

**48-HOUR MATERIALS**

**Public Comments**

## Somerfeldt, Cheryl

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**From:** Dr. Susan Chaudoir <edu.chaudoir@gmail.com>  
**Sent:** Monday, March 11, 2019 12:38 PM  
**To:** Somerfeldt, Cheryl; Brito, Russell D.  
**Cc:** Steven Siegel  
**Subject:** PR-2018-001402: Submit to the record: 48-hour rule

Please submit to the EPC record and to the EPC commissioners this 4-minute video, which was produced freely with city-wide support of neighborhood associations. Hundreds of neighborhood residents and multiple neighborhood associations provided feedback that the content of this video accurately communicates city-wide neighborhood opposition to the proposed site plan slated to be heard at the March 14 EPC hearing.

The video emphasizes the habitat values, cultural features, natural features of the property being adjacent to MPOS (IDO Section 5-2(H)(2)(b)(2)).

The link is embedded in this email. Please include both a copy of this email and the [video file](#) in the record.



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<https://ddei3-0-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=https%3a%2f%2fwww.dropbox.com%2fs%2f48db15vdquml1qg%2fLets%2520Save%2520The%2520Poole%2520property%2520300Mb%2520expmov.mp4%3fdl%3d0&umid=A8D1D6AF-83D5-D705-9996-4B5CAD492887&auth=f0ebcd052f61e7a39dc93191e8a01d02608499af-d3d592418b9d4b96ebeae24b47877dfd48ca328d>

Thank you,

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**Susan Chadoir, PhD**

MSc, MA, PGCD

Research in Education

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## Somerfeldt, Cheryl

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**From:** Ellen Barber <ellen@condensedlight.com>  
**Sent:** Monday, March 11, 2019 2:30 PM  
**To:** Somerfeldt, Cheryl; Brito, Russell D.  
**Subject:** EPC Project #2018-001402 (Hearing Date: March 14, 2019)

Ms. Somerfeldt and Mr. Brito:

In the documents for EPC Project #2018-001402, please include my article "Wetland Habitat Threatened By New Albuquerque Housing Development," published on [Forbes.com](https://www.forbes.com) on January 31, 2019. Full text provided below.

URL:

<https://ddei3-0-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=https%3a%2f%2fwww.forbes.com%2fsites%2fellenbarber%2f2019%2f01%2f31%2fwetland%2dhabitat%2dthreatened%2dby%2dnew%2dalbuquerque%2dhousing%2ddevelopment%2f&umid=41C95CA5-83D7-6605-AF3F-11C4206C6C10&auth=f0ebcd052f61e7a39dc93191e8a01d02608499af-1119d2f30cad5b34f8e5149c1508ad38f73e474e>

Thank you,  
Ellen Barber

EDITOR'S PICK|1,642 views|Jan 31, 2019, 08:00am

# Wetland Habitat Threatened By New Albuquerque Housing Development

**Ellen Barber**



Real Estate *I write about real estate in the Southwest.*

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Where the Rio Grande makes a bow-shaped bend in the middle of Albuquerque, New Mexico, lies a rare piece of wetland known as the San Antonio Oxbow. This 40-acre tract is maintained as a wildlife refuge by the city's Open Space Division and contains "the last vestiges of marsh habitat in the Middle Rio Grande," according to a 2012 study by the [Army Corps of Engineers](#).



The San Antonio Oxbow wetland in Albuquerque, New Mexico, seen from the Rufus and Suzanne Poole property. PHOTO CREDIT: BOB EGGERS. [CONDENSEDLIGHT.COM](http://CONDENSEDLIGHT.COM)

The Oxbow was initially stabilized and preserved in the 1970s through the efforts of attorney Rufus G. Poole, who owned the land bordering on and extending into this wetland.

The panoramic view of open marshland from here—with the Rio Grande beyond and the Sandia Mountains in the distance—has attracted plenty of residential development to this part of the city over the years. Today the tiered mesas on the west side of the river fairly bristle with houses.

And more are in the works. A site plan currently making its way through the city's approval process would put 76 single-family houses on the 23-acre Poole property. The 6,000-square-foot main house at 5001 Namaste Road—designed by architect George Pearl, after whom the University of New Mexico Architecture School building is named—would be razed, along with 5,000 square feet of additional structures.



Residential development is already dense on the west side of the Rio Grande in Albuquerque, New Mexico. PHOTO CREDIT: BOB EGGERS, [CONDENSEDLIGHT.COM](http://CONDENSEDLIGHT.COM)

A group of neighbors and experts who oppose the plan say demolition and construction activity on the property would undo a \$25 million wetland restoration project completed by the Army Corps of Engineers here in 2012 and lead to the permanent destruction of the Oxbow.

The site plan for the 76-home “Overlook at Oxbow” was proposed in early 2018 by Consensus Planning, Gamma Development and Abrazo Homes. In [a statement provided to KRQE News](#), Consensus Planning described it as “a sustainable neighborhood development plan ... that includes open space and homesites consistent with the neighborhood.” According to the developers, “The proposed project is permissive under the current zoning.” The Development Review Board (DRB) approved a variance request for the project on December 5.

But an appeal filed by the opposition group’s attorney on December 20 cites multiple failures on the part of the DRB to meet the requirements of the city’s Integrated Development Ordinance, which went into effect in May 2018 and includes new land use, zoning and planning regulations. According to Susan Chaudoir, PhD, lead organizer for the neighborhood group, the city still hasn’t set a hearing date for their appeal.



The San Antonio Oxbow wetland in Albuquerque, New Mexico. Seen from the Open Space outlook near the Poole property. PHOTO CREDIT: BOB EGGERS, [CONDENSEDLIGHT.COM](http://CONDENSEDLIGHT.COM)

The Environmental Planning Commission is scheduled to review the proposed site plan at its February 14 meeting. [Documents submitted to the EPC](#) argue that the plan requires federal environmental impact and archaeological reviews and a permit from the EPA, and that until these requirements have been met, “the City possesses no legal right to grant the developer permission to fill and pave the Poole floodplain” or to redirect groundwater. Citing the Army Corps of Engineers, [these documents](#) state that in diverting water away from the property, the proposed plan would conflict with federal laws regarding interference with the flow of surface waters into the Rio Grande along the edge of the Oxbow wetland. The Poole property includes features engineered in the 1970s by the Albuquerque Metropolitan Arroyo Flood Control Authority to provide natural filtration for the surface water that enters the wetland and the river.

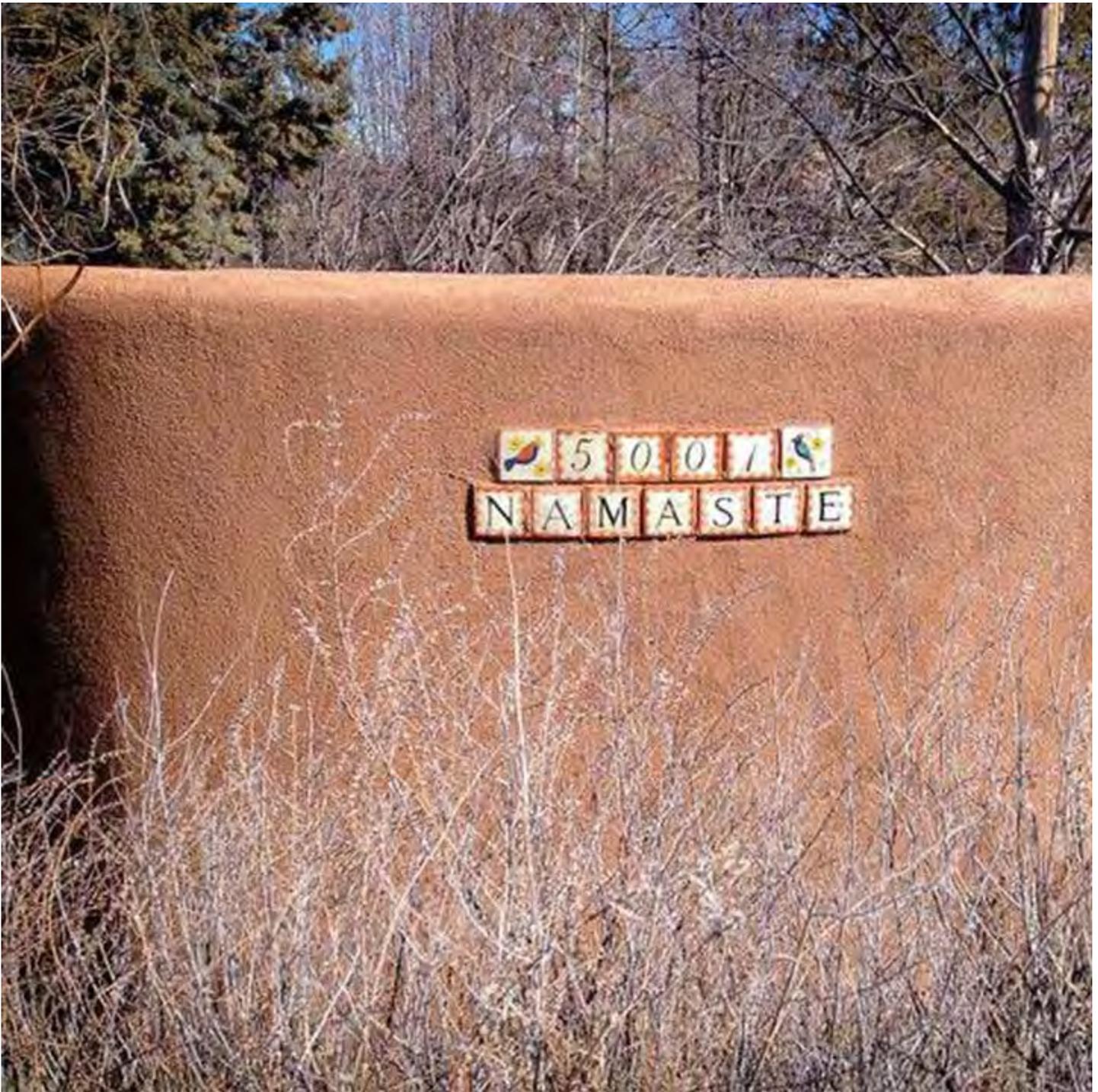
Migrating sandhill cranes roost along the edge of the wetland below the Poole property, which is directly across the river from the Rio Grande Nature Center. The endangered southwestern willow flycatcher nests here. The whole area has been designated “critical habitat” for the endangered Rio Grande silvery minnow. The Central New Mexico Audubon Society has proposed that the Poole property be used for conservation; a CNMAS member produced [this video](#) about the site, highlighting some of the wildlife that depends on it.



The Pooles' pueblo-style house, designed by architect George Pearl, is unobtrusive behind the trees and native plants of the Oxbow wetland. PHOTO CREDIT: BOB EGGERS, [CONDENSEDLIGHT.COM](http://CONDENSEDLIGHT.COM)

**Rufus Poole was an assistant secretary of the Department of the Interior when he and his wife, Suzanne Hanson Poole, moved to New Mexico in 1957. Poole helped the Taos Pueblo restore the sacred Blue Lake to tribal ownership, winning the very first case in which land was returned to Native American control. In gratitude, the Taos Pueblo made Poole an honorary member, and half his remains rest there.**

**The Pooles were cofounders of the Santa Fe Opera and founding donors of many other New Mexico arts and educational organizations. Suzanne Hanson Poole was “a tireless philanthropist,” says Chaudoir. In partnership with The Nature Conservancy and WildEarth Guardians, she also helped preserve several stretches of the Rio Grande. (How did an environmentalist’s own property end up so unprotected? A new will, signed just a few days before her death from cancer in 2012, reportedly superseded her previous wishes to share the property as a public amenity. Chaudoir and others describe the circumstances as mysterious at best.)**



The Rufus and Suzanne Poole Property in Albuquerque, New Mexico. PHOTO CREDIT: BOB EGGERS, [CONDENSEDLIGHT.COM](http://CONDENSEDLIGHT.COM)

By March 2013, the 23-acre homestead had been acquired by Daniels Family Properties LLC for about \$2.5 million. Suzanne Poole's estate was settled in 2017, at which point Daniels engaged Consensus Planning, Gamma Development and Abrazo Homes to produce the current site plan.

When the neighbors inquired last year about purchasing the property themselves, Abrazo quoted them a price of \$12.1 million, says Chaudoir. As of January 18, [Zillow](http://Zillow) reports a pending sale of 22.74 acres of "vacant land" at the site (to one of the developers, the neighborhood group assumes) for \$4 million (\$175,900 per acre). The neighbors fear the demolition phase could begin any day.

Albuquerque Mayor Tim Keller and New Mexico state senator Jacob Candelaria **have both said they want to maintain the property as open space**. At a recent town hall meeting, Senator Candelaria stated that he is willing “to make legislative capital appropriations to purchase some or all of [the] property.” Chaudoir says this could be a good opportunity for a conservation investor.



The San Antonio Oxbow wetland in Albuquerque, New Mexico, with the Sandia Mountains in the distance. PHOTO CREDIT: BOB EGGERS, [CONDENSEDLIGHT.COM](http://CONDENSEDLIGHT.COM)

*Follow me on Twitter: [@byEllenBarber](https://twitter.com/byEllenBarber)*

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## **Norman Gaume, P.E. (ret.)**

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44 Canoncito Dr NE • Albuquerque, New Mexico • 87122 • 505 690-7768 • normgaume@gmail.com

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Submitted through [csomerfeldt@cabq.gov](mailto:csomerfeldt@cabq.gov)

February 5, 2018

David Campbell, Director, Planning Department  
Dan Serrano, Chair, and members of the Environmental Planning Commission  
City of Albuquerque

***Re: Project #: 2018-001402 SI #: 2018-00171; Hearing Date: February 14, 2018***

Dear Director Campbell, Chair Serrano, and EPC members:

The IDO is very clear: “both the subdivision and the site design process **shall begin** with an analysis of site constraints related to sensitive lands.” IDO 5-2 (C)(1)

This subdivision and site plan design process is in violation of the ordinance requirements. The single drawing submitted by the developer’s agents in December 2018 was untimely and incomplete. It apparently remains as the only document related to this IDO requirement. In no way can the cursory treatment of sensitive lands by the developer to date be considered an “analysis.”

It is disappointing that the Planning Department has failed to put these clear requirements of the IDO into effect. There should be no EPC hearing on this site plan. Without a sensitive lands analysis as the IDO requires or an alternative substantive analysis, any EPC decision regarding the site plan will necessarily be arbitrary and capricious.

The IDO is clear on another directly related point: “Development on properties 5 acres or greater adjacent to Major Public Open Space shall ... (n)ot create any material negative environmental impacts on the visual, recreational, or habitat values of the Major Public Open Space.” The developer must “design grading and management stormwater to minimize impact to Major Public Open Space.” IDO 5-2(H)(2)(b) 2 and IDO 5-2(H)(2)(b) 4.

The visual, recreational, and habitat values of the Major Public Open Space to the south and east of the proposed development will be materially degraded by the development. The Planning Department has not addressed these values to the best of my knowledge. If this is true, it’s another example of the administration of the IDO failing to enforce its clear requirements, thus leaving the requirements to be without effect.

The stormwater drainage that now flows down Namaste Road, across major public open space, eroding the bluff on its path to the bosque and the Rio Grande will not be controlled by the storm drainage network illustrated in the new site plan. The stormwater

that flows into the cul de sac must be collected and properly discharge by extending the storm drainage inlets and sewers to the Namaste cul de sac.

The developer has proposed a publicly owned sewage pumping station to serve a few lots located on sensitive lands that apparently cannot be served by a gravity sewer. The developer is attempting to shift the perpetual costs of operating a public sewage pump station on ABCWUA ratepayers, which should be unacceptable. This matter also provides another example of the developer's bad faith participation in the development process.

The DRB 8/8/18 "letter of advice" resulting from its sketch plat review in August 2018 stated the developer should apply for a water availability statement. The developer's application was made 1/9/19 and was accepted by the ABCWUA as complete on 1/25/19. The untimely application means the site plan scheduled for consideration by the EPC assumes the public buried sewage pump station illustrated to be without above grade features will be acceptable to the ABCWUA.

As a retired licensed engineer with expertise in wastewater collection and treatment, it is my professional opinion that such a buried sewage pump station located under a street and without above grade features is unsafe, disproportionately costly to operate and maintain. It will be a public nuisance.

My prior comments, submitted for consideration for the December 2018 hearing that was cancelled after the EPC made the public wait for hours only to not be heard, remain valid and are renewed herewith by attachment to this letter.

