up some points. One thing we want to remind folks of some testimony ago Mr. Collister did speak when again this area right here, this open space was granted or dedicated to the City, a trail did not exist in here. Mr. Collister walked that area and created that trail with the City Open Space. When he walked that, as is testimony indicated, the City Open Space folks as well as other folks that may have joined them from the City were aware that we were going to have a wall and development adjacent to this property. That was the intent. As well as this

trail here that we have. Both of those trails were created by the High Desert Development. They wouldn't be in existence without this. Again it's something that was planned and the trails came in first. So we have people who are enjoying those trails and saying 'well now that we have this trail here we don't want you to build' well that's not part of the master plan. So that's how we address that.

I think that the safety issues that you've raised we're not changing anything. The boundary is still what we're proposing at this point which could change. We could move the wall closer if we made improvements to the City Open Space to address drainage. We've talked about that so that's a possibility. Currently right now what we are proposing is still a smooth wire fence on Timber Post that's no different then what's out there today from a safety standpoint. So, I don't know, from a safety standpoint how we are affecting that. Again right here I think we've improved the safety because we went in and provided some bank protection that was required with the master drainage study and at that time created the trail. So the trail is protected again by the improvements that were constructed and paid for by the developer with the intent of developing this property.

CHAIR MATSON: Ms. Greenhood I think the point that I need to make to you is that this Board is a technical review board and we are empowered to approve preliminary plats. We do not have the power to require the developer to put all one-story or all two-story homes.

MS. GREENHOOD: I understand.

CHAIR MATSON: I understand your point but there is nothing that we can do to prohibit him from doing that or saying no you can't do it because the zoning allows it. We are not like the Environmental Planning Commission who sometimes has that discretion. We don't.

MS. GREENHOOD: I understand. I just really wanted it on the record and I just wanted to respond to something that Mr. Patton just said. I think it's admirable that High Desert Development put in the trails. But High Desert Development actually isn't Mesa Verde Development. The zoning and the changing of what happened on that small little tract of land happened long after that trail was placed. So yes the trail was placed but then the zoning changed afterwards. Prior to that it wasn't supposed to be quite so dense was it?

MR. PATTON: No ma'am. The zoning hasn't changed. The sector plan was approved in 1993 at the same time that the developer dedicated the open space. The zoning was in place prior to the trail being in place.

MS. GREENHOOD: I wasn't aware of that. I thought that the zoning for this particular 4 acre tract had been changed within the last 5 years.

MR. PATTON: No ma'am.

MS. GREENHOOD: Well that's my mistake. I did want to also mention that this speaks to the safety issue which is the traffic issue which is the water drainage issue.

CHAIR MATSON: Ms. Greenhood we've heard all that before. I hate to cut you short okay. Thank you.

MS. GREENHOOD: Thank you very much.

CHAIR MATSON: Anyone else? Mr. Baca it needs to be very brief please.

MR. BACA: Sam Baca and I'd just like to correct an issue that was made that there is no, I believe he said, High Desert Development put the trail in? I was born and raised here in Albuquerque and used that trail many times. They may have improved it. They may have made it a little better but that trail has always existed on that.

CHAIR MATSON: All right thank you. Do you have any closing comments?

MR. PATTON: Madam Chair just to address that same issue that Mr. Baca just raised. Mr. Collister is in the audience. It's my understanding from the shaking of his head that that is not the case. So if the Board would like Mr. Collister might be able to speak to that otherwise it's our opinion that trail did not exist and that it was established by Mr. Collister and the City of Albuquerque with this master planned community.

CHAIR MATSON: The Open Space trail is actually outside this proposed plat so I think we'll let that issue go. Do you have any closing comment?

MR. PATTON: If you'd let me just confer with counsel?

CHAIR MATSON: Okay.

MR. PATTON: Madam Chair, Board members again there is no additional closing remarks except for the fact that we think we are diligent in trying to meet with the neighborhood association. That we have met the requirements of the sector development plan in that again, Mesa Verde I think and Scott Patrick Homes have done a wonderful job within the High Desert Master Planned Community. I think they have a number of subdivisions within a number of folks probably live in their homes. I think they do a good job and want to make sure that we create a community. We think we've done that. Thank you.

CHAIR MATSON: Those of you who have signed up this morning but did not speak we will make sure that you get written notice of any action that we're taking here this morning. I just wanted to let you know that.

Okay we're going to start and go around to the various Board members, we'll start with Parks?

MR. FLORES: The note on the infrastructure list for a trail, Christina has a little more background with this project in that she wanted to know if there was a verification note of some \$5,000 amount?

MR. PATTON: Right and I have that actually on the infrastructure list. I can give you a copy. We've added a note to the infrastructure list. I apologize I didn't get you a copy so let me do that now. We have indicated on there that we would either make improvements within the City's Open Space up to \$5,000 or we would provide that amount to the City to make their own improvements within the City's Open Space. I did have a conversation with Matt Schmader the Director of the City Open Space who said that was sufficient and he was happy with that. I've also I think we may hear from Wilfred and Brad as well.

MR. FLORES: Okay. That's all.

CHAIR MATSON: Hydrology?

MR. BINGHAM: With respect to the vacation request of the waterline and the open space easement and the public drainage easement I have no objection. I do have an approved grading and drainage plan dated 11/7/06 so I'll be ready to sign the infrastructure list. With respect to the comments on the sediment and floatables typically that's covered with a Storm Water Pollution Prevention Plan during the actual construction of the project not in the drainage report. Sediment bulking of the storm drain is inherent in there design. We did look at that. I've been in this business a long time so I know there is sediment all over town. I'm ready to approve this project.

CHAIR MATSON: Okay. I'm going to go to Utilities until I get my voice back.

MR. BALCH: I have a minor comment on the infrastructure list. You need to add removal of the 6-inch line, I mean actually take it out of the ground and the easements to be vacated.

MR. PATTON: I can add that.

CHAIR MATSON: Is that it?

MR. BALCH: That's it.

CHAIR MATSON: Transportation?

MR. GALLEGOS: I have no objections to any of the requests today with the changes to the infrastructure list.

CHAIR MATSON: Okay. In terms of Planning's comments hopefully my voice will make it. The November 6, 2006 High Desert Residential Owner's Association letter satisfies the intent of Section 4.8.7 of the sector plan based upon past High Desert Residential Owner letter submitted for previous preliminary plats in High Desert. Planning agrees that the preliminary plat submitted for Wilderness Canon at High Desert complies with the zoning, density and lot size requirements of the sector plan. Further we believe the plat submitted complies with intent of the High Desert Sector Plan with regard to Planning issues. The other Development Review Board members have spoken to their areas of expertise. Specifically, residential uses in the SU-2 HD RR zoning must conform according to the sector plan to the SU-2 AD RG zone. The sector plan states the total number of dwelling units cannot exceed 300. Wilderness Canon's preliminary plat contains 25 lots or 25 dwelling units. High Desert Investment Corporation has stated for the record that the zone currently contains 110 units so even with the addition of these 25 lots the total is well below the allowed 300. One dwelling unit per lot is proposed also conforms to the City's RT zoning category to which the SU-2 HD RD zoning refers for use and lot size. The lot size shown on the submitted plat conform to the RT zoning category.

So Planning also has no objection the preliminary plat. I'm going to go ahead and do the approvals. Do you have any further comments?

MR. PATTON: Madam Chair I just wanted to address Utility Development's comment. We do have the removal already on the infrastructure list.

MR. BALCH: You do?

MR. PATTON: Page 2 top.

MR. BALCH: Okay.

CHAIR MATSON: With the signing of the infrastructure list dated today and approval of the grading and drainage plan dated November 7, 2006 the preliminary plat is approved subject to the provisions of the Subdivision Ordinance. We are also approving the vacations as shown on Exhibit B in the Planning file also subject to the provisions of the Subdivision Ordinance. The applicant has one-year to file the final plat showing the vacation. We are also approving the sidewalk variance as shown on Exhibit C in the Planning file for waiver of sidewalks and the Subdivision Design Variance from minimum DPM (Development Process Manual) standards as also indicated on Exhibit C in the

Planning file and the temporary deferral of construction of sidewalks on the interior streets as shown on Exhibit C. Approval of this variance is subject to the provisions of the DPM (Development Process Manual).

The condition of final plat is that you have your Albuquerque Public Schools (APS) Pre-development Fees Agreement recorded prior to application for final plat.

The finding is that the November 6, 2006 letter received from Mr. Berg of the High Desert Residential Owner's Association complies with the intent of the High Desert Sector Plan. We're done.

FILE

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November 28, 2006

Sheran Matson, Chair
Development Review Board
City of Albuquerque
P.O. Box 1293
Albuquerque, New Mexico 87103

Re: Wilderness Canyon at High Desert (Tract A of the Wilderness Unit 2), DRB Project # 1004989
Request for deferral to the December 6, 2006 DRB Meeting

Dear Ms. Matson:

It is our understanding that the Development Review Board (the "DRB") is requesting a deferral of the project mentioned above deferring the requested actions from the Wednesday, November 29, 2006 DRB meeting to the December 6, 2006 DRB meeting. It is our understanding the purpose of this deferral is to allow the High Desert Residential Owners Association (the "HDROA") an additional week to certify to the City that the proposed plat meets the requirements of the Sector Development Plan.

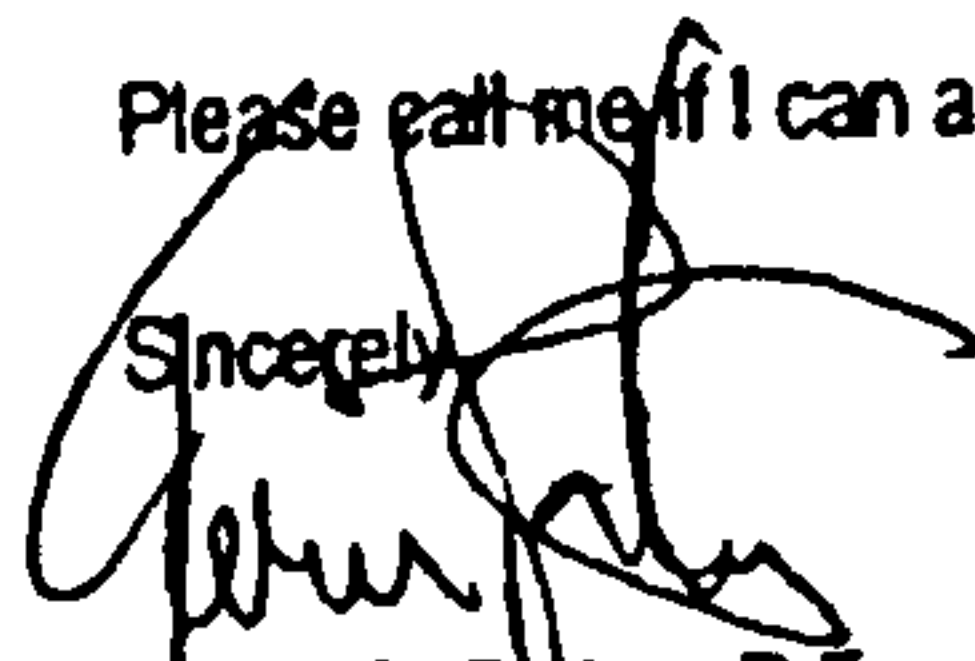
It is our belief that this certification has previously been provided to the DRB by the letter that was previously submitted into the record, addressed to Sheran Matson, dated November 6, 2006, from Raymond S. Berg, President of the Board, HDROA. This letter states the following:

Section 4.A.7 of the High Desert Sector Development Plan requires that the High Desert Residential Owner Association (HDROA) certify to the City at time of submittal for approval to the Development Review Board that any proposed plat meets requirements of the Sector Development Plan. It further requires that at time of submittal for building permit for new construction that any construction plans meet the requirements of the Sector Plan. The Association is also required certify that the number of units constructed in the zone does not exceed the maximum allowed by the Sector Plan.

HDROA has performed a review of the proposed plat through Mr. William Fanning, Fanning Bard Tatum Architects AIA Ltd. Based on that review we believe that proposed plat is consistent with the underlying zoning requirements of the Sector Development Plan. We also agree that the number of units in the proposed plat does not exceed the maximum number of units allowed..... (Emphasis added.)

We defer to the DRB's judgment whether to defer this matter to the December 6, 2006 DRB meeting. We do ask that should the DRB defer this matter to the December 6, 2006 DRB meeting to allow additional information to be supplied to the DRB by the HDROA, that the DRB allow the applicant the opportunity to further defer this matter, if we find it necessary to review and respond to any new information that may be entered into the record at the December 6, 2006 DRB meeting.

Please call me if I can answer any questions regarding the above items.

Sincerely,

Kevin G. Patton, P.E.
Senior Vice President and Managing Principle
Kp

01723] [*Deferred from 10/25/06 & 11/8/06 & 11/15/06 & 11/22/06*] (F-23)
DEFERRED AT THE AGENT'S REQUEST TO 11/29/06.
Neither the applicant nor the agent were present.

The following action was taken:

~~The above request was deferred at the agent's request to November 29, 2006.~~

DRB MINUTES FROM THE NOVEMBER 29, 2006, DEVELOPMENT REVIEW BOARD MEETING.

1. **Project # 1004989**
 - 06DRB-01411 Major-Preliminary Plat Approval
 - 06DRB-01412 Major-Vacation of Public Easements
 - 06DRB-01413 Minor-Subd Design (DPM) Variance
 - 06DRB-01414 Minor-Sidewalk Waiver
 - 06DRB-01415 Minor-Temp Defer SDWK

BOHANNAN HUSTON INC agent(s) for MESA VERDE DEVELOPMENT CO request(s) the above action(s) for all or a portion of Tract(s) A, UNIT 2, WILDERNESS @ HIGH DESERT (to be known as WILDERNESS CANON @ HIGH DESERT) zoned SU-2, HD/R-R, located on HIGH DESERT PL NE, between TRAILHEAD RD NE and EMBUDITO VIEW CT NE containing approximately 4 acre(s). [REF: 06DRB-00933, 04DRB-00713, 04DRB-01723] [*Deferred from 10/25/06 & 11/8/06 & 11/15/06 & 11/22/06 & 11/29/06*] (F-23) **DEFERRED AT THE AGENT'S REQUEST TO 12/6/06.**

Neither the applicant nor the agent were present.

The following action was taken:

The above request was deferred at the agent's request to December 6, 2006.

