

Conformance With Applicable Plans and Policies

Albuquerque/ Bernalillo County Comprehensive Plan

The Westland Master Plan ("Master Plan"), which has been approved and adopted as a "Rank III Plan" by the County, establishes the planned land uses, major street network and development densities for the majority of the Upper Petroglyphs ("Project") area. The Master Plan was adopted by the County in July, 1997 and by the City in May, 1998.

The Master Plan is consistent with the Albuquerque / Bernalillo County Comprehensive Plan (the "Comprehensive Plan"), the "Rank 1" plan for the Metropolitan Bernalillo County area as follows:

Land Use

The majority of the Project area (above the Atrisco Terrace and stretching west) is located within the "Reserve" area of the Comprehensive Plan. The Comprehensive Plan's goal for this area is to "allow opportunity for future development of high-quality, mixed-use, largely self-sufficient planned communities, bounded by permanent open-space..." As described in this Application, this is exactly the type of development envisioned by the Master Plan. In accordance with the Policy 2a for the Reserve area, the Project, as planned, strives to maintain a jobs-housing balance; provides a variety of housing types and prices to ensure diversity in the community; preserves open space in and around the development; has no adverse financial impacts on the community; and is situated on contiguous acres. Further, the Project is consistent with Policy 2d for the Reserve Area which requires that a planned community have a sense of place, that it be self-sufficient, and that it demonstrate environmental self-sufficiency. The Project site originally was part of the Atrisco Land Grant, and DevCo intends for the future development of this land to respect and honor this heritage.

The remainder of the Project area, located to the east Atrisco Terrace but within the unincorporated area of the County, is identified by the Comprehensive Plan as in the "Developing Urban Area." The goal for the "Developing Urban Area" is "to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers a variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment." The Project is designed to achieve this goal, and to be consistent with the relevant Comprehensive Plan policies by providing a range of housing choices (Policy 5a); integrating new development with the Lower Petroglyphs and other neighborhoods within the City limits (Policy 5d); accommodating growth adjacent to existing neighborhoods within the City limits (Policy 5e); clustering homes where appropriate (Policy 5f); developing higher density housing in activity centers and corridors (Policy 5h); providing commercial development in activity

centers where land is already zoned for commercial development (Policy 5j) and utilizing sustainable development techniques (Policy 5l).

The Project is also consistent with the Comprehensive Plan's goals and policies regarding Activity Centers and Transportation Corridors. The Cordero Mesa Business Park, the property directly to the east of the Cordero Mesa, and property adjacent to Double Eagle II Airport are identified as "Proposed Major Activity Centers" by the Comprehensive Plan. Paseo del Volcan is identified as a "Proposed Express Corridor." Consistent with the Comprehensive Plan, DevCo plans to develop these areas with moderate and high-density mixed land uses, in particular with employment opportunities that will reduce the jobs-housing imbalance on the West Mesa.

Open Space

The Comprehensive Plan proposes acquisition and preservation of the steeper slopes (9% or greater) of the "ceja" sand escarpment that parallels the river along the western edge of the City as major public open space. The "ceja" in the area of the Master Plan is also known as the "Atrisco Terrace". It separates the relatively flat West Mesa top on the west, from the gradual alluvial slope down toward the Rio Grande on the east. The proposed development in the Project is designed to will respect the natural beauty and heritage of this area.

Westland Development Co., Inc. (now DevCo) already has a history of working with local governmental bodies to accomplish the goals of the Comprehensive Plan. In September, 2002, the City acquired from Westland the approximately 800 acre Atrisco Terrace portion of the Master Plan, which is designated as Open Space pursuant to the goals & policies of the Comprehensive Plan.

Community Resources

The Project will be self-supporting and will not have a negative impact on the County, in accordance with the TIDD Policy Ordinance and with the Comprehensive Plan's goals for Service Provision, which call for efficient and equitable provision of infrastructure. Moreover, since DevCo has entered into a development agreement with ABCWUA (described below), which imposes stringent conservation measures, the Project will be in accordance with the Comprehensive Plan goal for efficient water management and use.

Energy Management

DevCo is committed to creating holistic and sustainable communities that respect the community's resources. DevCo has developed a sustainability pledge. This pledge will serve as the basis for a sustainability plan, which will requires uses of a variety of techniques to cut down on energy costs and consumption and which will use technology to protect natural resources. This is in accordance with the Comprehensive Plan goal to "maintain an adequate, economical supply of energy through energy management techniques and use of alternative and renewable energy sources."

Transportation

In accordance with the Comprehensive Plan goals for transportation and transit, the Project will be designed as a traditional neighborhood development which encourages multiple forms of transit, including public transportation, pedestrian activity, bicycling, as well as automobiles. Roads will have dedicated right-of-way for future public transportation and bike lanes will be planned to connect with the City and County bikeway systems. Moreover, the Master Plan envisions mixed-uses that provide a balance of employment and services with housing to reduce vehicle miles traveled and to relieve pressure on the already congested bridges across the Rio Grande.

West Side Strategic Plan

The West Side Strategic Plan is a Rank 2 Plan that was adopted in 1995 by both the City and County. It encompasses most of the West Side, both north and south of I-40, from Unser Boulevard west to the Rio Puerco escarpment. It divides the West Side into areas for the expansion of future development and prioritizes them on a decade by decade phasing schedule for the provision of infrastructure and public services. It identifies the area of the proposed TIDDs as priority one for the second decade, which is the 2005 to 2015 time frame. The proposed TIDDs therefore comply with the phasing requirements for the WSSP.