Sincerely,

/s/

Norm Gaume

Attachment

# Norman Gaume, P.E. (ret.)

44 Canoncito Dr NE • Albuquerque, New Mexico • 87122 • 505 690-7768 • normgaume@gmail.com

Submitted to [csomerfeldt@cabq.gov](mailto:csomerfeldt@cabq.gov) for the Planning Department/EPC record

December 10, 2018

Chair Bohannon and Members  
Environmental Planning Commission  
City of Albuquerque

**Re: Project #: 2018-001402 SI #: 2018-00171; Hearing Date: December 13, 2018**

Dear Chair Bohannon and EPC members:

**The developer has not complied with IDO minimum standards in its development of the site plan before you for approval. The site plan is not legally approvable.**

The development layout and site plan for which the developer and his agents seek EPC approval on December 13, 2018, is fatally flawed. The development process to date has not followed the requirements of the Integrated Development Ordinance. IDO Section 5-2(B) says the following are **minimum** standards.

## 5-2(C) AVOIDANCE OF SENSITIVE LANDS

5-2(C)(1) Both the subdivision and site design processes shall begin with an analysis of site constraints related to sensitive lands. To the maximum extent practicable, new subdivisions of land and site design shall avoid locating development, except for open spaces and areas that will not be disturbed during the development process, in the following types of sensitive lands:

5-2(C)(1)(a) Floodplains and flood hazard areas

5-2(C)(1)(b) Steep slopes

5-2(C)(1)(c) Unstable soils

5-2(C)(1)(d) Wetlands

5-2(C)(1)(e) Arroyos

5-2(C)(1)(f) Irrigation facilities (acequias)

5-2(C)(1)(g) Escarpments

5-2(C)(1)(h) Rock outcroppings

5-2(C)(1)(i) Large stands of mature trees

5-2(C)(1)(j) Archaeological sites

5-2(H)(2)(b) Development on properties 5 acres or greater adjacent to Major Public Open Space shall:

1. Comply with the requirements of Subsection (a) above.
2. **Not create any material negative environmental impacts on the visual, recreational, or habitat values of the Major Public Open Space.**
3. Locate and design vehicle access, circulation, and parking to minimize impact to Major Public Open Space.
4. **Design grading and manage stormwater to minimize impact to Major Public Open Space.**

**The subdivision and site designs were prepared in violation of the IDO Section 5-2 (C)(1).** Neither the subdivision nor the site design “beg[a]n with an analysis of site constraints related to sensitive lands.” This IDO language is mandatory. The sensitive lands exhibit submitted December 3 is late, cursory and omits sensitive site attributes.

Multiple planning staff requests to the developer identify the IDO requirement for such an analysis. They are in the record, along with the developer’s unresponsive submittals. The EPC must determine that the developer’s analysis is not credible and complete, as shown by facts and arguments presented in this public comment, and deny approval.

**The site plan before you for approval is premature** due to the absence and subsequent use in design of a credible sensitive lands analysis and constraints on sewage collection and relocation of an existing interceptor sewer. The site plan you have before you for approval is the latest produced by the developer for multiple stages of public review: facilitated public meeting, two versions for the open space advisory board, and multiple versions for the DRB and the EPC. Most recently, Planning Department staff would not let the site plan and subdivision design proceed to a Development Review Board variance hearing until the site plan was revised to address IDO requirements set forth by the Planning Department in their October 23 project memo.<sup>1</sup> With minor subsequent changes, the site plan received the DRB’s pro forma variance approval. **The remainder of publicly expressed site plan and sensitive lands concerns were deferred to the jurisdiction of the Environmental Planning Commission.**

**The site plan for which your approval is requested encroaches on sensitive lands** including an escarpment that meets the IDO definition, a length of highly erodible river bank, cottonwood bosque, open space, and Rio Grande occupied riparian habitat. It is immediately adjacent to wetlands habitat containing open surface water at low river flows. The site blocks continuity of existing public trails that extend both north and south adjacent to the Rio Grande from the property, which now prevents their connection. The site plan ignores requirements and needs for trail connectivity.

**The site plan is deceptively drawn.** It fails to show existing retaining walls and paving located where the river bluff once existed. It obscures the topography of features the IDO defines as sensitive. The rear lot lines of several cluster lots are coincident with the tall upper retaining wall. Rear lot setbacks would place houses on the edge of what was once river bank with bosque and wetlands immediately below. Lots that are too close to the sensitive lands also may require sewage pumping, which the developer has proposed be a public expense.

**The urban Rio Grande and its wetlands and riparian cottonwood forest are valued public environmental assets that make Albuquerque special and unique and are protected by the IDO.** Local, state, and federal governments have expended millions to protect and enhance the habitat that it provides and the species that depend on that

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<sup>1</sup> Current Planning Project Memo, 10-23-2018, City of Albuquerque, Planning Department, Current Planning Section, Environmental Planning Commission Project #: 2018-00135, SI-2018-00123 Hearing Date: November 08, 2018

habitat. The Oxbow is a featured habitat restoration site and include a prime example of rare Rio Grande wetlands. It is off limits to public entry.

**City Council members want to protect our cherished open spaces.** City Council President Trudy Jones and council member Ike Benton recently published a guest column in the Albuquerque Journal that summaries the Council’s intentions for the newly-adopted Integrated Development Ordinance that governs your consideration of this proposed site plan.<sup>2</sup> They said, “For the first time in decades, the city can say with confidence what’s required on a particular property given the surrounding context.” They also said, “Our cherished open spaces receive better protections.” Our cherished open space includes the open space of the Rio Grande and its riparian forest that are not City owned but which the IDO recognizes as publicly environmentally valued.

Figures 1 and 2 below illustrate an existing perimeter wall in the southeast corner of the Poole property that climbs out of the bosque, up the unstable river bank and broken-down escarpment, and then extends along most of the property perimeter.



***Figure 1: Existing southeast corner CMU wall down the bluff and into the bosque immediately adjacent to wetlands, immediately adjacent to Major Public Open Space***

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<sup>2</sup> Issac Benton and Trudy Jones, *IDO Offers Positive Transparency*, Albuquerque Journal Guest Column, November 18, 2018, <https://www.abqjournal.com/1247909/ido-offers-positive-transparency.html>



***Figure 2: Southeast corner tall CMU wall down the bluff and into the bosque that violates the IDO minimum standards for walls adjacent to Major Public Open Space and blocks connectivity of the river trail through the property***

Immediately behind (north of) the portion of the southeast corner perimeter wall shown in Figures 1 and 2, a section of the river bluff and escarpment have severely eroded and been replaced by three retaining walls. The upper two are partially shown in Figure 3. The upper retaining wall is very tall and is located where the river bluff once was. The lower retaining wall is at the bottom edge of the bluff, out of sight in Figure 3. The area between the upper and middle retaining walls is a paved road, gated on the north through another CMU wall that is visible in Figure 3. This solid wall also climbs the bluff out of the bosque.

The site plan fails to show the retaining walls and obscures the sensitive topography of the former bluff that has been replaced by retaining walls and bisected by two tall stuccoed CMU walls. The staff report has many photos of the property but fails to show or discuss these major topographic features and their encroachment on sensitive lands.



***Figures 3 (at top) and 4: Upper retaining wall along on the bluff alignment, and two CMU walls ascending the bluff. Rear lot lines of cluster lots are coincident with the top of the grey, mostly visible upper retaining wall. Middle retaining wall and pavement visible.***

**Uncontrolled urban stormwater runoff has severely eroded the river bluff.** The three and retaining walls replace a high, steep river bluff that was seriously eroded by uncontrolled urban runoff down Namaste due a previous failure of subdivision design. The Namaste pavement with curb and gutters descends a pronounced slope and then ends abruptly. Storm water runoff flows east, which is downhill and toward the river, from the pronounced slope of paved Namaste, through the unpaved cul de sac and parking area, across fenced property that is now Major Public Open Space, and then over the highly erodible bluff at the southeast corner of the now-walled development site. Construction of the south perimeter site wall diverted runoff from the previously eroded area that is now occupied by the retaining walls shown in Figures 3 and 4. The diverted runoff now flows over the edge of the bluff on Major Public Open Space, where it has created a major gully.

EPC site plan approval must be contingent up a storm water drainage solution for the developer's new cul de sac at the downhill end of Namaste that will prevent storm water flow from continuing through the open space and over the edge of the highly erodible river bluff to the bosque and wetlands as shown in Figure 5.



*Figure 5: Severe erosion of the bluff caused by urban runoff down Namaste, through the area of the proposed development cul de sac at the east end of Namaste, across Major Open Public Space, and over the edge of the highly erodible river bluff. This gully is a few tens of feet south of the Poole property south perimeter wall. Before the wall was built, drainage was through the Poole property southeast corner.*

**The rear lot lines of several small cluster lots in the southeast corner of the plat are coincident with the upper retaining wall.** The rear lot setback is very close to sensitive lands and habitat. The site plan needs to be drawn to show the retaining walls, which do not conform to IDO requirements, or show how they will be replaced and integrated with other site plan features to protect these environmentally sensitive lands.

All the omissions cite above are evidence that sensitive lands have not been analyzed nor has such an analysis guided the subdivision and site plan design as required by law.

**Sewage pumping proposed but the developer has failed to analyze that, too.** Lots proposed on the eastern part of the development may be located at too low an elevation for gravity sewer service. A recent site plan submitted to the Planning Department included the words “public lift station” at the edge of the eastern cul de sac, but with no illustration of the facility size and features. More recently, developer’s agents have mentioned an unknown number of affected lots will have individual sewage grinder pumps.

The site plan should be re-designed with the constraint that only gravity sewage service is acceptable. Lots on the eastern edge that are undesirably close to habitat and open space may require sewage pumping. The EPC should require greater setbacks and should allow only those lots where sewage collection will not require sewage pumping, either by a public lift station or by individual grinder sewage pumps. Nobody should have a sewage grinder pump in their garage.

The EPC should require the developer to apply to the Albuquerque/Bernalillo County Water Utility Authority for a water and sewer availability statement. The requirements of sewage service to all the lots, the acceptability of a public lift station or individual grinder pumps located in homeowner garages, and the requirements and preliminary design to relocate the existing interceptor sewer all constrain the site plan layout. The DRB letter of advice resulting from the DRB sketch plat review in August 2018 specifically told the developer to apply for a water and sewer availability statement, which should be a prerequisite for site plan layout, but the developer has not done so to date. As a result, the site plan before you for approval is speculative and may require the significant public subsidy of a public lift station owned and operated in perpetuity by the Albuquerque/Bernalillo County Water Utility Authority or redesign to accommodate relocation of the existing gravity interceptor sewer.

**The perimeter wall must meet IDO requirements.** The perimeter walls must meet the requirements of the IDO sections that are explicitly applicable to walls adjacent to Major Public Open Space. The existing wall must be removed and replaced where it is immediately adjacent to Major Public Open Space as it precludes the requirement for a single loaded street or a minimum width landscaped setback buffer. The wall is too tall and doesn’t meet the explicit appearance requirements of the IDO 14-6-5-7(E)(4)

**River trail connectivity is required.** The perimeter wall blocks access along the edge of the bluff from the trails to the south. Figure 6 shows the bare and eroded bluff edge is damaged by people descending down the face of the bluff, despite the Open Space sign forbidding that. This damage and trespass into sensitive habitat areas would be remedied

by trail connectivity to the north through the open space at the perimeter of the property and connecting to the riverside trails on the north side of the property.



**Figure 6: Major Public Open Space bluff edge immediately south of development site.**

The extensive riverside trails to the north are closed on the south end of the trail, at the north end of the site, where the trails reach the Oxbow and the river bluff begins its rise to far above the river. Trail users heading south along the west bank of the Rio Grande are blocked from ascending the rising bluff to reach the trails across the top of the bluff on the south by the high intervening block walls and steel fences on the north and south ends of the development site. The EPC should require that the site plan be revised to link the trail through the open space on the north to the trails through the open space to the south.

The EPC should require that the site plan be revised so that the perimeter walls that now block through trail continuity and descend down the face of the bluff into the bosque are at least partially removed. The EPC should require that the perimeter walls of the new development comply with all requirements of the IDO for walls adjacent to Major Open Public Space, including landscaped setback at the perimeter, maximum height, and appearance features.

**The development site plan is not based on an analysis of sensitive lands and is insensitive to appropriate and normal setback from the bluff edge, the setback from occupied habitat, and the view from the river.**

The EPC should review the great setback of structures along the bluff within City developments to south. All housing is built with substantial physical separation between structures and the sensitive lands, slopes, habitat and wildland fire potential. If the EPC were to approve the site plan before it, the lack of setback would be a remarkable and objectionable feature compared to the lands to the south. The houses built right on the edge of the bluff would indeed be unique. They would be on the bluff, above the bosque, in sight from the river. They would stick out like a sore thumb to the public disbenefit of the Albuquerque environment. That is a would be a material visual environmental impact as prohibited by IDO 14-16-5-2(H)(2)(b)(2).

The site plan before you for approval would place houses very close to occupied riparian and wetland habitat that has unusually high values as expressed by major public expenditures to improve it. Without the analysis of sensitive lands required by the IDO as previously discussed, which must be competent and credible, you have no guidance regarding the development footprint setback from the bosque and wetlands so as to not have a material negative impact on habitat values per IDO 14-16-5-2(H)(2)(b)(2).

Please do your job to protect Albuquerque's treasured environmental attribute from insensitive and unanalyzed adjacent subdivision development. Protect our treasured open spaces. Protect visual, recreational, and habitat environmental values. Prevent uncontrolled urban runoff over the edge of escarpment above the river. Require gravity sewer service from all developed lots.

**The developer's disregard of the IDO requirements that development avoid sensitive lands "to the maximum extent practicable" and "not create any material negative environmental impacts on the visual, recreational, or habitat values of major public open space" requires a strong EPC response.**

- 1. The EPC should require a setback of lots and houses that meets or exceeds criteria set forth in the IDO on page 57 to protect the Rio Grande's sensitive bosque, wetlands, west bank, environmental attributes, and habitat.**
- 2. The EPC should then require the developer to redesign the subdivision layout and the redesign the site plan environmental features accordingly prior to EPC's next consideration for site plan approval.**
- 3. The EPC should strictly enforce the explicit requirements of the IDO that are applicable as minimum conditions for EPC site plan approval.**

Sincerely,

/s/

Norm Gaume



Dr. Susan Chaudoir <edu.chaudoir@gmail.com>

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## Letter pertaining to Poole Property EPC hearing

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**Norm Gaume** <normgaume@gmail.com>  
To: "Sommerfeldt, Cheryl" <csommerfeldt@cabq.gov>  
Cc: "Dr. Susan Chaudoir" <edu.chaudoir@gmail.com>

Tue, Feb 5, 2019 at 2:35 PM

Dear Cheryl,

Please see the attached letter.

Would you please delivery a copy to David Campbell?

Thank you,

Norm Gaume

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 **2019-02-05 Letter to Campbill and Seranno re Poole Property.pdf**  
4991K

## EPC - HYDROLOGY SECTION

James D. Hughes Principal Engineer 924-3986 [jhughes@cabq.gov](mailto:jhughes@cabq.gov)

DRB Project Number: 2018-001402 Hearing Date: 1-24-2019

Project: Poole Subdivision Agenda Item No: EPC

|   |   |  |  |
|---|---|--|--|
| <input type="checkbox"/> Sketch Plat            | <input type="checkbox"/> Minor Preliminary / Final Plat | <input type="checkbox"/> Preliminary Plat            | <input type="checkbox"/> Final Plat                      |
| <input type="checkbox"/> Temp Sidewalk Deferral | <input type="checkbox"/> Sidewalk Waiver/Variance       | <input checked="" type="checkbox"/> Site Plan        | <input type="checkbox"/> Bulk Land Plat                  |
| <input type="checkbox"/> SIA Extension          | <input type="checkbox"/> DPM Variance                   | <input type="checkbox"/> Vacation of Public Easement | <input type="checkbox"/> Vacation of Public Right of Way |

### ENGINEERING COMMENTS:

- 1) An approved Grading and Drainage Plan & Drainage Report is required prior to approval of Preliminary Plat or Site Plan. A separate submittal is required to hydrology to include sufficient engineering analysis and calculations to determine the feasibility and adequacy of the proposed improvements.
- 2) All floodplains need to be shown on the plat and site plan.
- 3) LOMR will be required to remove the floodplain from the lots that have the floodplain.
- 4) AMAFCA approval will be required for connection to their Channel and grading adjacent to their right of way.
- 5) USACE approval will be required for any fill proposed in Waters of the US.
- 6) An infrastructure list will be needed for Preliminary Plat.
- 7) A recorded IIA is required prior to Final Plat.
- 8) A prudent setback from the Rio Grande is recommended because the slope on City Open Space is not stable and subject to lateral migration of the river. The City has no plans to stabilize the slope and does not want to be burdened with the cost of such improvements. Bank Protection may be constructed to prevent lateral migration of the river, and erosion of the slope.
- 9) The land containing the AMAFCA facilities in the northeast corner of the site will have to be plated as separate tracts and conveyed to AMAFCA by deed.
- 10) Management onsite will be required for the SWQV unless a waiver is demonstrated on the G&D Plan and accepted by Hydrology



Dr. Susan Chaudoir &lt;edu.chaudoir@gmail.com&gt;

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**Re: Poole Property revised site plan**

---

**Somerfeldt, Cheryl** <csomerfeldt@cabq.gov>

Wed, Jan 23, 2019 at 6:45 PM

To: Norm Gaume &lt;normgaume@gmail.com&gt;

Cc: "Dr. Susan Chaudoir" &lt;edu.chaudoir@gmail.com&gt;, "Brito, Russell D." &lt;RBrito@cabq.gov&gt;, "Hughes, James D." &lt;jhughes@cabq.gov&gt;

Norm,

The Grading and Drainage Plan is not my area of expertise. The City's Principal Hydrology Engineer submitted the attached comments, which will become Conditions of Approval, and I believe he will also be present at the public hearing to answer EPC questions. Given that, I will attempt to answer the questions posed in your email below:

- It appears that the topography CAD layer looks different due to different scales.
- I do not know if the existing sewer will be relocated (I will look into this).
- My understanding is that the existing retaining walls and boundary walls will not be modified (I will confirm this).
- The Grading and Drainage Plan shows storm-water discharge being directed toward the San Antonio Arroyo.
- I intend to request an updated Sensitive Lands Exhibit from the applicant, however there is no explicit explanation of how it should be conducted in the IDO, so it is ultimately up to the EPC to decide if it is sufficient for their decision.
- The staff report will be posted by end of business Thursday February 7, 2019.
- If your comments were part of the original packet posted as either public comments or 48-hour rule material for project 2019-001402 here:

<https://www.cabq.gov/planning/boards-commissions/environmental-planning-commission/epc-agendas-reports-minutes>

Then, you do not need to re-submit.

