

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: May 14, 2013

TO: Board of County Commissioners

FROM: Vicki Lucero, Building and Development Services Manager *VL*

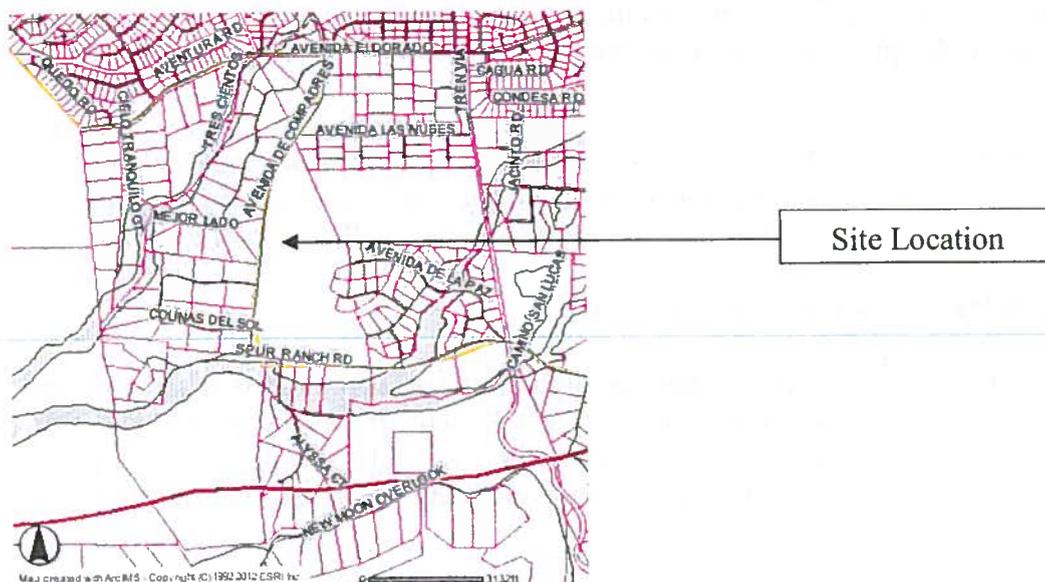
VIA: Penny Ellis-Green, Land Use Administrator *PEG*

FILE REF.: CDRC CASE # Z/S 08-5440- Tierra Bello Subdivision

ISSUE:

Joseph Miller, Applicant, Danny Martinez, Agent requests Master Plan Zoning approval for a 73-lot residential subdivision on 263.769 acres \pm and Preliminary and Final Plat and Development Plan Approval for Phase 1, which will consist of 9 lots. The property is located at the Northeast intersection of Avenida de Compadres and Spur Ranch Road, south of Avenida Eldorado in Eldorado, within Sections 24 and 25, Township 15 North, Range 9 East, (Commission District 5).

Vicinity Map:



SUMMARY:

On March 21, 2013, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of this request (Refer to meeting minutes in Exhibit 9).

On February 21, 2013, the CDRC heard this case. A motion was made to recommend approval of the request. However, with only 6 committee members present, the motion ended in a tie vote with 3 members voting in favor of the motion and 3 members voting against the motion (Refer to meeting minutes in Exhibit 8). Under Commission Rules of Order the Application is automatically tabled until the next meeting at which a greater number of members are present.

On January 17, 2013, the CDRC met and acted on this case. The decision of the CDRC was to table the request to allow the community to review and discuss the most current information as submitted by the Applicant, and to allow the Applicant and mediator to meet with members of the community regarding concerns having to do with roads and traffic and the restrictive covenants (Refer to Exhibit 7).

The Applicant is now requesting Master Plan Zoning approval for a 73-lot residential subdivision with Preliminary and Final Plat and Development Plan Approval for Phase 1, which will consist of 9 lots.

This Application was submitted on March 19, 2012. Staff sent the application to reviewing agencies and received several negative responses that required additional information to be submitted by the Applicant. Upon receipt of the additional information staff sent it back to reviewing agencies for comment. During the course of the review period, County staff had several meetings with the Applicant and his Agents to discuss deficiencies and concerns and come up with resolutions on these issues. During the middle of the review process the Applicant also modified his proposal to include a request for Preliminary and Final Plat and Development Plan approval for Phase 1 which consists of 9 lots.

Growth Management staff has reviewed this Application for compliance with pertinent Code requirements and finds the project is in compliance with County criteria for this type of request.

APPROVAL SOUGHT:

Master Plan Zoning Approval for a 73-lot residential subdivision and Preliminary and Final Plat and Development Plan Approval for Phase I which will consist of 9 lots.

GROWTH MANAGEMENT AREA: Galisteo, SDA-2.

HYDROLOGIC ZONE:

Basin Fringe, minimum lot size per Code is 12.5-acres per dwelling unit with a 0.25 acre foot per year per lot water restriction; unless water availability is proven to support increased density or community water is available.

ARCHAEOLOGIC ZONE:

High Potential, archeological report required for development of more than 5 acres. An archaeological report has been submitted for review. No cultural resources were found on the property.

ACCESS AND TRAFFIC:

The site will be accessed directly off Avenida de Compadres, at two points. Avenida de Compadres will need to be upgraded by the applicant to meet County Standards. Secondary, emergency access will be provided via connection to the adjacent Tierra Colinas Subdivision where easements for the connection have already been platted. Emergency access through the adjacent subdivision will be gated using a Knox locks system.

FIRE PROTECTION:

Eldorado Fire District; The EAWSD will provide the water source for fire protection. Fire hydrants will be located within 1,000 feet of all buildable areas.

WATER SUPPLY:

EAWSD, a ready, willing and able to serve letter has been provided by EAWSD. The OSE has issued a negative opinion which was based on EAWSD proving a 100-year supply of water. The County Hydrologist has issued a positive recommendation which was based on compliance with the County Land Development Code.

LIQUID WASTE:

Individual on-site septic systems

SOLID WASTE:

Individual lot owners will be responsible for contracting with a licensed solid waste disposal service for pick up on a weekly basis. Individual lot owners may also dispose of solid waste on their own at a local solid waste transfer station. This must be noted in the Subdivision Disclosure Statement.

**FLOODPLAIN
& TERRAIN MANAGEMENT:**

The proposed site consists mainly of slopes of up to 10%. Buildable areas must be identified on each lot at Preliminary Plat stage. Several stormwater detention ponds are proposed throughout the site. The entire project is outside the limits of the FEMA designated 100-year floodplain. Locations where roadways cross drainage conveyances shall be engineered for all weather access including Avenida de Compadres.

SIGNAGE AND LIGHTING:

No private subdivision signage or lighting has been proposed at this time.

EXISTING DEVELOPMENT: The project site is currently vacant.

ADJACENT PROPERTY: With the exception of two large 390 acre tracts that lie to the northeast and southwest of the property the proposed Tierra Bello Subdivision is surrounded by other residential subdivisions with lots ranging from just over 3 acres to approximately 18 acres in size.

OPEN SPACE: A total of 64 acres is proposed as open space which allows for the development of a park.

AFFORDABLE HOUSING: The Applicant has signed an Affordable Housing Agreement with Santa Fe County in which the Applicant has agreed to provide 15% affordable. At 15%, phase one would require 1 affordable unit. The applicant is proposing one affordable lot. Affordable housing in future phases may be transferred to the Cimarron Village Development in accordance with the Affordable Housing Agreement.

PHASING: The project will be completed in 8 phases.

| AGENCY REVIEW: | <u>Agency</u> | <u>Recommendation</u> |
|-----------------------|---------------------|--------------------------|
| | County Fire | Approval with Conditions |
| | County Utilities | Approval with Conditions |
| | NMDOT | Approval with Conditions |
| | County Open Space | Approval with Conditions |
| | County Public Works | Approval with Conditions |
| | OSE | Negative |
| | SHPO | Approval |
| | NMED | Approval with conditions |
| | Public School | Approval |

STAFF RECOMMENDATION: Approval of the request for Master Plan Zoning for a 73-lot residential subdivision and Preliminary and Final Plat and Development Plan Approval for Phase 1, which will consist of 9 lots subject to the following staff conditions:

1. The Applicant shall comply with all review agency comments and conditions, **Article V, Section 7.1.3.c.**
2. Master Plan and Final Plat and Development Plan, with appropriate signatures, and subdivision covenants and final disclosure statement shall be recorded with the County Clerk, as per **Article V, Section 5.2.5 and Section 5.4.5.**
3. The Applicant shall submit a financial guarantee, in a sufficient amount to assure completion of all required

improvements. The financial guarantee shall be based on a county approved engineering cost estimate for the completion of required improvements as approved by staff prior to Final Plat recordation. All improvements shall be installed and ready for acceptance within eighteen months as required by **Article V, Section 9.9.**

4. A market analysis will be required with the Preliminary Plat application for Phase 2 of the development, **Article V, Section 5.2.2.g.2.**
5. Improvements to the deceleration lane from US 285 onto Avenida Eldorado will be required by NMDOT. NMDOT will determine at what phase of the development these improvements are to be completed, **Article V, Section 7.1.3.c.**

EXHIBITS:

1. Development Report
2. Proposed Plans
3. Reviewing Agency Responses
4. Disclosure Statement/Restrictive Covenants
5. Letters of opposition
6. July 22, 2010, CDRC Meeting Minutes
7. January 17, 2013, CDRC Meeting Minutes
8. February 21, 2013 CDRC Meeting Minutes
9. March 21, 2013 CDRC Meeting Minutes

DEVELOPMENT REPORTS

PREPARED FOR:

TIERRA BELLO SUBDIVISION

(A 73 lot single-family residential subdivision)

LOCATED WITHIN TRACT 8A BEING A PORTION OF LOT 8 OF ELDORADO AT SANTA FE
WITHIN TOWNSHIP 15 NORTH, RANGE 10 EAST, N.M.P.M. CANADA DE LOS ALAMOS
GRANT, VICINITY OF ELDORADO, SANTA FE COUNTY, NEW MEXICO

DEVELOPMENT REQUEST FOR MASTER PLAN APPROVAL
FOR THE FULL DEVELOPMENT AND PRELIMINARY AND
FINAL APPROVALS FOR PHASE ONE CONSISTING OF NINE LOTS

Prepared for:
Cow Springs Land and Cattle LLC.
Joseph F. & Alma Miller, Trustees
286 Riverbank Road
Lamy, New Mexico 87540

March 2012

REVISED NOVEMBER 20123
JANUARY 2013

03814

EXHIBIT

1

tabbles



LAND DEVELOPMENT PLANNING

◆ Development Planners ◆ Construction Management

7009 Marilyn Ave. N.E. ◆ Albuquerque, New Mexico 87109
Phone: (505)660-5250 ◆ Fax: (505)798.1959

March 7, 2012

Ms. Vicky Lucero
Santa Fe County Land Use Department
102 Grant Ave.
Santa Fe, NM 87504

Re: Tierra Bello Subdivision, Development Plan Submittals

Dear Ms. Lucero,

On behalf of Mr. Joseph Miller, please accept this application as a resubmittal to our original submittal dated December, 2009, for Tierra Bello Subdivision. We are requesting that the current development request be removed from the CDRC agenda and that we move forth with the revised development request as presented in this report. Also attached are preliminary and final development plans reflecting our new development request for development master plan approval for the full development and preliminary and final development approvals for Phase 1 of "Tierra Bello Subdivision".

The development proposal is for seventy-three (73) lot single-family residential subdivision located within lot 8A Eldorado at Santa Fe on approximately 263.769 acres more or less. The subdivision identifies eight phases within the development, with phase one consisting of nine lots of which one lot would be designated as affordable housing in compliance with the "Affordable Housing Agreement and Plan" approved by Santa Fe County and attached within this report.

Development of phase one is cost effective for Mr. Miller, as all public utilities are in place, improvements to existing roads and drainage improvements will be completed per Santa Fe

OB B-7

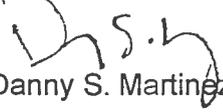
County Standards. The subject property is currently served by existing water mains, fire hydrants and service lines under the Eldorado Area Water and Sanitation District Authority.

Detailed development plans prepared by Land Development Consultants and Civil Engineering drawings by Mr. Jorge Gonzales are enclosed with this submittal along with Traffic Impact Reports prepared by Mr. Morey Walker & Associates, together with Archaeological Report prepared by Mr. Ron Winters.