Nov. 21. 2006 11:20AM

No. 0936 P. 1

Behannan & Huson

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SENT VIA FAX

November 21, 2006

Sheran Matson, Chair
Development Review Board
City of Albuquerque
P.O. Box 1293
Albuquerque, New Mexico 87103

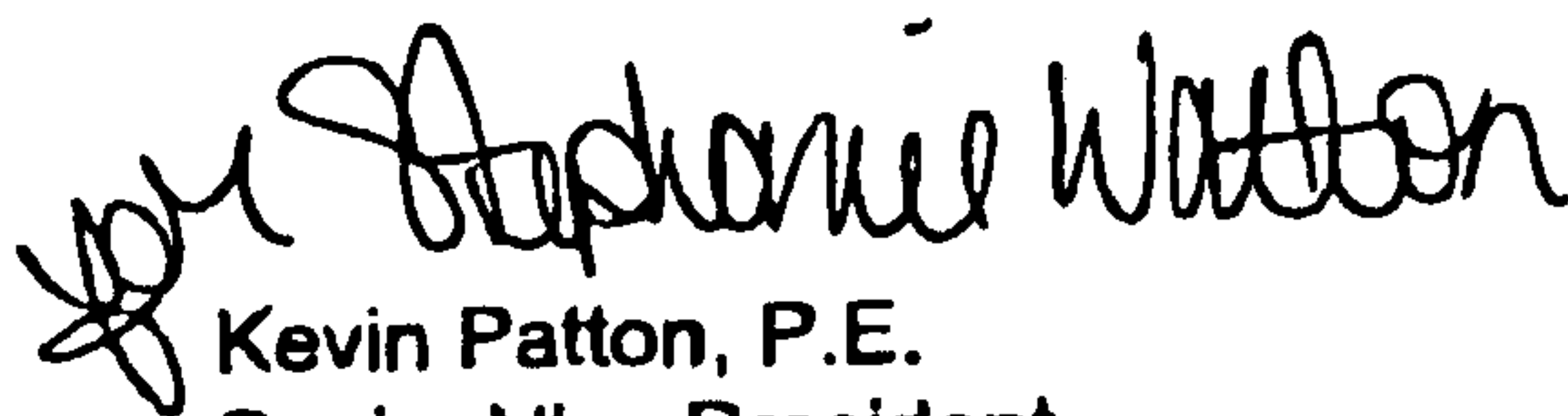
Re: Request for a 1 week deferral *to 11/29/06*
Tract A Wilderness Canon DRB# 1004989

Dear Sheran:

We request a one (1) week deferral of the following item associated with Project number DRB 1004989 (Item 6) on the November 22, 2006 agenda: Preliminary plat approval.

If you have any questions or require further information, please call me at 823-1000.

Sincerely,



Kevin Patton, P.E.
Senior Vice President
Community Development and Planning Group

SW
Enclosure

317

-178-

ENGINEERING ▲
SPATIAL DATA ▲

ADVANCED TECHNOLOGIES ▲

MR. PATTON: At this time we do not propose lights within the subdivision. We will determine that at DRC (Design Review Committee) and let you know.

MR. GALLEGOS: Would you add the signage to the infrastructure list?

MR. PATTON: I did not but I can do that Wilfred.

MR. GALLEGOS: Then again with the platting action and I'll look for it at the final plat, is the maintenance and beneficiaries for Tract A and Easement A. Going back to Christina's comments I was under the impression that we were going to have the trail improvements on this infrastructure list. They are a site that is abutting this. I see it no different then a site abutting a public street where we would get infrastructure for that. No other comments Madam Chair.

CHAIR MATSON: Okay. Mr. Berg we would like to have the new letters as expeditiously as possible so that we don't hold up our decision too long. Could you do it within a week?

MR. BERG: I could certainly try.

CHAIR MATSON: Okay. Then also you can work on the issue of the trails on the infrastructure list. So we will defer to November 22, 2006.

MR. PATTON: Thank you.

CHAIR MATSON: You will need to pay a deferral fee this time. I left you off the hook the last time. This will be the only notice you will get of that hearing next week. If you plan on coming take note please. Thank you.

DRB MINUTES FROM THE NOVEMBER 22, 2006, DEVELOPMENT REVIEW BOARD MEETING.

- 6. Project # 1004989**
06DRB-01411 Major-Preliminary Plat Approval
06DRB-01412 Major-Vacation of Public Easements
06DRB-01413 Minor-Subd Design (DPM) Variance
06DRB-01414 Minor-Sidewalk Waiver
06DRB-01415 Minor-Temp Defer SDWK

BOHANNAN HUSTON INC agent(s) for MESA VERDE DEVELOPMENT CO request(s) the above action(s) for all or a portion of Tract(s) A, UNIT 2, WILDERNESS @ HIGH DESERT (to be known as WILDERNESS CANON @ HIGH DESERT) zoned SU-2, HD/R-R, located on HIGH DESERT PL NE, between TRAILHEAD RD NE and EMBUDITO VIEW CT NE containing approximately 4 acre(s). [REF: 06DRB-00933, 04DRB-00713, 04DRB-

01723] [*Deferred from 10/25/06 & 11/8/06 & 11/15/06 & 11/22/06*] (F-23)
DEFERRED AT THE AGENT'S REQUEST TO 11/29/06.

Neither the applicant nor the agent were present.

The following action was taken:

The above request was deferred at the agent's request to November 29, 2006.

DRB MINUTES FROM THE NOVEMBER 29, 2006, DEVELOPMENT REVIEW BOARD MEETING.

1. Project # 1004989

06DRB-01411 Major-Preliminary Plat Approval

06DRB-01412 Major-Vacation of Public Easements

06DRB-01413 Minor-Subd Design (DPM) Variance

06DRB-01414 Minor-Sidewalk Waiver

06DRB-01415 Minor-Temp Defer SDWK

BOHANNAN HUSTON INC agent(s) for MESA VERDE DEVELOPMENT CO request(s) the above action(s) for all or a portion of Tract(s) A, UNIT 2, WILDERNESS @ HIGH DESERT (to be known as WILDERNESS CANON @ HIGH DESERT) zoned SU-2, HDR-R, located on HIGH DESERT PL NE, between TRAILHEAD RD NE and EMBUDITO VIEW CT NE containing approximately 4 acre(s). [REF: 06DRB-00933, 04DRB-00713, 04DRB-01723] [*Deferred from 10/25/06 & 11/8/06 & 11/15/06 & 11/22/06 & 11/29/06*] (F-23) **DEFERRED AT THE AGENT'S REQUEST TO 12/6/06.**

Neither the applicant nor the agent were present.

The following action was taken:

The above request was deferred at the agent's request to December 6, 2006.

DRB MINUTES FROM THE NOVEMBER 15, 2006, DEVELOPMENT REVIEW BOARD MEETING.

10. Project # 1004989

06DRB-01411 Major-Preliminary Plat Approval
06DRB-01412 Major-Vacation of Public Easements
06DRB-01413 Minor-Subd Design (DPM) Variance
06DRB-01414 Minor-Sidewalk Waiver
06DRB-01415 Minor-Temp Defer SDWK

BOHANNAN HUSTON INC agent(s) for MESA VERDE DEVELOPMENT CO request(s) the above action(s) for all or a portion of Tract(s) A, UNIT 2, WILDERNESS @ HIGH DESERT (to be known as WILDERNESS CANON @ HIGH DESERT) zoned SU-2, HD/R-R, located on HIGH DESERT PL NE, between TRAILHEAD RD NE and EMBUDITO VIEW CT NE containing approximately 4 acre(s). [REF: 06DRB-00933, 04DRB-00713, 04DRB-01723] [*Deferred from 10/25/06 & 11/8/06 & 11/15/06*] (F-23) DEFERRED AT THE AGENT'S REQUEST TO 11/22/06.

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

Kevin Patton, Bohannon Huston Inc., 7500 Jefferson NE, 87109
Charles Young, 13105 Enchantment Ln NW, 87111 for
Mesa Verde Development Co., 8300 Carmel Ave NE, 87122
Kym Dicome, High Desert Investment Corp., 3791 Southern Blvd SE, Rio
Rancho, NM 87124
Douglas Collister, 8524 Snakedance Ct NE, 87111

PERSONS SPEAKING IN OPPOSITION:

Ray Berg, 13501 Osage Orange NE, 87111
Arinta Liem, 13419 Wilderness Pl NE, 87111
Janet Lentz, 5109 High Desert Place NE, 87111
Carl Fesler, 5005 Cumbre del Sur NE, 87111
Don Kellor, 5004 Cresto del Sur NE, 87111
Sam Baca, 5000 Cumbre del Sur NE, 87111

CHAIR MATSON: We are on Agenda Item 10, Project #1004989, Wilderness Canon at High Desert.

ALL PERSONS WERE SWORN IN

CHAIR MATSON: Okay Mr. Patton if you will introduce yourself please and explain the project one more time.

MR. PATTON: Madam Chair and members of the Board my name is Kevin Patton and I'm with Bohannon Huston agents for Mesa Verde Development requesting preliminary plat approval as well as vacations of three easements we have on this site. We met three weeks ago before the Board and obtained comments from both the Board and the parties that were at that meeting. We deferred for two weeks and then again another week to continue to address questions. Since that time we have obtained a letter from the High Desert Residential Owner's Association certifying that we are in conformance with the sector plan. Mr. Ray Berg, President of the High Desert Residential Owner's Association is here and can probably speak to that and may as we continue. I think that's pretty much it. Again we are here to address any additional comments that may surface but we look for approval today.

CHAIR MATSON: Have you met with any of the folks who expressed concerns three weeks ago between then and now?

MR. PATTON: Madam Chair I know we have spoken and gotten documents to some of these folks. I know Mr. Charles Young who is with Mesa Verde Development has had some additional meetings that I was not involved in that he can speak to.

CHAIR MATSON: Mr. Young if you'll introduce yourself please.

MR. YOUNG: Madam Chair Charles Young, Mesa Verde Development Corporation. We did meet with four members or four private residents of surrounding neighborhoods. Mr. Sam Baca, Janet Lentz, Tarin Davies and a Mrs. Pelletier. Scott Schibor and I discussed their concerns. We talked about their concerns and actually made several, actually nine commitments that we would agree to if there was no opposition to our project.

CHAIR MATSON: Okay, do you have a list of those?

MR. YOUNG: I do.

CHAIR MATSON: Is this an extra copy?

MR. YOUNG: Yes.

CHAIR MATSON: What I'd like to do is lay down a ground rule or two. I won't go over the ones that I talked about last time because I think most of you folks have been here at the last meeting. The only thing that I would like to say is we have several people who would like to speak. The comments that you made at the last hearing are on public record so you do not need to reiterate those. The ones about the traffic et cetera, et cetera. So I'd prefer that you would not do that because it will just extend the hearing longer and we've already got those comments on record. If any of you still feel the same way, you can just state that for the record and we'll understand.

If you've got something totally new you'd like to talk about that's fine. With that in mind, Arinta Liem? If you'll go up to where one of the microphones is please or you can just stand there.

MS. LIEM: I'd like to stand.

CHAIR MATSON: Okay.

MS. LIEM: I read all those commitments but none of those should be the subject. All I am concerned with is that you take into consideration to reduce the amount of houses from 25 to 12 maximum 15. Then none of the problems should arise anymore. Looking at the Wilderness Compound at the time we still lived in Texas, now when I moved in 6 months ago, I don't think this is the right place for that expensive subdivision near the open space for the hikers sake. Bikers and people who hike, American taxpayer who have the right to hike on the side of the U. S. Forest Mountain that you don't have to worry about being behind the houses at the Compound. Dogs may bark at you. With 25 homes you will build 2-story and with 12 to 15 you don't have to.

When I look at the map here the 3 houses on the island will be eliminated if that's what you desire and make it around here because this is Lot 22, this is #1, or 11 whatever and these 3 make it 25. If you eliminate these 3 lots then make it here like 7 and 8 just around here and make here like an island or street light maybe. It will look so beautiful even for the buyer. You may build less houses but you will build faster and you maybe make the same amount of money because 1-story is more expensive than 2-story. If the hiker is already experiencing on Wilderness Compound then you are worried about the neighborhood. That's not hiking, hiking you're supposed to feel with nature not behind somebody's houses. If you build 25 homes it will be worse because 4 acres, the Compound is 5 acres. There is another thing, your 2-story the hikers will be looking at that's not hiking. They have the right to hike on the U.S. Forest Land without being worried about neighborhood dogs barking there are so many houses.

CHAIR MATSON: Ms. Liem but your time is up. If you want to make just one more statement that's fine.

MS. LIEM: One more statement is please consider this if you have artist rendering to draw to the one I just told you, make an island instead of 3 houses, then you look at it carefully. If you have a relative that wants to buy the house which one would you buy. This is kind of uphill and people can see it and I don't think it's very attractive. I believe you will sell it faster and make all home owners happy. It will eliminate all the problems that we talked about 3 weeks ago.

CHAIR MATSON: Raymond Berg if you'll come up please. You can either stand or someone will relinquish their seat hopefully. Good morning. If you'll state your name and address for the record please.

MR. BERG: I'm Raymond Berg. I'm the President of the Board of Directors of the High Desert Residential Owner's Association. Thank you for allowing me to address you this morning. I believe you should be in receipt of the letter from us regarding the evaluation of the zoning and number of units.

CHAIR MATSON: Yes I did.

MR. BERG: I trust that is satisfactory.

CHAIR MATSON: Yes it is, thank you.

MR. BERG: We had expressed concern about two issues. One was a traffic issue that related to traffic on High Desert Place and I believe Mr. Gallegos that you are in receipt of communication from Dean Bressler in that regard?

MR. GALLEGOS: I am.

MR. BERG: Was this satisfactory for explaining what our concerns are?

MR. GALLEGOS: I know what the concerns are. I'm not sure I agree with his analysis of the situation out there. I have forwarded an email based on his previous email to me to Operations to take a look at the situation. Unfortunately, these are already previously platted lots. This is not really the subject of this particular area in here where there could be something done with easements or anything in order to remove those walls. Operations is taking a look at it. I'm not sure if there is striping or something out there that might alleviate the situation.

MR. BERG: Okay. So he's in ongoing communication with you about that.

MR. GALLEGOS: Yes.

MR. BERG: Okay. The other issue that we had some real concerns about had to do with drainage. We have seen a number of proposals from Bohannan Huston regarding drainage ideas. We have a couple of continuing concerns about that. One being the safety of having a concrete drainage feature immediately adjacent to a trail that's used heavily by bicycles and a lot of pedestrians and at least potentially equestrian users. We would like that to be somehow folded into the mix. I understand that a number of these things get treated or discussed at another kind of hearing. I nevertheless think that they are important to be put into the record so that they are an integral part of the treatment or any solution that is proposed for it. That's basically my concerns.

CHAIR MATSON: Thank you Mr. Berg. Janet Lentz? Ms. Lentz I believe that you are new so I will tell you that one of the rules that I put down last time was that you try and limit your comments to 2 minutes. Okay, you already know that. Thank you. If you'll say your name and address please.

MS. LENTZ: My name is Janet Lentz. I am a resident of Wilderness at 5109 High Desert Place. Over the last several weeks I have been researching the history of this project as well as that of the Wilderness overall. At least two of your committee members have been very helpful in explaining and clarifying some of the factual and procedural information regarding these hearings.

I'd like to also mention that I have a Masters in City and Regional Planning, an MBA with a focus on Strategic Planning and I'm a writer. One of the things that I focus very heavily on in all of those arenas is the internal logic of a document. I will tell you that this sector plan is one of the most inconsistently illogical internally that I have seen. The lack of internal consistency relates to Tract 13 overall. I've also been communicating with the residents and trying to solicit their input for this procedure as well as other procedures we are looking at. I was in the meeting with Scott Schibor and Charlie Young as he mentioned. I communicated the document you have in hand from Scott Schibor to the residents. The comments received fall into two camps equally noted. One is very similar to Ms. Liem's comments to try to limit it to 12 to 15 units. This is a far cry from the 2 to 4 units that were told to the residents that would be developed there. The other camp is to not have anything even that dramatic and we'd like to proceed through the official process of the Development Review Board all the way to City Council to try to secure rezoning of this site. Usually, based on all the elements that you have heard in the previous meeting. At this time nobody wishes to approve the agreement from Scott Schibor and presented or the development as planned.