- If I receive comments by February 5, 2019, they will be included in the first posting of the staff report. If I receive comments by 8am February 12, 2019, they will be included in 48-hour material.
- The EPC hearing is still on the agenda for February 14, 2019 – it is up to the EPC to approve, defer, continue, or deny per #7 of the rules of conduct here: <http://documents.cabq.gov/planning/environmental-planning-commission/EPC-RulesofConduct2017.pdf>



**CHERYL SOMERFELDT**

current planner

o 505.924.3357

e [csomerfeldt@cabq.gov](mailto:csomerfeldt@cabq.gov)

[cabq.gov/planning](http://cabq.gov/planning)

[Quoted text hidden]



**Hydrology2018-001402\_SP 2019-01-24.docx**

30K



Dr. Susan Chaudoir &lt;edu.chaudoir@gmail.com&gt;

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**Re: Poole Property revised site plan**

---

**Norm Gaume** <normgaume@gmail.com>  
To: "Sommerfeldt, Cheryl" <csommerfeldt@cabq.gov>  
Cc: "Dr. Susan Chaudoir" <edu.chaudoir@gmail.com>

Tue, Jan 22, 2019 at 1:49 PM

Cheryl,

Thanks for your prompt reply. I am working independently but am copying Susan Chaudoir so she will be aware of this request and not duplicate it.

I reviewed the two documents you attached.

The four drawings incorporate different topographic survey information for the bluff and show the gully over the edge of the bluff just south of the Poole boundary wall. The developer apparently will not relocate the existing sewer and has the adjusted development layout accordingly. **It's not at all clear how the developer proposes to modify the bluff and the existing retaining walls and boundary walls constructed on sensitive lands.** Apparently the developer does not intend to collect stormwater runoff at the new cul de sac at the end of Namaste so as to prevent stormwater erosion of open space to the east of the cul de sac and erosion of the bluff.

The public sewage lift station remains. The developer **applied to the ABCWUA for a water availability statement on Jan 8 and it is being researched, which means the ABCWUA has not accepted the concept of a public lift station that appears to allow the addition of only a handful of lots.** A recommendation to apply for this statement was an outcome of the mid-2018 sketch plat review.

I have five questions, please.

When do you expect to receive a sensitive lands analysis that is more detailed than the existing drawing, or is it the developer's position that the drawing satisfies the IPO requirements, or do you not know?

When will the staff report be available?

**Will the staff report consider the written comments I submitted for the December 2018 hearing or must I resubmit them?**

When is the deadline for public comment to be considered in the staff report?

Will the February 14 EPC hearing proceed regardless of the sufficiency of developer changes and new submittals?

Thanks,

Norm Gaume  
505 690-7768

On Jan 22, 2019, at 11:44 AM, Sommerfeldt, Cheryl <csommerfeldt@cabq.gov> wrote:

Norm,  
Attached are the documents submitted for the record.

Thank you,

CHERYL SOMERFELDT  
current planner  
o 505.924.3357  
e [csommerfeldt@cabq.gov](mailto:csommerfeldt@cabq.gov)

[cabq.gov/planning](http://cabq.gov/planning)

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

From: Norm Gaume [mailto:[normgaume@gmail.com](mailto:normgaume@gmail.com)]

Sent: Tuesday, January 22, 2019 11:43 AM

To: Somerfeldt, Cheryl

Subject: Poole Property revised site plan

Cheryl,

May I please have copies of any new submittals by the developer for consideration of the planning department and the EPC, including the revised site plan?

Thank you

Norm Gaume  
505 690-7768

=====  
This message has been analyzed by Deep Discovery Email Inspector.

<Overlook at Oxbow\_SPS\_01-17-2019 Re-Submittal\_red.pdf><1996114620 LO SH Poole-AMAFCA\_red.pdf>



Dr. Susan Chaudoir &lt;edu.chaudoir@gmail.com&gt;

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**IPRA for water & sanitary sewer availability stmt #190105**

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**Carreon, Luz del carmen** <lcarreon@abcwua.org>  
To: "Dr. Susan Chaudoir" <edu.chaudoir@gmail.com>  
Cc: "Carreon, Luz del carmen" <lcarreon@abcwua.org>

Fri, Mar 8, 2019 at 11:13 AM

Good Afternoon,

Attached are the documents responsive to your request.

Respectfully,



Luz del Carmen Carreón  
Executive Services Coordinator  
Albuquerque Bernalillo County Water Utility Authority  
P.O. Box 568 | Albuquerque NM | 87103-0568  
505.289.3100 (o) | 505.219.5511 (m)  
[lcarreon@abcwua.org](mailto:lcarreon@abcwua.org)

**From:** Dr. Susan Chaudoir [mailto:[edu.chaudoir@gmail.com](mailto:edu.chaudoir@gmail.com)]  
**Sent:** Friday, March 01, 2019 2:04 PM  
**To:** Carreon, Luz del carmen <[lcarreon@abcwua.org](mailto:lcarreon@abcwua.org)>  
**Subject:** Re: IPRA for water & sanitary sewer availability stmt #190105

Thank you very much. Acknowledgement received.

I'll keep my hopes up for a response by March 11th. Thank you kindly!

Susan

On Fri, Mar 1, 2019 at 1:53 PM Carreon, Luz del carmen <[lcarreon@abcwua.org](mailto:lcarreon@abcwua.org)> wrote:

Good Afternoon,

The Albuquerque Bernalillo County Water Utility Authority is in receipt of your Inspection of Public Records Act. I have 15 days from the date of request to respond.

Respectfully,



Luz del Carmen Carreón

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

----- Forwarded message -----

From: Christopher Scott <ck@abrazohomes.com>  
To: "Duran, Gladis" <gduran@abcwua.org>  
Cc:  
Bcc:  
Date: Tue, 15 Jan 2019 18:02:02 +0000  
Subject: Re: Availability Statement - Overlook at Oxbow  
Good Morning Gladis,

Thank you for your email. I think that you might be comparing the proposed site to the site associated with the address we provided. The address that was provided is related to the home that currently exists on this property. We will be consolidating the other parcels. Please refer to the zone atlas map, as it may provide some clarity (I have attached again for ease). The original address (5001 Namaste NW) was included on our request only for reference. Gamma development intends to replat the tracts noted on the zone atlas map into a residential development with 70+ single family lots which will also include some open space. The development will have internal roadways with public water and sewer lines for service.

Thank you,

Chris Scott

On Mon, Jan 14, 2019 at 11:53 AM Duran, Gladis <gduran@abcwua.org> wrote:

Hello Mr. Scott,

I am following up with an email.

I am currently working on the availability request for Overlook at Oxbow. I have a few questions, are you planning to consolidate? The fire one plan is showing a bigger property line than the given address. If you could please let me know if you will be consolidating.

Thank you,

Gladis N. Duran  
Engineering Assistant  
Albuquerque Bernalillo County Water Utility Authority  
PO Box 568 | Albuquerque NM | 87103  
505.289.3310 (o) | [www.abcwua.org](http://www.abcwua.org)



--

C.K. Scott

**Abrazo Homes**

Office: (505) 796-6119 ext. 106

Mobile: (505) 350-7534

[ck@abrazohomes.com](mailto:ck@abrazohomes.com)

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



----- Forwarded message -----

From: donotreply donotreply <donotreply@abcwua.org>

To: Utility Development <utilitydevelopment@abcwua.org>, "Degruyter, Kent" <kdegruyter@abcwua.org>

Cc:

Bcc:

Date: Wed, 9 Jan 2019 00:34:30 +0000

Subject: Availability Statement Request Form

Project Name:

Overlook at Oxbow

Project Description:

73 single-family residence subdivision located just north of Namaste Road NW.

Project Address:

5001 Namaste Road NW, Albuquerque 87120

Development Type:

Residential

Fire Flow Requirement (if Residential enter N/A):

N/A

Legal Description:

Tracts 1-3 West Bank Estates

Tracts 4-A, C-1 and A-1 Lands of Suzanne H. Poole

Zone Atlas Page:

F-11-Z & F-12-Z

DRB Project Number (if applicable)

PR-2018-001402

CDRA Project Number (if applicable)

N/A

Jurisdiction:

City

Requestor Name:

Chris K. Scott

Requestor Company:

Gamma Development LLC

Requestor Address:  
9798 Coors Blvd  
Building C, Suite 400  
Albuquerque, New Mexico  
87114

Requestor Phone Number:  
505-350-7534

Requestor Email:  
[ck@abrazohomes.com](mailto:ck@abrazohomes.com)

Prior Availability Statement Number:

Attachment:  
DEST7006 (1).pdf

---

**14 attachments**

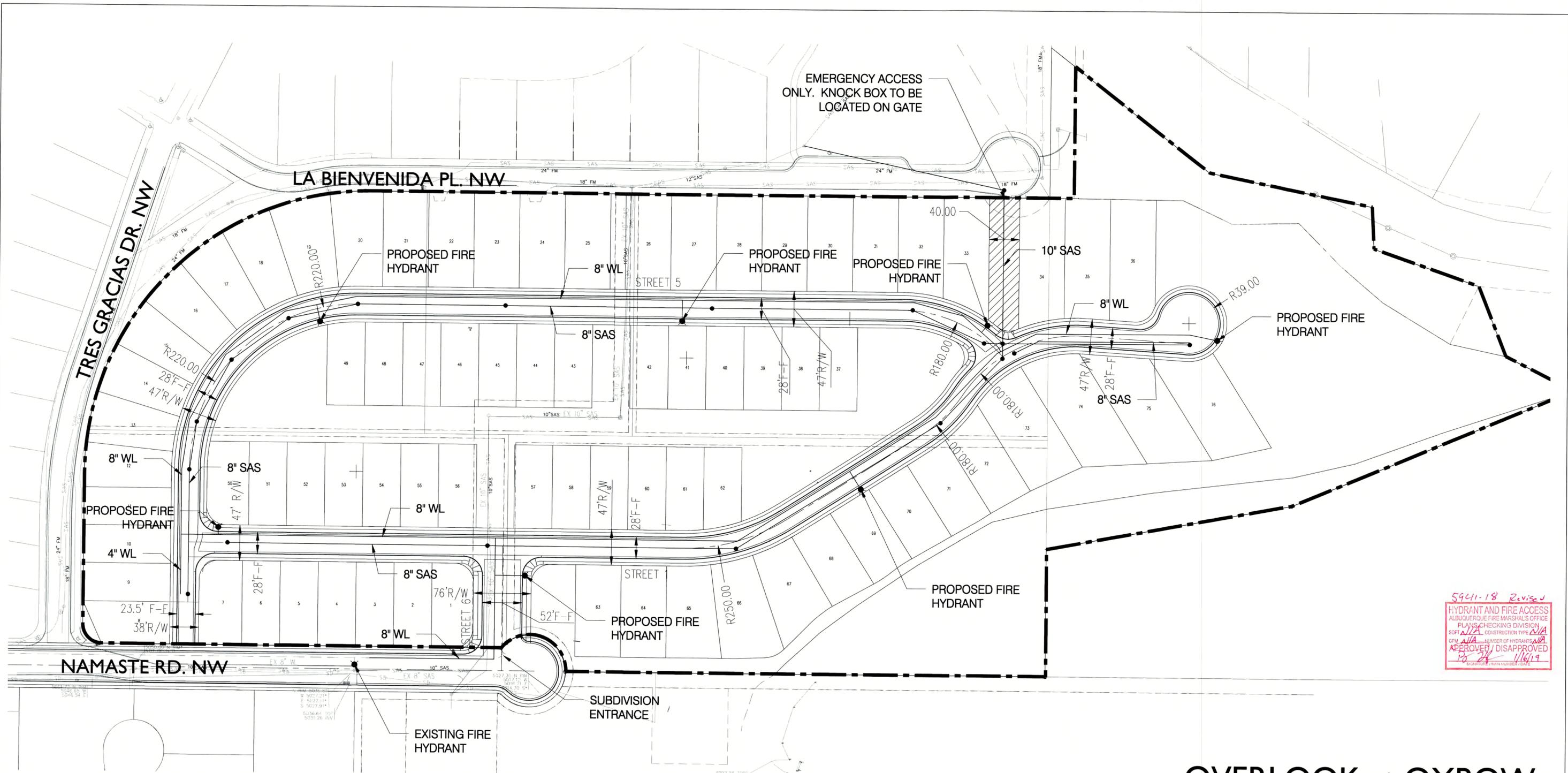


**image001.png**  
60K

-  **190105 - Approved Fire One\_Layout 6.pdf**  
5409K
-  **190105 - DEST7006 (1).pdf**  
1357K
-  **190105 - 20190129\_Conceptual\_Utility\_EPC-Layout1.pdf**  
464K
-  **190105 - 20190129\_Grading\_Drainage\_EPC-Layout1.pdf**  
1692K
-  **190105 - IDOZoneAtlasPage\_F-12-Z.PDF**  
621K
-  **IDOZoneAtlasPage\_F-12-Z.PDF**  
621K
-  **IDOZoneAtlasPage\_F-11-Z.PDF**  
761K
-  **noname.eml**  
1908K
-  **DEST7006 (1).pdf**  
1357K
-  **noname.eml**  
1862K
-  **190105 - Fire Flow Simulation.xlsx**  
1412K

 **190105 - IDOZoneAtlasPage\_F-11-Z.PDF**  
761K

 **190105 - Draft.docx**  
1402K



EMERGENCY ACCESS ONLY. KNOCK BOX TO BE LOCATED ON GATE

59411-18 Revised  
 HYDRANT AND FIRE ACCESS  
 ALBUQUERQUE FIRE MARSHAL'S OFFICE  
 PLANS CHECKING DIVISION  
 SOFT *N/A* CONSTRUCTION TYPE *N/A*  
 GPM *N/A* NUMBER OF HYDRANTS *N/A*  
 APPROVED / DISAPPROVED  
 10 28 11/16/19  
 SIGNATURE / MARK NUMBER / DATE

# OVERLOOK at OXBOW

## FIRE ONE PLAN

Prepared For:

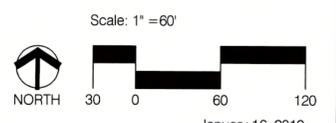
Gamma Development, LLC

Prepared By:

Consensus Planning, Inc.  
 Bohannon Huston, Inc.