We are in receipt of previous County Staff and State Agencies previous review comments and have been addressed in this submittal.

We look forward to working with you on this development, should additional information be required we are available for an open communication as is our consultants noted.

Sincerely,


Danny S. Martinez
Development Planner

c.c: Mr. Jorge Gonzales, P.E

Mr. Joseph Miller, Developer, Property Owner

OB B-E

TIERRA BELLO SUBDIVISION
Santa Fe County, New Mexico

PROJECT SUMMARY:

NAME OF DEVELOPMENT: Tierra Bello Subdivision

LOCATION: Lot 8A, of a portion of a Subdivision of Lot 8, Eldorado at Santa Fe within the Canada de Los Alamos Grant, Township 15 North, Range 10 East, N.M.P.M. Santa Fe County, New Mexico.

OWNER / ADDRESS: Cow Springs Land and Cattle LLC.
C/O Joseph F. Miller
286 Riverbank Road
Lamy, New Mexico 87540

LAND USE DESIGNATION: Basin Zone – Residential

USES PROPOSED: Single Family Residential

SIZE OF PROJECT: 263.769 Acres, more or less

NUMBER OF LOTS: 73 Residential Lots

LARGEST LOTS: 5.868 Acres (Full Development)
3.6891 Acres (Phase 1)

SMALLEST LOT: 2.708 Acres (Full Development)
2.8277 Acres (Phase 1)

REGULATORY JURISDICTION: Santa Fe County Development Review Committee, Board of County Commissioners, of Santa Fe County, New Mexico.

MAINTENANCE OF ROADWAYS: Tierra Bello Homeowners Association.

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| VI. | ARCHAEOLOGICAL REPORT | |

VII. TRAFFIC IMPACT REPORT

The following Santa Fe County Ordinances are acknowledged:

- Ordinance No. 1996-13 (Water Right Permit Type I and Type II Subdivisions)
- Ordinance No. 1999-01 (Liquid Waste Disposal)
- Ordinance No. 2000-01 (Height Standards for Walls and Fences for Residential Uses)
- Ordinance No. 2001-01 (Rules and Regulations for County Parks, trails and Open Space Areas)
- Ordinance No. 2001-09 (Wireless Communication Facilities)
- Ordinance No. 2002-13 (Water Conservation for all Residential and Commercial Uses)
- Ordinance No. 2003-06 (Rainwater Harvesting)
- Ordinance No. 2005-08 (US 285 South Highway Corridor)
- Ordinance No. 2006-02 (Affordable Housing)
- Ordinance No. 2006-03 (Hot water Recirculation)
- Ordinance No. 2006-08 (Hot Water Recirculation)
- Ordinance No. 2007-06 (Restricting the Use of Domestic Walls for Land Divisions and Subdivisions within the Eldorado Area)
- Santa Fe Land Development Code Article V, Section 5.2.7.a (Expiration of Master Plans)
- Santa Fe Land Development Code, Ordinance 1996-10 (as amended)

VARIANCE REQUESTS

No variance requests are proposed.

I. INTRODUCTION

Tierra Bello Subdivision is located within a portion of Lot 8, Eldorado at Santa Fe within the Canada de Los Alamos Grant, Township 15 North, Range 9 East, of the New Mexico Principal Meridian, within the Vicinity of Eldorado, Santa Fe County, New Mexico. This development falls within the planning and platting jurisdiction of the County of Santa Fe, New Mexico.

The proposed development consists of a total area of 263.769 acres more or less, with a total of 52.357 acres dedicated as open space and 12.60 acres as dedicated roadway, which would be maintained by the Tierra Bello Subdivision Homeowners Association. The proposed development would consist of seventy-three (73) single-family residential lots ranging in size from 2.708 acres to the largest lot being 5.868 acres. Development would be completed in a total of eight (8) phases with no anticipated time line for overall completion due to economic conditions. Phase 1 would consist of nine single family residential lots.

The intent of this report is to provide a detailed review of the development of "Tierra Bello Subdivision" and provide specific data regarding the development.

The creation of Lot 8 was under the original platting of Eldorado at Santa Fe, which comprised of five hundred seventy six (576) acres more or less. On May 12, 1986, Lot 8 was granted preliminary and final subdivision development approval by the Santa Fe County Board of County Commissioners for a one-hundred (100) lot subdivision then known as "Tierra Dorado Subdivision." On April 29, 1988, Santa Fe County approved the division of Lot 8 into Lot 8A and Lot 8B, as filed for record with the Santa Fe County Clerk's Office in Plat Book 186, Page 029. The approval by the Santa Fe County Board of Commissioners granted final development approval for Lot 8B and was eventually developed as Tierra Colinas Subdivision and filed in the records of the Santa Fe County Clerks Office in Plat Book 315, Page 031 as Document number 917,614, dated September 8, 1995.

Tierra Bella subdivision proposes to develop seventy-three (73) single family residential lots and is presented as a new master plan submittal with a request for preliminary and final development approvals for Phase 1, consisting of nine residential lots. The roadway alignments, open space and utility services follows the original intent of the Tierra Dorado Subdivision and will be connected with Tierra Colinas Subdivision in the use of common open space. Existing site conditions including roadways, utilities, water main lines and service lines are existing within Tierra Bello Subdivision.

Development of Tierra Bello subdivision will follow the intent of the Santa Fe County Development Code along with applicable ordinances identified in the "Project Summary".

A. Development Request

The development of Lot 8A of Eldorado at Santa Fe would consist of a seventy-three (73) lot single family residential lots which would be developed in a eight phases including the upgrading of existing gravel roadways. Utilities and drainage improvements as identified in the development engineering plans are in place. By completing the project in phases this will ensure that all work would be completed by the developer as each phase is submitted for approval.

Community water will be provided by Eldorado Area Water and Sanitation District, through existing water mains currently in place throughout the development.

Enclosed further in this report is documentation provided by Eldorado Area Water and Sanitation District regarding an agreement to provide water for Tierra Bello subdivision between Eldorado Area Water and Sanitation District and Joseph F. Miller. Also within the agreement is "Will Serve Letters" from the District and approved by Steven Ross, Santa Fe county Attorney,

B. Platting

A detailed subdivision plat is enclosed as "Attachment B" of this development report, meeting all requirements outlined by the State of New Mexico Regulations Division for Subdivisions in the State of New Mexico, together with guidelines and requirements outlined by Santa Fe County Land Use Department.

The creation of Lot 8-A was based on a previous survey by Salvador E. Vigil; N.M.P.L.S. No. 4405, dated April 29, 1988 and recorded in the records of the Santa Fe County Clerks Office in Plat Book 186, Page 029 as Document No. 648,148, with the plat approval and subsequent Santa Fe Board of County Commissioners approval of final plans for development of Tierra Colinas Subdivision.

C. Existing Characteristics

Tierra Bello Subdivision is located on a 263-acre parcel of land lying within the Canada de Los Alamos Grant in Santa Fe County, New Mexico. The land general comprises of gentle slopes not exceeding ten percent (10%) in grade with an average slope range of one (1%) to five (5%) percent throughout a good portion of the property. Areas near natural drainages tend

to have slopes greater than ten percent (10%) and are located within a small area of these natural drainages as delineated on the development plans.

There are no natural drainage ways that are considered to be within the 100 year flood plain as identified with the Federal Emergency Management Agency (FEMA) flood insurance rate maps Community Panel Number 35049 C 0550 D effective dated June 17, 2008 for Santa Fe County, New Mexico.

The land comprises of mainly juniper, pinon and indigenous range of grasses. Existing animal life consists of rattlesnakes, bull snakes, various rodents, quail, coyotes and other small animal types. The impact on the existing vegetation and animal life would be minimal due to limited infrastructure improvements to roadways and residential building areas only. Existing development in the neighboring vicinity has had minimal impact to the environment and animal life, in some cases improving the habitat through planting of new vegetation and indigenous grasses to the vicinity. Development of Tierra Bello Subdivision would be limited to roadway construction and on-site grading, for building development and private driveways and drainage improvements, with controlled ecological disturbance to the environment within the development.

D. Topographic and Natural Features

The site consists of gentle rolling slopes, sloping to the southwest, with the highest elevation point being at approximately 6,650 above sea level and the lowest point being at approximately 6,610 above sea level. Existing views allow a three hundred sixty (360) degree viewing with the Sangre de Cristo Mountain range to the north, the Pecos Wilderness and Glorieta Mountain Range to the east, the Ortiz Mountains and the Manzano Mountain Range along with the flat lands to the south and Jemez Mountain ranges to the west. The views in all directions provide a stunning reflection of the beauty of this segment of New Mexico.

A detailed Topographic Survey was completed by Thomas R. Mann and Associates with two foot (2') contour intervals. The data will be used to assist in determining the final grading and drainage plan together with homeowner's uses in development submittals for building permits. As previously indicted there are limited slopes greater than ten percent (10%) with the average slopes less than five percent (5%) in grade. Roadway grades based on the topography survey fall within slopes less than 10% in grade and are developed under Santa Fe County Regulations

E. Land Use

Development of Tierra Bello Subdivision will be restricted to single family residential lots. Development of the seventy-three (73) lots will be completed in eight phases over a period of time based on sales and marketing strategies. The developer intends to upgrade all infrastructure including existing roadways, and offsite improvements along Avenida de Compadres Road to Santa Fe County Standards upon final plat approval granted by Santa Fe County and final development permits have been obtained. Areas designated as "Open Space" are provided in compliance with Santa Fe County Development Regulations.

Development of the open space and trails would be completed at a time when input from the Home Owners Association for the subdivision is involved. Where common open space connects between Tierra Colinas Subdivision and Tierra Bello Subdivision the areas will require coordination by both Subdivision Home Owners Associations to determine the best needs for a trail system.

F. Housing

Development "Declaration of Covenants & Restrictions" identifies the preference of home construction within the development to include custom homes, or modular homes placed on permanent foundations with attached or detached garages or carports. Exterior finishes meeting architectural guidelines and approval by the designated "Architectural Board" within the Home Owners Association. Modular homes will be developed meeting Energy Star Ratings the National Manufactures Housing Construction Standards and Housing and Urban Zone Code 2 or Uniform Building Code and local development regulations for modular homes.

Modular Housing: Permissible regulations. Based on New Mexico Statues and Regulations Article 3-21A-3. In the exercise of any of the power and duties conferred by law, no governing body of a political subdivision of the state or any planning and zoning agency, there under shall exclude multi section modular homes from a specific use district in which site built, single family housing is allowed or place more severe restrictions upon a multi section modular home than are placed upon single family site built housing within that specific use district so long as the manufactured housing is built or constructed to the Housing and Urban Development Zone code II or Uniform building Code.

The governing body of any political subdivision of the state or any planning or zoning agency there under is authorized to regulate modular housing to require that it meets all requirements other than original construction requirements of other single family dwellings that are site built homes in the same specific use district and to further require by ordinance that such modular housing to be consistent with applicable historic or aesthetic standards.

Development within Tierra Bello Subdivision will exclude manufactured single, double or triple wide manufactured housing. Language in the development restrictive covenants and Architectural guidelines will require a thorough review of home owner development plans for modular homes. In these economical hard times more families are moving towards modular homes because of the costs per square foot versus on site built homes.

G. Phasing

The development would be broken into eight phases under the "Master Plan" with request for preliminary and final development approval for "Phase One", consisting of nine residential lots of which one lot would be identified as affordable housing under Income Range 4, per the approved "Affordable Housing Agreement and Plan", approved by Santa Fe County and Mr. Joe Miller. All Lots in phase one are a minimum of 2.90 acres more or less with other lots slightly larger in size. Public roads and utility easements will be granted on the final subdivision plats.

Development of other phases will take place when market conditions improve or the sale of lots within the first phase is moving forth. At which time a new application for final plat approvals would be presented to Santa Fe County. The developer is aware of time constraints for moving the full development through completion.

H. Water Availability / Source

Development of Tierra Bello Subdivision is based on the availability of water sources provided by Eldorado Area Water and Sanitation District, which provides water to all developments within the Eldorado vicinity and surrounding developments. This source of water is provided through wells and distribution system that is owned and operated by Eldorado Area Water and Sanitation District.