I do not have everyone on my email list for these communications so we will be calling a full neighborhood meeting early next week to update the residents and discuss their options and get their inputs for this process as well as other legal processes we might pursue.

CHAIR MATSON: Okay thank you. Carl Fesler? Good morning.

MR. FESLER: My name is Carl Fesler, legally Walter Carl Fesler, a resident of Trailhead at 5005 Cumbre del Sur NE. I was out of the country at the last meeting as was unable to attend. I was not aware of what transpired. I reviewed with some of the neighbors what had happened and one of the points it was mentioned that the 10% demarcation line was not a factor. I was reading through the plan and I discovered that the ordinance, the deletion that was referred to by Mr. Collilster was a clerical correction of the ordinance approving the plan. The ordinance itself notes that the plan is consistent with provisions of the Albuquerque Bernalillo County Comprehensive Plan and other adopted City plans and it goes on through its whereas is and then states in Section 1, "the High Desert Sector Development Plan attached hereto is hereby adopted as a Rank 3 Sector Development Plan. All development activities within the plan shall be guided by this plan."

There was Paragraph 5 which did mention the 10% slope demarcation was a clerical error and was not to be included in it. So it would appear to me that the plan in its entirety has been approved by the City for planning. It did not exclude the 10% demarcation.

The second section, when we talk in the zoning that I had questions on that have not been clarified. The SU-2 HD RR zoning it talks about permissive uses when pursuant to only the sector development plan which I would assume meets its restrictions and guidelines uses the HD RG zone. In the fifth section of that description, since this particular zone did not exist in the City classification talked about conditional uses would use the HD RLT zone with an exclusion. It does not identify at any point when a conditional usage would be. I would assume this would be determined by the Board and other people in the purview of the plats.

The Comprehensive Plan basically states that it is complied in terms of doing the slope demarcation. That they do have a detailed map indicating what it is. In looking at the Albuquerque GIS Data Website it would appear this plat over at least half of its duration exceeds the 10% line and the plat is located between an open space referred to as The Knoll and between the Forest Service land. Between the high ridge lines if you were to look at the again the 2 foot contour lines starting from the top of the knoll counting downwards you find that to drop 26-feet in elevation you are almost on the far side of the plan. The proposal is to put 6, 26-foot zoned houses in that area which basically would destroy the view of the knoll from the trailhead parking lot for the general public. That is also not consistent with the plan guidelines in terms of conforming to the land mass. This is a natural scenic saddle that is there.

The plan has stated consistently that low density uses are to be placed against the forest wilderness peak access and open space boundaries. The developer has used a variety of densities within the Wilderness Village all zoned the same. So the density has nothing to do with that zoning it's what the developer is choosing to put in there.

Contrary to the plan, the proposed plat is the highest density in the Wilderness Village. The arroyo frontage density is comparable to Glenwood Hills it's over twice the density of the adjacent village of Trailhead which is supposed to be considered when you are matching or pairing up with adjacent villages as an impact.

CHAIR MATSON: Are you almost done sir?

MR. FESLER: Yes.

CHAIR MATSON: Okay.

MR. FESLER: I should note the Trailhead wasn't in existence at the time. Because of the latitude provided to the developer by the zoning of that area it creates a greater responsibility for both them and the High Desert Home Owner's Association to review proposed developments to insure that they are in compliance with the plan itself. This particular plat does not appear to be meeting the restrictions in terms of transitions, land form protection and merges with other areas.

CHAIR MATSON: Do you live in High Desert sir?

MR. FESLER; Yes, I identified myself as a resident of Trailhead.

CHAIR MATSON: I'm sorry I didn't hear you.

MR. FESLER: Your response is similar to that for a long time we have gotten from the board when we have brought our concerns to them. It took us a long time to get a security patrol and a bunch of other things. We are one of the oldest and the smallest development in High Desert.

CHAIR MATSON: I'm not sure what you mean by my response?

MR. FESLER: Am I a resident of High Desert.

CHAIR MATSON: I didn't hear you give your subdivision name.

MR. FESLER: I'm sorry. I stated that at the first.

CHAIR MATSON: Okay. Thank you.

MR. FESLER: That is frequently a question, oh that's part of High Desert, people don't recognize it.

CHAIR MATSON: Yes. I know it is. I'm sorry. Sam Baca I believe you were here last time. Do you have new issues to bring up?

MR. BACA: I do.

CHAIR MATSON: Okay.

MR. BACA: Madam Chairman and Board members I'm Sam Baca. I live at 5000 Cumbre del Sur NE in Trailhead. I have to wear two hats today. One as a board member and one as a resident. I hope I didn't have to sign up twice. First as our president Ray Berg stated he did sign the letter. We just saw the letter for the first time last night and I guess he sent it November 6 and we approved it. What we approved I'll read "Based on the review we believe the proposed plat is consistent with the underlying zoning requirements of the sector plan."

We also agree the number of units in the proposed plat does not exceed the maximum number allowed in this specific zone by the sector plan. That's what the board reviewed and that's what we are saying. The zoning obviously is there and we agree that they are consistent with it and the number of homes. That's all. At least as a board member I asked that question. Is that the only thing we are agreeing with and the answer was yes. Not the rest of the sector plan.

Second we are concerned as we talked about the drainage, and I'm not going there, but also 30 some years in law enforcement, traffic is a concern. A major concern. The site view getting out and to the places is a hazard. If you have a forest fire, which we've had one in the last two years, it's a hazard on that.

Second I'm taking my board hat off and putting my residents hat on, and I'd like to just state that we had a meeting with Scott Patrick and Charlie here and they made some consensus to what they'd like to change. The two we really wanted were not changed. One was the density, the number of homes there and also the amount of two-stories. I believe almost all of them were two-story and they did agree to maybe drop one or two of them. I just wanted to relay that to you. Thank you.

CHAIR MATSON: Okay. Thank you. Don Kellor? State your name and address please.

MR. KELLOR: I'm Donald Kellor and my address is 5004 Cresta del Sur Ct NE that's in the Trailhead Subdivision part of High Desert. The first part of High Desert. I'm a voting member for High Desert. I just want to emphasize a few things to the Board that I'm not sure how well you've studied the sector development plan but I'd like to read a verbatim a few items which address the density and there are many others that I won't read. Section 3.2 talks about land use concepts. "The land use plan is designed around a neighborhood center and the transition from that center to the natural open areas at its edges. From the neighborhood center residential land use densities transition from higher density in the project center to lower densities at the interface with adjacent lands...leaving the least dense areas generally equivalent to similar developments in Sandia Heights at boundaries with natural open space areas." I don't think the plan is in conformance with that.

Section 3.5 near the bottom "The plan also respects its urban neighbors and their influence on the site setting. The lowest density uses are placed against the forest wilderness, park access and existing open space boundaries. The northern and southern (where we are) boundaries maintain land use intensities similar to Sandia Heights and Glenwood Hills".

Section 3.7, third paragraph "Those areas corresponding to those which would be protected through imposition of the 10% slope demarcation line found in the Sandia Foothills are to be preserved".

Lastly, Section 3.10, Forest Service Boundaries. "Townhouses surrounded by common public or private open areas may form adjacent land use. This will provide a) low density transition to the public lands on the border of the property." Those are verbatim quotes and I want you to consider those when you consider the plans. Thank you. I have a copy of those comments if you'd like them.

CHAIR MATSON: Thank you that would be helpful. We can put them in the file then. Thank you. Okay, Kym Dicome did you wish to say anything this morning.

MS. DICOME: Not unless you have something to ask me.

CHAIR MATSON: Okay. Mr. Collister?

MR. COLLISTER: Not unless you have anything.

CHAIR MATSON: All right. Mr. Patton do you have responses? Anything you'd like to say?

MR. PATTON: Madam Chair I would at this time I would defer. I'd like to hear comments from the Board members and then maybe at that time address any questions that you all may have as well as what we've heard here today

CHAIR MATSON: Okay. Parks?

MS. SANDOVAL: Kevin what is the status of working with Open Space on the trail issue?

MR. PATTON: We are working with Matt. What we did do is we worked with Brad concerning the drainage issue. At this time what we are proposing is with what we have before you is to intercept the flow on our site, redirect it and convey it into the storm drain system. We have met with Brad. Brad agrees with what we are proposing at this time. Then what we would like to do from there is actually continue discussions with Matt as well as the High Desert Residential Owner's Association about maybe revising that. Our thoughts associated with drainage and doing some improvements on the City Open Space. What we are proposing now doesn't require any input at this time from the City Open Space except for I think that Mr. Berg had indicated or they are concerned with the ribbon channel and its proximity. I think that we've addressed that with some comments outside of this office earlier this morning just concerning keeping a smooth water fence on Timber Post along the property line if indeed we do have a ribbon channel there to help protect folks that are riding or walking in that area. Again, we are going to have ongoing discussions with Matt but at this time it is not needed for approval.

MS. SANDOVAL: So none of the trail improvements are on the infrastructure list at this time then?

MR. PATTON: That is correct.

MS. SANDOVAL: Then in the conditions that you prepared you had said that Mr. Berg was involved in those trail discussions and I guess what is his role in that process?

MR. PATTON: I'll let Mr. Berg address that.

MR. BERG: I guess I have maybe two roles in that. Since I'm the President of the Board of the Residential Owner's Association. The Board is responsible for overseeing anything that High Desert Residential Owner's Association has responsibility for. The other aspect of it is that we have as volunteer group within the development of primarily owners who adopted that section of trail for the City Open Space and the Forest Service since the trail itself is probably on both. So we do maintenance activity on that and we would like to see it be a tractable kind of job.

MS. SANDOVAL: I understand that you know Brad has reviewed and that the drainage is being accomplished off of open space property. I do have a bit of a concern though in that at the last meeting when a lot of trail users were here. There were comments made that we would be addressing improvements to the trail through the infrastructure list. So I do have a little bit of concern that those people are not at this meeting to hear that we're still pursuing that outside of that process.

MR. PATTON: Madam Chair, Christina at that time we were looking at making improvements in the City's Open Space. We currently don't have an easement. Our development has no impact drainage wise on the trail and what's causing some of the problems with the trail at this time. Our client is still open to meeting with City Open Space in doing that. If we can accomplish addressing the drainage without affecting the City Open Space or the trail again I don't believe it's our obligation to address a problem that we have no control over.

MS. SANDOVAL: I understand that. I just am trying to prevent a problem in perception later on down the line that people understood that commitments would be made through the infrastructure list process and so that's just more of a comment. I don't have a problem approving it at this time. I just wanted that stated for the record that at the last meeting that was the procedure that had been recommended to mitigate the problem.

MR. GALLEGOS: That's what I have written down in my notes.

MR. PATTON: Madam Chair, Christina and Wilfred we're willing to do that. If we amend anything to include any improvements on the City Open Space that affects that trail we are willing to add those to the infrastructure list.

MS. SANDOVAL: My other hesitation is that I haven't received any communications from Open Space and I realize that Matt's been out-of-town and it may have been hard for you all to coordinate with him. Since I do represent them and they were at the last meeting where that commitment was also expressed I do have some hesitation. I understand that you're not responsible for their problems but at the same time I want to make sure that we are all on the same page. I'll wait to see what other Board members comments are before I decide how I want to proceed.

CHAIR MATSON: Hydrology?

MR. BINGHAM: I did get a new grading and drainage plan dated 11/7/06 which I did approve. I do concur that a fence along that ribbon channel would be a requirement to separate the two users so to speak, the drainage and the hikers. It was difficult to put an open ended trail improvement requirement on the infrastructure list. So accepting the drainage on-site seemed like the next best thing. I do work with the DRC (Design Review Committee) and their construction plans do have to come across my desk as well. Inherently there will be some improvement to the trail if they keep the drainage off the trail. So Kevin and I will be working closely on the construction plans as well and also Matt in Open Space. That was the deal I made with them as well to try to get the best trail and project for all concerned. If you feel it needs to be on the infrastructure list and it isn't then we can't approve. I think I can get that done through the construction plan process. I would have no objection to any of the vacations or sidewalk deferrals.

CHAIR MATSON: Okay. In terms of Planning comments. First of all, Kevin do you have the APS Agreement?

MR. PATTON: Madam Chair I do. Would you like the original or a copy of that?

CHAIR MATSON: It doesn't matter as long as we get one. All right thank you. Mr. Berg I'd like to ask you a question. The question has actually been raised here today that the letter that you provided to us that's required in Section 4.A.7 of the High Desert Sector Plan. Do you believe that this letter states that the proposed development meets all the requirements of the sector plan?

MR. BERG: The evaluation that we had done addressed the two issues that were specifically identified in the letter. As to what other requirements I guess I'd have to admit that it's a complex enough thing that I'm not just sure which other requirements we would be requested to approve? It was my understanding that those were the two things that were being requested by the relevant statement in the sector development plan.

CHAIR MATSON: Okay. It says that "the High Desert's Home Owner's Association or its successors shall certify to the City at the time of submittal for approval of the Development Review Board (DRB) that any proposed plat meets the requirements of the sector plan and at the time of submittal for building permit." What it's asking is for a blanket statement I would guess. That's my interpretation of it, saying that it does meet the requirements of the sector plan. It does mention down further..."the Home Owners Association shall further certify that the number of units constructed in the zone does not exceed the maximum allowed by the sector plan". Which you did put in there but I don't see language in here that says that you actually believe that it meets the requirements of the sector plan.

MR. BERG: I guess I have to go back and ask one of my experts. That's beyond my level of expertise.

CHAIR MATSON: All right. We may need to defer to do that then. What I would like to do is have that statement in the letter or if there is some disagreement that you have with the provisions of the sector plan, I'd like to have them specifically stated in the letter. Otherwise I'd like to have in addition to what's already here, a statement saying that you believe that it meets the requirements of the High Desert Sector Plan.

MR. BERG: Okay, that's the specific language you would like to see?

CHAIR MATSON: Yes. It's quoted right here in 4.8.7, do you have a copy of the sector plan?

MR. BERG: I have.

CHAIR MATSON: All right. It's on page 4.4 and that's our comments for now. Utilities?

MR. GREEN: In regards to water and sewer I believe you corrected the infrastructure list to add the removal of the existing line?

MR. PATTON: Madam Chair, Roger Green we did do that.

MR. GREEN: I have no further comments so I have no objection to the preliminary plat.

CHAIR MATSON: Transportation?

MR. GALLEGOS: You have a copy of my staff comments from last time. I think the only two issues that I still have outstanding are, there's actually a couple of them, is signage per DRC (Design Review Committee) on the infrastructure list. Are you doing residential street lights?

MR. PATTON: At this time we do not propose lights within the subdivision. We will determine that at DRC (Design Review Committee) and let you know.

MR. GALLEGOS: Would you add the signage to the infrastructure list?

MR. PATTON: I did not but I can do that Wilfred.