**CONSENSUS PLANNING, INC.**  
 Planning / Landscape Architecture  
 302 Eighth Street NW  
 Albuquerque, NM 87102  
 (505) 764-9801 Fax 842-5495  
 e-mail: cp@consensusplanning.com

**Bohannon Huston**  
 www.bhinc.com 800.877.5332

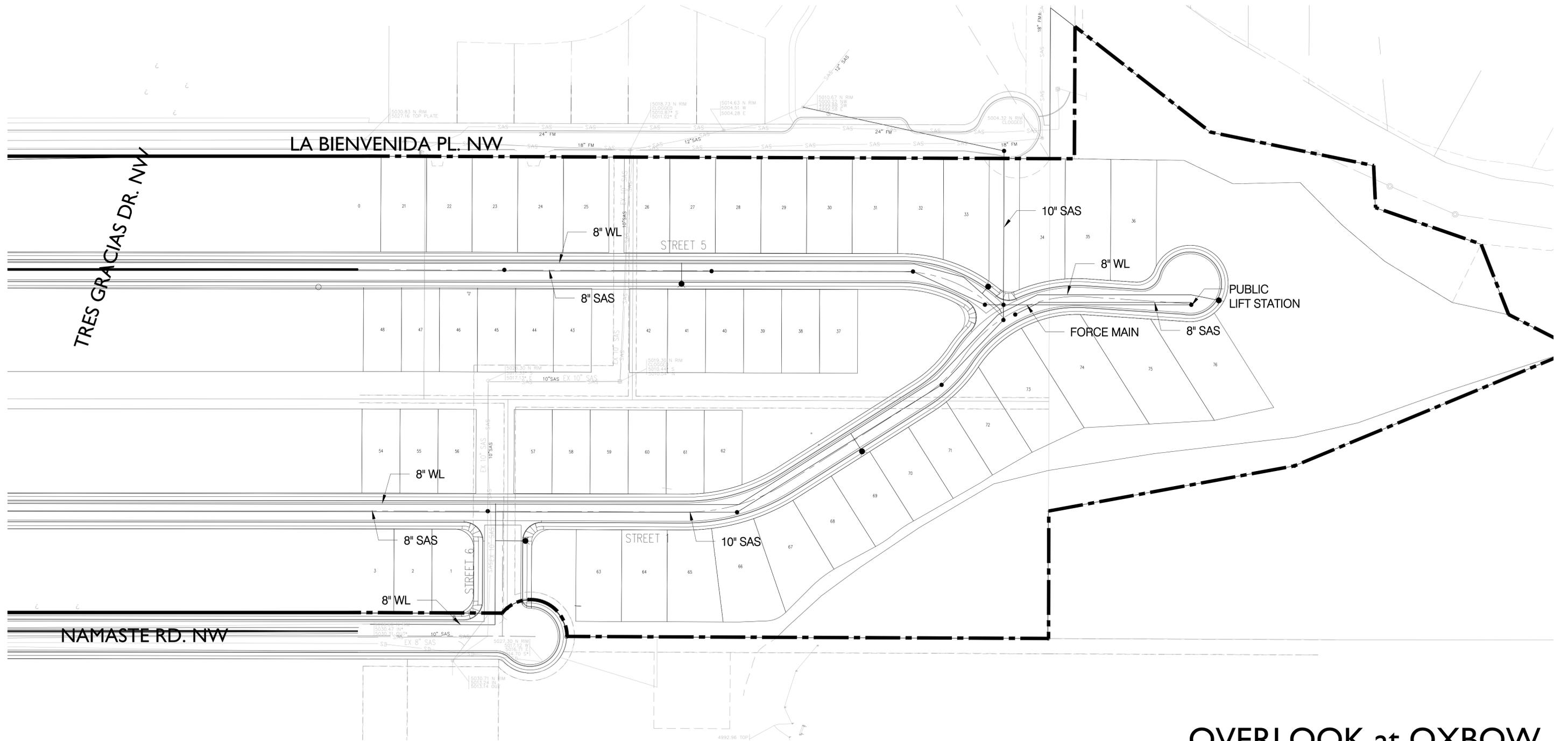


**LEGEND**

|                          |      |
|--------------------------|------|
| PROPERTY LINE            | ---  |
| EXISTING CURB AND GUTTER | ==== |
| PROPOSED CURB AND GUTTER | ==== |
| PROPOSED SANITARY SEWER  | —●—  |
| PROPOSED WATER LINE      | —○—  |
| EXISTING STORM DRAIN     | ---- |
| EXISTING SANITARY SEWER  | ---- |
| EXISTING WATER LINE      | ---- |
| PROPOSED FIRE HYDRANT    | ●    |

**NOTES:**  
 ALL FIRE HYDRANTS LEGS ARE 6" DIA.  
 EMERGENCY FIRE ACCESS ROADWAY. DRIVING SURFACE CAPABLE OF SUPPORTING THE IMPOSED LOAD WEIGHING AT LEAST 75,000 POUNDS. DOES NOT EXCEED 10% IN GRADE.





# OVERLOOK at OXBOW

## CONCEPTUAL UTILITY PLAN

Prepared For:

Gamma Development, LLC

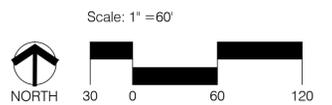
Prepared By:

Consensus Planning, Inc.  
Bohannon Huston, Inc.



**CONSENSUS PLANNING, INC.**  
Planning / Landscape Architecture  
302 Eighth Street NW  
Albuquerque, NM 87102  
(505) 764-9801 Fax 842-5495  
e-mail: cp@consensusplanning.com

**Bohannon Huston**  
www.bhinc.com 800.877.5332



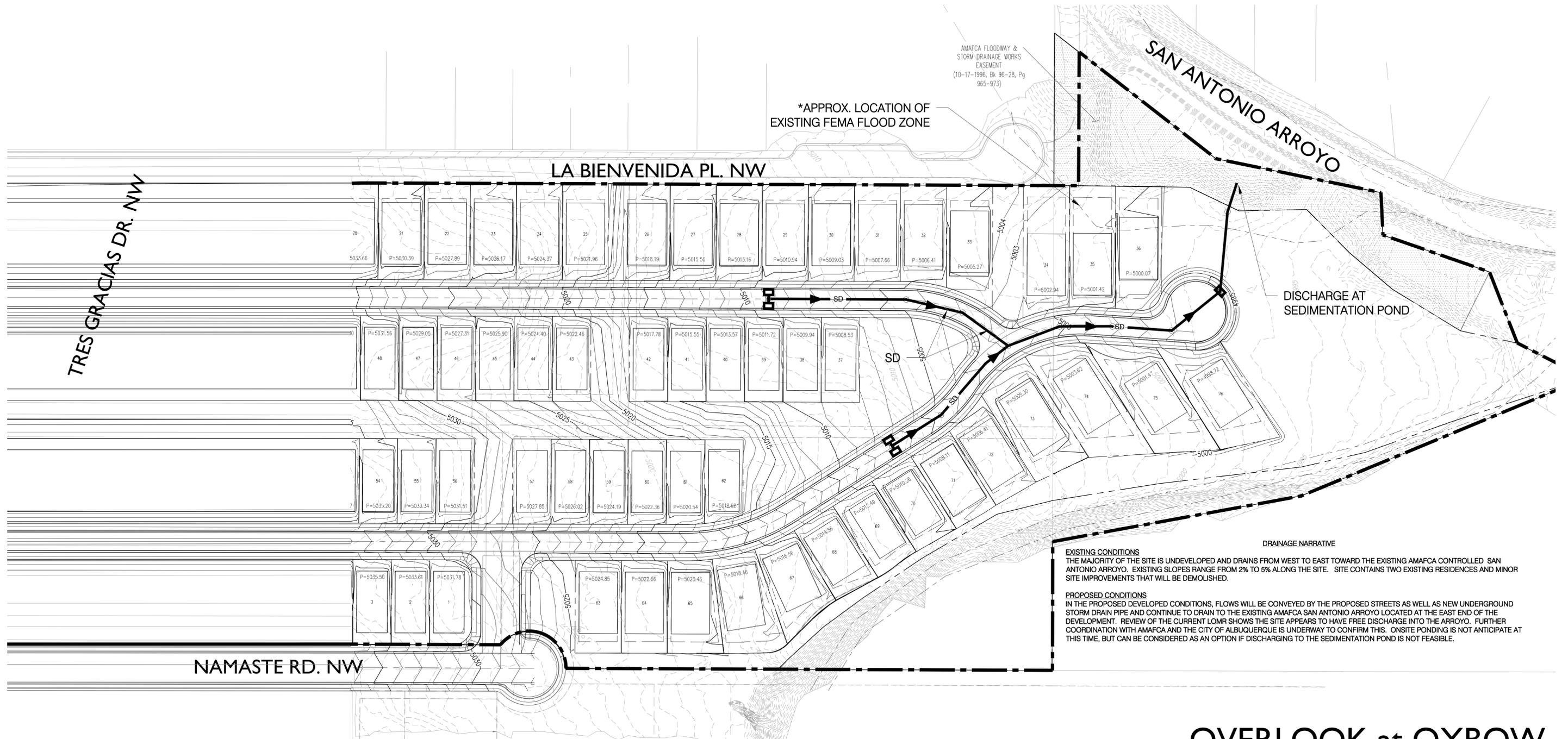
September 27, 2018  
Sheet 4 of 4

### LEGEND

|                          |           |
|--------------------------|-----------|
| PROPERTY LINE            | — — — — — |
| EXISTING CURB AND GUTTER | ====      |
| PROPOSED CURB AND GUTTER | =====     |
| PROPOSED SANITARY SEWER  | —●—       |
| PROPOSED WATER LINE      | —●—       |
| EXISTING STORM DRAIN     | —         |
| EXISTING SANITARY SEWER  | —         |
| EXISTING WATER LINE      | —         |

### DRY UTILITY NOTES

1. AN EXISTING UNDERGROUND DISTRIBUTION LINE IS LOCATED ON THE SITE TO THE EXISTING STRUCTURE TO BE REMOVED. THE DEVELOPER IS OBLIGATED TO ABIDE BY ANY CONDITIONS OR TERMS OF THESE EASEMENT.
2. THE DEVELOPER SHALL CONTACT PNM NEW SERVICE DELIVERY DEPARTMENT TO COORDINATE ELECTRIC SERVICE TO THE SITE.
3. GROUND-MOUNTED EQUIPMENT SCREENING WILL BE DESIGNED TO ALLOW FOR ACCESS TO THE UTILITY FACILITIES. ALL SCREENING AND VEGETATION SURROUNDING THE GROUND-MOUNTED TRANSFORMERS AND UTILITY PADS ARE TO ALLOW 10 FEET OF CLEARANCE IN FRONT OF THE EQUIPMENT DOOR, AND 5-6 FEET OF CLEARANCE ON THE REMAINING SIDES FOR SAFE OPERATIONS, MAINTENANCE, AND REPAIR PURPOSES.



\*APPROX. LOCATION OF EXISTING FEMA FLOOD ZONE

AMAFCA FLOODWAY & STORM DRAINAGE WORKS EASEMENT (10-17-1996, Bk 96-28, Pg 965-973)

SAN ANTONIO ARROYO

LA BIENVENIDA PL. NW

TRES GRACIAS DR. NW

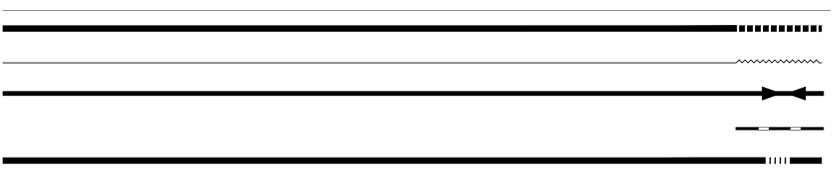
DISCHARGE AT SEDIMENTATION POND

NAMASTE RD. NW

**DRAINAGE NARRATIVE**

**EXISTING CONDITIONS**  
 THE MAJORITY OF THE SITE IS UNDEVELOPED AND DRAINS FROM WEST TO EAST TOWARD THE EXISTING AMAFCA CONTROLLED SAN ANTONIO ARROYO. EXISTING SLOPES RANGE FROM 2% TO 5% ALONG THE SITE. SITE CONTAINS TWO EXISTING RESIDENCES AND MINOR SITE IMPROVEMENTS THAT WILL BE DEMOLISHED.

**PROPOSED CONDITIONS**  
 IN THE PROPOSED DEVELOPED CONDITIONS, FLOWS WILL BE CONVEYED BY THE PROPOSED STREETS AS WELL AS NEW UNDERGROUND STORM DRAIN PIPE AND CONTINUE TO DRAIN TO THE EXISTING AMAFCA SAN ANTONIO ARROYO LOCATED AT THE EAST END OF THE DEVELOPMENT. REVIEW OF THE CURRENT LOMR SHOWS THE SITE APPEARS TO HAVE FREE DISCHARGE INTO THE ARROYO. FURTHER COORDINATION WITH AMAFCA AND THE CITY OF ALBUQUERQUE IS UNDERWAY TO CONFIRM THIS. ONSITE PONDING IS NOT ANTICIPATE AT THIS TIME, BUT CAN BE CONSIDERED AS AN OPTION IF DISCHARGING TO THE SEDIMENTATION POND IS NOT FEASIBLE.



**GRADING AND DRAINAGE NOTES**

1. A LOMR WILL BE REQUIRED TO REMOVE THE FLOOD PLAIN FROM LOTS 34, 35 AND 36.
2. AMAFCA APPROVAL IS REQUIRED FOR CONNECTION TO THEIR STORM WATER HOLDING AND SEDIMENT TRAPPING POND, THE SAN ANTONIO ARROYO CHANNEL, AND FOR GRADING ADJACENT TO THEIR R.O.W.
3. NO FILL IS PROPOSED OR PERMITTED IN ANY DESIGNATED WATERS OF THE U.S.
4. THE EXISTING PIPE AND WIRE MESH FENCE IS CONSIDERED TO BE THE PRUDENT SETBACK FROM THE EXISTING SLOPE.
5. BANK STABILIZATION MAY BE CONSTRUCTED TO PREVENT LATERAL MIGRATION OF THE RIVER AND EROSION OF THE SLOPE IF NEEDED.

\*FEMA FLOOD MAP ZONE IS APPROXIMATE AT THIS TIME. FURTHER COORDINATION WITH REVIEWING AGENCIES INCLUDING AMAFCA, CITY OF ALBUQUERQUE AND FEMA WILL BE NECESSARY TO CONFIRM EXACT LOCATION OF FLOOD ZONE AND HOW THE LOTS ADJACENT TO THIS FLOOD ZONE ARE ADDRESSED MOVING FORWARD.

# OVERLOOK at OXBOW

## CONCEPTUAL GRADING AND DRAINAGE PLAN

Prepared For:

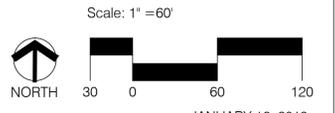
Gamma Development, LLC

Prepared By:

Consensus Planning, Inc.  
 Bohannon Huston, Inc.

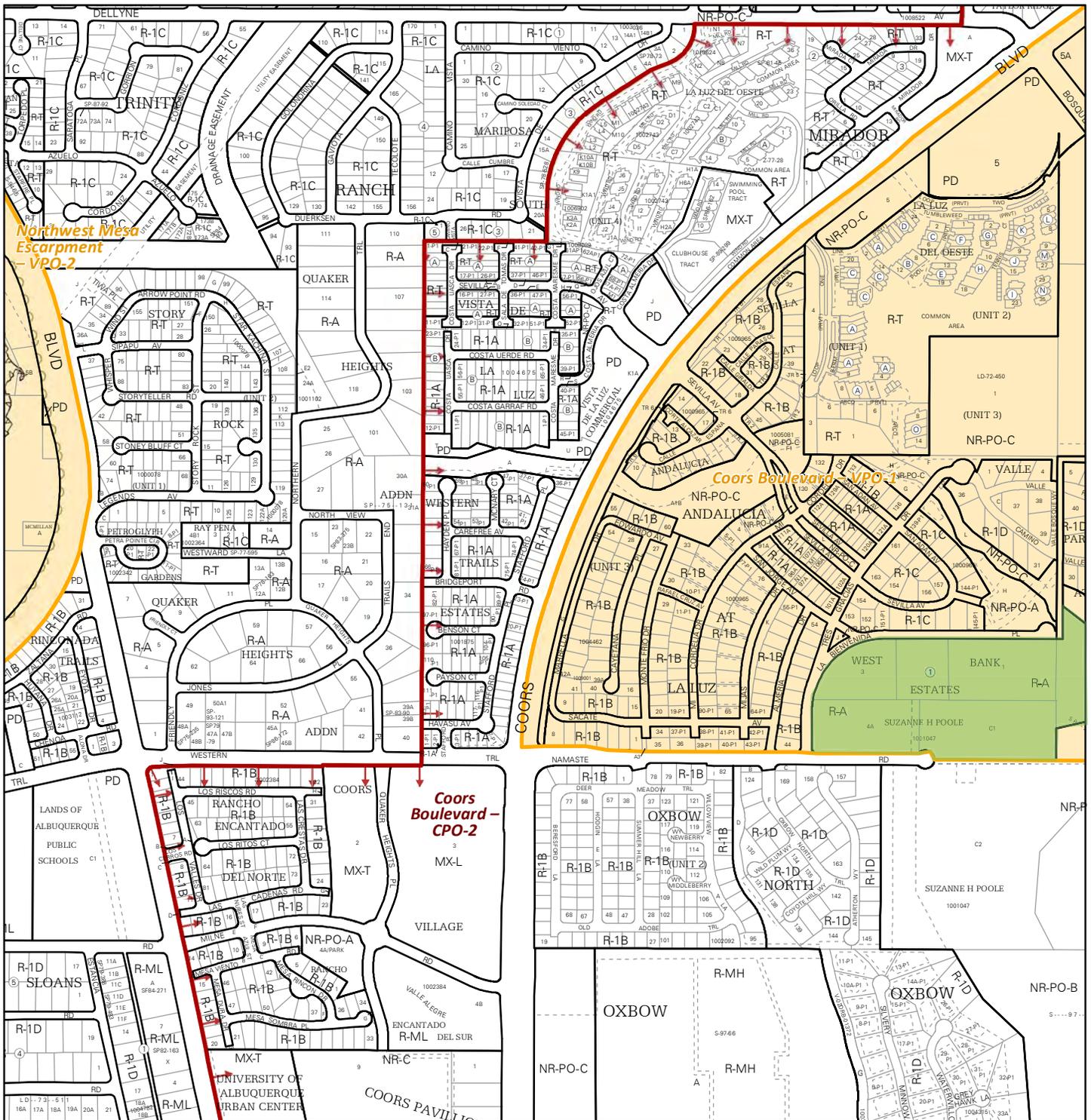
**CONSENSUS PLANNING, INC.**  
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 (505) 764-9801 Fax 842-5495  
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**Bohannon Huston**  
 www.bhinc.com 800.877.5332







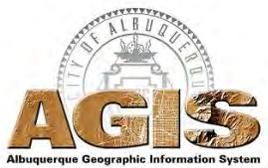


Northwest Mesa Escarpment - VPO-2

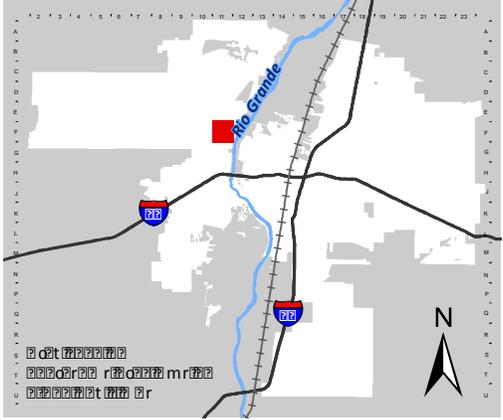
Coors Boulevard - VPO-1

Coors Boulevard - CPO-2

# IDO Zone Atlas May 2018

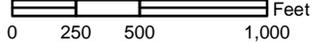


IDO Zoning information as of May 17, 2018  
The Zone Districts and Overlay Zones are established by the Integrated Development Ordinance (IDO).