OB B-16

The attached letters of acknowledgement by EAWSD, identifies that service mains exist within the development and parallel existing right of way's serving the Tierra Bello development. All water services installations were completed in coordination with Eldorado Utilities Inc. the previous system operators and meets requirements outlined by Eldorado Area Water and Sanitation District and previous letters of acceptance for the water line extensions and fire hydrant installations. Construction As-Builts are attached within the development plans completed by Community Sciences Corporation, Engineer for the water system infrastructure. Original development plans identified the development to consist of fifty lots and based on the original approval of Tierra Dorado Subdivision. The new development request is for seventy three lots, the additional twenty three services will require tapping into the main lines for service connections. The existing fifty water services are part of an original agreement with Joe Miller and Eldorado Utilities Inc. for water taps committed by previous agreements.

"See Attachment A, Letter of Water Availability as issued by Eldorado Area Water and Sanitation District.

I. Liquid Waste Disposal

Liquid waste disposal for Tierra Bello Subdivision would be provided through individual on site septic systems meeting requirements outlined by the New Mexico Environmental Department, Ground Water Discharge permitting. Individual lot owners will be required to submit detailed site development plans at time of permitting request to the Tierra Bello Homeowners Architectural Review Committee for approval prior to submittal to Santa Fe County for building permit. Plans will identify the lot size, building pad locations, septic tank locations with leach fields. Alternative systems with gray water reuse systems may be used and will be the responsibility of the individual lot owner at the time of building permit submittal.

This development will not incorporate the use of or provide any type of facilities, devices or design products that would assist the homeowners in preparing their individual septic facility needs.

J. Solid Waste Disposal

Solid waste disposal would be provided by individual property owners through an approved Waste Management disposal firm acknowledged by Santa Fe County Waste Management Division. Homeowners will be required to contract through the firm for disposal of solid waste on a weekly basis, with disposal of solid waste in compliance with Santa Fe County guidelines. Individual homeowners may also dispose of solid waste on their own by purchasing a waste disposal permit through Santa Fe County for disposal in the local solid waste disposal transfer station located in the Eldorado Vicinity.

All costs incurred will be the responsibility of the individual homeowners. This development will not be responsible for the coordination, contracting or individual solid waste requirements

K. Site Utilities

Development of Tierra Bello Subdivision incorporates the installation of existing utility service mains within designated utility easement paralleling roadway easements. Utility easements would be ten feet (10') in width and would be utilized for the installation of electric, gas, telephone and cable television. Individual services would be identified during the applicable building permit application for each lot. Homeowners would be responsible for costs incurred in the installation of individual services.

Development of Tierra Bello Subdivision includes existing installation of the following existing utilities:

- Water Mains, Fire Hydrants, shut off valves and mechanical assemblies, individual water taps to the point of water can assemblies, individual water meters and service will be the homeowners' responsibilities.
- Electrical services will include the installation of the main service lines, transformers and services loops outside the transformers for up to five feet (5') in length. Individual homeowners will be responsible for meter installation and service lines to the residences.
- Gas services will include the installation of the main service lines. Individual homeowners will be responsible for meter installations and service lines to the residence including tap in fee to the main line.

II. Affordable Housing

Santa Fe County Development Regulations requires compliance with Ordinance No. 2006-02 (Affordable Housing) and subsequent amendments to the ordinance. The mandate by the ordinance identifies the subdivision as a Type II subdivision requires developments to designate up to 15% of the lots be categorized as Affordable Housing. The ordinance as presented provides for four categories of income ranges and home sizes that meet the intent of the ordinance. A development "Affordable Housing Agreement and Plan" has been formalized between the developer and Santa Fe County and was approved and acknowledged by the Board of County Commissioners on January 10, 2012. (See Attached Documents)

E

Eldorado Area Water & Sanitation District 1 Caliente Rd, Suite F, Santa Fe NM 87508 505-466-2411David Denig-Chakroff
General ManagerJames Jenkins, President
Jerry L. Cooper, Vice President
Roberta A. Armstrong, Secretary
Stephen Wust, Director
George Haddad, Director
Gene Schofield, Non-Director

December 29, 2011

Mr. Joseph Miller
286 Riverbank Road
Lamy, New Mexico 87540-7504

Re: Tierra Bello Project

Dear Mr. Miller:

By this letter, the Eldorado Area Water and Sanitation District ("EAWSD") commits to provide water service to your Tierra Bello Addition ("Project") in accordance with the District's 2007 New Water Services Policy ("NWSP"), a copy of which is enclosed herewith, the terms stated in this letter, and the Development Agreement ("DA") dated October 17, 2008, and Amendment No. 1 dated August 24, 2010, between EAWSD and the Joseph and Alma Miller Revocable Trust ("Trust") which require the installation of infrastructure water lines and the payment of the service/connection fees ("Requirements").

Subject to the satisfaction of the Requirements, EAWSD is ready, willing and able to provide water service to the entire Project or phases of the Project in an amount not to exceed eighteen and twenty-five hundredths (18.25) acre feet per year ("afy") of water. This amount includes five and seventy-five hundredths (5.75) afy for the Project and twelve and one-half (12.5) afy for the existing Tierra Bello Development.

All Requirements must be met prior to the initiation of water service to the Project. If the project is phased, then fees will be prorated accordingly and the infrastructure will only need to involve that which is necessary to service the phase.

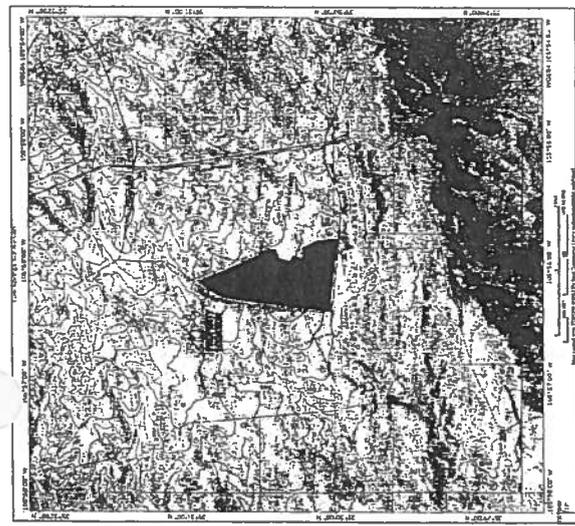
Further, all terms and conditions of this letter of commitment and the above referenced DA and Amendment have been approved by the EAWSD Board of Directors.

EAWSD looks forward to cooperating with you in the provision of water service to the Project.

ELDORADO AREA WATER AND SANITATION DISTRICT
James Jenkins, President

Cc: EAWSD Board of Directors
Santa Fe County Land Use Department

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U.S.G.S. QUAD MAP SETON VILLAGE
NOT TO SCALE

SURVEY AND PLANS PREPARED FOR:
 JOSEPH F. & ALMA M. MILLER FAMILY TRUST &
 COW SPRINGS LAND DEVELOPMENT, LLC
 286 RIVERSBANK ROAD
 LAMY, NEW MEXICO 87340

DEVELOPMENT PLANS PREPARED BY:
 LDP - LAND DEVELOPMENT PLANNING
 7009 MARILYN AVE. NE
 ALBUQUERQUE, NEW MEXICO 87109
 TELEPHONE: (505) 660-9250
 JORGE GONZALES, N.M.P.E. NO. 6441
 LENORE ARMUJ, N.M.L.S. NO. 15511

OB B-21

tabbies®
 EXHIBIT
 2

DEVELOPMENT PLANS
 PREPARED FOR

TIERRA BELLO SUBDIVISION

(73 LOTS, SINGLE FAMILY RESIDENTIAL DEVELOPMENT)
 COW SPRINGS LAND AND CATTLE, LLC

DEVELOPMENT REQUEST FOR MASTER PLAN APPROVAL
 FOR THE FULL DEVELOPMENT AND PRELIMINARY FINAL APPROVALS
 FOR PHASE 1 CONSISTING OF 9 LOTS

TRACT 8-A E. DORADO AT SANTA FE, LOCATED WITHIN A
 PORTION OF THE CANADA DE LOS ALAMOS GRANT, WITHIN
 PROJECTED SECTIONS 24 & 25, TOWNSHIP 15 NORTH,
 RANGE 9 EAST, NEW MEXICO PRINCIPAL MERIDIAN
 SANTA FE COUNTY, NEW MEXICO

INDEX OF SHEETS

| SHEET NO. | TITLE |
|-----------|---|
| 1 | 1. SITE PLAN |
| 2 | 2. SURVEY NOTES |
| 3 | 3. DEVELOPMENT MASTER PLAN AND AFFORDABLE HOUSING PLAN |
| 4 | 4. SUBDIVISION PLAT |
| 5 | 5. SUBDIVISION PLAT PHASE 1 |
| 6 | 6. EXISTING TOPOGRAPHY, SOILS & SLOPE ANALYSIS PLAN |
| 7 | 7. SITE MANAGEMENT PLAN, ORIGINAL DRAINAGE CONDITIONS |
| 8 | 8. DRAINAGE MANAGEMENT PLAN, ORIGINAL DRAINAGE CONDITIONS |
| 9 | 9. ROAD PLAN AND PROFILE (AVENIDA DE COMPARDES) |
| 10 | 10. ELECTRICAL DETAILS, SIGNAGE AND SWEEP DETAILS |
| 11 | 11. ROAD PLAN AND PROFILE (SUNSHINE LOOP) |
| 12 | 12. FIRE PREVENTION AND FIRE PROTECTION |
| 13 | 13. WATERLINE IMPROVEMENT PLAN (BY COMMUNITY SCIENCES, COR) |
| 14 | 14. WASTE DISPOSAL PLAN |
| 15 | 15. UTILITIES PLAN |

SANTA FE COUNTY NOTES AND CONDITIONS:

- DEVELOPMENT WITHIN THE US 248 HIGHWAY CORRIDOR SHALL COMPLY WITH THE "GARBERT STANDARDS," THE US 248 SOUTH HIGHWAY ORDINANCE (ORDINANCE NO. 1999-01).
- THE LAND OWNER, PLANNING AND UTILITY CONDITIONS IS THE RESPONSIBILITY OF THE DEVELOPER.
- LANDS WITHIN THE CORRIDOR SHALL BE MAINTAINED BY SANTA FE COUNTY.
- LANDS WITHIN THE CORRIDOR SHALL BE MAINTAINED BY SANTA FE COUNTY.
- DEVELOPMENT SHALL NOT IMPROVE HISTORIC FLOW PATTERNS OR PATTERNS TO OR FROM THE CORRIDOR.
- THE LANDS WITHIN THE CORRIDOR SHALL BE SUBJECT TO SANTA FE COUNTY FIRE AND RESCUE IMPACT FEES AT THE TIME OF APPLICATION FOR BUILDING PERMITS AND DEVELOPMENT CODE. THE SOILS MAP FOR THIS PROPERTY IS DESIGNATED AS BEING MODERATE/ SEVERE REGARDING LIMITATIONS TO SETBACKS, POTENTIAL BUTTERS/ SLOPES OF THIS PROPERTY. THESE SETBACKS ARE SUBJECT TO A CONVENTIONAL SEPTIC SYSTEM OR AN ALTERNATIVE SEPTIC SYSTEM.
- ALL LANDS WITHIN THE CORRIDOR SHALL HAVE SLOPES OF LESS THAN 15% AND THERE ARE NO NATURAL DRAINAGE AREAS OTHER THAN THOSE SHOWN AS DRAINAGE FEATURES.
- ALL DEVELOPMENT SHALL OCCUR WITHIN INDICATED BUILDABLE AREAS AS PER SANTA FE COUNTY LAND DEVELOPMENT CODE.
- ALL DEVELOPMENT SHALL BE CALLED AT THE TIME THE FIRST WATER SERVICE LINE IS INSTALLED ON THE PROPERTY. NO BUILDING PERMITS SHALL BE GRANTED UNTIL THE WATER SERVICE LINE HAS BEEN TESTED AND APPROVED BY THE COUNTY FIRE DEPARTMENT.
- THESE LOTS ARE TO BE UTILIZED TO UNLOADING THE CANON WATER SYSTEM, NEW WATER WELLS ARE PROHIBITED.

| NO. | DATE | DISCUSSION | BY |
|-----|------|------------|----|
| 1 | | | |
| 2 | | | |
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| 5 | | | |
| 6 | | | |
| 7 | | | |

APPROVED BY THE BOARD OF COUNTY COMMISSIONERS AT THEIR MEETING OF _____ DATE _____

CHAIRPERSON, BOARD OF COUNTY COMMISSIONERS _____

APPROVED BY THE COUNTY DEVELOPMENT REVIEW COMMITTEE AT THEIR MEETING ON _____ DATE _____

CHIEF COMMISSIONER _____

COUNTY ENGINEER _____

PUBLIC WORKS DIRECTOR _____

LAND USE ADMINISTRATOR _____

PLANNING COMMISSIONER _____

COUNTY DEVELOPMENT PERMITS MANAGER _____

STATE OF NEW MEXICO
 COUNTY OF SANTA FE

HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED ON RECORD ON THE _____ DAY OF _____ A.D. TO _____ AT _____ O'CLOCK _____ A.M. AND WAS DULY RECORDED IN PLAT BOOK _____ PAGE _____ OF THE RECORDS OF SANTA FE COUNTY, NEW MEXICO.