MR. GALLEGOS: Then again with the platting action and I'll look for it at the final plat, is the maintenance and beneficiaries for Tract A and Easement A. Going back to Christina's comments I was under the impression that we were going to have the trail improvements on this infrastructure list. They are a site that is abutting this. I see it no different then a site abutting a public street where we would get infrastructure for that. No other comments Madam Chair.

CHAIR MATSON: Okay. Mr. Berg we would like to have the new letters as expeditiously as possible so that we don't hold up our decision too long. Could you do it within a week?

MR. BERG: I could certainly try.

CHAIR MATSON: Okay. Then also you can work on the issue of the trails on the infrastructure list. So we will defer to November 22, 2006.

MR. PATTON: Thank you.

CHAIR MATSON: You will need to pay a deferral fee this time. I left you off the hook the last time. This will be the only notice you will get of that hearing next week. If you plan on coming take note please. Thank you.

DRB MINUTES FROM THE NOVEMBER 22, 2006, DEVELOPMENT REVIEW BOARD MEETING.

6. **Project # 1004989**
06DRB-01411 Major-Preliminary Plat Approval
06DRB-01412 Major-Vacation of Public Easements
06DRB-01413 Minor-Subd Design (DPM) Variance
06DRB-01414 Minor-Sidewalk Waiver
06DRB-01415 Minor-Temp Defor SDWK

BOHANNAN HUSTON INC agent(s) for MESA VERDE DEVELOPMENT CO request(s) the above action(s) for all or a portion of Tract(s) A, UNIT 2, WILDERNESS @ HIGH DESERT (to be known as WILDERNESS CANON @ HIGH DESERT) zoned SU-2, HD/R-R, located on HIGH DESERT PL NE, between TRAILHEAD RD NE and EMBUDITO VIEW CT NE containing approximately 4 acre(s). [REF: 06DRB-00933, 04DRB-00713, 04DRB-

Nov. 7. 2006 4:15PM

No. 0900 P. 1

Bohannon ▲ **HucCon**

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SENT VIA FAX

November 7, 2006

Sheran Matson, Chair
Development Review Board
City of Albuquerque
P.O. Box 1293
Albuquerque, New Mexico 87103

Re: Request for 1 week Deferral

Dear Sheran:

We request a 1 week deferral of the following item associated with Project number DRB 1004989 (Item 5) on the November 8, 2006 agenda: Preliminary plat, vacation of public easements, design variance, and Sidewalk waiver and deferral.

If you have any questions or require further information, please call me at 823-1000.

Sincerely,

for Stephanie Walton

Kevin Patton, P.E.
Vice President
Community Development and Planning Group

SW
Enclosure

333

-194-

ENGINEERING ▲
SPATIAL DATA ▲
ADVANCED TECHNOLOGIES ▲

MS. MATSON: You wouldn't consider 3 weeks?

MR. PATTON: At this point what I'd like to do is shoot for the 2 weeks and then we can always re-evaluate that to see if 3 weeks is necessary.

MS. MATSON: All right. Also I'd like to remind you, have you been in contact with Ms. Watson over at legal?

MR. PATTON: No I have not. We'll go ahead and call her.

MS. MATSON: Okay, if you feel the need to do that, it might be a good idea.

MR. PATTON: Thank you Madam Chair, Board members.

MS. MATSON: Okay, we'll defer for now to November 8th. This is the notice you will get of that hearing. You will not get any other notice. We'll see you in two weeks.

DRB MINUTES FROM THE NOVEMBER 8, 2006, DEVELOPMENT REVIEW BOARD MEETING.

5. Project # 1004989

- 06DRB-01411 Major-Preliminary Plat Approval
- 06DRB-01412 Major-Vacation of Public Easements
- 06DRB-01413 Minor-Subd Design (DPM) Variance
- 06DRB-01414 Minor-Sidewalk Waiver
- 06DRB-01415 Minor-Temp Defer SDWK

BOHANNAN HUSTON INC agent(s) for MESA VERDE DEVELOPMENT CO request(s) the above action(s) for all or a portion of Tract(s) A, UNIT 2, WILDERNESS @ HIGH DESERT (to be known as WILDERNESS CANON @ HIGH DESERT) zoned SU-2, HD/R-R, located on HIGH DESERT PL NE, between TRAILHEAD RD NE and EMBUDITO VIEW CT NE containing approximately 4 acre(s). [REF: 06DRB-00933, 04DRB-00713, 04DRB-01723] [Deferred from 10/25/06 & 11/8/06] (F-23) DEFERRED AT THE AGENT'S REQUEST TO 11/15/06.

Neither the applicant nor the agent were present.

The following action was taken:

The above request was deferred at the agent's request to November 15, 2006.

DRB MINUTES FROM THE OCTOBER 25, 2006, DEVELOPMENT REVIEW BOARD MEETING.

3. Project # 1004989

06DRB-01411 Major-Preliminary Plat Approval
06DRB-01412 Major-Vacation of Public Easements
06DRB-01413 Minor-Subd Design (DPM) Variance
06DRB-01414 Minor-Sidewalk Waiver
06DRB-01415 Minor-Temp Defer SDWK

BOHANNAN HUSTON INC agent(s) for MESA VERDE DEVELOPMENT CO request(s) the above action(s) for all or a portion of Tract(s) A, UNIT 2, WILDERNESS @ HIGH DESERT (to be known as WILDERNESS CANON @ HIGH DESERT) zoned SU-2, HD/R-R, located on HIGH DESERT PL NE, between TRAILHEAD RD NE and EMBUDITO VIEW CT NE containing approximately 4 acre(s). [REF: 06DRB-00933, 04DRB-00713,, 04DRB-01723] [*Deferred from 10/25/06*] (F-23)

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

Kevin Patton, Bohannon Huston Inc., 7500 Jefferson NE, 87109
Charles Young, 13105 Enchantment Ln NW, 87111 for
Mesa Verde Development Co., 8300 Carmel Ave NE, 87122
Kym Dicome, High Desert Investment Corp., 3791 Southern Blvd SE, Rio
Rancho, NM 87124
Douglas Collister, 8524 Snakedance Ct NE, 87111
Jack Eichorn, 6316 Bobcat Hill Ln NE, 87111

PERSONS SPEAKING IN OPPOSITION:

Ray Berg, 13501 Osage Orange NE, 87111
Debra & Jay Greenhood, 13409 Embudito View Ct NE, 87111
Sam & Jennie Baca, 5000 Cumbre del Sur NE, 87111
Arinta Liem, 13419 Wilderness Pl NE, 87111
Robert Pelletier, 5123 High Desert NE, 87111
John Farrow, 2400 Meadowview NW, 87110
Keith Gainer, 5516 Carmelita NE, 87111
Conrad & Marcella Stahly, 5015 Cresta del Sur NE, 87111
Patricia Wittman, 4905 Cresta del Sur Ct NE, 87111
Rob Erickson, 2621-1/2 Granite Ave NE, 87104
Larry Garcia, P.O. Box 1576, Los Lunas, NM 87031
Pat Stovall, 6604 Rogers Ave NE, 87110
Angela Ness, 13213 Manitoba Dr NE, 87111
Ken Wesselman, 4613 Huntington Dr NE, 87111

PERSONS SPEAKING IN OPPOSITION:

Anne Marie Morosin, 13109 Manitoba Dr NE, 87111
Ed Hernandez, 1219 Blue Quail NE, 87112
Alan Clipperton, 13501 Embudito View Ct NE, 87111
Tarin Davies, 13209 Manitoba NE, 87111
Joe Witte, 1570 West Ella Dr NE, 87048
Armando Lara, 13415 Piedra Grande NE, 87111
Kathleen Conlin, 1021 Orchard NW, 87102
Jeni Turgeon, 720 Tramway Ln NE, #6, 87122

STAFF PRESENT:

Dr. Matt Schmader, Superintendent Open Space Division

ALL PERSONS WERE SWORN IN

CHAIR MATSON: We are now on Item 3, if you will state your names please and then describe your project for us.

MR. PATTON: My name is Kevin Patton and I'm with Bohannon Huston agents for Mesa Verde Development requesting preliminary plat approval today as well as grading plan approval, vacation actions, a design variance and a request a waiver for design variance.

We are here today to take testimony from the public as well as hear agent's comments. Madam Chair we are in receipt, I think you are as well, of a letter from a legal representative from the High Desert Residential Owner's Association requesting a 14 to 21-day deferral. We have no objection to a 14-day deferral but again would like to receive comments the Board members, agencies as well as testimony from the public.

CHAIR MATSON: Kevin, before we proceed if you will explain your project please.

MR. PATTON: I would be happy to. Do you have a microphone?

CHAIR MATSON: You can just pick that one up if you want to go over by the board.

MR. PATTON: I'll try this. This map here, this orthophoto map that you see right here is the High Desert Master Plan Community. It's approximately 1,000 acres. Tramway is located on the left side of this map and is west. Spain is located here and extends up from Tramway. Here is Academy. Academy turns into High Desert Place that travels down to this location.

This tract here is Tract 13 which is referred to as the Wilderness and we have the Wilderness Estates, the Wilderness Village and the Wilderness Compound located right here.

We have a remaining 4 acre parcel that was not developed when we came in and developed this portion of Tract 13. We left a 4 acre parcel and that's what we are here to discuss. Our proposal today is that we are requesting, I'll move over to this side here, this is our preliminary plat request of the 4 acre parcel.

It's adjacent to a City of Albuquerque Open Space tract right here. On this City of Albuquerque Open Space tract is a trail which is to remain. There has been no request to vacate that trail at any time. We did meet with City Open Space officials yesterday. Mr. Ray Berg, who is the President of the High Desert Residential Owner's Association was at that meeting as well as a representative from City Engineer's Office. We walked this trail. There has been discussions early on in the summer concerning some damage that happened to this trail based on storm water, rainfall that fell over this last summer. It had damaged this trail again, just water coming off the mountain. The High Desert Residential Owner's Association had some questions concerning that. We had as we were looking to develop this we indicated that we would come in here and be willing to talk with the City about maybe joint efforts and possibly putting some permanent solutions in here to reduce the erosion of that trail. By no means has it ever been discussed to remove that trail. Only to improve that trail to reduce some of the erosion that happened. Again, if a number of you folks have ever used that trail, then you are aware of how badly that was cut this last summer.

Again, back to our project we are looking at 25 single family detached homes on just over 4 acres in this location. It will be a private road that dead ends at this location. There is currently an existing water line that crosses this site here. We are asking to vacate that easement and relocate the water line so that's it's located within a roadway. That is one request of the vacation action that you see before you. The other is right in this location. When we did this development here we had granted a temporary public drainage easement for the purposes of receiving waters that came off the City Open Space and across this undeveloped tract which then, the natural topography took it to this ponding location, where it was intercepted by a pipe and then conveyed under the roadway to the arroyo to the north.

Since we are looking to develop this area that drainage easement, which was labeled temporary, is no longer required. We are working with both the City Open Space and City Hydrology of City Engineer's Office concerning the drainage in this area. When we develop this the drainage will be caught in the roadways and then we'll have inlets in the road and will extend this pipe up to receive that water which again then heads north. Madam Chair is there anything else?

CHAIR MATSON: Kevin would you clearly go over what you are proposing to vacate with this preliminary plat application?

MR. PATTON: I just did that.

CHAIR MATSON: You did? I'm sorry.

MR. BINGHAM: Except for...

MR. PATTON: There is an easement that surrounds the boulder outcropping at this area right here. That is an easement that was granted back in 1993 as an easement to the High Desert Residential Owner's Association. When this tract was created there's a portion of this 4 acre tract where the easement and the tract overlap. There's a small piece of that easement that's in this corner. Currently we have indicated that we would like to vacate that. That is a private easement. That has to be approved by the High Desert Residential Owner's Association. If it's decided that the easement is to remain we will just keep that easement at that corner. But that should not affect the preliminary plat.

CHAIR MATSON: Just to reiterate, you are not proposing to vacate any portion of any existing trails is that correct?

MR. PATTON: That is correct. We are not requesting to vacate any trails whatsoever. Again, as I had indicated, we have indicated that we might come in here and put some permanent improvements in to make this trail better so that it reduces its maintenance and reduces its erosion problem that the trail has every rainy season. Again, I think if Mr. Berg is here today he might be able to speak to the meeting that we had with the City Open Space and the concepts that we came up with concerning that.

CHAIR MATSON: Did you also mention that during the time that you do temporarily close the trail for improvements that you will also provide an alternate route?

MR. PATTON: Madam Chair, that's a good point. If for some reason the City would like us to go in there and make some permanent improvements to improve this trail, we have indicated that it would probably be best to close it temporary say 30-60 days maximum. In the interim, that trail since it leads up to here from the trailhead parking lot, there is an existing trail that goes along here that access the street, it would come back to here and then we would connect back to the trail at this location. We would have signs and a detour while this work, if it's agreed to happen, and we have to close the trail temporarily we would have an alternate route in the interim.

CHAIR MATSON: Thank you. The other person sitting there with you would you state your name please.

MR. YOUNG: Charles Young, I represent Mesa Verde Development. I'm the designer for Scott Patrick Homes as well.

CHAIR MATSON: Did you have anything you wish to say Mr. Young at this time?

MR. YOUNG: No, not at this time.

CHAIR MATON: Okay. We are going to go to public comments then. What I'd like to do is just go through a few do's and don'ts so we make sure that everybody has an equal opportunity to speak.

Please be courteous, that is the most important thing. Wait for the person speaking to stop speaking before you begin. It's often wisest to appoint a spokesperson or two. The reason for that is we are going to allow 2 minutes for each speaker. If you are going to say the same thing somebody's already said, if you will just indicate that. The other thing we could do too is have a show of hands so that you all don't have to come up and say the exact same thing. That will save some time too. It will allow us to focus on the each relevant point better. Because of the cramped quarters and the room, we apologize for not having enough chairs this morning, but we would have been a lot more cramped were we meeting upstairs. If you are outside the meeting room, please be courteous to staff and other people in here. Keep your conversations low so that we don't get disrupted. Finally, the agent will reply to comments made by each speaker when that speaker is finished unless he wishes to waive it.

Okay, Ray Berg, the President of the High Desert Residential Owner's Association has asked to speak first.

MR. PATTON: Madam Chair may I interrupt for a moment. What I'd like to also do is just indicate that High Desert Investment Corporation is here. Doug Collister, Kym Dicome and Jack Eichorn who were basically the creators of the Master Planned Community that you see. They have indicated that they are open to address questions if the Board or the public has questions. I thought I would enter that. I also have a letter from them of their review of our application that I'd like to enter into the record and give you if I could.

CHAIR MATSON: Okay, thank you. Mr. Berg if you will come up first please, unless you are yielding to the attorney that you've appointed?

MR. BERG: Yes.

CHAIR MATSON: Did you wish to follow him then Mr. Berg?

MR. BERG: Yes.

CHAIR MATSON: So you are Mr. Erickson? If you'll state your name please and your address and then tell us why you are here.

MR. ERICKSON: Good morning, my name is Robert Erickson and I'm here on behalf of the High Desert Residential Homeowner's Association. The association has requested that I present some of its preliminary comments but more importantly that I request, and I suppose explain to you, why they are requesting a 14 to 21 day deferral.