Zone Atlas Page:  
**F-11-Z**

- R-1C
- R-1A
- R-1B
- R-1D
- R-1E
- R-1F
- R-1G
- R-1H
- R-1I
- R-1J
- R-1K
- R-1L
- R-1M
- R-1N
- R-1O
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- R-99
- R-100







3/11/2019

**Chair**

Trudy E. Jones  
City of Albuquerque  
Councilor, District 8

**Vice Chair**

Debbie O'Malley  
County of Bernalillo  
Commissioner, District 1

Pat Davis  
City of Albuquerque  
Councilor, District 6

Timothy M. Keller  
City of Albuquerque  
Mayor

Klarissa J. Peña  
City of Albuquerque  
Councilor, District 3

Steven Michael Quezada  
County of Bernalillo  
Commissioner, District 2

Lonnie Talbert  
County of Bernalillo  
Commissioner, District 4

*Ex-Officio Member*  
Pablo R. Rael  
Village of Los Ranchos  
Board Trustee

*Executive Director*  
Mark S. Sanchez

*Website*  
[www.abcwua.org](http://www.abcwua.org)

Chris K. Scott  
Gamma Development, LLC  
9798 Coors Blvd. Building C, Suite 400  
Albuquerque, New Mexico 87114

RE: Water and Sanitary Sewer Availability Statement #190105  
Project Name: Overlook at Oxbow  
Project Address: 5001 Namaste Road NW  
Legal Description: TRACT C-1 PLAT OF TRS C-1, C-2 & LT 4-A LANDS OF SUZANNE H POOLE BEING A REPLAT OF TR C LANDS OF SUZANNE H POOLE TR CANNEXATION PLAT LAND IN SEC 25 & 36 T11N R2E LT 4 BLK 1 WEST ; LOT 4-A PLAT OF TRS C-1, C-2 & LT 4-A LANDS OF SUZANNE H POOLE BEING A REPLAT OF TR C LANDS OF SUZANNE H POOLE TR CANNEXATION PLAT LAND IN SEC 25 & 36 T11N R2E LT 4 BLK 1 WEST ; LTS 1 THRU 3 BLK 1 PLAT OF WEST BANK ESTATES TOGETHERWITH TR A1 LANDS OF SUZANNE H POOLE CONT 14.1326 AC  
UPC:101106148715940232;101106142516140201;101106148219040203  
Zone Atlas Map: F-11

Dear Mr. Scott

**Project Description:** The subject site is located north of Namaste Rd. east of Coors Blvd. within the City of Albuquerque. The proposed development consists of approximately +/- 5 acres and the property is currently zoned R-A for Residential use. Based on the provided grading plan, the property is in Pressure Zone 1W of the Volcano Trunk. The request for availability indicates plans to consolidate the mentioned parcels for the development of +/-76 single-family residential subdivision. It was also mentioned on the request that the two existing homes currently on site will be demolished.

**Existing Conditions:**

Water infrastructure in the area consists of the following:

- Eight inch PVC distribution main Pressure Zone 2WR (project #26-6995.85-05) along the east end of Namaste Rd.
- Eight inch PVC distribution main Pressure Zone 2WR (project #26-7308.81-09) along San Jorge Ave.
- Six inch PVC distribution main Pressure Zone 1W (project #26-7308.81-09) along Tres Gracias Dr.
- Eight inch PVC distribution main Pressure Zone 1W (project #26-7308.81-09) along the Andalucia Park north of the proposed property

Sanitary sewer infrastructure in the area consists of the following:

- Eight inch PVC collector line (project #26-6995.82-04) along the east end of Namaste Rd.

- Ten inch PVC collector line (project #26-5840.81-99) goes through the parcels from north of Namaste Rd. to La Bienvenida Place which increases to a 12 inch line across the Andalucia Park.
- 24 inch DI force main (project #26-4779.94-97) along La Bienvenida Place
- 18 inch DI force main (project #07-004-82) along La Bienvenida Place
- 12 inch PVC collector line (project #26-5840.81-99) along La Bienvenida Place

**Water Service:**

based on the submitted grading plan.

New metered water service to the property can be provided contingent upon a developer funded project to extend the Pressure Zone 1W system by providing a looped system with at least two connections. The extensions shall connect to the existing 6 inch (1W) waterline along Tres Gracias Dr. as well as the existing eight inch (1W) waterline within the Andalucia Park to the north. These extensions shall continue within the site to provide the internally looped system.

Please note that the pressure zone servicing the new subdivision is in pressure zone 1W, so it is important to loop the internal waterline only to the corresponding waterlines.

Existing metered service and fire lines that will not be utilized are to be removed by shutting the valve near the distribution main and capping the line near the valve. For fire lines, the valve access shall be grouted, and collar removed. Service is also contingent upon compliance with the Fire Marshal's instantaneous fire flow requirements. Water service will not be sold without adequate fire protection. Water service will only be sold in conjunction with sanitary sewer service.

**Sanitary Sewer Service** If the existing onsite 10 inch public sanitary sewer will be impacted by the proposed development, it shall be relocated along an alignment acceptable to the Water Authority and shall not decrease the existing capacity.

Sanitary sewer service can be provided contingent upon a developer funded project to extend gravity sanitary sewer collectors from the existing onsite 10 inch collector and/or the existing 12 inch collector along La Bienvenida Pl. which continues north on the Andalucia Park. The proposed utility plan indicates a skewed connection to existing manhole F11598 which is not acceptable as it should be perpendicular to the La Bienvenida Pl. A possible connection could be to existing manhole F11593.

**Fire Protection:** A standard fire hydrant flow has been applied to the proposed infrastructure with an internal looped waterline with two outside connections to Tres Gracias Dr. and along the park north of the proposed property can currently

be met. The proposed fire one plan has seven (7) proposed fire hydrants. The residential required flow of 1,000 gpm was analyzed at the proposed locations for the future fire hydrants. Please note that the future [REDACTED]

All new required hydrants as well as their exact locations must be determined through the City of Albuquerque Fire Marshal's Office and verified through the Utility Development Office prior to sale of service.

**Cross Connection Prevention:** Any residential premises having existing private wells and who desire to connect to the public water system shall have two options as follows: 1). Customers shall permanently abandon the use of private wells by plugging the wells as accepted by the Water Authority prior to connecting to the public water system; or 2) Customers who choose to maintain their private wells shall completely sever the private well from the premises' potable plumbing system and shall install a reduced pressure principle backflow prevention assembly approved by the Water Authority at the terminal end of the water service from the public water system (e.g., service connection). Contact Cross Connection at 289-3439 for more information.

**Cross Connection Prevention:** Per the Cross Connection Ordinance, all new non-residential premises must have a reduced pressure principle backflow prevention assembly approved by the Water Authority and installed at each domestic service connection at a location accessible to the Water Authority. All new fire line services to fire protection systems shall be equipped with a reduced pressure principle backflow prevention assembly approved by the Water Authority and Fire Marshal having jurisdiction at each service connection. A double check valve assembly approved by the Water Authority and Fire Marshal having jurisdiction may be installed instead of a reduced pressure backflow prevention assembly provided the fire protection system contains ANSI/NSF Standard 60 or 61 water piping throughout the entire fire protection system, the fire sprinkler drain discharges into atmosphere, and there are no reservoirs, fire department connections, connections from auxiliary water supplies, antifreeze nor other additives. [REDACTED]

[REDACTED] Contact Cross Connection at 289-3439 for more information.

**Easements:** Exclusive public water and sanitary sewer easements are required for all public lines that are to be constructed outside of any dedicated Rights-of-Way. A minimum width easement of 20 feet is required for a single utility and 25 feet for water and sewer both within the same easement. Easements for standard sized water meters need to be five feet by five feet and include the length of the water service if located on private property. For larger meters that require a meter vault, a 35 feet by 35 feet easement is required. Actual easement widths may vary depending on the depth of the lines to be installed. Side yard easements are not acceptable for either water or sanitary sewer. [REDACTED]

**Pro Rata:** Pro Rata is not owed, and the property can utilize the services available upon completion of the requirements of this statement to connect to water and sanitary sewer.

**Design and Construction** of all required improvements will be at the developer / property owner's expense. Improvements must be coordinated through the City of Albuquerque via the Work Order process. Designs must be performed by a licensed, New Mexico registered, professional engineer. Construction must be performed by a licensed and bonded public utility contractor.

**Costs and Fees:** In addition to installation and construction costs, any new metered water services will be subject to both water and sanitary sewer Utility Expansion Charges (UEC) payable at the time of service application. All charges and rates collected will be based on the ordinances and policies in effect at the time service is actually requested and authorized.

**Water Use:** All new development shall be required to meet the standard water usage of 180 gallons per household per day which is equivalent to 75 gallons per capita per day. Where available, outdoor water usage shall utilize reclaimed water.

**Closure:** This availability statement provides a commitment from the Water Authority to provide services to the development, as long as identified conditions are met. It will remain in effect for a period of one year from the date of issue and applies only to the development identified herein. Its validity is, in part, contingent upon the continuing accuracy of the information supplied by the developer. [REDACTED] may [REDACTED] of availability and should be brought to the attention of the Utility Development Section of the Water Authority as soon as possible.

Please feel free to contact Mr. Kristopher Cadena in our Utility Development Section at (505) 289-3301 or email at [kcadena@abcwua.org](mailto:kcadena@abcwua.org) if you have questions regarding the information presented herein or need additional information.

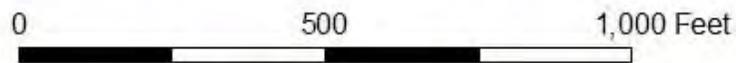
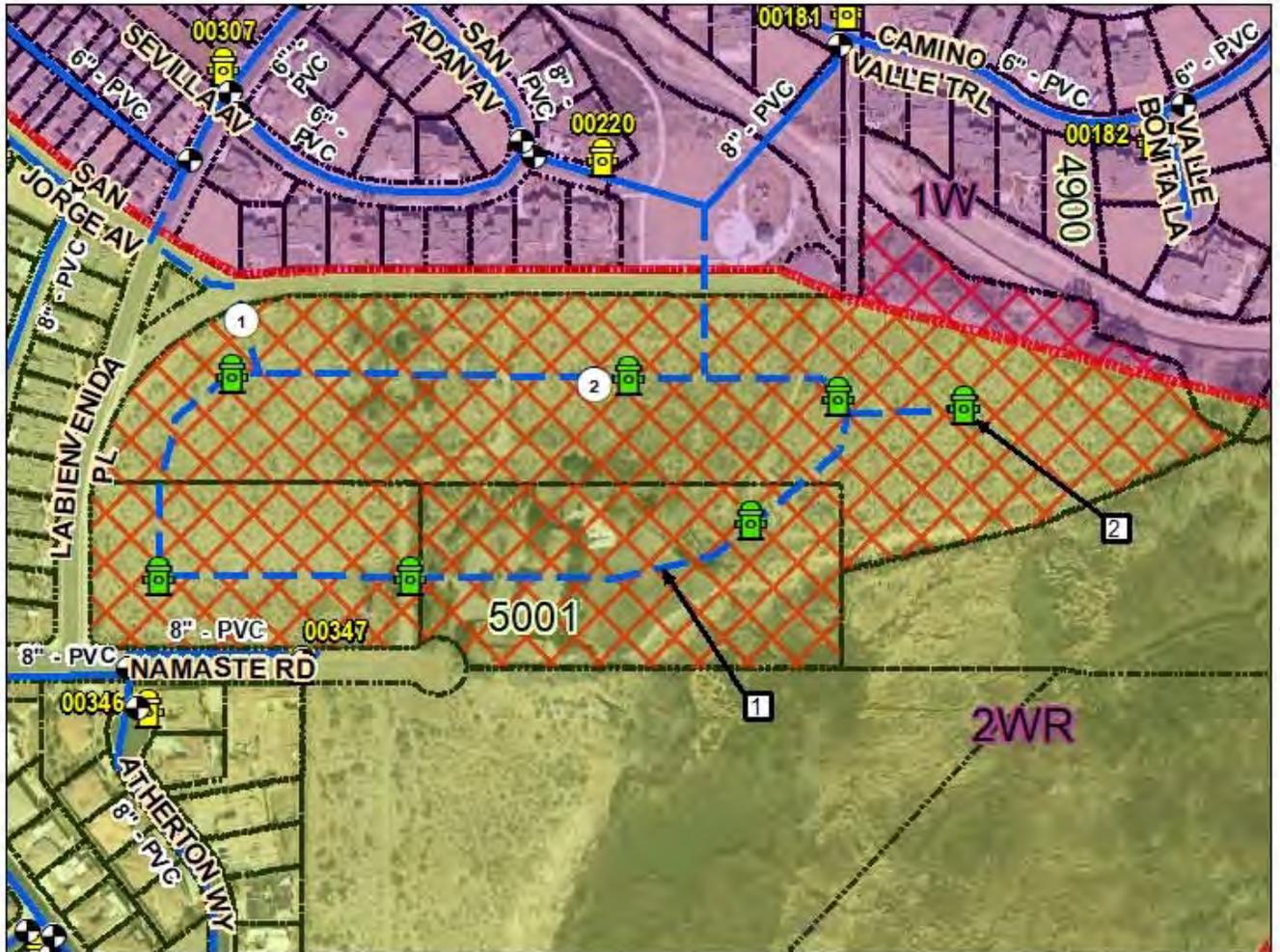
Sincerely,