WITNESSES MY HAND AND SEAL OF OFFICE
 COUNTY CLERK, SANTA FE COUNTY, NEW MEXICO

DATE _____

WITNESSES MY HAND AND SEAL OF OFFICE
 COUNTY CLERK, SANTA FE COUNTY, NEW MEXICO

DATE _____

THE MASTER PLANS OF THE OWNERS BEING CONCERNED:
 OWNERS INDUSTRY _____

TIERRA BELLO SUBDIVISION
 SANTA FE COUNTY, NEW MEXICO

COVER SHEET

| | |
|-------------|----|
| PROJECT NO. | |
| ISSUED TO: | |
| DRAWN BY: | CV |
| CHECKED BY: | |
| DATE: | |
| DISTRICT: | |
| SHEET: | 1 |

12/5/12
 Revised 10/10/12

EXP. (DATE) BY: 2011

TIERRA BELLO SUBDIVISION

TRACT B-A WITHIN THE
 ELDORADO ALAMOS GRANT
 CANADA DE LOS ALAMOS GRANT
 WITHIN PROJECTED SECTIONS 24 & 25,
 TOWNSHIP 15 NORTH, RANGE 9 EAST,
 NEW MEXICO PRINCIPAL MERIDIAN
 SANTA FE COUNTY, NEW MEXICO

| PHASING PLAN | LOTS |
|--------------|------------|
| PHASE 1 | LOTS 1-9 |
| PHASE 2 | LOTS 10-15 |
| PHASE 3 | LOTS 16-21 |
| PHASE 4 | LOTS 22-29 |
| PHASE 5 | LOTS 30-37 |
| PHASE 6 | LOTS 38-43 |
| PHASE 7 | LOTS 44-63 |
| PHASE 8 | LOTS 64-73 |

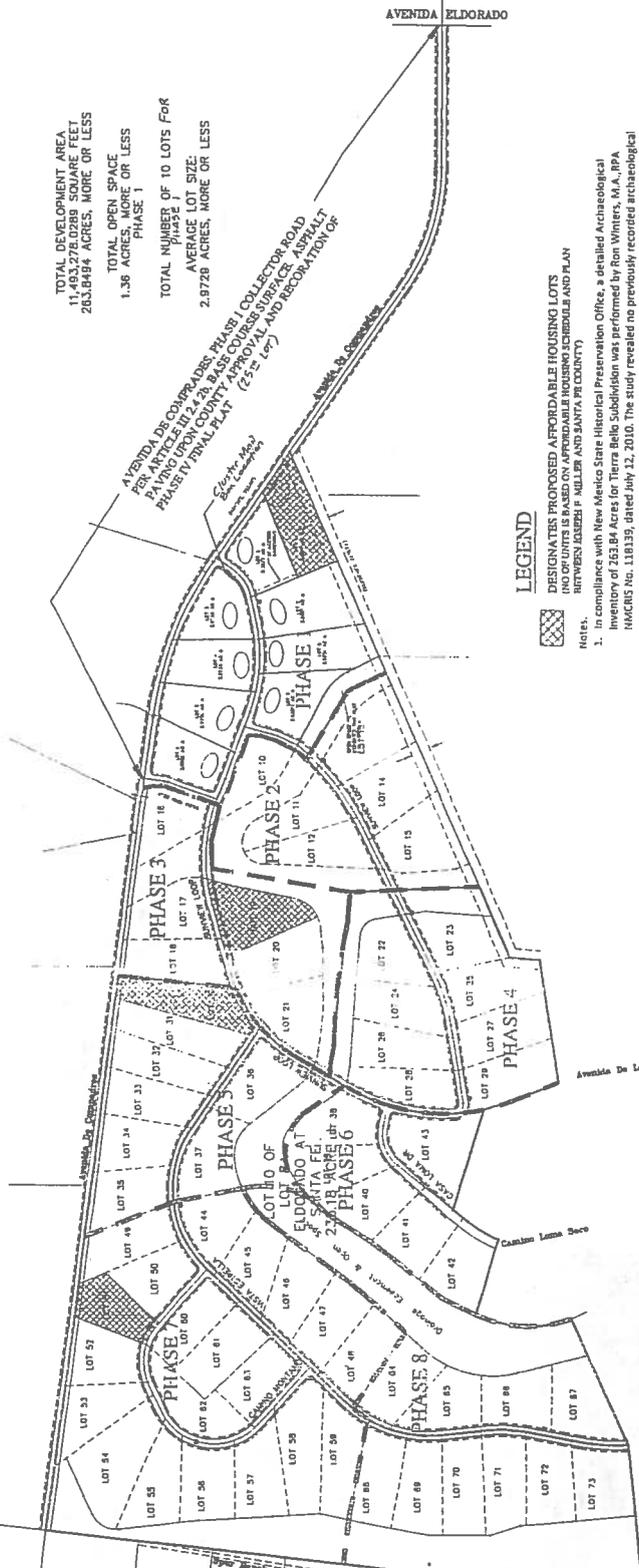
- LEGEND**
- DESIGNATES POINTS FOUND AND USED, AS INDICATED
 - DESIGNATES CUMPLET REBAR TO BE SET, WITH RED CAP "PS 1782"
 - DESIGNATES SANTA FE CONTROL ADJUMENT
 - TELEPHONE PEDESTAL
 - TELEPHONE POLE
 - GAS METER
 - ELECTRIC METER
 - WATER METER
 - WATER VALVE
 - WELL
 - FIRE HYDRANT
 - DESIGNATES 1,000 FT BOUNDARY AREA TO INCLUDE SEPTIC SYSTEM LOCATION

TOTAL DEVELOPMENT AREA
 11,493,276.0289 SQUARE FEET
 263.8484 ACRES, MORE OR LESS

TOTAL OPEN SPACE
 1.36 ACRES, MORE OR LESS
 PHASE 1

TOTAL NUMBER OF 10 LOTS FOR
 AVERAGE LOT SIZE
 2,9729 ACRES, MORE OR LESS

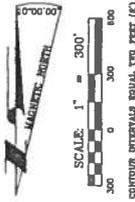
AVENIDA DE COMPANDES PHASE I COLLECTOR ROAD
 FOR AVENIDA DE LAS COMPANDES
 PAYING UPON COUNTY APPROVAL AND RECONSTRUCTION OF
 PHASE I PERAL PLAN (25-1-197)



LEGEND

DESIGNATES PROPOSED AFFORDABLE HOUSING LOTS
 (NO OP UNITS IS BASED ON AFFORDABLE HOUSING SCHEDULE AND PLAN
 BETWEEN RENESE P. MILLER AND SANTA FE COUNTY)

- Notes.**
- In compliance with New Mexico State Historical Preservation Office, a detailed Archaeological Inventory of 263.84 Acres for Tierra Bello Subdivision was performed by Ron Whiners, M.A., RPA (MCMRS No. 118139, dated July 12, 2010). The study revealed no previously recorded archaeological sites within the project area.



- NOTE:**
- NO ACCESS DRIVEWAYS WILL BE ALLOWED FOR LOTS LOCATED ADJACENT TO SPUR RANCH ROAD OR AVENIDA DE LAS COMPANDES.
 - DEVELOPER SHALL BE REQUIRED TO OBTAIN A ROAD CONSTRUCTION PERMIT FROM THE PUBLIC WORKS DEPARTMENT PRIOR TO ANY WORK ON AVENIDA DE COMPANDES.
 - THE DEVELOPER WILL BE REQUIRED TO PAVE PORTIONS OF AVENIDA DE COMPANDES IDENTIFIED AS PHASE 1, FROM AVENIDA ELDORADO TO SALIDA TIERRA BELLO.

TIERRA COLLINAS SUBDIVISION

TIERRA BELLO SUBDIVISION
 SANTA FE COUNTY, NEW MEXICO
 MASTER DEVELOPMENT
 AND AFFORDABLE HOUSING PLAN

| NO. | DESCRIPTION | DATE | BY |
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PROJECT NO. OB 2011
 DESIGNED BY:
 DRAWN BY: CW
 CHECKED BY:
 DATE:
 OFFICE:
 SHEET 6