The High Desert Residential Neighborhood Association is a neighborhood association made up of approximately 1,500 residents living next to and in some cases adjacent to Mesa Verde's proposed subdivision. Many of the other members of the association are here today and will present very brief comments.

The preliminary plat proposed by Mesa Verde today is governed by the High Desert Sector Development Plan. Pursuant to the subdivision regulations Mesa Verde's plat must necessarily comport with that plan in order for it to be approved.

In that vein, the sector development plan itself requires that the High Desert Residential Neighborhood Association actually certified by Mesa Verde's proposed plat meets with the development plans requirements.

In spite its good faith efforts the association simply has not had enough time to properly evaluate the plat. To undergo it's required certification process. It's on that basis that the association requests a deferral.

I want to assure you that the association takes its role and particularly the certification process seriously. To that end the association has hired an architect, they've hired a hydrologist to review Mesa Verde's submissions. The association has not yet seen the reports from those professionals however it's my understanding that at least one of those reports is due to be delivered as early as this afternoon. It will take a period of time, of course, for the association to review those and to meet with it's board and to ultimately make it's determination regarding certification.

For the sake of clarity I'll briefly describe just a few of the issues that the association may have with the plat. Again, it's at its preliminary stages and it's difficult to flush out all the issues.

First, the proposed density doesn't appear to comport with the development plan. The development plan specifies that a decrease in overall density from the center of the sector to the edge of the sector especially where the sector is adjacent to open space which is the case here.

The development plan initially specifies the transition from high density to low density. It appears that the opposite may occur as currently presented.

Second, the proposed plat doesn't appear to comport with the development plans prohibition on building on grades with 10% slope or greater. Finally, the association has a variety of other concerns including traffic, traffic flow, drainage, general safety and fire danger and aesthetics. I'll leave it to some other members of the board to address those issues. That of course isn't a complete list and that presents precisely the case why the association is requesting more time to further investigate, to speak to the experts it's already hired and to come up with some sort of consensus regarding its certification.

The association requests 21 days. Mesa Verde has tentatively agreed to a 14 day deferral. I'll leave it to the Board's good judgment which it chooses, 21 days or 14 days. I suspect there may be some other concerns that the Board may have with Mesa Verde's proposal. I respectfully suggest that 21 days doesn't prejudice Mesa Verde in light of what I suspect will be coming from this Board as well.

The association submitted a letter yesterday. I'd like to make that part of the record by reference. I additionally have a petition with me today with signatures of many of the members of the association requesting the deferral. I'd like to make that part of the record as well. Thank you and I'll take any questions to the extent that I can answer them.

CHAIR MATSON: The only question that I have is in your letter you state that you are asking on behalf of the Resident's Association for a 14 to 21 day deferral.

MR. ERICKSON: That's correct.

CHAIR MATSON: So have they changed their minds and they want 21? Can they possibly live with 14?

MR. ERICKSON: We can live with 14. Again, I'll leave that to the Board's good judgment. I suspect there's room for compromise in that area with the developer as well.

CHAIR MATSON: All right, thank you.

MR. BINGHAM: I have a question. Can you tell me who the Hydrologist is that you've hired to review the drainage plan?

MR. ERICKSON: Off the top of my head I'm not aware. I'm sure Mr. Ray Berg who is the president of the association can field that question for you.

MR. BINGHAM: Okay.

CHAIR MATSON: That's it for now, thank you. Mr. Patton, wherever you went if you, at some point, want to address comments let me know. Otherwise we will just keep going okay?

MR. PATTON: Just continue to go on.

CHAIR MATSON: Mr. Ray Berg please. Good morning. It's nice to put some faces to people I've been talking to on the phone.

MR. BERG: Yes, isn't it. I want to thank you for allowing me to address you this morning on this.

CHAIR MATSON: I'm sorry Mr. Berg would you state your name and address please.

MR. BERG: I'm Ray Berg. I'm President of the Board of the High Desert Residential Owner's Association. I live at 13501 Osage Orange Rd NE. My purpose here today is to just express some of the concerns we have about the proposed development. Mr. Patton mentioned the drainage issue. I wanted to mention that the ponds that he is talking about in the summer's rains was essentially destroyed by the amount of rain that we had. We have concerns about how the proposed drainage would continue to be able to handle the amount of rain and runoff that it would need to handle.

The second issue that we have has to do with the traffic problem. Mr. Dean Brussler, who is a professional engineer and a traffic engineer and a member of our board, has estimated that in his opinion the two streets immediately below the development at Embudito Court and Pedro Grande Place are probably the 2 most hazardous intersections in High Desert. Largely because of the very short viewing distance for people entering High Desert. The traffic load at the upper of those, Embudito Court would be increased by 156% by just adding the traffic from the proposed development. There would be similar increases in the streets below. Moreover, the overall traffic would be increased and would have to be funneled into a single point of exit and entry into the entire area. Right now at build out has 110 homes, I believe, and would go up to 135 homes. It would be almost a 25% increase.

With regard to the trail access we did walk the area with Kevin and while the proposals look like about as good as you can do in some of the areas, we still have concerns about how the water would be handled so that large amounts of damage are continuing to be created both there and in the section that would have to handle the runoff down into the pond or towards the pond. That covers the main points that I wanted to make.

CHAIR MATSON: Thank you very much.

MR. BINGHAM: Mr. Berg, can you tell me who you hired to review the drainage plan?

MR. BERG: Mr. Kevin Banks.

MR. BINGHAM: Kevin Banks. Thank you. I just wanted to know who I would be hearing from. I'm sure he's going to talk to me about the plan.

CHAIR MATSON: Debra Greenhood? If you'll state your name and address please.

MS. GREENHOOD: I'm Debra Greenhood and I live at 13409 Embudito View Court NE in Albuquerque. I just wanted to expand very briefly on the comments that Mr. Berg made regarding the public safety issue and traffic.

I think it's important to note that this is one large cul-de-sac. A very large cul-de-sac with one entrance. When you come up from Tramway you are heading east on Spain to the mountains. You deadend at the end of Spain, you turn right on High Desert Road to head south into all of the Wilderness. That comprises Wilderness Village, Wilderness Estates and the Wilderness Compound which Mr. Berg said at complete build out is going to have about 110 homes. To add 25 to this would be quite large. What you have is when you make that intersection at Spain and High Desert Road you have about a mile until you get into Wilderness Village which is where this proposed plan is going to be.

It's a very long road. Its two-lanes. What we are talking about is a public safety issue in terms of fire danger, emergency vehicle access. If you already have 110 homes, you're looking at a minimum of 220 cars going in and out of there. If you add 25 more homes you are looking at a minimum of adding 50 more cars. If you want to have emergency vehicles coming in and out and you want human beings trying to get out in the case of an emergency this is the only egress and ingress for this entire area. This is of grave concern because of the fact that we are really abutting an open space, a beautiful open space, the Sandia Wilderness with Embudito Arroyo and this public hiking trail. Already this summer there was a home fire. It was actually a home under construction on High Desert Place which is very close to where this proposed development is. Additionally, there was a fire in the arroyo. What I wanted to mention was that fire vehicles had a lot of trouble getting up there because again, one long road in from Tramway and Spain, one long road in. This is of grave concern when you add more people and more dwellings.

Additionally, I wanted to mention something when he talked about the public hiking trail, the water and erosion. Not only is that going to be a problem but if you actually walk that trail and you look up there and it is a public hiking trail.

We all know that the Sandia Mountains, that whole area is a real landmark for Albuquerque. We get a lot of people up at that hiking trail. If this proposed development goes in it's sort of a horseshoe shape. If you go around that trail, which they propose to have the trail go around the perimeter of that proposed development, everywhere you turn you will not see any more of Albuquerque. That entire view will be blocked because, as they failed to mention, according to the proposed plan these are one and two-story homes. This will be very obtrusive on that hill. I know that if you look at the compound at Wilderness there are 26 homes I believe on 5 some acres. Yes, that's considered dense, however, that is not as obtrusive, it's tucked in against the side of the mountain and they are only one-story homes. Plus, those lots are just a slight bit bigger then less than a sixth of an acre. These homes would be on an elevated area with a high slope very obtrusive not only to the public hiking on that trail but to all the rest of the people in that area. It would change the whole nature of what the Wilderness was advertised to be by Mesa Development Corporation and Scott Patrick Homes when all of these people came out and bought the homes there.

CHAIR MATSON: Your time is just about up.

MS. GREENHOOD: Okay, well you know what at that point I will say thank you.

CHAIR MATSON: Arinta, will you pronounce your name for me please?

MS. LIEM: Arinta.

CHAIR MATSON: Liem is it?

MS. LIEM: May I stand here?

CHAIR MATSON: You'll have to hold the microphone though.

MS. LIEM: There is one last thing I would like to say is my name is Arinta Liem and I live at 13419 Wilderness PI NE, which is the third street down from the project. I'm here strongly opposed to Project #1004989. Everything I have to say has been said so there is one last thing. According to this project there is two streets. Not the cul-de-sac not the dead end. It is impossible to put 26 homes. Definitely impossible. We are not trying to stop the development. I just want to, this is high density for 4 acres of land, with a narrow street and one entrance in and out. What if there is an emergency vehicle and fire here? What are you going to do? You need to redesign, less density and wider entrance and maybe some open space. In the first place, I was shocked when this place was supposed to be in the first place they (inaudible) to open space from the developer to the home owners. It's a beautiful place for Albuquerque, it's really beautiful because boulders with stone so beautiful, here is a house, here is just a boulder on the mountain and it goes all the way to Sandias. It is very, very beautiful.

Once you put houses that are too dense this can do nothing but ruin the whole Albuquerque like the monument. I define this as a monument for Albuquerque. Please consider this hearing is not appropriate for these 25 homes on this property. Thank you.

CHAIR MATSON: Ms. Liem do you live in part of High Desert or do you live in Glenwood Hills?

MS. LIEM: In Wilderness Place about three streets down from the project. We just moved in 5 months ago. I admire the name of Wilderness. I admire the place. My husband is a retired physician and we are so happy until this. It is not good for us and the people who live here it's very dangerous. Fire, emergency vehicle, people who get heart attacks. Ambulance may not get in and out very easily. Thank you.

CHAIR MATSON: Sam Baca? If you'll state your name and address please.

MR. BACA: I'm Sam Baca. I'm on the Board of Directors for the High Desert Association and I also live in High Desert Trailhead Village. I'd like to thank you for allowing us to come here and testify. I'll try not to repeat what they've said but I'd like to expand in those areas.

We've been looking at the sector plan and we are not experts that's why we hired a planner. Preliminaries show that they are not consistent with the sector plan. In many areas it states that as you go outward, particularly toward open space, towards the mountains, there is supposed to be less density. This is probably one of the highest density areas that they are proposing if not the most dense area. It's two-story. They talk about Compound, it's almost as dense. It's about 25 homes and 5 acres and it's in a low area where you can't see it too well and it's only one-story. That's what bothers us particularly as a Board member that it's not consistent.

Another area there are slopes. If it's above 10% grade it's also supposed to be less dense so you can get a mountain view. Also preserve some of that environment. Once again, it's very high density.

Traffic and public safety I'm very interested in. I put well over 30 years in law enforcement not only in Albuquerque but in the Tampa Bay area of Florida. It's definitely a hazard. Right now there is 110 homes you add an additional 25 you put 25 more homes and the calculation done by Dean Bressler that's an additional 250 flow of traffic going in and out a day. That's going to create a problem. As a public safety we've had an arson mentioned and we also had a fire up in the mountains. We were very fortunate that the winds didn't blow it into the High Desert because we would have had major problems. Having been in law enforcement you try to get vehicles and people out of there on one way in and one way out, plus emergency vehicles, you've got a major problem.

Hopefully, we are putting everybody on notice on that in case something happens. Those are some of our big concerns. The drainage is a big concern. There's been some water damage already. We've had 93 people sign petitions in two of the villages plus Glenwood Hills which isn't part of High Desert but they are part of it in enjoying the scenery out there. The theme wilderness they might as well change. They might as well put metropolitan because people go over there and they walk the trails and it kind of goes away from the theme on it. With that I'll go ahead and end it. There is a lot more we'd like to look at. I appreciate your considering at least 21 days. I personally think we need more time than that. But two weeks if that's what you decide we'll try to get it in. There's a lot of issues we have to address on it. Thank you very much.

CHAIR MATSON: Thank you Mr. Baca. Jennie Baca?

MS. BACA: Good morning. I'm Jennie Baca and I live at 5000 Cumbre del Sur Ct NE. I live in Trailhead. I agree with every single thing that everyone here has been saying. The density, especially the safety of the residents there now and the safety of the residents intended to live there is a very high issue. One thing that hasn't totally been brought up is the position of this development is probably going to be settled on one of the highest points at the foothills. There's a beautiful rock formation and then there's this development where the land goes up and then it goes right up into the foothills. That whole area there is going to be totally destroyed for the preservation of our mountains, the scenic views of the hikers. We live right behind Embudito Canyon parking lot and at 5:30 in the morning we have people lining the streets to get in to go hike up there. I don't believe they are going to be very happy about seeing all of the metropolitan homes and the two-story homes put in there. Once the two-story homes are put in you will have absolutely no view of the City and no view of the mountains. I know aesthetically that is going to be one of the important things for a lot of the people that live up there too besides the safety. Everything everyone has said is really of a fair nature to everyone because we are up there because we love the views, we love the mountains, we love the nature, we love the smell of the air and the little animals that live up there are totally going to be disoriented and that's another thing we are worried about and that is environmental issues. Thank you.

CHAIR MATSON: You're welcome. John Farrow?

MR. FARROW: Good morning, my name is John Farrow. I am a local attorney and I am here on behalf of the Albuquerque Roadrunner's Club. I am a runner myself and I am a member of that club. While I happen to live in the North Valley which has its own set of trails I am well familiar with the Foothills Trails as well and use them on a regular basis. Aside from being a long time runner I am a Director of the Duke City Marathon which was just run this past weekend and I'm also on the Board of Directors of the Roadrunners Club of America which is a national running organization with some 200,000 members.

From this experience I can tell you that the City of Albuquerque has a very unique reputation across this country as a wonderful place to live and visit if you want to be active. Our trail system is one of the big reasons for that. National running magazines have called Albuquerque a mecca for runners. It's no surprise that many world class, world record holding runners come here to train and some of them to live after their careers are over.

I understand from the proposal that there is no request to vacate the nearby trail. That's not really the concern. The concern is the access to that trail because our foothill trails are all fairly restrictive with respect to access to begin with. When someone goes around talking about further restricting that access you have the undivided attention of not only the running community but those who use the trails for walking and cycling. That is the real concern here that any access to that trail being vacated or restricted is definitely something that a group of runners and active people will object to.

CHAIR MATSON: Okay. Mr. Farrow would you also give your address for the record please.

MR. FARROW: My address is 2400 Meadowview NW here in Albuquerque.

CHAIR MATSON: Thank you. Keith Gainer? If you'll state your name and address for the record please.

MR. GAINER: Keith Gainer, 5516 Carmelita NE. I'm a hiker and a mountain biker and I use that trail access quite often in the summer. I'm kind of concerned because we've already lost Otero Canyon to the military and I worry that you start putting houses backing up to our trail system and then maybe 5 or 10 years later the homeowners association might decide that there are traffic problems or things like that and then they are threatening the access to the trail altogether. I've seen this happen in other cities. I also am concerned about the impact to the views and things like that. Thanks.