Mark S. Sanchez  
Executive Director

Enclosures: Infrastructure Maps (2)

f/ Availability Statement 190105

# 190105 - Water



## Legend

- Valve
- Hydrant

## Pipe

### SUBTYPE

- Distribution Line
- Hydrant Leg

Pressure Zone Boundary

Project Location

--- General Map Keyed Notes

1. --- Proposed 8" WL

2. --- Proposed Hydrants

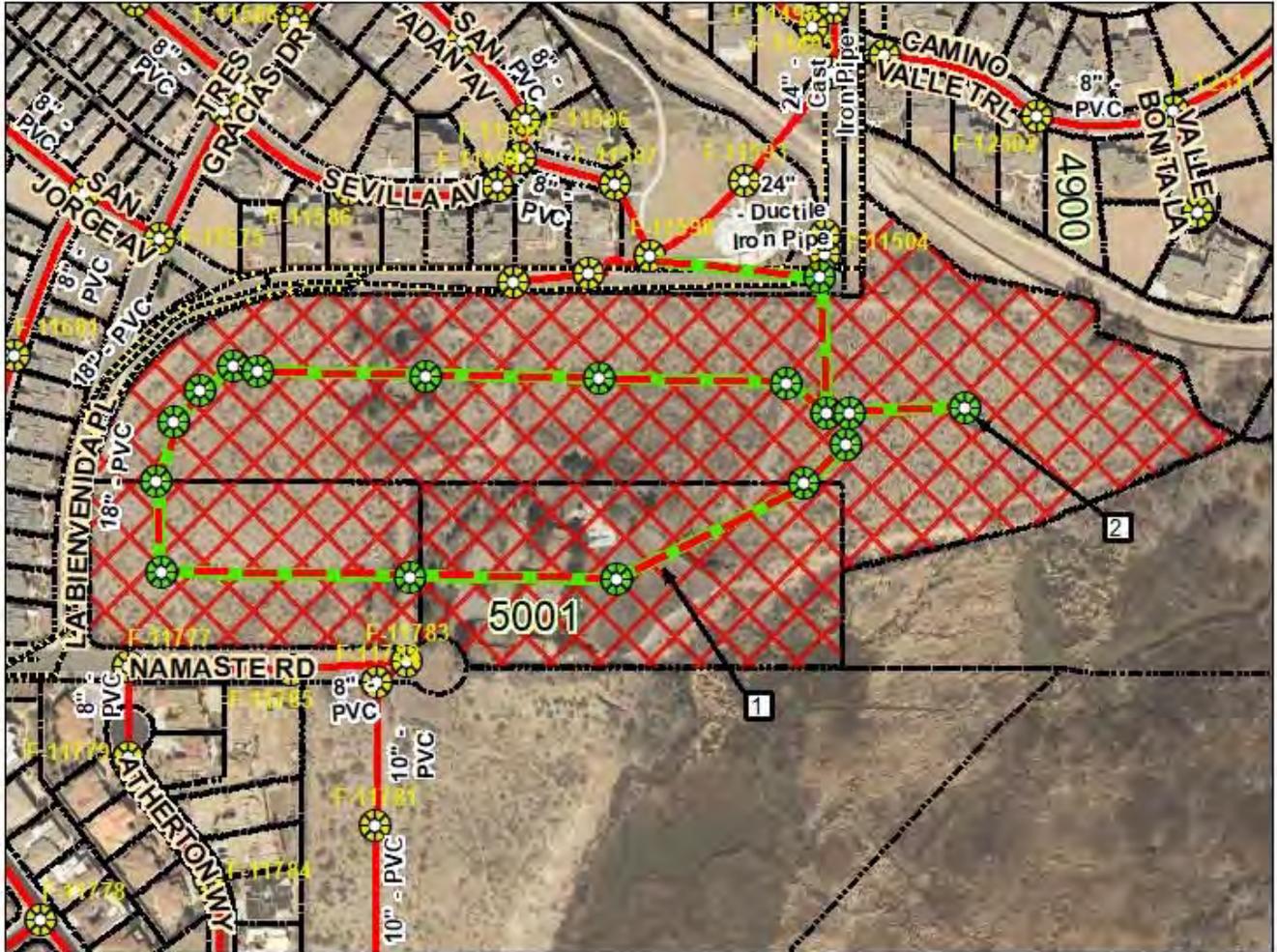
--- Fire Flow Analysis Points

1. --- Analysis Point

2. --- Analysis Point

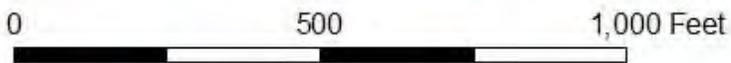


# 190105 - Sanitary Sewer



## Legend

-  Sewer Manhole
- Sewer Pipe**
- SUBTYPE**
-  COLLECTOR
-  FORCE MAIN
-  Project Location



 --- General Map Keyed Notes

1. --- Proposed 8" SAS 

2. --- Proposed Manholes 



be met. The proposed fire one plan has seven (7) proposed fire hydrants. The residential required flow of 1,000 gpm was analyzed at the proposed locations for the future fire hydrants. Please note that the future waterline was analyzed in pressure zone 1W.

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Sincerely,

Mark S. Sanchez  
Executive Director

Enclosures: Infrastructure Maps (2)

f/ Availability Statement 190105

190105 - FMO Fire Flow Simulation

Fire Flow Analysis

Design Fire Flow Analysis

| ID     | Total Demand (gpm) | Available Flow at Hydrant (gpm) | Critical Node ID | Critical Node Pressure (psi) | Critical Node Head (ft) | Design Flow (gpm) | Critical Pipe ID | Critical Pipe Velocity (ft/s) |
|--------|--------------------|---------------------------------|------------------|------------------------------|-------------------------|-------------------|------------------|-------------------------------|
| 891289 | 1,000.00           | 1,880.06                        | 891289           | 20                           | 5,080.26                | 1,880.06          | 890576           | 12                            |

Multi Fire Flow Analysis

| ID     | Base Demand (gpm) | Base Pressure (psi) | Fire Demand (gpm) | Combined Demand (gpm) | Residual Pressure (psi) | Available Flow (gpm) | Available Pressure (psi) |
|--------|-------------------|---------------------|-------------------|-----------------------|-------------------------|----------------------|--------------------------|
| 891289 | 0                 | 93.2444             | 1,000.00          | 1,000.00              | 83.268                  | 3,124.59             | 20                       |

Junction Report

| ID     | Demand (gpm) | Elevation (ft) | Head (ft) | Pressure (psi) |
|--------|--------------|----------------|-----------|----------------|
| 891338 | 0.00         | 5,060.70       | 5,195.49  | 58.4047        |
| 891339 | 0            | 5,050.35       | 5,195.49  | 62.8912        |
| 891340 | 0            | 5,048.39       | 5,195.49  | 63.7377        |
| 891341 | 0            | 5,047.76       | 5,195.49  | 64.0110        |
| 891351 | 0            | 5,042.88       | 5,195.49  | 66.1244        |
| 891295 | 0            | 5,085.37       | 5,240.36  | 67.1573        |
| 891294 | 0            | 5,084.17       | 5,240.07  | 67.5492        |
| 891350 | 0            | 5,039.38       | 5,195.49  | 67.6408        |
| 891342 | 0            | 5,036.98       | 5,195.49  | 68.6830        |
| 891343 | 0            | 5,035.00       | 5,195.49  | 69.5384        |
| 891293 | 0            | 5,078.34       | 5,239.94  | 70.0177        |
| 891349 | 0            | 5,026.95       | 5,195.49  | 73.0274        |
| 891347 | 0            | 5,023.29       | 5,195.49  | 74.6159        |
| 891292 | 0            | 5,060.69       | 5,237.52  | 76.6186        |
| 891344 | 0            | 5,014.92       | 5,195.49  | 78.2403        |
| 891324 | 0            | 5,062.35       | 5,243.77  | 78.6108        |
| 891337 | 0            | 5,060.70       | 5,243.20  | 79.0781        |
| 891333 | 0            | 5,058.41       | 5,242.65  | 79.8291        |

|        |          |          |          |         |
|--------|----------|----------|----------|---------|
| 891290 | 0        | 5,046.29 | 5,233.50 | 81.1193 |
| 891291 | 0        | 5,046.71 | 5,234.45 | 81.3473 |
| 891315 | 0        | 5,053.60 | 5,241.90 | 81.5936 |
| 891336 | 0        | 5,052.43 | 5,243.20 | 82.6614 |
| 891329 | 0        | 5,052.11 | 5,243.20 | 82.7994 |
| 891289 | 1,000.00 | 5,034.10 | 5,226.28 | 83.2680 |
| 891335 | 0        | 5,050.59 | 5,243.20 | 83.4609 |
| 891330 | 0        | 5,050.11 | 5,242.80 | 83.4944 |
| 891331 | 0        | 5,042.12 | 5,242.61 | 86.8718 |

Pipe Report

| ID     | From Node | To Node | Length (ft) | Diameter (in) | Roughness | Flow (gpm) | Velocity (ft/s) | Headloss (ft) |
|--------|-----------|---------|-------------|---------------|-----------|------------|-----------------|---------------|
| 890574 | 891289    | 891290  | 290.1941    | 8             | 110       | -1,000.00  | 6.3828          | 7.2227        |
| 890576 | 891290    | 891291  | 38.2329     | 8             | 110       | -1,000.00  | 6.3828          | 0.9516        |
| 890580 | 891292    | 891293  | 224.6545    | 8             | 110       | -635.51    | 4.0563          | 2.415         |
| 890578 | 891291    | 891292  | 307.6298    | 8             | 110       | -610.57    | 3.8972          | 3.0706        |
| 890584 | 891291    | 891296  | 689.67      | 8             | 110       | -389.43    | 2.4856          | 2.9931        |
| 890636 | 891293    | 891315  | 455.1801    | 8             | 110       | -388.511   | 2.4798          | 1.9671        |
| 890638 | 891315    | 891333  | 142.6044    | 6             | 110       | -201.853   | 2.2905          | 0.7442        |
| 890670 | 891333    | 891327  | 265.054     | 6             | 110       | -166.992   | 1.8949          | 0.9736        |
| 890650 | 891323    | 891324  | 288.1045    | 8             | 110       | 261.3015   | 1.6678          | 0.5972        |
| 890582 | 891293    | 891294  | 69.7128     | 8             | 110       | -247       | 1.5765          | 0.1302        |
| 890610 | 891295    | 891294  | 156.2526    | 8             | 110       | 247.00     | 1.5765          | 0.2918        |
| 890660 | 891329    | 891324  | 374.3077    | 8             | 110       | -221.553   | 1.4141          | 0.5715        |
| 890662 | 891329    | 891330  | 263.4176    | 8             | 110       | 221.519    | 1.4139          | 0.4022        |
| 890664 | 891330    | 891331  | 172.9188    | 8             | 110       | 186.6572   | 1.1914          | 0.1923        |
| 890666 | 891331    | 891315  | 633.949     | 8             | 110       | 186.6572   | 1.1914          | 0.7049        |
| 890624 | 891295    | 891297  | 377.8144    | 8             | 110       | -181.284   | 1.1571          | 0.3978        |
| 890608 | 891295    | 891305  | 248.1776    | 6             | 110       | -65.7162   | 0.7457          | 0.162         |
| 890656 | 891324    | 891327  | 594.4899    | 6             | 110       | 39.749     | 0.451           | 0.153         |

|        |            |            |          |   |     |         |        |        |
|--------|------------|------------|----------|---|-----|---------|--------|--------|
| 890668 | 891330     | 891333     | 757.3628 | 6 | 110 | 34.8618 | 0.3956 | 0.1529 |
| 890586 | 891292     | 891310     | 459.3903 | 6 | 110 | 24.9377 | 0.283  | 0.0499 |
| 890724 | 10UPDATE27 | 891338     | 15.0375  | 6 | 110 | -0.3625 | 0.0041 | 0      |
| 890688 | 891340     | 891341     | 22.0693  | 6 | 110 | -0.3625 | 0.0041 | 0      |
| 890686 | 891339     | 891340     | 24.7382  | 6 | 110 | -0.3625 | 0.0041 | 0      |
| 890684 | 891338     | 891339     | 30.4532  | 6 | 110 | -0.3625 | 0.0041 | 0      |
| 890696 | 891344     | 891345     | 326.5307 | 8 | 110 | -0.3625 | 0.0023 | 0      |
| 890714 | 891351     | 891350     | 205.11   | 8 | 110 | -0.2545 | 0.0016 | 0      |
| 890712 | 891341     | 891351     | 128.8747 | 8 | 110 | -0.2545 | 0.0016 | 0      |
| 890700 | 891344     | 891347     | 470.0551 | 8 | 110 | 0.25    | 0.0016 | 0      |
| 890694 | 891343     | 891344     | 573.3563 | 6 | 110 | -0.1124 | 0.0013 | 0      |
| 890690 | 891341     | 891342     | 512.3558 | 6 | 110 | -0.108  | 0.0012 | 0      |
| 890692 | 891342     | 891343     | 132.7621 | 6 | 110 | -0.108  | 0.0012 | 0      |
| 890708 | 891348     | 891350     | 124.8188 | 8 | 110 | 0.1724  | 0.0011 | 0      |
| 890702 | 891347     | 891348     | 408.1097 | 8 | 110 | 0.1724  | 0.0011 | 0      |
| 890710 | 891350     | 891349     | 402.4237 | 6 | 110 | -0.0821 | 0.0009 | 0      |
| 890704 | 891347     | 891349     | 129.7074 | 6 | 110 | 0.0776  | 0.0009 | 0      |
| 890680 | 891336     | 891337     | 25.1682  | 6 | 110 | 0.0336  | 0.0004 | 0      |
| 890678 | 891335     | 891336     | 32.6525  | 6 | 110 | 0.0336  | 0.0004 | 0      |
| 890682 | 891337     | 10UPDATE27 | 15.0375  | 6 | 110 | 0.0336  | 0.0004 | 0      |
| 890676 | 891329     | 891335     | 55.6919  | 6 | 110 | 0.0336  | 0.0004 | 0      |
| 890716 | 891352     | 891351     | 635.7464 | 8 | 110 | 0       | 0      | 0      |
| 890706 | 891349     | 891343     | 205.978  | 6 | 110 | 0       | 0      | 0      |

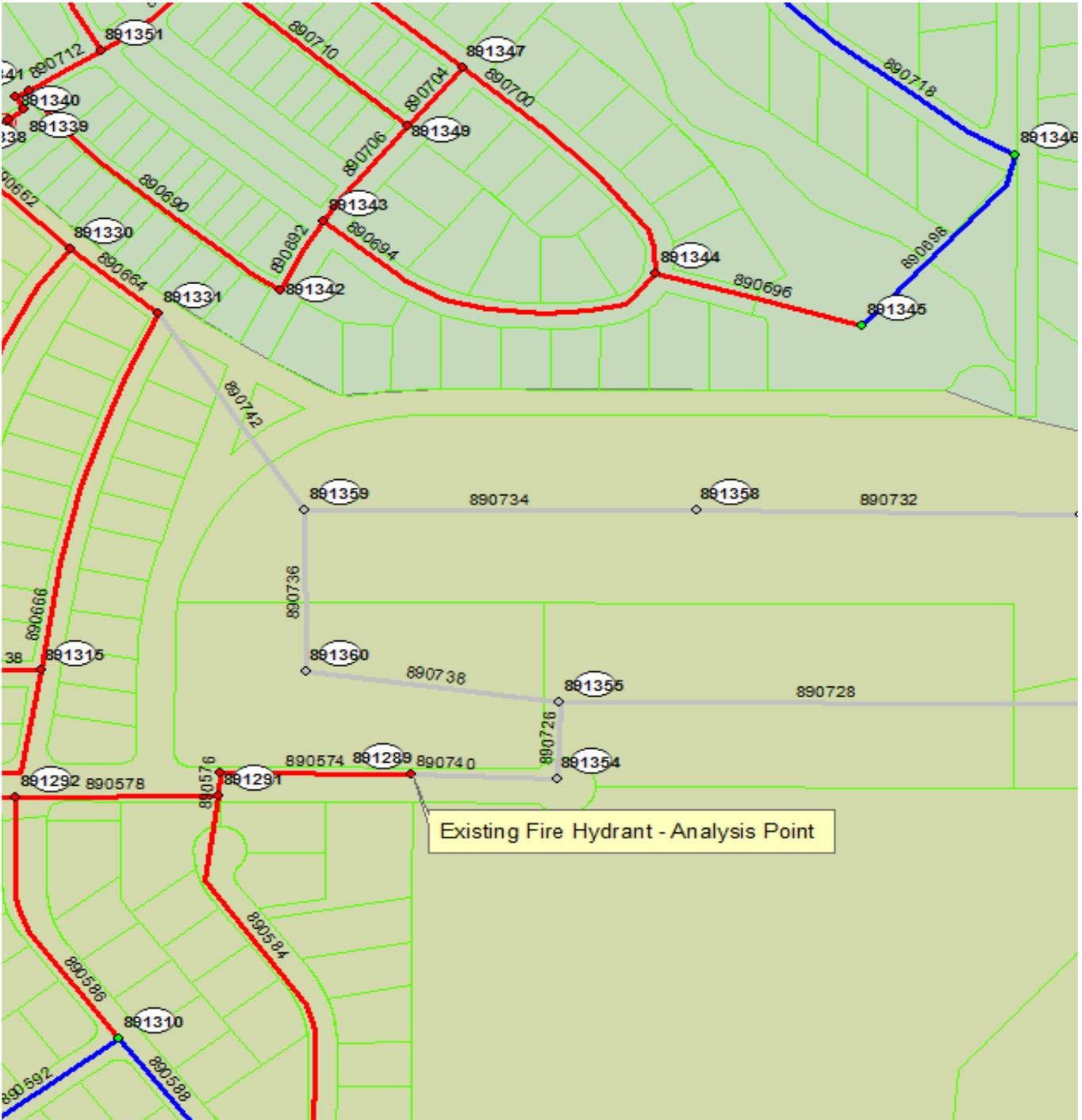
| HL/1000<br>(ft/k-ft) | Status | Total<br>Forward<br>Flow<br>Volume<br>(ft3) | Total<br>Reverse<br>Flow<br>Volume<br>(ft3) | Total Net<br>Flow<br>Volume<br>(ft3) | Flow<br>Reversal<br>Count |
|----------------------|--------|---|---|--------------------------------------|---------------------------|
| 24.8891              | Open   |   |   |                                      | 0                         |
| 24.8891              | Open   |   |   |                                      | 0                         |
| 10.7498              | Open   |   |   |                                      | 0                         |
| 9.9815               | Open   |   |   |                                      | 0                         |
| 4.3399               | Open   |   |   |                                      | 0                         |
| 4.3216               | Open   |   |   |                                      | 0                         |
| 5.2187               | Open   |   |   |                                      | 0                         |
| 3.6732               | Open   |   |   |                                      | 0                         |
| 2.0727               | Open   |   |   |                                      | 0                         |
| 1.8673               | Open   |   |   |                                      | 0                         |
| 1.8673               | Open   |   |   |                                      | 0                         |
| 1.5268               | Open   |   |   |                                      | 0                         |
| 1.5268               | Open   |   |   |                                      | 0                         |
| 1.1119               | Open   |   |   |                                      | 0                         |
| 1.1119               | Open   |   |   |                                      | 0                         |
| 1.053                | Open   |   |   |                                      | 0                         |
| 0.6529               | Open   |   |   |                                      | 0                         |
| 0.2574               | Open   |   |   |                                      | 0                         |