Northwest Mesa Escarpment Plan

The Northwest Mesa Escarpment Plan ("NWMEP") is a Rank 3 Plan that was adopted by the Albuquerque City Council in November 1987 and by the Bernalillo County Commission in March 1988. It was originally intended to create a design overlay zone that would encompass and protect the West Mesa Volcanoes, the Boca Negra Park open space and the black basalt rock escarpment with its associated Indian and Spanish Colonial pictographs. In actuality, it became a precursor for the lobbying effort and subsequent Federal action that created Petroglyphs National Monument in June 1990. The NWMEP established conservation, impact and view areas which were to coincide with the proposed (at that time) future National Monument boundary and provide guidelines to soften the impact of future development in those areas. The NWMEP primarily affects the Lower Petroglyphs portion of the Master Plan, so the proposed TIDDs are largely unaffected.

Water and Wastewater Plans

In November of 1998, shortly after City approval of the Master Plan, Westland Development Co., Inc. (now DevCo) entered into a Pre-Annexation and Development Agreement (the "Pre-Annexation Agreement") with the City for the Lower Petroglyphs area of the Master Plan. Pursuant to the terms of the Pre-Annexation Agreement, DevCo has agreed to design and construct master plan infrastructure necessary to expand the City's municipal water and wastewater utility so that it would have the capacity to provide service to water pressure zones 3W & 4W in the Master Plan area. DevCo also has agreed to annex that entire service area into the City. The City agreed to provide service within the

3W & 4W zones. DevCo began work on the design and construction process of the master water system infrastructure in 2002.

During the 2003 Legislative Session, the New Mexico Legislature created the Albuquerque / Bernalillo County Water Utility Authority ("ABCWUA") and transferred the Albuquerque municipal water and wastewater utility to the new Authority (NMSA 1978 Sec. 72-1-10). During the 2005 Legislative Session, SB 879 was approved and subsequently enacted which provided ABCWUA with the same statutory powers granted to all public water and wastewater utilities in the state. The ABCWUA inherited the City's obligations under the Pre-Annexation Agreement with regard the provision of services to the 3W & 4W pressure zones in the annexed Lower Petroglyphs area.

DevCo completed construction of the College Pump Station, a three mile long 36 inch diameter water transmission line and the 4.3 million gallon Otto Reservoir in August, 2004. Dedication of that infrastructure to the newly formed ABCWUA enabled service a 1,750 acre, Sector Planned portion of the Lower Petroglyphs area. Westland also began construction of its Sundoro and Sundoro South developments during 2004 and they became the first projects served by the ABCWUA's new infrastructure in pressure zones 3W and 4W.

ABCWUA Development Agreement

On August 22, 2007, the ABCWUA approved into a Development Agreement ("ABCWUA Development Agreement") with DevCo for the unincorporated County portion of the Master Plan which is the general area covered by the TIDDs. Pursuant to the ABCWUA Development Agreement, the ABCWUA agreed to allow expansion of the College Trunk Water and Wastewater system to provide service to those portions of Water pressure zones 5W, 6W & 7W that fall within the approved Master Plan. The development of those areas should occur in a relatively progressive manner, at no net expense to the existing taxpayers and rate payers. The proposed TIDDs are consistent with those objectives. The opening of pressure zone 5W will enable service to the unincorporated County land remaining in the Lower Petroglyphs. Pressure zone 6W falls within the elevations encompassed by the Atrisco Terrace Public Open Space and will largely be an unused zone. Pressure zone 7W encompasses the balance of the Master Plan. DevCo is to design and construct the water system master infrastructure required to serve the area described above, and dedicate it to the ABCWUA upon completion and acceptance.

In early 1999, in accordance with the Pre-Annexation Agreement, Westland Development Co., Inc. prepared and submitted a Sector Development Plan (a Rank III Plan) and simultaneously submitted a request for annexation and zoning of approximately 1,750 acres within the 3W & 4W pressure zone portion of the Lower Petroglyphs. In October, 1999 the City Council approved the Westland Sector Development Plan and Westland (now DevCo) received zoning entitlements for the newly annexed service area. Then in December, 2000, Westland recorded its "Bulk Land Plat for Westland North" which created the

zoned tracts pursuant to the approved Sector Development Plan and dedicated the right of ways for the major arterial streets in the annexed area.

West I-40 Drainage Management Plan

Following approval of the Master Plan by the City and County, AMAFCA developed and adopted the West I-40 Drainage Master Plan ("DMP") in June, 2000. The DMP encompasses a very large drainage basin that contains the entire Master Plan area as well as an area more than twice as large to the west and north. The DMP was amended in 2006 to adjust for some refinements that evolved out of further analysis in the area. Master drainage infrastructure within the proposed TIDDs will need to be designed and constructed in compliance with the DMP.

Long Range Major Street Plan

Subsequent to the City and County approval of the Master Plan, the Mid-Region Council of Governments ("MRCOG") adopted the arterial street network shown in the Master Plan and incorporated it into the approved regional Long Range Major Street Plan in 2002. The major arterial street network within the proposed TIDDs will be designed to conform to MRCOG's plans.