OB B-22

SUBDIVISION PLAT NOTES

COW SPRINGS LAND DEVELOPMENT LLC AND TERRA BELLO SUBDIVISION

SANTA FE COUNTY APPROVAL NOTES AND CONDITIONS

1. MAINTENANCE OF ACCESS ROADS AND UTILITY EASEMENTS IS THE RESPONSIBILITY OF THE LAND OWNER/USER.
2. DEVELOPER SHALL OBTAIN AND MAINTAIN THE APPROVAL OF ANY PARTNER INVOLVED IN THE PROJECT, INCLUDING BUILDING PERMITS.
3. LOTS BOUND BY HIGHWAY SHALL BE CONSIDERED TO BE "FRONT" LOTS.
4. EXCESSIVE MATERIAL DAMAGE MAY NOT BE ACCEPTED OR INCURRED WITHOUT THE WRITTEN APPROVAL OF THE COUNTY CLERK. THE DEVELOPER SHALL NOT INCUR EXCESSIVE MATERIAL DAMAGE TO OR FROM THESE LOTS.
5. THE LANDS SHOWN AS WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE COUNTY CLERK SHALL BE WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE COUNTY CLERK.
6. SANTA FE COUNTY APPROVAL OF THIS INSTRUMENT DOES NOT INCLUDE THE CONNECTION OF THE PRIVATE SEWERAGE (OR RAIN) AS SHOWN, PRIOR TO THE COMPLETION OF SAID PRIVATE SEWERAGE (OR RAIN) AS SHOWN, PROVIDED THAT AN APPROVED CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF SAID PRIVATE SEWERAGE (OR RAIN) AS SHOWN APPROVED BY THE COUNTY CLERK.
7. NEW DEVELOPMENT SHALL BE SUBJECT TO THE COUNTY CLERK'S REVIEW AND APPROVAL OF THE DEVELOPMENT PERMITS. THE SANTA FE COUNTY CLERK'S REVIEW AND APPROVAL OF THE DEVELOPMENT PERMITS SHALL NOT BE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED TO THE COUNTY CLERK AT THE TIME OF REVIEW AND APPROVAL OF THE DEVELOPMENT PERMITS.
8. THE PARCELS AS PLATTED HEREON ARE SUBJECT TO ARTICLE 10, SECTION 3 OF THE SANTA FE COUNTY ZONING ORDINANCE.
9. THESE LOTS ARE SUBJECT TO SANTA FE COUNTY FIRE AND RESCUE SERVICES AT THE TIME OF APPLICATION FOR BUILDING PERMITS.
10. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PRIVATE SEWERAGE (OR RAIN) AS SHOWN, PRIOR TO THE COMPLETION OF SAID PRIVATE SEWERAGE (OR RAIN) AS SHOWN, PROVIDED THAT AN APPROVED CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF SAID PRIVATE SEWERAGE (OR RAIN) AS SHOWN APPROVED BY THE COUNTY CLERK.
11. THE COUNTY CLERK'S REVIEW AND APPROVAL OF THE DEVELOPMENT PERMITS SHALL NOT BE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED TO THE COUNTY CLERK AT THE TIME OF REVIEW AND APPROVAL OF THE DEVELOPMENT PERMITS.
12. ALL DEVELOPMENT SHALL OCCUR WITHIN INDICATED BARREABLE AREAS AS PER SANTA FE COUNTY ZONING ORDINANCE. BARREABLE AREAS AS PER SANTA FE COUNTY ZONING ORDINANCE SHALL BE MAINTAINED AS BARREABLE AREAS AS PER SANTA FE COUNTY ZONING ORDINANCE. BARREABLE AREAS AS PER SANTA FE COUNTY ZONING ORDINANCE SHALL BE MAINTAINED AS BARREABLE AREAS AS PER SANTA FE COUNTY ZONING ORDINANCE.
13. ALL DEVELOPMENT SHALL OCCUR WITHIN INDICATED BARREABLE AREAS AS PER SANTA FE COUNTY ZONING ORDINANCE. BARREABLE AREAS AS PER SANTA FE COUNTY ZONING ORDINANCE SHALL BE MAINTAINED AS BARREABLE AREAS AS PER SANTA FE COUNTY ZONING ORDINANCE.
14. THE COUNTY CLERK'S REVIEW AND APPROVAL OF THE DEVELOPMENT PERMITS SHALL NOT BE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED TO THE COUNTY CLERK AT THE TIME OF REVIEW AND APPROVAL OF THE DEVELOPMENT PERMITS.
15. ALL DEVELOPMENT SHALL OCCUR WITHIN INDICATED BARREABLE AREAS AS PER SANTA FE COUNTY ZONING ORDINANCE. BARREABLE AREAS AS PER SANTA FE COUNTY ZONING ORDINANCE SHALL BE MAINTAINED AS BARREABLE AREAS AS PER SANTA FE COUNTY ZONING ORDINANCE.
16. ALL DEVELOPMENT SHALL OCCUR WITHIN INDICATED BARREABLE AREAS AS PER SANTA FE COUNTY ZONING ORDINANCE. BARREABLE AREAS AS PER SANTA FE COUNTY ZONING ORDINANCE SHALL BE MAINTAINED AS BARREABLE AREAS AS PER SANTA FE COUNTY ZONING ORDINANCE.
17. THERE IS A TWENTY FIVE FOOT (25') BARREABLE SETBACK FROM ALL LOTS.
18. ROAD EASEMENTS ARE FOR PUBLIC USE AND TO BE MAINTAINED BY THE TERRA BELLO HOMEOWNERS ASSOCIATION.
19. EASEMENTS TEN FEET (10') WIDE EASEMENTS ALONG ALL SIDES OF EACH LOT ARE REQUIRED FOR ALL PUBLIC UTILITIES AND ARE CONTROLLED BY THE TERRA BELLO HOMEOWNERS ASSOCIATION.
20. PROPERTY CORNERS IN ROWWAY WILL NOT BE SET, WITHIN CORNERS TO BE SET UNLESS OTHERWISE NOTED.
21. FURTHER DIVISION OR ABATEMENT OF THESE LOTS IS ALLOWED UNLESS SANTA FE COUNTY DEVELOPMENT REGULATIONS WITHIN SMALL LOT SET AT 25,000 SQUARE FEET OR GREATER FOR NET AREA GREATER THAN 2.50 ACRES.
22. THESE LOTS ARE SUBJECT TO ON-SITE PONDING REQUIREMENTS FOR EACH LOT AS SHOWN ON THE PLAT. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF SAID ON-SITE PONDING REQUIREMENTS FOR EACH LOT AS SHOWN ON THE PLAT.
23. NO WELLS SHALL BE DRILLED ON ANY OF THESE PLATTED LOTS. WATER IS PROVIDED BY ELBORADO AREA WATER AND SANITATION DISTRICT.
24. RESTRICTIONS AND CONDITIONS RECORDED IN THE SANTA FE COUNTY CLERK OFFICE IN BOOK _____ PAGE _____ OF RECORDS.
25. The developer will be required to obtain a road construction permit from the Santa Fe County Public Works Department prior to any work on Avenida De Compadres.
26. The developer is responsible for the paving of Avenida de Compadres (from Avenida Eldorado to Spur Ranch Road) when this subdivision creates a total of twenty-five (25) lots or upon the approval and reclassification of Phase 4, Terra Bello Subdivision.

TRACT B-A
ELBORADO AT SANTA FE, WITHIN THE
TOWNSHIP 18 NORTH, RANGE 9 EAST,
NEW MEXICO PRINCIPAL MERIDIAN
SANTA FE COUNTY, NEW MEXICO

SURVEY GENERAL NOTES

1. PART OF SURVEY DATED 1988, TERRA BELLO SUBDIVISION, RECORDED BY COUNTY CLERK OFFICE OF SANTA FE COUNTY IN PLAT BOOK 318 PAGE 131 AS DOCUMENT NO. 151411.
2. PART OF SURVEY DATED 1988, TERRA BELLO SUBDIVISION, RECORDED BY COUNTY CLERK OFFICE OF SANTA FE COUNTY IN PLAT BOOK 318 PAGE 131 AS DOCUMENT NO. 151411.
3. WARRANTY DEED FROM ELBORADO AT SANTA FE TO JOHN BOWLER, FILED IN DEED BOOK 159 PAGE 228.
4. WARRANTY DEED FROM JOHN BOWLER TO SANTA FE PRINCE PATRIOTSHIP LIMITED, FILED IN DEED BOOK 153 PAGE 580.
5. PART OF SURVEY DATED 1988, TERRA BELLO SUBDIVISION, RECORDED BY COUNTY CLERK OFFICE OF SANTA FE COUNTY IN PLAT BOOK 318 PAGE 131 AS DOCUMENT NO. 151411.
6. WARRANTY DEED FROM SANTA FE PRINCE PATRIOTSHIP LIMITED TO JOHN BOWLER, FILED IN DEED BOOK 151 PAGE 148.
7. WARRANTY DEED FROM JOHN BOWLER TO SANTA FE PRINCE PATRIOTSHIP LIMITED, FILED IN DEED BOOK 158 PAGE 81-82.
8. WARRANTY DEED FROM BETHA LTD TO JOSEPH F. AND ALMA M. MULLER, FILED IN DEED BOOK 248 PAGE 34-35 AS DOCUMENT NO. 152384.

SPECIAL BUILDING PERMIT CONDITIONS
REQUIREMENTS ON THESE LOTS ARE SUBJECT TO THE URBAN WELFARE DEPARTMENT'S PERMITS FOR BUILDING CONSTRUCTION. NO LOT BE USED UNLESS APPROVED FOR ROAD, FIRE PROTECTION AND INSURANCE AS APPROVED BY CITY.

SURVEY CERTIFICATE

I, LEONOR ANNE, NEW MEXICO PROFESSIONAL SURVEYOR NO. 15111 DO HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND IN ACCORDANCE WITH THE REQUIREMENTS OF THE SURVEYING ACTS OF NEW MEXICO AND THE MAPPING REGULATIONS OF THE SURVEYING AND MAPPING DIVISION OF THE COUNTY OF SANTA FE. THIS SURVEY WAS PERFORMED ON _____ DAY OF _____, 2013, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Leonor Anne
LEONOR ANNE
NEW MEXICO PROFESSIONAL SURVEYOR
NO. 15111
DATE: 7-23-12



DEDICATION AND AFFIDAVIT
I, _____, COUNTY CLERK OF SANTA FE COUNTY, NEW MEXICO, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT IS ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF _____, 20____, BY THE PERSON WHOSE NAME APPEARS ABOVE.

JOSEPH F. HULLER, COW SPRINGS LAND DEVELOPMENT, LLC
ALMA M. MULLER, COW SPRINGS LAND DEVELOPMENT, LLC

STATE OF NEW MEXICO
COUNTY OF SANTA FE | SS

THE FOREGOING INSTRUMENT IS ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF _____, 20____, BY THE PERSON WHOSE NAME APPEARS ABOVE.

- NOTARY PUBLIC
BY COMMISSION EXPIRES ON _____
- UTILITY APPROVALS
PUBLIC SERVICE COMPANY OF NEW MEXICO
NEW MEXICO GAS COMPANY
COURT
ELBORADO AREA WATER AND SANITATION DISTRICT
COUNTY APPROVALS
LAND USE ADMINISTRATOR
PUBLIC WORKS DIRECTOR
FISCAL ADMINISTRATOR
COUNTY FIRE MARSHALL

STATE OF NEW MEXICO | SS
COUNTY OF SANTA FE

HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THE _____ DAY OF _____, 20____, AT _____ O'CLOCK _____ M. AND WAS DULY RECORDED IN PLAT BOOK _____ PAGE _____ OF THE RECORDS OF SANTA FE COUNTY, NEW MEXICO.

WITNESS MY HAND AND SEAL OF OFFICE
COUNTY CLERK, SANTA FE COUNTY, NEW MEXICO

SANTA FE COUNTY ACCESSORS SPEC CODE _____

PROCEEDING INFORMATION FOR COUNTY CLERK
OWNER: COW SPRINGS LAND AND CATTLE CO. LLC
JOSEPH F. HULLER AND ALMA M. MULLER
LOCATION: TRACT B-A
ELBORADO AT SANTA FE, WITHIN THE
CANADA DELLOS ALAMOS GRANT,
WITHIN PROSPECTED SECTIONS 24 & 25,
TOWNSHIP 18 NORTH, RANGE 9 EAST,
NEW MEXICO PRINCIPAL MERIDIAN
SANTA FE COUNTY, NEW MEXICO

LPF-PB-NO-65-301

OB-B 23

TERMINOLOGICAL DEFINITIONS

As used herein, the following definitions shall apply unless otherwise indicated:

OWNER: The person or persons who own the land shown on this plan and are granted the authority to execute this plan.

DEVELOPER: The person or persons who are responsible for the development, construction, and control of the project.

CONTRACTOR: The person or persons who are responsible for the construction of the project.

ENGINEER: The person or persons who are responsible for the engineering of the project.

PLANNING COMMISSION: The local government body that has jurisdiction over the project.

LOCAL GOVERNMENT: The local government that has jurisdiction over the project.

STATE: The state in which the project is located.

FEDERAL GOVERNMENT: The federal government of the United States.

DISCLAIMER:

The undersigned, as a duly Licensed Professional Engineer (PE) and a duly Licensed Professional Surveyor (LS), certifies that the information contained herein is true and correct to the best of his knowledge and belief, and that he is not aware of any facts or circumstances which might render this information misleading or incomplete.

**SUBDIVISION PLAN OF PHASE 1
TIERRA COLLINAS SUBDIVISION
PREPARED FOR
COW SPRINGS LAND AND CATTLE LLC,
JOSEPH E. MILLER AND ALMA M. MILLER**

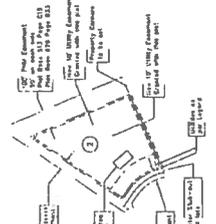
**IF ACT B-A
ELDORADO AT SANTA FE, WITHIN THE
CANADA DE LOS ALAMOS GRANT,
WITHIN THE SECURIDAD DE LOS
TOWNSHIP 15 NORTH RANGE 9 EAST,
NEW MEXICO PRINCIPAL MERIDIAN
SANTA FE COUNTY, NEW MEXICO**

- LEGEND**
- DESIGNATES POINTS FOUND AND USED, AS SHOWN
 - DESIGNATES CURVED ROADS TO BE SET, WITH RED CAP "R" 1/2" 1/2"
 - TELEPHONE PEDestal
 - POWER POLE
 - ELECTRIC METER
 - CITY PEDestal
 - WATER WALK
 - WELL
 - FIRE HYDRANT
 - TO INDICATE THE LOCATION OF BUILDINGS, AREA TO INCLUDE SEPTIC SYSTEM LOCATION