Map 1 - Pipe and Junct

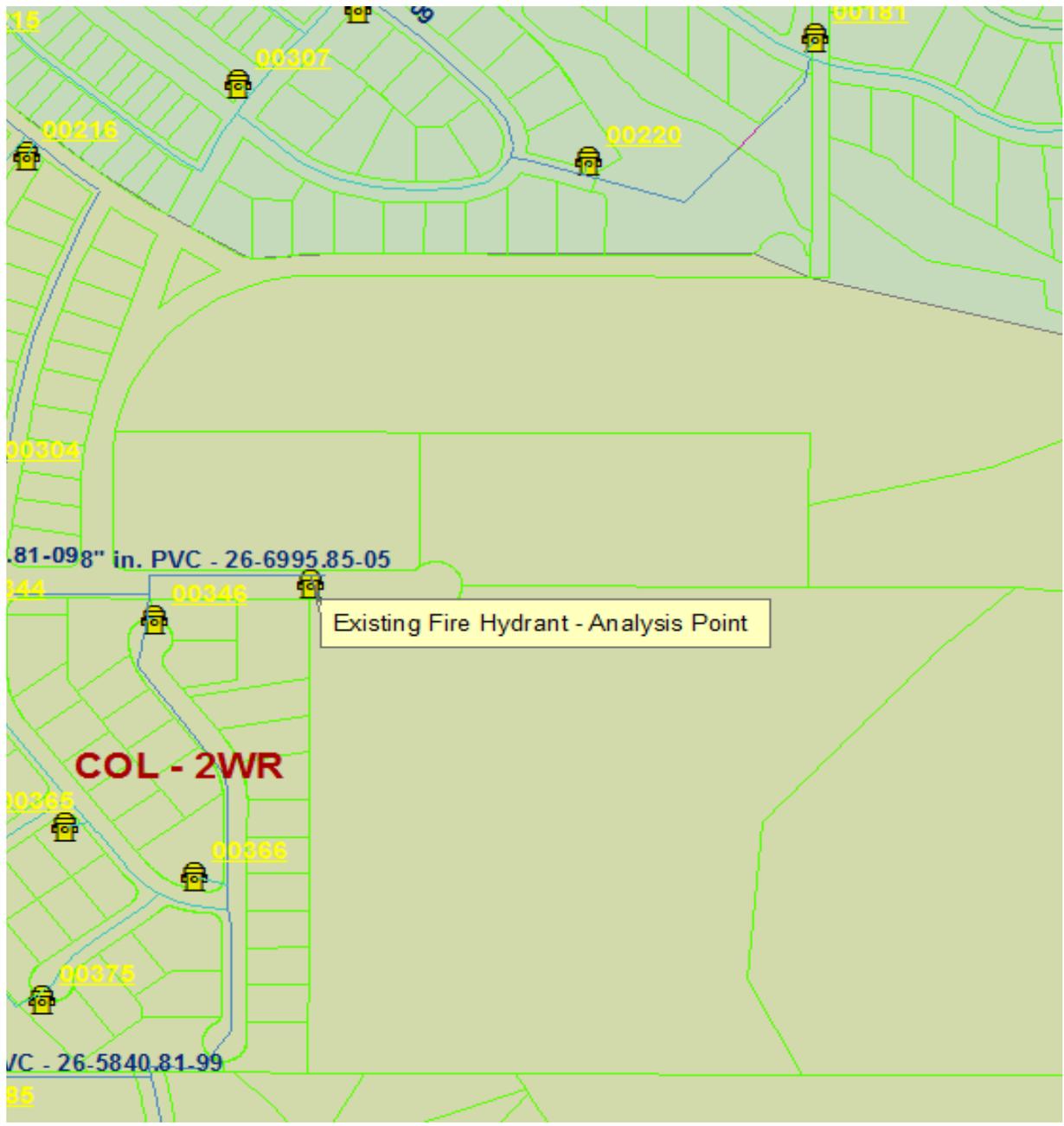


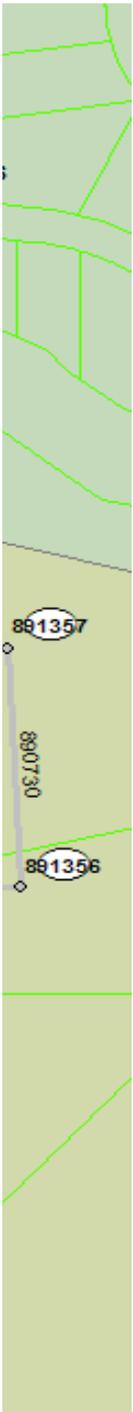




ion Lines







**Somerfeldt, Cheryl**

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**From:** Jolene Wolfley <sagehome@live.com>  
**Sent:** Monday, March 11, 2019 3:51 PM  
**To:** Somerfeldt, Cheryl; Henry, Dora L.; Brito, Russell D.  
**Cc:** Hessel E. Yntema III  
**Subject:** TRNA Review checklist of 3/11/19 for EPC  
**Attachments:** ReviewChecklistTRNAMar112019.pdf

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Please provide this Review Checklist document to the EPC on the Poole property/Overlook at Oxbow case to be heard by the EPC on 3/14/19.

=====  
This message has been analyzed by Deep Discovery Email Inspector.

|    | <b>Overlook at Oxbow Site Plan: Comp Plan &amp; IDO Violations and Inadequate Analysis</b>  | <b>Policy or regulatory language Or Staff Report language</b>  | <b>IDO references</b>                                     |
|----|---|--|---|
| 1  | EPC main role: Does the site plan <b>preserve and enhance the Rio Grande and Bosque</b> ? No. Six lots changing into 76 lots through multiple clusters is a stealth rezoning.   | 'Minimize negative impacts and maximize enhancements and design that complement the natural environment.'  | Comp Plan 11.3.1  |
| 2  | The <b>sensitive lands analysis is inadequate &amp; hampers a prudent EPC decision.</b>   | Private lots are too close to the sandy bluff edge and are on unstable soils.  | 1-8(A)  |
| 3  | <b>No analysis of no negative impact.</b> Hydrology says slope is not stable; is a burden to stabilize. OSD says wider buffer needed on southeastern corner and <b>requests study prior to development</b> because development will negatively impact habitat. This study should be done prior to site plan approval. | The development will 'not create any material negative environmental impacts on visual, recreational, or habitat values of MPOS.'                  | 5-2(H)(2)(b)<br>3/14/19 Staff report<br>3/1/19 OSD letter |
| 4  | <b>Grading and stormwater management</b> do not clearly demonstrate minimal impact on MPOS.   | 'Grading and stormwater must minimize impact on MPOS.'   | 5-2(H)(2)(b)4   |
| 5  | <b>Sensitive lands is the predominant cluster policy,</b> not regular clustering.   | 'the more restrictive provision shall prevail'   | 1-8(A)  |
| 6  | Lot sizes are smaller than the minimum allowed under the sensitive lands. <b>EPC has authority to require the largest lot dimensions to be protective of the sensitive lands.</b>   | 'may adjust lot size by up to 25 percent'<br>Minimum lot size should be 8200 s.f.<br>'The design standards in this section are minimum standards.' | 5-2(B) & (C)  |
| 7  | Site plan <b>violates Areas of Consistency.</b> Lot sizes should be based on current Tax Assessor lots >3 acres   | 'in Area of Consistency, the minimum lot sizes shall be based on Tax Assessor's lots'  | 5-1(C)(2)(b)  |
| 8  | <b>Multiple clusters not allowed</b> based on simple meaning of IDO language.<br>Multiple cluster > 50 unit is a violation.   | 'The cluster development project'<br>Reference is singular.  | 4-3(B)(2)(C)  |
| 9  | The <b>on-site open space is not contiguous</b> to the Major Public Open Space as required.   | 'Onsite open space to be contiguous to MPOS'   | 5-2(H)(2)(a)2   |
| 10 | The <b>block size violates the 600 foot</b> maximum in the IDO.   | 'Local Streets < or = 600 feet'  | 5-4(E)(3)(a)  |
| 11 | EPC required to use its discretion on <b>design criteria</b> (Colors, lighting, walls)<br>EPC can only pass technical elements to DRB.  | 'Color blend w/ natural environment'<br>'Lighting compatible with MPOS'  | 5-2(H)(1)(b)<br>5-2(h)(2)(b)5                             |
| 12 | Lack of findings/conditions on <b>CPTED.</b><br>More than gated community needed.   | 'Incorporate CPTED to deter crime'<br>'Natural surveillance requires a space free from natural and physical barrier.'                              | 5-2(H)(2)(a)6<br>12/13/18<br>Staff Report                 |
| 13 | Namaste cul de sac is <b>only entrance</b> and is only 300 feet from <b>fragile Oxbow location.</b> Project generates 740 vehicles trips per day; should use other entrance points.   | 'Design vehicle access, circulation...to minimize impact on MPOS.'   | 5-2(H)(2)(b)3   |
| 14 | <b>Construction mitigation</b> needs to be more robust than just 'revegetation.'  | 'Prevent and mitigate construction impact.'  | 5-2(H)(2)(a)11  |
| 15 | Do not burden taxpayers with a <b>public forced main</b> or lift station for a few eastern lots.  | ABCWUA comment is to 'minimize public force main.'   | 12/13/18<br>Staff report                                  |
| 16 | Lots are in the official <b>floodplain.</b> Reconcile floodplain before approving lot layout.   | 'If lots 34-36 remain in the flood zone they can be relocated in the Site Plan.'   | 3/18/19 Staff Report                                      |
| 17 | Staff Recommendation was made in <b>violation of the Open Meetings Act.</b>   | Applicant had "25+ meetings" with various City personnel about various agreements, interpretations, and approvals.                                 | 3/5/19 Letter from Abrazo                                 |

The sandy bluff being eroded at the end of the Namaste Cul de sac.

The proposed site plan does not adequately address this sandy bluff.



## Somerfeldt, Cheryl

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**From:** WILLA PILAR <WPILART@msn.com>  
**Sent:** Monday, March 11, 2019 3:58 PM  
**To:** Somerfeldt, Cheryl  
**Cc:** Campbell, David S.  
**Subject:** please add for EPC March 14  
**Attachments:** Serrano EPC CI complaint.doc

Hello Ms. Somerfeldt,  
attached is a letter addressed to CABQ Planning Director, David Campbell regarding a potential Conflict of Interest presented by EPC Chair, Dan Serrano.

Please enter this letter in to the record for Project #2018-001402 SI-2018-00171 – Site Plan at the Suzanne Hanson Poole estate at Albuquerque’s Oxbow.

Thank you,

- willa pilar
- 505.266.2409

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Virus-free. <https://ddei3-0-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=www.avast.com&umid=FE63C0C2-83D8-A005-B0E9-96B86FC43F7D&auth=f0ebcd052f61e7a39dc93191e8a01d02608499af-19767292bc8b2a8fb8eeba3ae549caa0d60d6aee>



=====  
This message has been analyzed by Deep Discovery Email Inspector.

To: David Campbell, CABQ Planning Director  
Cc: Janelle Johnson, Tim Keller, Risk Management Division  
From: Willa Pilar  
Re: Conflict of Interest  
Date: Monday, March 11, 2019

Dear Director Campbell,  
I'm writing to call attention to a potential Conflict of Interest presented by the presence of Chairperson, Dan Serrano in hearing Project #2018-001402 SI-2018-00171 – Site Plan at the Suzanne Hanson Poole estate at Albuquerque's Oxbow. Accordingly, I ask for Commissioner Serrano to recuse himself from both hearing and voting on the case when it comes before EPC on Thursday, March 11, 2019.

My complaint falls in to two categories (addressed below):  
Commissioners Serrano's current land holdings near the subject site  
Persistent pattern of prejudice

Generally, CABQ policy for public service falls in line with the following statement taken from ETHICS & CODE OF CONDUCT TRAINING MODULE, City of Albuquerque, New Mexico:

“The proper administration of democratic government requires that public officials be independent, impartial, and responsible to the people; that government decisions and policy be made in the best interest of the people, the community and the government; and that the public have confidence in the integrity of its government.”

In short: public service is about doing the right thing and the public's confidence that the right thing has been done.

### **1) Property ownership:**

Commissioner Serrano holds a Special Warranty Deed, on file, for the Oxbow area.

Bernalillo County tax records<sup>1</sup>

Grantor: SERRANO & SONS CONSTRUCTORS LLC

Grantee: COUNTRYMAN KENNETH S

**Document Number:** 2009133524

Legal: Subdivision: OXBOW NORTH Lot: 162

Commissioner Serrano is, by definition, an interested person because he has a direct financial interest in the Oxbow North subdivision, close to the subject site. Though this information is publicized, disclosure is not sufficient to address the public's concern.

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<sup>1</sup> \* <https://eagleweb.berncogov/recorder/eagleweb/viewDoc.jsp?node=DOC710S452>

In the absence of recusal, the public can't be confident Mr. Serrano will use his EPC position to act in the public's interest and not his own.

As you know, special warranty deeds guarantee that the buyer won't face any legal action or title issues as a result of the actions of the property's previous owner. This type of restriction is enacted so the seller will defend the title to the property against the claims of anyone challenging actions based on the most recent ownership, but no previous buyers or sellers.

This contract was created in 2012, concurrent to Mrs. Poole's death and her estate falling in to the hands of non-family members. Public perception around ownership of the Poole lands and the intent to permit a questionable site plan has had a degrading effect on the public's trust. Commissioner Serrano's assumed conflict only compounds the public's lost confidence.

## **2) Persistent pattern of prejudice:**

A 2008 Albuquerque Journal<sup>2</sup> article highlights Mr. Serrano's ownership of property throughout his district. Subsequently, Mr. Serrano withdrew his name from EPC nomination. If steps have been taken to remedy Mr. Serrano's bias that now allow him to serve the public interest, these steps elude public notice.

Serrano's voting record has shown his prejudice towards the west side for development. Rather than promote development in a unified and transparent manner, Mr. Serrano engages in a pattern of splintering from established groups. "Mr. Serrano founded a West Side Chamber of Commerce separate from the Greater Albuquerque Chamber of Commerce, and spearheaded an initiative to create a district separate from Albuquerque Public Schools for schools on the West Side." (ABQ Journal, 2010). This scheme to splinter causes mistrust amongst the area he serves and is antithetical to his charge as a public servant. "His record proves it as the President of the West Side Coalition of Neighborhood Associations. Some coalition members were unhappy with the election and accused Serrano of, among other things, being dishonest about where he lives."<sup>3</sup>

A second area of prejudice, and potential conflict, is Mr. Serrano's ongoing financially beneficial relationship with Albuquerque Development Commissioner, Jim Strozier, the agent for the applicant in the Poole case. Jim Strozier was Commissioner Serrano's agent in the Beach Water Park/TopGolf deal and the two have had a personal relationship for years. Though Commissioner Serrano is hardly the only commissioner to profit from a direct financial relationship with ADC Strozier, this complaint confines its scope to the conflict between these two commissioners.

Thank you for considering this request.

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<sup>2</sup> <https://www.abqjournal.com/riorancho/271140485644west08-27-08.htm>

<sup>3</sup> <https://www.abqjournal.com/riorancho/142338434715west10-14-10.htm>

## Somerfeldt, Cheryl

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**From:** Ken Churchill <ken@abq45.com>  
**Sent:** Monday, March 11, 2019 4:49 PM  
**To:** Somerfeldt, Cheryl  
**Cc:** Brito, Russell D.; Dr. Susan Chaudoir  
**Subject:** Project # 2018-001402  
**Attachments:** EPCMarch.pdf

Hi, Cheryl,

Please submit this information to the public record for Project # 2018-001402.

Thank you,

Ken

=====  
This message has been analyzed by Deep Discovery Email Inspector.