CHAIR MATSON: Thank you. Conrad Stahly?

MR. STAHLY: Good morning, my name is Conrad Stahly. I live at 5015 Cresta del Sur NE in Trailhead Village which is directly across the arroyo from this Wilderness Canon area. My principle concern is the inconsistencies in the High Desert Sector Plan in that the density seems to be increasing as we get closer to the periphery of the development. From where I sit the principal impact would be visual. This Wilderness Canon area is the highest point of the Wilderness Village area. Putting this many houses on that small amount of land and particularly making some of them 2-story homes would completely destroy the view. A second issue that I have is with the safety access. In the 10 years that I've lived where I am we've had 3 significant fires up in that area.

One home in the Trailhead Village alone where one of the homes under construction burned completely to the ground. There's been no attempt at reconstruction. The second one concerned some vandals who set fire in the area of the trail access, right off of the parking lot up there. The emergency vehicles were not able to locate the parking lot at all. I had to run down actually about 3 blocks to flag down a fire engine and have them go to the proper street. The third one being the fire this past spring where a home under construction was burned directly across the arroyo from us and I called the emergency number 911 and tried to direct them to the that fire location. Not knowing what the street numbers are on the opposite side of the arroyo I couldn't tell them what the number was. I told them the street name but I couldn't tell them what the number was. The result was that the fire engine showed up in my driveway. I had to give them my address as well. At the end of the event the arson inspector showed up in my driveway as well. I'm concerned about safety aspects and I'm very much concerned about the aesthetic aspects of the proposal. Thank you.

CHAIR MATSON: Thank you Mr. Stahly. Marcella Stahly?

MS. STAHLY: I'm Marcella Stahly and I live at 5015 Cresta del Sur Ct NE. That is in Trailhead Village. My concerns are pretty much what have been brought up before. One, the density. Two, the fact that there is a slope that is greater than is recommended in the sector plan and the traffic and the inability of the emergency vehicles to get into that area. Thank you.

CHAIR MATSON: Thank you. Patricia Wittman?

MS. WITTMAN: My name is Patricia Wittman. I live at 4905 Cresta del Sur Ct NE and I agree with everything that has been said. I just am, in particular, concerned about the natural environment and the beauty of the Sandia Mountains. Albuquerque is known for being such a wonderful place because the Sandias are so close to the City. Right now when you walk the trail you walk along side of a wall. I just think it's sad that it's all for money. Thank you.

CHAIR MATSON: You're welcome. Larry Garcia?

MR. GARCIA: Good morning, my name is Larry I Garcia. I am a voting member of High Desert Association. I am at 5305 High Desert Place NE. I agree with everything that has been said. I've got about four bullet points that I'd like to go over with you. 1) Is impact. What is this density going to do to (a) the environment (b) pollution and (c) safety. Under those headings obviously there's water, drainage, fire danger, wildlife, views and noise. On the way in here this morning I was listening to KNKT, a radio station, and there was a commercial about the planned community in Mariposa which is part of High Desert. It said that it was a planned community in harmony with the environment. Totally two different places but again advertising sells.

I own 3 acres here at 5305 but I was only allowed to build on a 15,000 square foot pad. Now we have 25 homes being built on 4 acres. We do need more time, I believe, to consider this for each one of you to look at your own departments and view. This is for the good of the whole of the community of High Desert and the good of the whole of Albuquerque. So please give us a little more time so that we can review this and not build this in harshness. Thank you.

CHAIR MATSON: Thank you. Pat Stovall?

MR. BINGHAM: He got his questions answered.

CHAIR MATSON: He did? Thank you. Angela Ness?

MS. NESS: Good morning. My name is Angela Ness and I live at 13213 Manitoba Dr NE which is part of the Glenwood Hills neighborhood. I have sent an email to you Ms. Matson this morning. It detailed a number of our concerns. My husband is here as well.

CHAIR MATSON: Okay.

MS. NESS: The items that I'd like to bring to your attention that have not been discussed in much detail are the following. First, the time of notification is a significant issue. This meeting was scheduled with only 20 days notice to the public hearing. I was a member of the Glenwood Hills Neighborhood Association that brought to this development committee concerns about the Wilderness Development originally. At that time, the 4.1 acre plat that is now to be developed was under discussion. High Desert Development Corporation, in writing, attested that they would give notice to the Glenwood Hills Neighborhood Association as well as the people purchasing homes in this new area about the fate of the 4.1 acres. That happened with very limited notice. Yet sixty home owners from High Desert and Glenwood Hills showed up last week at a meeting because of their concern about this development plan. So why the secrecy if it's such a great plan.

The second issue is that I'm a parent of school age children attending Albuquerque Public Schools. My children are now at Eldorado High School. I noticed that on the notice that was here this morning there is a point about the schools. That the schools will be able to handle the increased development in High Desert. I would like to point out that the original sector plan included a school. That school was dropped from the plans and it has been filled up with homes. This is the first year, and it is an anomaly, that Eldorado High School has been under enrolled. This has not been true. We are facing a crisis in Albuquerque Schools because of lack of consideration of developers for planning for schools for our children.

I would like to point out that the Glenwood Hills Neighborhood Association is extremely opposed to this plan and a letter has been sent to you by email from Virginia Leroy who is the Vice-President of the Association and the Land Use Chairman. My own property is at least .6 acres. We live adjacent to the open space and view the planned tract. I have a concern about property value here. These homes to be built are not in keeping with either the Trailhead homes that exist at High Desert or the Glenwood Hills Neighborhood homes that abut this. We've heard from other homeowners in the Wilderness.

Finally, the issue of fire cannot be reiterated strongly enough. I can't tell you how terrifying it is to wake up in the middle of the night and smelling a fire and seeing it across your backyard. A house burning down to the ground with just a little bit of desert open space separating you from it.

Finally, it was stated at the beginning of this meeting that when the trail access would have to be temporarily blocked that there would be rerouting of the trail through the current Wilderness. We heard from the residents in that area that all the gates to and from the Wilderness Trails have been locked. So will they be unlocked? Will they be permanently unlocked? We heard issues about trail access that I think are significant. The other point to make is that as this development has grown next to the trail. The trail space is abutting a steep mountainous area. Therefore, there is very little room for sharing this trail between hikers and bikers. So it's very difficult even to step out of the way. With additional narrowing of the trail it actually becomes a public safety issue. Thank you.

MR. PATTON: Madam Chair may I take an opportunity just to address some of the questions.

CHAIR MATSON: State your name please.

MR. PATTON: Kevin Patton with Bohannon Huston agents for Mesa Verde Development. If I could just address some comments real quick. I would just like it noted that Bohannon Huston and Mesa Verde Development did submit a copy of our proposed plan to the Glenwood Hills Neighborhood Association over 90 days ago. We met with the voting members meeting for the Glenwood Hills Neighborhood Association at which we presented our project. We found no objection to our plan. In fact, the president of the neighborhood association had indicated that we had met any concerns that they had at that time. So, we are unaware of any concerns from the neighborhood association board members. So I would like that noted that we did meet with them over 90 days ago and attended a voter members meeting.

CHAIR MATSON: Okay. When everyone is done here I have a list of a few things we probably need to go through okay?

MR. PATTON: Yes ma'am.

CHAIR MATSON: Thank you. Doug Collister?

MR. COLLISTER: Madam Chair my name is Douglas Collister, President of High Desert Investment Corporation. I live at 8524 Snakedance Ct NE in High Desert. There's been a lot of interest in this and concern about this issue as there was from the very first day that we proposed to incorporate High Desert property into the City and the master plan. At the same time, Glenwood Hills people said it's always been open space. It should stay open space and so we're hearing a lot of the same kinds of issues that we've heard on every single step of the development process that we have taken through High Desert.

The planning was exacting, it was carefully done and while there's been lots of discussion about transition of densities and interfacing with the open space. It think, in fact I know, that was primarily directed towards the northeast part of High Desert where that was done. Specifically an area that extends east of the section line that runs through High Desert and is also east of the Wilderness Area. Special care was taken with that area. It became known as the design overlay zone and special requirements and design requirements were there. Size of lots, height of structures, massing of structures, color of construction, setbacks from the property line. In terms of densities in other areas, the Wilderness area was actually zoned to accept that. Tract 13 was zoned to accept 300 units. All of the traffic studies that were done at the time were predicated on using that 300 number. In addition to that, the traffic studies that were done incorporated the build-out of 2,730 units, a projected build-out within the community. When, in fact, there is going to be something on the order of 2, 200. Substantially under that full build-out that was contemplated in the traffic study.

The trail that is in question here is not going to be changed. Access to that is not going to be changed in any way that I am aware of. The trail was located by myself, Mr. Eichorn who is here in the meeting at this time, representatives from the City of Albuquerque's Open Space Department and representatives from the Trail Committee of the City of Albuquerque. It was clearly understood at the time that the trail was located where it is by all concerned that there would be development adjacent to that trail and that some of it could be dense. Because while in the northeast section in the design overlay zone the City had a special interest because of that extension past the section line closer to Elena Gallegos and Simms Park to protect view shed there. They did not have that concern as it approached the Glenwood Hills area and in fact there is language in the sector plan that provides that the densities there would be similar to what was experienced in Glenwood Hills.

As you know, there are apartments, condominiums and town homes as well as single family residences in Glenwood Hills. I think that is done.

The 10% grade line that has been discussed there were maps in the sector plan that defined where that was and that was the demarcation line and in fact that pretty much starts on the eastern side of this trail at the rock outcropping.

However I think that may even be a moot point because within the sector plan itself there is a later resolution and amendment to the plan that deleted that 10% requirement. I don't think that's even comes into play on this issue.

There is no question but what the land is steep and that's part of the reason that we approved and we think it's appropriate to have a higher density development. Because of the smaller lots it is much easier to take up the grade changes and have less impact on the surrounding land. The part of the trail that goes past this that is adjacent to this on the Embudito is maybe 100 yards and the trail that is on the east side of the development, is again, also 100 yards. I know I'm running out of time. The property that trail is located in and adjacent to it is City of Albuquerque Open Space which we gave to the City with the understanding that there would be development where it is and it could be up to 300 units. Thank you.

CHAIR MATSON: Mr. Collister can I ask you one question?

MR. COLLISTER: Yes ma'am.

CHAIR MATSON: You did mention 300 units in Tract 13, what does that encompass?

MR. COLLISTER: Tract 13 encompasses the Wilderness Estates Subdivision, the Wilderness Village Subdivision, the Wilderness Compound and this 4 acre tract that is being called I believe Wilderness Canons.

CHAIR MATSON: Okay, thank you.

MR. COLLISTER: Surely.

CHAIR MATSON: Charles Young?

MR. YOUNG: I have no comment right now.

CHAIR MATSON: Ms. Ness, I can just give you a short period of time.

MS. NESS: I would like to ask two questions of Mr. Collister. He indicated that there were condominiums in Glenwood Hills. I would like him to articulate where those condominiums are because they are on Tramway to clarify. They are not in the upper part of the neighborhood where we are talking about.

CHAIR MATSON: Okay. Thank you. I hate to start going backwards. So let's keep going this way and then if you still have questions we'll come back okay. Yolanda Padilla?

MS. PADILLA: I'm Yolanda Padilla with Bohannon Huston and I have no comment.

CHAIR MATSON: Ken Wessellman?

MR. WESSELLMAN: My name is Ken Wessellman and I live at 4613 Huntington Dr NE it's in the old section of Glenwood Hills. I've been a trail user for over 15 years running and biking. I transit this part of the trail rather quickly and end up east of the northern area which they have done nicely. Lower density I think. I would just say when they first talked about developing High Desert there was some concerns that 'gosh, they're moving into the open space and trails', but what they've done so far as been pretty nice. Even the section where we come down right in here where these houses are developed and the trail goes by them. The trail access is real nice. You guys have left a nice space in between the trail. That would be the one question that I have for you Kevin is it going to be the same space off the center of the trail pretty much to the walls of those houses that you have already existing?

MR. PATTON: If I may, we are working with the City Open Space folks again. We met with two of their folks yesterday. We are also including in that discussion the President of the High Desert Residential Owner's Association. The trail is located where it is today. We're talking about the possibility of permanent improvements to reduce the erosion. In that, we may be shifting the trail back and forth to address drainage concerns. As far as proximity to the proposed wall around that perimeter I'd have to go back and view how we did the Wilderness Compound just to see how it is. I would imagine it would be somewhat similar but again I don't control that. That's going to be controlled, because that property is owned by the City, the location of that trail is also going to be dictated by the City.

CHAIR MATSON: What I would suggest Kevin is that perhaps you include Mr. Wessellman or someone who uses the trail often in your planning. I'm sure that would be okay with City Open Space. You may want to give him your phone number and contact information.

MR. PATTON: I would prefer the City since they own the trail.

MR. WESSELLMAN: Sure.

CHAIR MATSON: I see Matt Schmader shaking his head yes in the back.

MR. WESSELLMAN: One other point here right now I can transit that area rather quickly. There's a lot of people out on that trail that are 65, 70, 75 years old. Their walking doesn't take them much further past the existing houses that are there now. I can see myself in another few years when I'm not riding a bike or running and I'm walking. A large portion of my time on the trail is going to be spent right around those houses. I would like to echo that fact that I think the density of these houses is going to be a huge eyesore. I can appreciate somebody having an investment and wanting to maximize their investment. I understand that. I would probably be the same way. This is going to be an impact on a number of people for however long Albuquerque is here. The older we get the more time we're going to spend in that one area. Two-story houses of that density are going to greatly impact the current aesthetic beauty that is there right now on the trail. So I think there is a misrepresentation as one of the ladies pointed out in trying to say the density in Glenwood Hills for one thing, why not match the density that's up northeast. Why out here as we come south we don't have to have that kind of lower density because it's aesthetically pleasing just because of Elena Gallegos out there. In any case, the density in Glenwood Hills is no where close to what they're proposing there. If he's using condominiums or something I don't know where he's getting them. I live right in the center of old Glenwood Hills and everything east of me are bigger lots. Probably a third of an acre so I would just like some consideration to that density especially. Thank you.

CHAIR MATSON: Thank you. Anne Marie Morosin?

MS. SENOVA: Ms. Morosin had to leave.

CHAIR MATSON: Okay thank you. Ed Hernandez?

MR. HERNANDEZ: Ed Hernandez and I live at 1219 Blue Quail not actually in High Desert but John Farrow of the Albuquerque Roadrunners and a mountain biker pretty much expressed some of my concerns. The only thing I will add is that I'm pushing 70 so some of my running has slowed down. I notice the walls more than probably a faster runner. They are an eyesore. You no longer see the Downtown area. I'm sure from the lower trails you don't see the mountains. It's more an aesthetic issue with me and of course an environmental issue. Thank you.

CHAIR MATSON: Thank you. Alan, I can't read your last name, but you live at 13501 Embudito?

MR. CLIPPERTON: I'm Alan Clipperton and my concerns have been expressed.

CHAIR MATSON: Thank you very much. Jack Eichorn?

MR. EICHORN: My name is Jack Eichorn and I live at 6316 Bobcat Hill Pl in High Desert. I'm also the Senior Vice-President with High Desert Investment Corporation. I have no comments. I would stand available for questions from the Board.