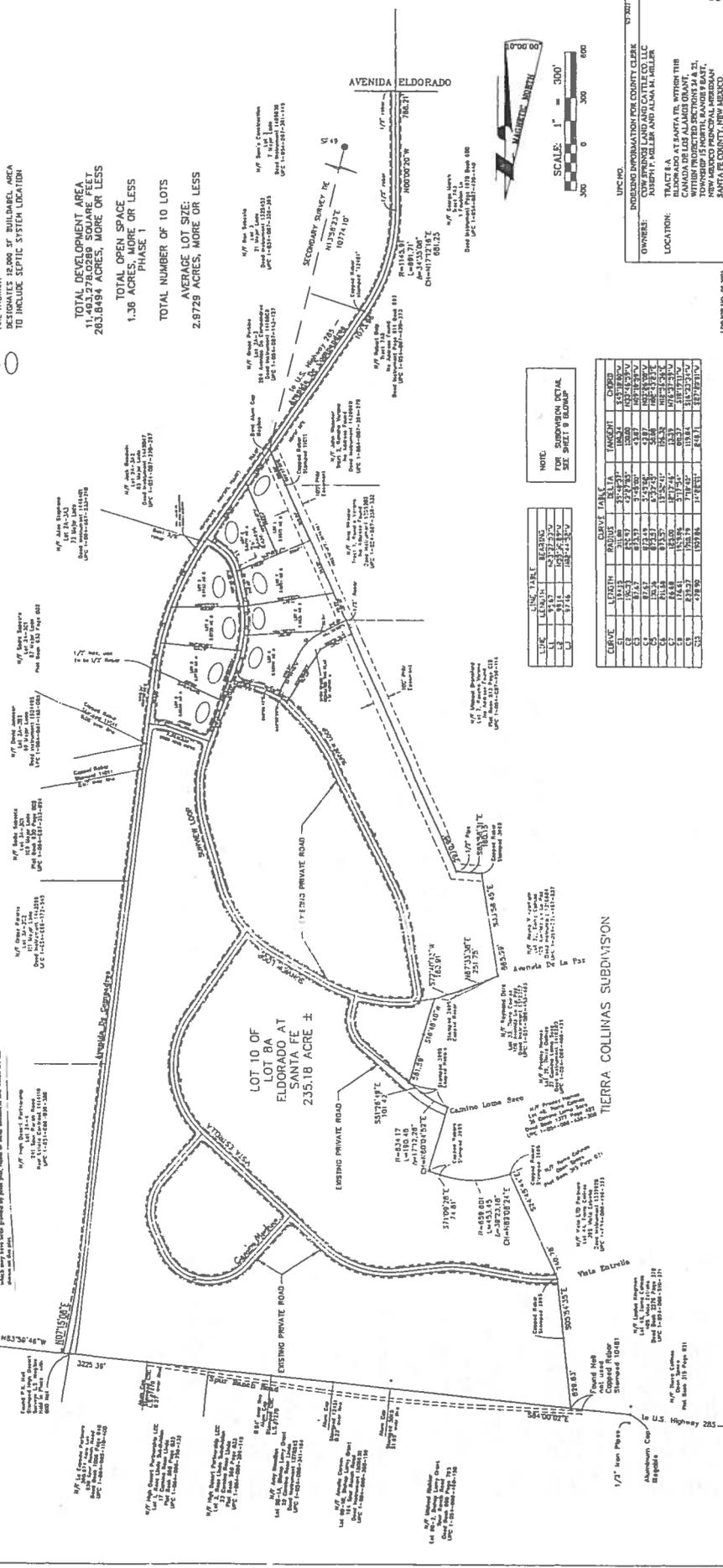
**TOTAL DEVELOPMENT AREA
11.16 ACRES, MORE OR LESS
283,8494 ACRES, MORE OR LESS**

**TOTAL OPEN SPACE
1.36 ACRES, MORE OR LESS
PHASE 1**

**TOTAL NUMBER OF 10 LOTS
AVERAGE LOT SIZE:
2.9729 ACRES, MORE OR LESS**



UTILITY EASEMENT LAYOUT LOT 1



NOTE
THIS SUBDIVISION PLAN IS A PRELIMINARY PLAN AND IS SUBJECT TO CHANGE WITHOUT NOTICE.

| LINE | LENGTH | BEARING |
|------|--------|-----------------|
| 1 | 11.16 | N 89° 15' 00" E |
| 2 | 11.16 | S 89° 15' 00" W |
| 3 | 11.16 | S 00° 00' 00" W |
| 4 | 11.16 | N 89° 15' 00" E |

NOTE
THIS SUBDIVISION PLAN IS A PRELIMINARY PLAN AND IS SUBJECT TO CHANGE WITHOUT NOTICE.

| CURVE | CHORD | ARC LENGTH | ANGLE | CHORD BEARING |
|-------|-------|------------|-------|-----------------|
| C1 | 11.16 | 11.16 | 90.00 | N 89° 15' 00" E |
| C2 | 11.16 | 11.16 | 90.00 | S 89° 15' 00" W |
| C3 | 11.16 | 11.16 | 90.00 | S 00° 00' 00" W |
| C4 | 11.16 | 11.16 | 90.00 | N 89° 15' 00" E |



UNCL. NO.

PROBING INFORMATION FOR COUNTY CLERK

OWNERS: COW SPRINGS LAND AND CATTLE CO. LLC
JOSEPH E. MILLER AND ALMA M. MILLER

LOCATION: TRACT # A, 235.18 ACRES, WITHIN THE CANADA DE LOS ALAMOS GRANT, WITHIN PREDICTED SECTIONS 3 & 21, TOWNSHIP 15 NORTH RANGE 9 EAST, NEW MEXICO PRINCIPAL MERIDIAN, SANTA FE COUNTY, NEW MEXICO

OB B-2

SUBDIVISION PLAT OF PHASE 1
TIERRA BELLO SUBDIVISION
PREPARED FOR
COW SPRINGS LAND AND CATTLE LLC,
JOSEPH F. MILLER AND ALMA M. MILLER
TRACT B-A
ELDORADO AT SANTA FE, WITHIN THE
CANADA DE LOS ALAMOS GRANT,
WITHIN PROJECTED SECTIONS 24 & 25,
TOWNSHIP 19N, RANGE 9E, EAST,
NEW MEXICO MERRIAM COUNTY
SANTA FE COUNTY, NEW MEXICO

N/F Jack Goodwin
Lot 2A-3A2
65 Mejr Lado
Deed Instrument 1445047
UPC 1-054-087-270-267

N/F John Wassner
Tract 2, Rancho Verano
No Address Found
Deed Instrument 1428990
UPC 1-054-087-354-275

N/F Aric Wheeler
Tract 1, Rancho Verano
No Address Found
Deed Instrument 1305202
UPC 1-054-087-358-332

SURVEYOR CERTIFICATE

I, LENCE AMALO, NEW MEXICO PROFESSIONAL SURVEYOR, NO. 10311, DO HEREBY
CERTIFY THAT THE SURVEY AND PLAT HEREON WERE MADE AND CONDUCTED
UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION
AND THAT I AM A duly Licensed Professional Surveyor in the State of New Mexico.
I HAVE BEEN THE MEASUREMENTS AND CALCULATIONS MADE AND THE
SURVEY INSTRUMENTS FOR INSTRUMENTATION AND CORRECTIONS OF THE COUNTY OF
NEW MEXICO, AND I HAVE BEEN ADVISED BY THE COUNTY CLERK OF
KNOWLEDGE AND BELIEF URBAN AND IS TRUE AND CORRECT TO THE BEST OF MY

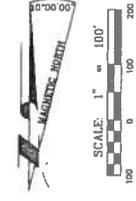


Lence Amalo
LEUCE AMALO
112 SAN FELICE ST NW
ALBUQUERQUE, NM 87104
PH: 505-367-8625

DATE 9-23-12

- LEGEND**
- DESIGNATES POINTS FOUND AND USED, AS SHOWN
 - DESIGNATES CAPPPED REPAIRS TO BE SET, WITH RED CAP
 - DESIGNATES SANTA FE CONTROL MONUMENT
 - TELEPHONE, PROFESSIONAL
 - POWER POLE
 - GAS METER
 - CEMENT METER
 - CLAY PROFESSIONAL
 - WATER METER
 - WATER VALVE
 - MILE HYDRANT
 - FIRE HYDRANT
 - DESIGNATES 1,000 FT. BUILDING AREA TO INCLUDE SEPTIC SYSTEM LOCATION

TYPICAL BUILDING LOT SETBACKS
FRONT BUILDING SETBACK FROM CENTERLINE OF ROAD ONE HUNDRED FEET (100')
SIDE BUILDING SETBACKS FIFTY FEET (50')
REAR BUILDING SETBACK ONE HUNDRED FEET (100')

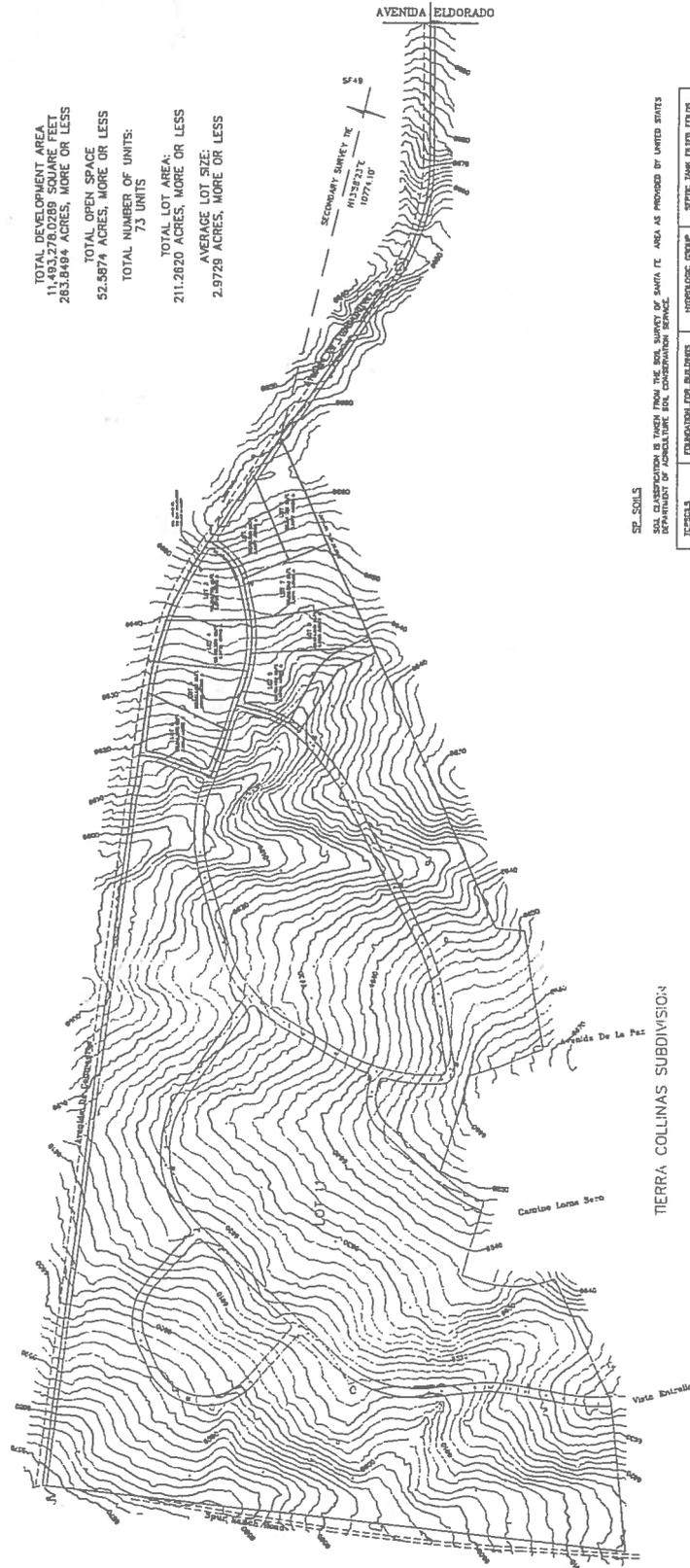


UPC NO.
DESIGN INFORMATION FOR COUNTY CLERK:
OWNER: JOSEPH F. MILLER AND ALMA M. MILLER
LOCATION: TRACT B-A
ELDORADO AT SANTA FE, WITHIN THE
CANADA DE LOS ALAMOS GRANT,
WITHIN PROJECTED SECTIONS 24 & 25,
TOWNSHIP 19N, RANGE 9E, EAST,
NEW MEXICO MERRIAM COUNTY
SANTA FE COUNTY, NEW MEXICO

DB B-2

EXISTING TOPOGRAPHIC, SOILS, AND SLOPE ANALYSIS
TIERRA BELLO SUBDIVISION

TRACT B-A
 ELDORADO AT SANTA FE, WITHIN THE
 CANADA DE LOS ALAMOS GRANT,
 WITHIN PROTECTED SECTIONS 24 & 25,
 TOWNSHIP 1, NORTH, RANGE 9 EAST,
 NEW MEXICO PRINCIPAL MERIDIAN
 SANTA FE COUNTY, NEW MEXICO



TOTAL DEVELOPMENT AREA
 11,493,278.0289 SQUARE FEET
 263.8484 ACRES, MORE OR LESS

TOTAL OPEN SPACE
 52,587.4 ACRES, MORE OR LESS

TOTAL NUMBER OF UNITS:
 75 UNITS

TOTAL LOT AREA:
 211,262.0 ACRES, MORE OR LESS

AVERAGE LOT SIZE
 2,972.9 ACRES, MORE OR LESS

SOILS

SOIL SUBDIVISION IS TAKEN FROM THE SOIL SURVEY OF SANTA FE AREA AS PROVIDED BY UNITED STATES DEPARTMENT OF AGRICULTURE, SOIL CONSERVATION SERVICE.

| PERCENTAGE OF SOILS | PERCENTAGE OF SOILS | PERCENTAGE OF SOILS |
|---------------------|---------------------|---------------------|
| FAIR TO POOR | POOR | VERY POOR |
| 100.00% | 0.00% | 0.00% |

THIS ASSOCIATION CONSISTS OF ABOUT 20 PERCENT SEVERE LOAM THAT HAS SLOPES OF 1 TO 5 AND 30 PERCENT MODERATE CLAY LOAM THAT HAS SLOPES OF 3 TO 6 PERCENT.