From:  
Ken Churchill  
4612 Almeria DR NW 87120  
submitted to Cheryl Somerfeldt  
EPC Planning at 4:50 P.M., March 11, 2019

**Project # 2018-001402 Hearing Date: March 14, 2019**

**This Site Plan does NOT comply with requirements of the IDO and contains a false and misleading statement of information, which is grounds for denial per item 7, of Part C, of the EPC-RULES OF CONDUCT.**

**Sheet 1 of the site plan correctly shows Cluster A open space required as 3.24 acres, but falsely states open space provided is 3.31 acres**

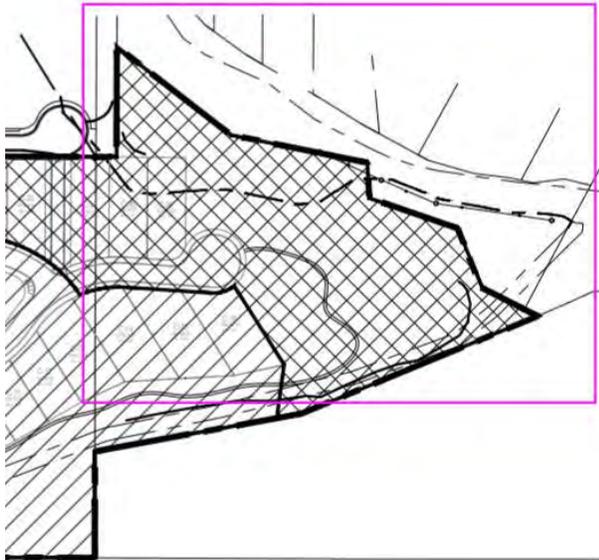
**The actual open space provided for Cluster A appears to be:  
2.33 acres.**

**Because:**

**“Required drainage facilities or land within an easement for overhead utilities that are not landscaped shall not count toward required usable open space.”** Open Space Definitions: page 480 of the IDO (emphasis added)

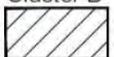
**The following graphics are from Sheet 1 of the current site plan, and sensitive lands map, with my notes in separate color:**

Site Plan - -Sheet 1:

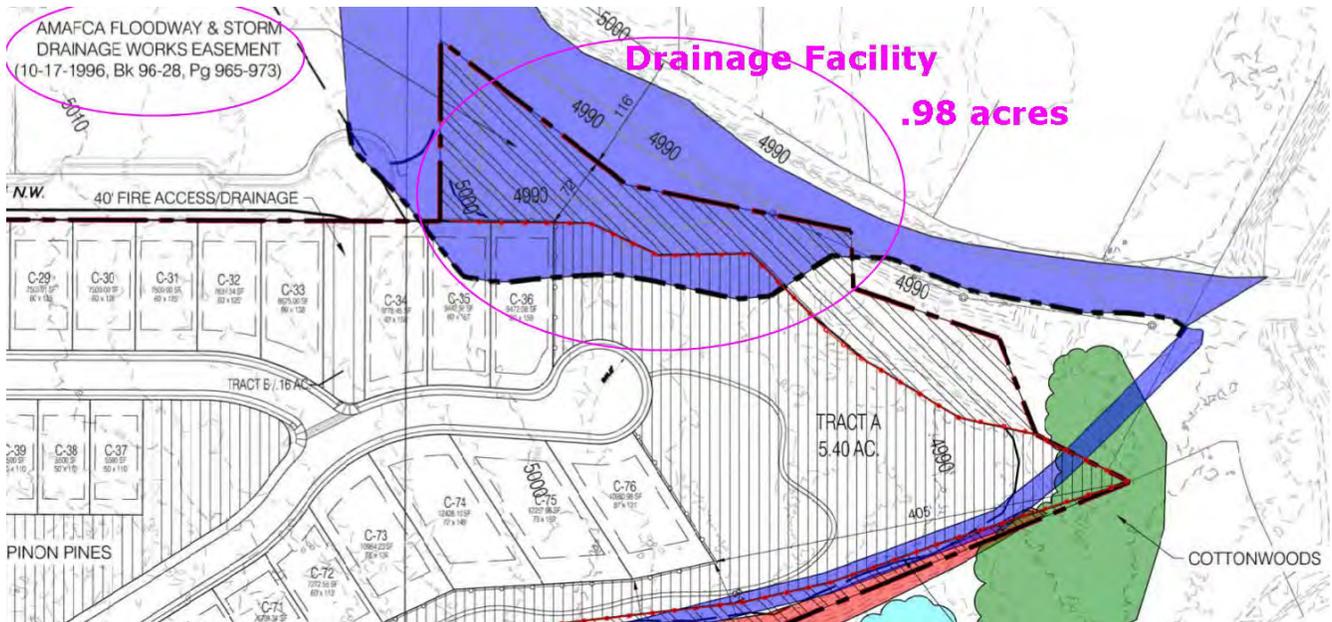


Per IDO section 4-3(B)(2)(d)(1), The common open space area shall be 30 percent of the gross area of the project site or 100 percent of the area gained through lot size reductions, whichever is greater.

Open space calculations by cluster are as follows:

|   |  |
|---|--|
| <b>Cluster A</b>  | Size: 10.80 ac. (36 Lots)                |
|  | 30% Rule: OS Req. = <u>3.24 ac.</u>      |
|   | Lot Red. Rule: OS Req. = 3.17 ac.        |
|   | <b>OS Prov. = 3.31 ac.</b>               |
| <b>Cluster B</b>  | Size: 12.95 ac. (40 Lots)                |
|  | 30% Rule: OS Req. = 3.89 ac.             |
|   | Lot Red. Rule: OS Req. = <u>4.05 ac.</u> |
|   | OS Prov. = 4.07 ac.                      |
| Total Project Area: 23.75 ac.   |  |
| Open Space Required: 7.29 ac.   |  |
| Open Space Provided: 7.38 ac.   |  |
| Total Lots: 76  |  |

**“Required drainage facilities .... shall not count toward required usable open space.”**



Though the IDO requires open space lots to be on the site plan, Cluster A open space is **NOT** clearly delineated as a separate lot on this site plan. The site plan claims open space provided to be 3.31 acres, but **includes** the AMAFCA drainage easement of **.98 acres**. Excluding the drainage facility, the actual open space provided is only **2.33 acres**.

**Per the IDO, the site plan does NOT provide the required usable, common open space.**

**3.24 acres required less 2.33 acres actual = .91 acres deficit**

**The site plan common open space provided is deficient by .91 acres.**

**This application current site plan contains**

**“Inaccurate, false or misleading information”**

**which is grounds for denial.**

Citations, with emphasis added:

By definition on page 480 of the IDO,

**“Required drainage facilities or land within an easement for overhead utilities that are not landscaped shall not count toward required usable open space.”**

\*\*\*\*\*

Quote:

RULES OF CONDUCT OF BUSINESS BY THE ENVIRONMENTAL PLANNING  
COMMISSION adopted September 14, 2017

Part C. RULES:

7. The Planning Director shall adopt standard requirements for submission of applications, which detail the required information and/or materials. Incomplete submissions are grounds for deferral. Inaccurate, false or misleading information is grounds for denial.

End Quote:

RULES OF CONDUCT OF BUSINESS BY THE ENVIRONMENTAL PLANNING  
COMMISSION

adopted September 14, 2017

<http://documents.cabq.gov/planning/environmental-planning-commission/EPC-RulesofConduct2017.pdf>

\*\*\*\*\*

Integrated Development Ordinance (IDO) is effective as of May 17, 2018

Part 14-16-4: Use Regulations

4-3(B) RESIDENTIAL USES page 136

4-3(B)(2)(e) The cluster development shall be **designated on a Site Plan** and plat with each dwelling on an individual subdivided lot and the **common open space on a separate subdivided lot** or easement.

Dwelling Definitions page 458

Dwelling, Cluster Development

A development type that concentrates single-family or two-family dwellings on smaller lots than would otherwise be allowed in the zone district in return for the preservation of **common open space** within the same site, on a separate lot, or in an easement.

Open Space Definitions page 479

Common Open Space

The area of undeveloped land within a cluster development that is **set aside for the USE and enjoyment by the owners** and occupants of the dwellings in the development and includes agriculture, landscaping, on-site ponding, or outdoor recreation uses. The common open space is a separate lot or easement on the subdivision plat of the cluster development.

Private Open Space Page 480

Open space for passive or active recreation that is owned, managed, and maintained privately in its natural state and accessible either to the public or to the residents of a subdivision and zoned NR-PO-C. In the case of cluster or cottage development, private open space that is created by clustering dwelling units may count as **usable open space**.

## **Usable Open Space**

**Page 480**

Outdoor space to be preserved on-site and managed privately to help ensure livable conditions on each site by providing light and air and meeting visual, psychological, and recreational needs. These areas can be used for a variety of purposes and are not required to be at ground level. Usable open space may include, but is not limited to, lawns; community gardens; decorative and native plantings; open balconies; rooftop decks; plazas; courtyards; covered patios open on at least 2 sides; walkways; landscaped medians, buffers, or setbacks; active and passive recreational areas; fountains; swimming pools; wooded areas; and water courses. **Such space shall be available for entry and use by users** of the development. **Required drainage facilities** or land within an easement for overhead utilities that are not landscaped **shall not count toward required usable open space**. Usable open space does not include public right-of-way, parking lots, off-street parking, driveways, other private vehicular surfaces, or buildings other than swimming pool rooms.

## Somerfeldt, Cheryl

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**Subject:** FW: Submittals for March 14th 2019, EPC Hearing to meet the 48 hour rule - Poole Property  
**Attachments:** RE: Submittals for March 14th 2019, EPC Hearing to meet the 48 hour rule - Poole Property

**From:** [aboard10@juno.com](mailto:aboard10@juno.com) [<mailto:aboard10@juno.com>]

**Sent:** Tuesday, March 12, 2019 2:23 AM

**To:** Somerfeldt, Cheryl

**Subject:** RE: Submittals for March 14th 2019, EPC Hearing to meet the 48 hour rule - Poole Property

Dear Cheryl,

I will be speaking about the photos that I sent in for the February 14th hearing & the Bosque fire information I sent in for the December 13th hearing both deferred, to explain the need for more buffer/ contiguous open space adjacent to the Bosque & wetland to provide better protection from Bosque fires, soil erosion and avoid impacts to the Oxbow/wildlife. That is why I resubmitted those three items Sunday night. I did not want the EPC to have to go looking for them on the website to find them, since they are a part of my presentation. The photos & the Bosque fire information would be important to have for this hearing.

Thank you,

Rene' Horvath

## Somerfeldt, Cheryl

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**From:** aboard10@juno.com  
**Sent:** Monday, March 11, 2019 4:27 PM  
**To:** Somerfeldt, Cheryl  
**Cc:** edu.chaudoir@gmail.com; sagehome@live.com  
**Subject:** RE: Submittals for March 14th 2019, EPC Hearing to meet the 48 hour rule - Poole Property

Dear Cheryl,

Thank you for the email. When you say the previous comments have already been posted, does that mean that all the public comments - including Dec. 13th, Feb. 14th & March 14th are in this EPC packet so that all EPC Commissioners can review them? I notice that the March 14th staff report does not address several of the topics that have been raised in the previous EPC packets.

Rene'

Please note: message attached

From: "Somerfeldt, Cheryl" <[csomerfeldt@cabq.gov](mailto:csomerfeldt@cabq.gov)>  
To: "[aboard10@juno.com](mailto:aboard10@juno.com)" <[aboard10@juno.com](mailto:aboard10@juno.com)>  
Cc: "Brito, Russell D." <[RBrito@cabq.gov](mailto:RBrito@cabq.gov)>  
Subject: RE: Submittals for March 14th 2019, EPC Hearing to meet the 48 hour rule - Poole Property  
Date: Mon, 11 Mar 2019 20:19:57 +0000

Ms. Horvath,

The email with the images was posted as part of the last 48-hour rule materials here (page 30):

[https://ddei3-0-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=http%3a%2f%2fdocuments.cabq.gov%2fplanning%2fenvironmental%2dplanning%2dcommission%2fFeb2019%2fAgenda%25201%5f20&umid=B2589119-83D9-0B05-A72C-E5919C129D53&auth=f0ebcd052f61e7a39dc93191e8a01d02608499af-8880f24808a0dd00bee806e7622dac77b0d1478a%2018-001402\\_48-hour.pdf](https://ddei3-0-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=http%3a%2f%2fdocuments.cabq.gov%2fplanning%2fenvironmental%2dplanning%2dcommission%2fFeb2019%2fAgenda%25201%5f20&umid=B2589119-83D9-0B05-A72C-E5919C129D53&auth=f0ebcd052f61e7a39dc93191e8a01d02608499af-8880f24808a0dd00bee806e7622dac77b0d1478a%2018-001402_48-hour.pdf)

The other two were posted with the original report below, WSCONA position (page 249), Bosque Fires report (page 252):

[https://ddei3-0-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=http%3a%2f%2fdocuments.cabq.gov%2fplanning%2fenvironmental%2dplanning%2dcommission%2fDec2018%2fAgenda%25203%5f20&umid=B2589119-83D9-0B05-A72C-E5919C129D53&auth=f0ebcd052f61e7a39dc93191e8a01d02608499af-1db222f784915a78f949d0b78097f81d1dc23a3b%2018-001402\\_PublicComments.pdf](https://ddei3-0-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=http%3a%2f%2fdocuments.cabq.gov%2fplanning%2fenvironmental%2dplanning%2dcommission%2fDec2018%2fAgenda%25203%5f20&umid=B2589119-83D9-0B05-A72C-E5919C129D53&auth=f0ebcd052f61e7a39dc93191e8a01d02608499af-1db222f784915a78f949d0b78097f81d1dc23a3b%2018-001402_PublicComments.pdf)

Since they have already been posted as part of this case, they will not be posted again.

Thank you,

**CHERYL SOMERFELDT**

current planner

o 505.924.3357

e csomerfeldt@cabq.gov

[cabq.gov/planning](http://cabq.gov/planning)

**From:** [aboard10@juno.com](mailto:aboard10@juno.com) [<mailto:aboard10@juno.com>]

**Sent:** Sunday, March 10, 2019 10:01 PM

**To:** Somerfeldt, Cheryl

**Subject:** Submittals for March 14th 2019, EPC Hearing to meet the 48 hour rule - Poole Property

Dear Cheryl,

I reviewed the staff report for March 14th EPC hearing, but did not see the comments that I sent in for the 48 hour rule for last Feb.14th EPC Hearing. I am resubmitting them again for the March 14th hearing / 48 hour rule / EPC packet. I am also resending the 2003 Bosque Fire info. & the WSCONA Resolution that was approved in 2018 to add to the EPC Packet. Let me know that you received them. Please see attached.

Thank you!

Rene' Horvath

TRNA & WSCONA

898-2114

=====  
This message has been analyzed by Deep Discovery Email Inspector.

=====  
This message has been analyzed by Deep Discovery Email Inspector.

### **policy 3 oxbow marsh**

The Oxbow Marsh and the bluff which overlooks it shall be protected and preserved through designation of this area as a wildlife refuge with limited access for scientific and educational purposes. A minimum 100-foot-wide setback along the top of the bluff shall be obtained through purchase, public easement or open space dedication, or through transfer of development rights. Alternative outfalls for development runoff shall be developed to prohibit flows directly into the Oxbow area. Alternative outfall concepts should be coordinated with the Middle Rio Grande Conservancy District, the Parks and Recreation Department and the Albuquerque Metropolitan Area Flood Control Authority.

#### **rationale:**

The Oxbow Marsh is located along the Rio Grande immediately below the bluff which borders the University of Albuquerque on the east. This 37-acre wetland area provides the only marshland/aquatic habitat in the urban area. It is a unique feature of the bosque and Rio Grande floodplain whose fragile environment must be protected.

**1984 Coors Corridor Plan - This page illustrates that a minimum 100 ft. wide setback is required along the top of the bluff adjacent to the Oxbow Marsh lands. The proposal for the Poole Property has only a 20 ft. setback, which is totally inadequate.**



J. DAVID DEKKER  
3536 Sequoia Pl NW  
Albuquerque, New Mexico 87120  
505-385-3411

To whom it may concern,

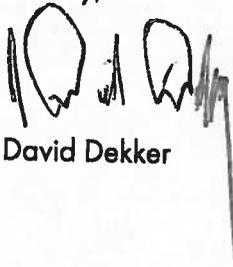
I briefly reviewed the proposed site plan for the referenced property. As a nearby property owner, I thoroughly enjoy the incredible views of the city and Sandia Mountains. The proposed site plan, in my opinion, fails to take advantage of the unique characteristics the site provides.

I've heard that the proposal is claiming that it is a "cluster style" development. One of the best cluster developments in Albuquerque, La Luz, is located nearby. La Luz achieves similar density and takes advantage of the great views. The proposed plan appears to ignore the tremendous opportunity the site provides.

The Oxbow is a unique natural and environmental community asset that should be preserved and celebrated. Any development that occurs on the Poole property should strive to protect and enhance the Oxbow.

Albuquerque is a special place. The Poole property is a rare opportunity to develop a project that optimizes the great views while simultaneously preserving and protecting the Oxbow, a rare environmental resource. The proposed site plan I reviewed, does neither.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. David Dekker', with a long vertical line extending downwards from the end of the signature.

J. David Dekker