CHAIR MATSON: Tarin Davies?

MS. DAVIES: My name is Tarin Davies and I live at 13209 Manitoba NE. I'm a resident of Glenwood Hills. My home backs up on the open space right on the side of Embudito Arroyo so my backyard looks out on the view of where this development would be. I'm a trail user. I use those trails everyday. I really value the beauty and serenity of the open space. Most of my concerns have already been stated. I do have one additional thing I'll say. Overall my concern is the density of the proposed development is inappropriate. I think it's out of integrity with the spirit of the wilderness. This thing in the sector development plan that says the density will decrease as it approaches the wilderness. That's been voiced by many people and I agree with that. I was very active four years ago. There was a lot of discussion between Glenwood Hills and High Desert Development Corporation at that time. There was an agreement signed between Glenwood Hills and High Desert. Also at the time there was an agreement made between Mr. and Mrs. Keller from Trailhead and High Desert. The Keller's I believe are out-of-town and not able to be here right now. In that agreement, it was explicitly stated that High Desert would notify Mr. and Mrs. Keller and myself, my name was in that agreement, well in advance, as soon as development plans became known for this area. That was so there could be some discussion and to make sure it was, I'm going to read the thing....there are two points in this agreement: "High Desert and Mesa Verde and its successors shall advise all potential purchasers in the Wilderness, in writing, in the Purchase Agreement, of the possible land uses for the 4.2 acre tract which has not yet been planned. High Desert and Mesa Verde will consult with Mr. and Mrs. Keller regarding the wording of this disclosure." My point is that I think, like there was a lot of attention given to giving us advance notice of what the plans were and I think they were deliberately evasive in letting the Kellers know and me know and the Ness's know. We were the people most active in this discussion four years ago.

The second point in this agreement says: "High Desert and Mesa Verde and its successors shall advise Mr. and Mrs. Keller and Tarin Davies in writing at the earliest reasonable time when a land plan and use is developed for the 4.2 acre tract." That certainly was not done. I think we were deliberately kept out of the loop because they knew we would have objections to something of this density.

CHAIR MATSON: When did you find out about the development?

MS. DAVIES: Two or three weeks ago. I first found out, there was a newsletter put out by Steve Ciepiela the President of the Glenwood Hills Neighborhood Association. There was a newsletter put out and I think I got that maybe three weeks ago.

CHAIR MATSON: Okay.

MS. DAVIES: Then there were the neighborhood meetings which we attended.
CHAIR MATSON: I think you and I talked over the phone Ms. Davies about how the Development Review Board is not empowered to enforce private agreements unfortunately. I understand your point.

MS. DAVIES: I understand. Thank you.

CHAIR MATSON: Thank you. Kym Dicome? Nothing at this time. Okay. Joe Witte?

MR. WITTE: My name is Joe Witte and I live at 1570 West Ella Dr NE in Corrales, 87048. I just wanted to say that while I appreciate the developer stating that they have no plans to interfere or vacate the easement to the trails. I would like it as a matter of policy that anytime a development interferes or impacts trail systems that are of such public importance that they have a perpetual easement put into place for that instead of stating that they have no plans. That doesn't guarantee that they won't develop it or interfere with it. So I think that needs to be made permanent. Thank you.

CHAIR MATSON: Thank you. Armando Lara?

MR. LARA: My name is Armando Lara and I live at 13415 Piedra Grande NE in the Wilderness Village. I agree with everything that has been said to date. A few issues on the egress and ingress into the area. Also to note that we do have the trailhead right off of High Desert which is near Spain. You have a very large number of vehicles of people who do not live in the area that park in that area. I'm not sure of the number of spaces in that parking area, but certainly it accommodates quite a large number. You have that increased access and when we are talking about public safety we're talking about just the possibility of safety type of issue occurring also during the day when there is quite a bit of movement in and out of that trailhead parking lot. In fact, on some occasions cars have been parked actually on High Desert because there's not sufficient room within the parking lot. Also, on my particular street, Piedra Grande it's very difficult currently on the egress leading, coming out of my street, turning left, which would be north onto High Desert. It's a very extreme curve there and in fact you almost when you exit have to drive into the oncoming lane to insure that nobody is coming around that curve when you are exiting.

Currently, the way it is now with the current density it presents quite a challenge. I anticipate the likelihood of accidents occurring again because of this increased density. I would just like to end my comments with what concerns me to a great extent, maybe has nothing really to bear upon any decisions that are taken, but the lack of transparency when we bought our home on Piedra Grande. I do not recall ever having been told that yes, there was a tract up there, 13, it was only referred to in the vaguest of terms. If I had been told what was planned and had signed an agreement acknowledging that I would have taken into consideration my purchasing a very expensive home in that area. I would say that the same for those people that live toward the corners of those streets as my street Embudito and the others understanding that with such high density you would have an increased number of vehicles along that area. Road noise et cetera. To me it's disturbing with Scott Patrick Homes with its high reputation that its always maintained that for whatever reason, intended, unintended but there was secrecy as one previous speaker had mentioned. That disturbs me and I think that's evidenced by the number of people who have come here and expressed their interest about this particular development. Thank you.

CHAIR MATSON: Thank you. Kathleen Conlin?

MS. CONLIN: My name is Kathleen Conlin and I live at 1021 Orchard NW right Downtown. I came to just speak for the overall view. To put up fences and say well this is the east side, this is the west side, this is downtown. It affects all of us. These developments are affecting all of us with dirt in the air constantly. Terror about where we are going to get our water. We're interested really in clean air, good food and clear water. What these developers seem to be running City politics. An example would be the Anderson Farm, Oxbow open space which are now high density developments putting through the Montano Bridge. Water is an issue. Definitely to take more space to develop leaves less for the replenishment of the aquifer. Then we get into wildlife issues. Where there should be a boundary where wildlife is not interfered with. Where they are allowed to live. We cannot keep having Animal Control tranquilize bears and run off deer and have people complaining as they are moving higher up into the mountains where are these animals going to go? Are they just going to kill them off and then great we're left with nothing. The only thing that developments have to offer as far as I'm concerned is more sewer and more garbage. That's all people I can see have contributed actually to this planet as a whole. I would suggest that this development stop and all development stop until the San Juan Chama Project proves that it works. Otherwise nobody's going to have water and we don't even know if this project is going to work or the water is not going to make us sick. Everybody's counting on something that hasn't been proven. I have a huge objection to the building materials that are being used which are particle board, the glues are very toxic, there's no disclaimer on this when people buy these homes. We're fourth in the nation for childhood cancer and nobody knows where that's coming from. We could look around at what's being done in this State, in this City and try and look at it with an overall view.

This isn't just affecting the Glenwood Hills area. It's going to affect the Downtown, it's going to affect the Westside and it's my opinion that we should really stop and think of what we want, how we want to live is the same as other animals and plants and so forth. Thank you.

CHAIR MATSON: Thank you. Jeni Turgeon?

MS. TURGEON: My name is Jeni Turgeon and I live at 720-6 Tramway Lane NE north of this area. However, I am a frequent trail user of this area and I did have three really quick points to make here. My first is that while the developer is stating that trail users are really losing anything. They are losing one really important thing and that is the experience of having the trail. I would like to agree with the loss of aesthetics with this development coming in that area.

My second issue is actually a question. I would like to know if there has been an Environmental Impact Study conducted in this area. There is a lot of wildlife in here and as we have additional homes being placed in here we are further restricting the passageways for wildlife. That does have a lot of implications down the road. I would like to know if that study has been conducted.

Thirdly, there has been mentioned of work behind the scenes with the City Albuquerque Open Space to work on these trails. I would like to see something very specific in writing what the exact plan is rather than some ideas here and there. In addition, with developing this plan I would like to see the involvement of residents in this area and also trail users including the hikers, the bikers and so on. That's it for my points.

CHAIR MATSON: That ends the list of people. Is everyone who is here to speak or would like to speak had a chance to do so? Is it Debbie? Debra. All right, quickly please. Would you state your name please.

MS. GREENHOOD: Debra Greenhood a resident at Wilderness Village. I'm really gratified to see how many people showed up here today for a variety of reasons. I just wanted to reiterate a couple of things. To go back to what we had said earlier. We may not have a lot of Wilderness residents available here in person today because first of all it isn't completely built out yet. It's a fairly new development. I can tell you that on that petition that you have in your possession there are 94 signatures over two-thirds of which are Wilderness residents both Wilderness Estates, Wilderness Compound and Wilderness Village. I personally circulated that petition and when I spoke with these people face to face. What I want to tell you on behalf of them is that they not only signed the petition in opposition to the currently proposed plan but they are very upset because they feel, and it's a strong word, but they feel betrayed.

I would say 90% of the people on these developments purchased homes through the Scott Patrick Homes Building which is part of Mesa Verde Development and they don't feel that they were appropriately or clearly informed about what was happening up there. They had asked questions but as someone else mentioned it wasn't clearly stated what was going on there. These residents who bought from this development corporation are very upset.

Just to go back to that safety issue, because we are talking about a lot of safety for a lot of things. When you think about, I understand what Mr. Collister said, that there were 300 dwellings approved there. When you think about the possibility of 135 dwellings on one egress and one ingress, one entrance, one exit, that's a lot of fire danger. A lot of public safety. I would hate to think and I understand that developers are in the process, in the business of making money and developing property. I understand that. Albuquerque has always prided itself in being different. My husband and I just moved here 5 months ago for the reasons that Albuquerque is a City that understands that everything isn't just about development and money. That we think about the people here. So we have to think about the public safety issues as well.

CHAIR MATSON: Okay, thank you. Mr. Baca and then this will need to be it.

MR. BACA: Just one point and I'll be quick. I know Doug Collister, Mesa Development and the architects have come to the meeting. We appreciate it. Some of our board meeting, some of the voting member meetings and they made themselves available. They stressed that they had up to 300 homes of density that they could build in Wilderness. They said we are fortunate that they didn't put 50 some homes in those 4.2 acres and that they just went with 25. My only question is if they had 300 homes to build density or whatever they build why didn't they do it in the center as stated in the sector plan and as they went out lessened the density. My only explanation and speculation is because that's prime land and they could sell the homes there and the land much higher than they could at a lower area. Thank you.

CHAIR MATSON: Mr. Patton, if you'd come up I have a few questions and some of the other Board members may have some as well. If you make sure you speak loudly so everybody can hear.

Access to the trail, there was a question about whether or not the access would remain the same and also if and when it's closed for improvements how will it be accessed if there are gates at one of the subdivisions. One of the subdivisions has gates on it that would close off, they're saying, part of the alternate access to the trail that you outlined.

MR. PATTON: Madam Chair, Kevin Patton with Bohannon Huston agent for Mesa Verde Development. Again, we are working with Matt Schmader and the City Open Space and again if there is work done, and we haven't indicated that we are doing any work right now with this trail. If for some reason this needs to be temporarily closed for improvements on this trail along this stretch, we would utilize the existing trail here and an asphalt lined path. There is a gate right now because there is a wall, but that gate would be left open, again with concurrence from the High Desert Residential Owner's Association. We would also provide some trail and some fencing, and so that it's very clear, we would also provide some signing for folks who are using that trail. Again, I don't believe we would be removing any access to that trail.

CHAIR MATSON: Have you discussed this with the Resident's Association or not yet?

MR. PATTON: No, we have. Again, Ray Berg if he is still here could speak to that and maybe give some of his concerns or comments concerning that. Again, at that meeting yesterday that was discussed and it seemed at the time with Ray, because Ray and I did talk about that. It would be a possibility but again I would defer to Ray to maybe speak to that point as well.

CHAIR MATSON: Okay, we may just wait until a later date to actually hash out some of these issues. It looks like it's going to be deferred anyway. There was reference to an outcropping. Where is that outcropping located?

MR. PATTON: Madam Chair that easement that I had referenced before encompasses the outcropping. It's also located right there I believe (Kevin used a pointer to show location). I have a better exhibit if you'd like me to bring that up

CHAIR MATSON: No, that's fine. So that's going to remain. The outcropping is not going to be disturbed then is that correct?

MR. PATTON: That is correct. Except for the request, just to let you know, that small triangle easement right there (Kevin used a pointer to show location) where the tract boundary and the easement cross one another there is a request right now, but again, that request needs to be approved by the Residential Owner's Association.

CHAIR MATSON: Okay. There was reference to the 10% slope but I did notice that there is an amendment existing at the beginning of the sector plan that did away with that requirement.

MR. PATTON: Yes ma'am. That was repealed by the Council and is referenced in the sector development plan.

CHAIR MATSON: Okay. Let's see, Environmental Impact Statement, do you know whether High Desert Investment Corporation did an Environmental Impact Statement?

MR. PATTON: Madam Chair an Environmental Impact Analysis was done with the Master Plan. It was not required. It was done by SWCA for High Desert Investment Corporation. It was updated then again when we developed Tract 13. There was no adverse impact found in that analysis or that report.

CHAIR MATSON: Okay. There was some reference to some development happening and the schools struggling to keep up. Would you like to address that.

MR. PATTON: Madam Chair in your comments, the public comments that have been received today you will note the comment from APS which indicates that the developments of the 25 lots proposed should accommodate. The surrounding schools should be able to accommodate our proposed development.

CHAIR MATSON: The other thing I'm surprised you didn't notice is the Council Resolution that was passed that says "beginning November 1 any preliminary or final plat that is approved they have to have gone to the APS staff and signed a pre-development facility fee agreement" which means that each lot that's developed from thence forth will have an amount of money attached to it so that the schools will be better able to keep up with the development.

MR. PATTON: Madam Chair we are aware of that. Again, from the comments provided it's our assumption that APS has indicated that there is sufficient capacity at this time with the schools that will be affected.

CHAIR MATSON: Okay. The last thing that I have written down here is reference to density and where it's supposed to occur according to the sector plan. Would you like to address that please.

MR. PATTON: Madam Chair I can. Again, there is a statement in the Policy Section of the sector plan that references a concept. Others may be better versed to address this. My understanding of it is that you have the town center which is here and it talks about density diminishing as you move north and east of this area. That is consistent with what has been developed over time. Again, north adjacent to Simms Park Road and Sandia Heights and east as we head beyond the section line and the design overlay zone and again consistent with how this was zoned and what was proposed. Again, that also references Sandia Heights in that area. It's inconsistent with the zoning. If this was to also diminish from this location as you head south and east then it would be inappropriate for this area to be zoned for 13 du's per acre. I might just state again from the zoning that we do talk about 300 units. Again we have 110 currently and we are looking to add 25 where we could 50.

As far as the traffic goes the traffic study that was submitted and supported the sector plan and the master plan had anticipated a worse case which would allow for 300 units. There's been reference to a single entry and exit along High Desert Place but I would contend that we have that here in the Highlands, which again has a single entry that supports over 100 homes as well as other single entries. The Overlook and other estate lots that have a single entry that support a number of homes on that single street.

CHAIR MATSON: Mr. Patton has that traffic study been provided to the Resident's Association or do they already have a copy of that what you are referring to?