PERMEABILITY IS SLOW IN THE SEVERE SOIL. RUNOFF IS MODERATE AND THE HAZARD OF EROSION IS MODERATE. THE MODERATE SOIL HAS A PROFILE DEEPER THAN THAT DESCRIBED AS REPRESENTATIVE FOR THE MODERATE SOILS, EXCEPT THAT THE SURFACE LAYER IS CLAY LOAM.

| PERCENTAGE OF SOILS | PERCENTAGE OF SOILS | PERCENTAGE OF SOILS |
|----------------------------|---------------------|---------------------|
| FAIR TO MODERATE CLAY LOAM | SEVERE LOAM | SEVERE CLAY LOAM |
| 100.00% | 0.00% | 0.00% |

SLOPE ANALYSIS

ALL SLOPES ARE LESS THAN 10 PERCENT. AREAS OF SMALL ARROYOS MAY HAVE MINIMAL AREA OF SLOPES GREATER THAN 20 PERCENT.



EXISTING TOPOGRAPHIC, SOILS,
 AND SLOPE ANALYSIS PLAN,
 SANTA FE COUNTY, NEW MEXICO

| NO. | DESCRIPTION | DATE | BY |
|-----|-------------|------|----|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

PROJECT NO. 65-201
 DRAWN BY: CW
 CHECKED BY: JL
 DATE: 12/1/12
 SHEET: C-1

LEP 10/10/12

OB B-21

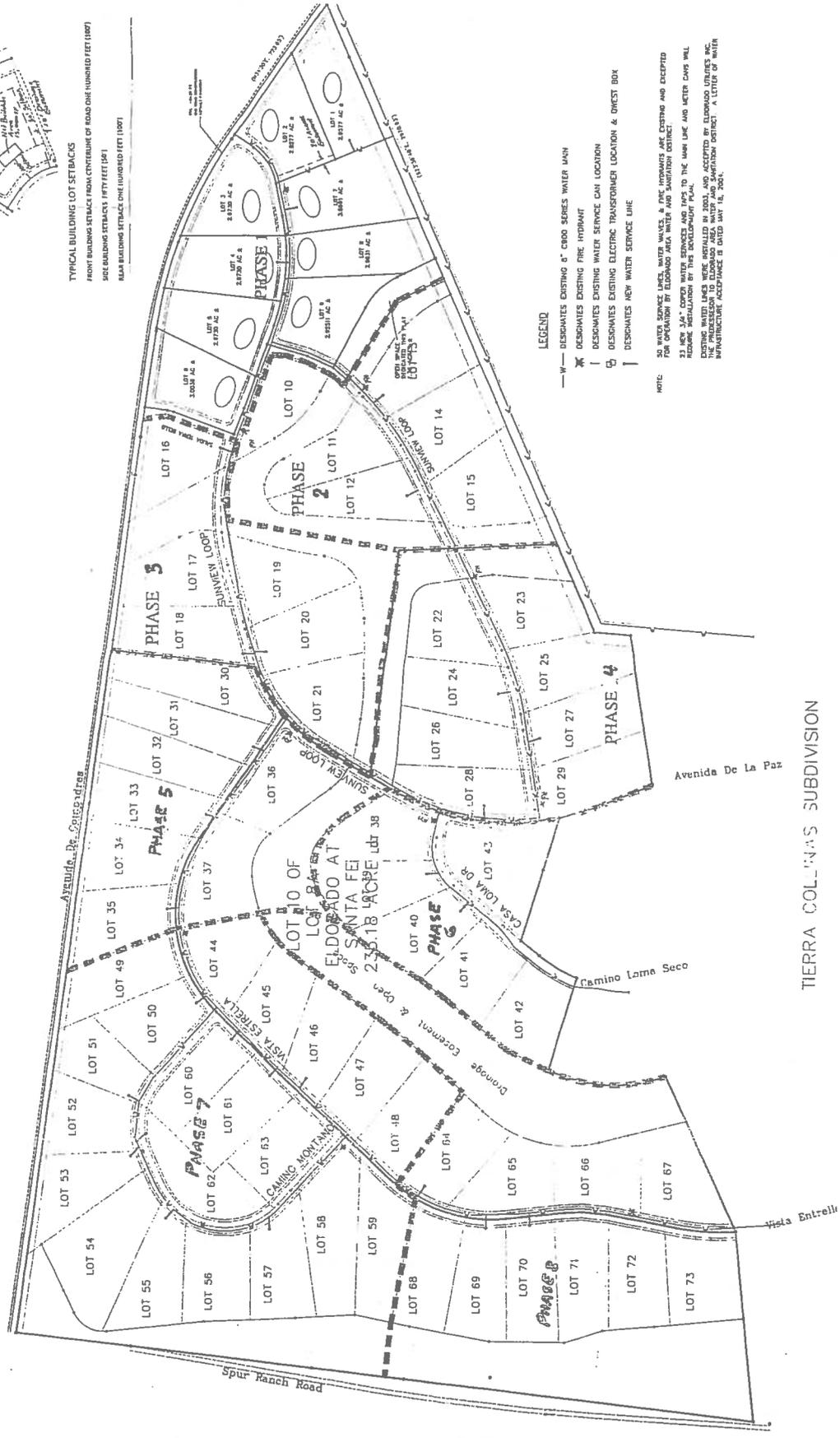
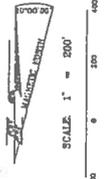
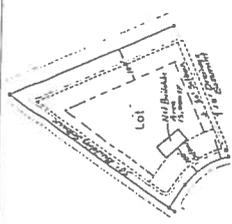
EXISTING DOMESTIC WATER DISTRIBUTION
SANTA FE COUNTY, NEW MEXICO

PROJECT NO. 03-201
DESIGNED BY: [blank]
DRAWN BY: CK
CHECKED BY: [blank]
DATE: [blank]
SCALE: [blank]
SHEET: C-9

| NO. | DATE | DESCRIPTION | BY |
|-----|------|-------------|----|
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |
| 7 | | | |

REVISIONS (OR CHANGE NOTICES)

TYPICAL BUILDING LOT SETBACKS
FRONT BUILDING SETBACK FROM CENTERLINE OF ROAD ONE HUNDRED FEET (100')
SIDE BUILDING SETBACK FIFTY FEET (50')
REAR BUILDING SETBACK ONE HUNDRED FEET (100')



LEGEND

- W — DESIGNATES EXISTING 8" CROSS SERIES WATER MAIN
- F — DESIGNATES EXISTING FIRE HYDRANT
- I — DESIGNATES EXISTING WATER SERVICE CILI LOCATION
- T — DESIGNATES EXISTING ELECTRIC TRANSFORMER LOCATION & DUCT BOX
- N — DESIGNATES NEW WATER SERVICE LINE

NOTE:

50 WATER SERVICE LINES, WATER VALVES, & FIRE HYDRANTS ARE EXISTING AND EXCEPTED FOR OPERATION BY EL DORADO AREA WATER AND SANITATION DISTRICT.

33 NEW 3/4" COPPER WATER SERVICES AND TAPS TO THE MAIN LINE AND METER CANS WILL BE INSTALLED BY THE DEVELOPER.

THE PROPOSED WATER AND SANITATION SYSTEMS WILL BE INSTALLED BY EL DORADO UTILITIES INC. THE PROPOSED TO EL DORADO AREA WATER AND SANITATION DISTRICT. A LETTER OF WATER INFRASTRUCTURE ACCEPTANCE IS DATED MAY 14, 2004.

TIERRA COLINAS SUBDIVISION

OB B-27

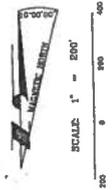
El Dorado Utilities, Inc.
 REGULATIONS
 CONTRACT NO. 04-018
 SANTA FE, NEW MEXICO
 2007 Engineering Department 444.1719
 May 11, 2004

Mr. Joe Hines
 214 Birchbank Road
 Las Alamos, NM 87534

Re: Water service to 10 lots within the Tierra
 Collinas Subdivision
 Date: 05/11/04

Dear Mr. Hines:
 Pursuant to your request, please accept this letter as my certification that all required necessary fire
 hydrants, service lines, etc. needed to provide water service to the lots in the drawing of the subdivision
 have been provided for. The drawings of the subdivision show the fire hydrant lines and the water
 service lines, and that all necessary fire hydrants and service lines are provided for.
 As you are aware, our service to your subdivision is subject to all the rules, regulations and tariffs
 applicable to the Utility on the with the New Mexico Public Regulation Commission as to the terms.
 Thank you for your cooperation and assistance in getting this water service project completed. If you
 have any questions, please contact me at the Santa Fe office. Please call me if you
 have any questions or if you need additional information.

Sincerely,
 [Signature]
 General Manager
 El Dorado Utilities, Inc.