MR. PATTON: Madam Chair I couldn't answer that. I did not provide a copy to them. Again that's on file with the City of Albuquerque and public knowledge and again since we are with our last 4 acre parcel and additional 25 units, in my opinion, has very very little impact on the overall development. Again given my knowledge of the master plan and knowing that we were well below what we could be.

CHAIR MATSON: Do you have a copy of that study that you could give to the Resident's Association?

MR. PATTON: I could if asked. Let me just mention that we have met with the High Desert Residential Owner's Association twice and had offered any information that they would like including traffic. We have not been requested a copy from them so we've made ourselves available to the board members. Again we did meet with the voting members at a meeting and present this case. We have been open. I think we have been very transparent. We offered our service and met with the Glenwood Hills Neighborhood Association and have been open to meeting with anyone and have stated that.

CHAIR MATSON: Okay. Mr. Berg was shaking his head that he would like to have a copy of that study. You might provide him with one if you would please.

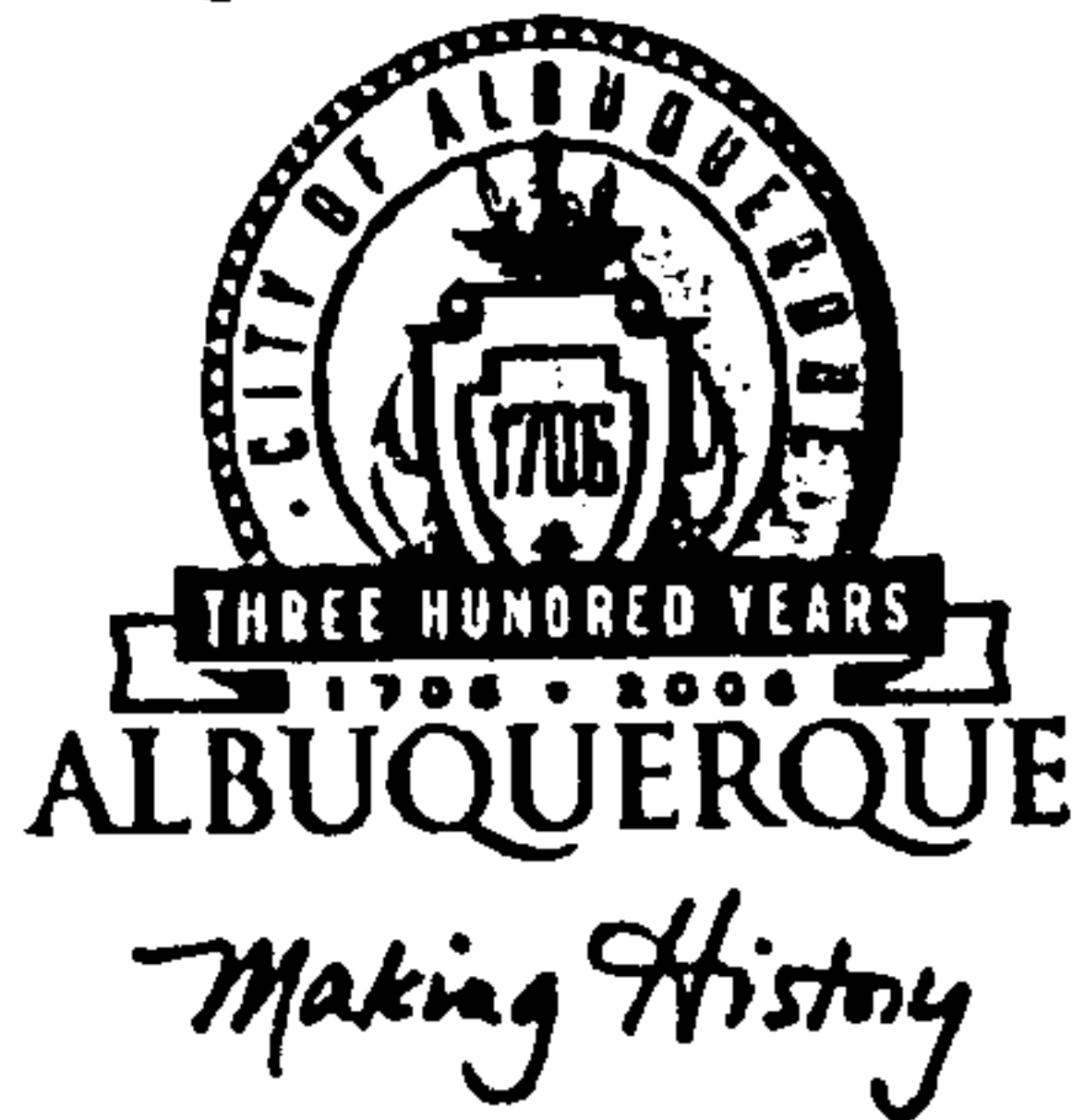
MR. PATTON: Yes ma'am.

CHAIR MATSON: Okay. Do any other Board Members have questions of Kevin or any of the speakers at this point? (No one responded). Okay.

MR. PATTON: Do you want to go through your comments?

CHAIR MATSON: Yes, we can go through the comments we have for now I guess and then see what happens later. Parks?

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e-mailed
2-25-07
@ 8:59 a.m.

**NOTICE OF PUBLIC HEARING
CITY COUNCIL OF THE CITY OF ALBUQUERQUE**

TO ALL CITIZENS AND PARTIES IN INTEREST:

Notice is hereby given that the City of Albuquerque Land Use Hearing Officer will hold a public hearing on **THURSDAY, MARCH 15, 2007 at 9:30 a.m.** in the Vincent E. Griego Chambers, Basement Level, Albuquerque/Bernalillo County Government Center, One Civic Plaza NW, to consider the following:

AC-07-2 (06DRB-01411; 06DRB-01412; 06DRB-01413; 06DRB-01414; 06DRB-01415; Project #1004989) Hessel Yntema, Agent for Carl & Lillian Fesler, Robert & Kathy Pelletier and Janet & Eric Lentz, Appeal the Development Review Board's (DRB) Approval of a Preliminary Plat for all or a portion of Tract(s) A, Unit 2, Wilderness @ High Desert (to be known as Wilderness Canon @ High Desert) zoned SU-2, HD/R-R, located on High Desert Pl. NE, between Trailhead Rd. NE and Embudito View Ct. NE, containing approximately 4 acre(s). (F-23) Sheran Matson, Development Review Board Chair

AC-07-3 (06DRB-01411; 06DRB-01412; 06DRB-01413; 06DRB-01414; 06DRB-01415; Project #1004989) Paul M. Kienzle, Agent for High Desert Residential Owners Association, Appeal the Development Review Board's (DRB) Approval of a Preliminary Plat for all or a portion of Tract(s) A, Unit 2, Wilderness @ High Desert (to be known as Wilderness Canon @ High Desert) zoned SU-2, HD/R-R, located on High Desert Pl. NE, between Trailhead Rd. NE and Embudito View Ct. NE, containing approximately 4 acre(s). (F-23) Sheran Matson, Development Review Board Chair

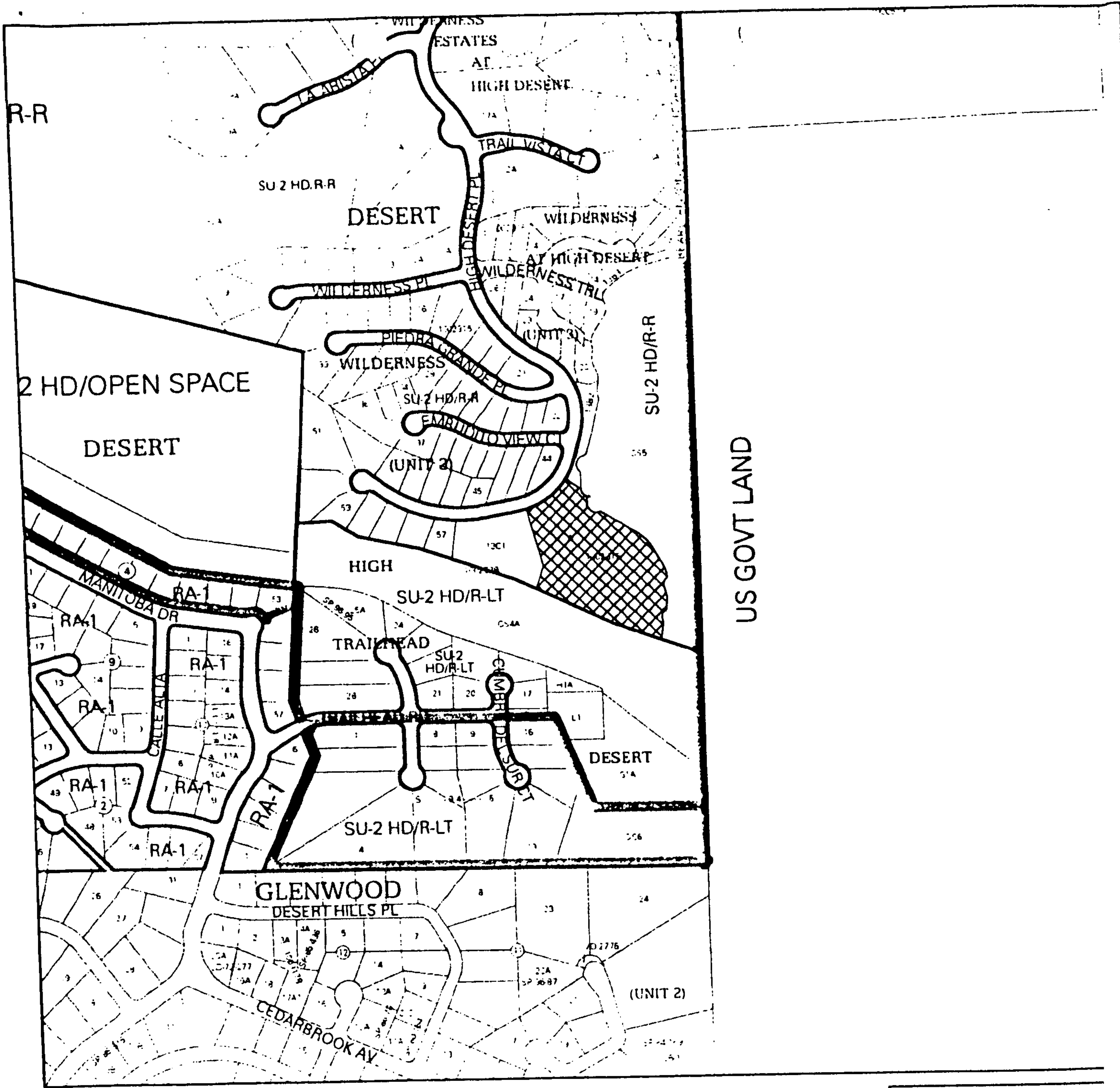
Details of the above may be examined at the Development Review Division of the Planning Department, 3rd Floor, Plaza del Sol Building, 600 Second St. NW, Monday thru Friday, between 9 am - 4 pm.

Debbie O'Malley
City Council President

NOTICE TO PERSONS WITH DISABILITIES: If you have a disability and require special assistance to participate in this meeting, please contact the Council office at least one day before the meeting date at 768-3100. TTY users please call New Mexico Relay Network toll free at 1-800-659-8331.

APPROVED:


Russell D. Brito, Division Manager
Development Review Division



ZONING MAP

Note: Grey shading indicates County.



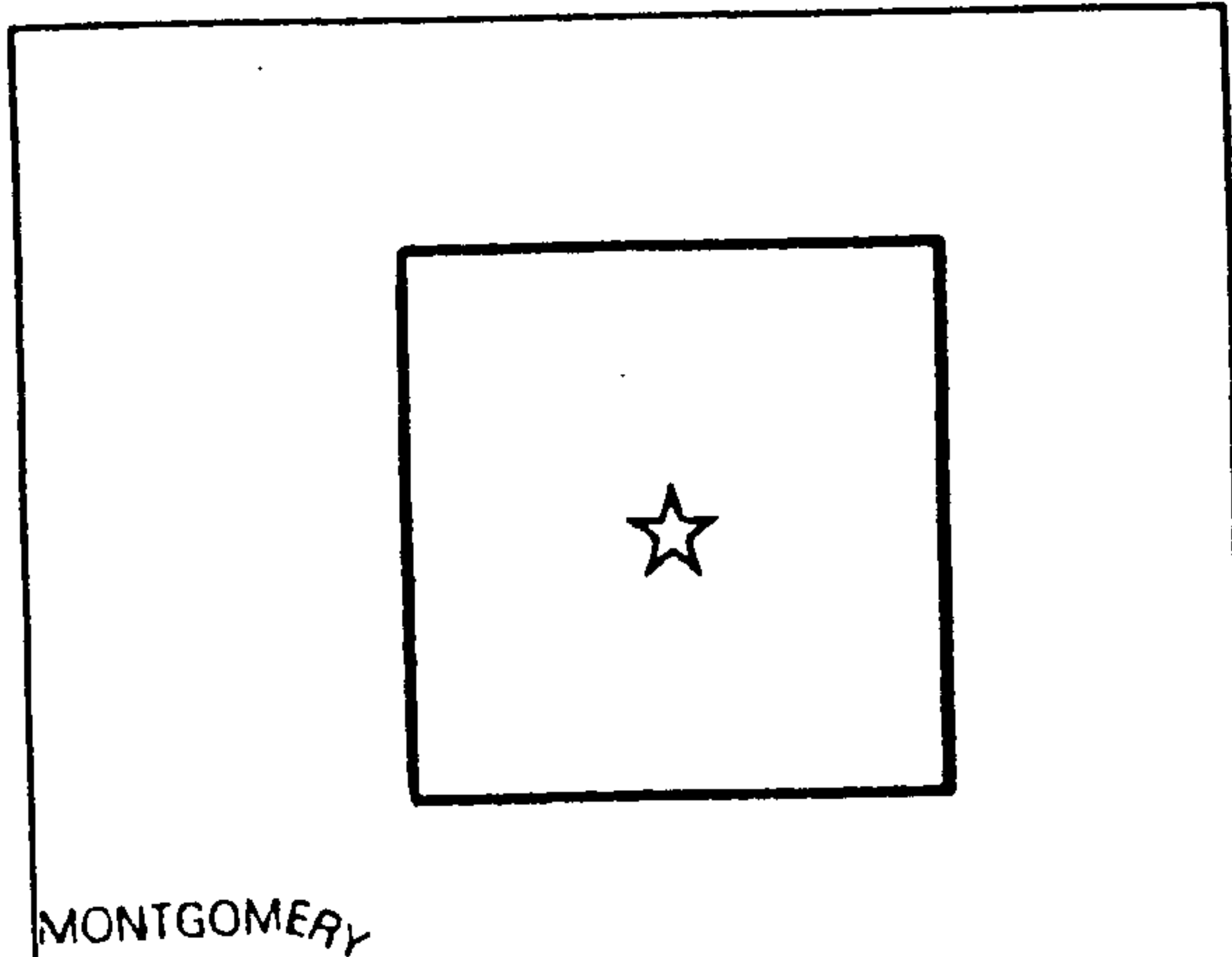
1 inch equals 500 feet

Project Number:
1004989

Hearing Date:
10/04/2006

Zone Map Page:
J-23

Additional Case Numbers:
06DRB-01411 06DRB-01412



364

MONTGOMERY

225-