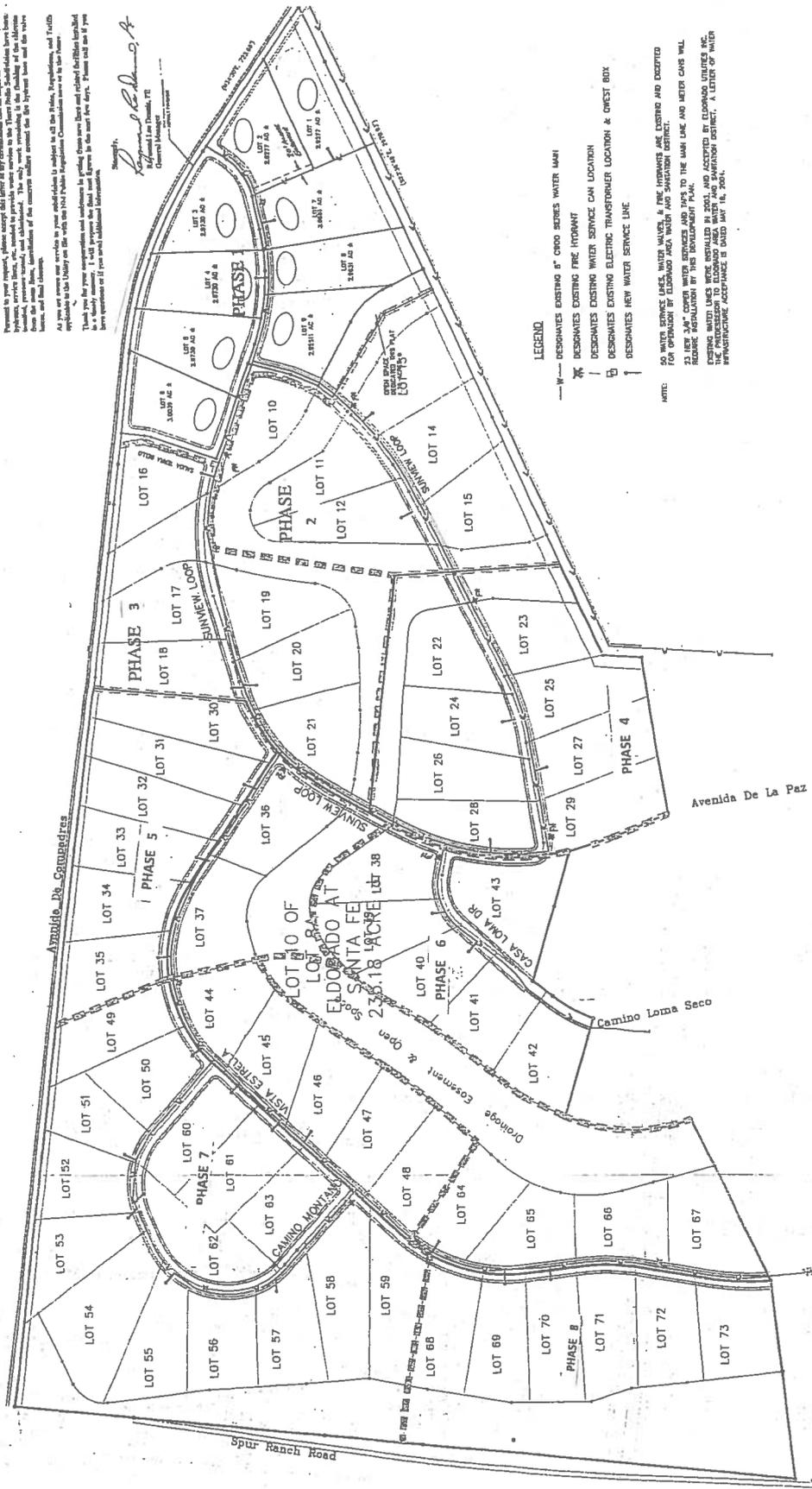


| REVISIONS (OR CHANGE NOTICES) | |
|-------------------------------|-------------|
| NO. | DESCRIPTION |
| 1 | |
| 2 | |
| 3 | |
| 4 | |
| 5 | |
| 6 | |
| 7 | |
| 8 | |
| 9 | |
| 10 | |

**TERRA BELLO SUBDIVISION
 SANTA FE COUNTY, NEW MEXICO
 EXISTING DOMESTIC WATER DISTRIBUTION
 AND FIRE PREVENTION PLAN**



PROJECT NO. 04-018
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 DATE: [Date]
 SHEET NO. [Number]
 STREET: [Name]



- LEGEND**
- W --- DESIGNATES EXISTING 8" CIRC. IRON SERVICE WATER MAIN
 - F --- DESIGNATES EXISTING FIRE HYDRANT
 - S --- DESIGNATES EXISTING WATER SERVICE CAN LOCATION
 - T --- DESIGNATES EXISTING ELECTRIC TRANSFORMER LOCATION & CREST BOX
 - L --- DESIGNATES NEW WATER SERVICE LINE

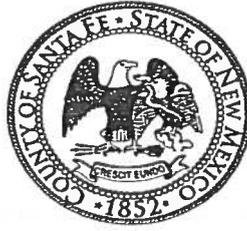
NOTE:
 50 WATER SERVICE LINES, WATER VALVES & FIRE HYDRANTS ARE EXISTING AND EXCEPTED
 FOR OPERATION BY EL DORADO WHICH UNDER AND PROVISIONS OF THE
 23 NEW 3/4" CIRC. IRON SERVICE LINES, TRANSFORMERS AND WATER SERVICE CANS WILL
 BE INSTALLED TO THE MAIN LINE AND TO THE MAIN LINE AND METER CANS WILL
 BE INSTALLED TO THE MAIN LINE AND TO THE MAIN LINE AND TO THE MAIN LINE AND TO THE MAIN LINE
 THE INTERSECTION TO EL DORADO AREA WATER AND SANITATION DISTRICT. A LETTER OF WATER
 INFRASTRUCTURE ACCEPTANCE IS DATED JAN. 14, 2004.

TERRA COLLINAS SUBDIVISION

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Liz Stefanics
Commissioner, District 4

Kathy Holian
Commissioner, District 5

Katherine Miller
County Manager

**PUBLIC WORKS DIVISION
MEMORANDUM**

Date: January 16, 2013
To: Vicki Lucero, Development Review Team Leader
From: Paul Kavanaugh, Engineering Associate *R*
Johnny P. Baca, Traffic Manager *JP*
Re: CASE # 08-5440 Tierra Bello Subdivision Master Plan with Preliminary and Final Plat and Development Plan for Phase I.

The referenced project has been reviewed for compliance with the Land Development Code, and shall conform to roads and driveway requirements of Article V (Subdivision Design Standards) and Section 8.1 (General Policy on Roads). The project is located south of Avenida Eldorado, east of Avenida de Compadres, north of Spur Ranch Road and west of New Mexico State Road 285. The applicant is requesting Master Plan approval for a seventy-three (73) lot single-family residential development on 263.769 acres parcel of land and Preliminary and Final Development Plan for Phase I (9 units).

Access:

The project is proposing to access Tierra Bello Subdivision from Avenida de Compadres an existing unimproved dirt road.

Conclusion:

Public Works Staff has reviewed the project and feels they can support the above mentioned project.

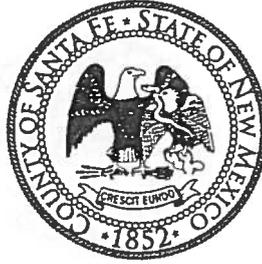
The following must be addressed at time of DEVELOPMENT PERMIT for Phase I;

- To be addressed prior to construction*
1. Applicant shall be required to obtain a road construction permit from Public Works Department prior to any work on Avenida de Compadres.
 2. Santa Fe County Public Works will require a pre-construction conference prior to starting any construction.
 3. Santa Fe County Public Works will require a construction schedule prior to construction.
 4. Applicant shall provide Santa Fe County with a permit from the Army Corp of Engineers prior to installing culverts on Avenida De Compadres.
 5. Applicant shall provide Santa Fe County with a N.O.I. (Notice of Intent) prior to any construction on Avenida De Compadres.

Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathleen Holian
Commissioner, District 4

Elizabeth Stefanics
Commissioner District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: April 20, 2012

TO: Vickie Lucero, Development Review Team Leader, Growth Management Department

FROM: Colleen Baker, Program Manager, Open Space and Trails Program

VIA: Mark Hogan, Director, Projects, Facilities and Open Space Division
Adam Leigland, Director, Public Works Department

RE: CDRC CASE # Z/S 08-5440 Tierra Bello Subdivision Master Plan with Preliminary and Final Plat and Development Plan for Phase I

Santa Fe County Open Space and Trails Program staff has reviewed the Tierra Bello Subdivision Master Plan with Preliminary and Final Plat and Development Plan for Phase I for compliance with the Santa Fe County Land Development Code and has the following comments:

Addressed 1.

The Land Development Code (Article V; Section 9.7) states that for "subdivisions of twenty-five (25) lots or more, open spaces shall be provided for parks and recreation on a ratio of ten (10) acres per 1,000 residents; provided that no such open spaces shall contain less than one (1) acre per subdivision. Said open spaces shall be of a nature and location suitable for park development". The Tierra Bello Subdivision plans indicate enough acreage has been set aside to meet this requirement, but it is unclear from the plan set if the nature and location of the land is suitable for park development.

2.

Open Space staff has reviewed the archaeology report prepared by Ron Winters for "An Archaeological Inventory of 263.84 Acres for the Proposed Tierra Bello Subdivision, West of US Highway 285, Santa Fe County, New Mexico prepared on July 12, 2010. Open Space staff has no comments on this report.

013 B-29

Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

October 23, 2012

TO: Vicki Lucero, Development Review Team Leader

FROM: Karen Torres, County Hydrologist

RE: CDRC Case # Z/S 08-5440 Tierra Bello Subdivision Final Approval for Phase I – T15N R10E
Projected Sections 24 & 25

The amended development plan for this project was reviewed for technical accuracy and compliance with the SFC Land Development Code. The submittal by the applicant is largely complete, in compliance with the Land Development Code and addressed most of previous review comments. Outstanding comments can be addressed as a condition of final development approval for phase I.

Nature of Project:

The applicant proposes a master plan to create 73 lots ranging in size from 2.708 to 5.868 acres for single family residences. Additionally the applicant seeks preliminary and final approval for phase I of this development consisting of only 9 residential lots. The subject property is located east of New Mexico State Road 285 and is north of Spur Ranch Road. This project is within projected Township 15 North, Range 10 East, Sections 25 and 25 N.M.P.M, in the Canada de Los Alamos Land Grant.

Water supply for this development will be provided by the Eldorado Area Water and Sanitation District with individual septic tanks for liquid waste disposal.

History of Review:

The Tierra Bello Master, Preliminary and Phase I final development plan was reviewed on April 20th, 2012 for technical accuracy and compliance with the Land Development Code. This review found Eldorado Area Water and Sanitation District has sufficient water rights and well capacity to meet the existing and future commitments of the water system and the additional water use proposed by this application. The master plan met code requirements but additional information, as outlined below, was required for review prior to preliminary and final approval.

1. Domestic water plans are sufficient to meet this code requirement for master plan but not for preliminary or final approval, as neither plan are stamped with an engineer's seal. Resubmission of properly stamped plans for review by the utilities department is required prior to preliminary and final plan approval.

2. Address red-line comments on Development Plans for Tierra Bello Subdivision received March 19th, 2012.
3. Preliminary and final plat should incorporate all easements required by EASWSD and all standards for public water facilities.
4. Due to soil conditions within the development the analysis required by Article VII Sections 2.4 and 2.6, to determine whether a conventional septic tank is suitable at this site or an advanced treatment system.
5. Submission of Water Restrictive Covenants for review prior to final plat approval.

Review Comments

1. Resubmission of Properly Stamped Plans

Final set of plans were received on September 25th and reviewed on September 29th, 2012. No additional professional stamps were noted on the plans as requested. The applicant stated in a memo the water plans were completed in 1996 but the parcels were not created at that time. The new water supply plan submitted reflects new service connections but does not identify the existing infrastructure in sufficient detail and is not stamped by either a professional survey or engineer.

It is recommended the applicant supply a final set of plans for Phase I of this project with proper professional stamps for staff review prior to filing of final plat of the nine residential lots.

2. Address Redline Comments

A new version of red-line comments were submitted to the applicant and should be addressed prior to filing of Phase I final plat.

3. Preliminary and final plat should incorporate all easements required by EASWSD and all standards for public water facilities.

Plans submitted did not indicate which easements are for EASWSD or if they met the needs of the water system. Through the Land Development process an opportunity exists to coordinate with utilities and insure all easement and other requirements are met. It is recommended the applicant submit a set of plans to EAWSD for timely review prior to final plat to give the water system to evaluate if all necessary easements are in place. Such a review should have a set date for comments to ensure the final approval process is not delayed.

4. Due to soil conditions within the development the analysis required by Article VII Sections 2.4 and 2.6, to determine whether a conventional septic tank is suitable at this site or an advanced treatment system.

Stamped dwgs. submitted. Will be reviewed prior to plat recordation.

Revised drawings have been submitted to be approved prior to plat recordation.

Easements noted on plat. To be approved by EAWSD prior to plat recordation.

The following items are required for a liquid water disposal package:

✓ 2.6.1 - *A copy of the sub divider's disclosure statement relating to liquid waste disposal*

Redline comments have been submitted to the Land Use Department. Liquid waste section meets code requirements.

✓ 2.6.2 - *The location of proposed distance separation of all proposed and existing wells, sewage adsorption areas, community sewage systems and community water supply systems within the proposed subdivision or large scale residential development and existing wells and drain fields within 500 feet of the proposed subdivision or large scale residential boundary.*

Plans submitted include buildable area designation to include septic system location. This code requirement has been met.

✓ 2.6.3 - *A map showing the location of all arroyos, flood plains and bodies of water within the proposed subdivision or development and within 1,000 feet of the proposed subdivision or development boundary.*

This requirement has been met within the floodplain / drainage map.

✓ 2.6.4 - *A soil investigation report, including a soil survey, soil borings to a minimum depth of 8 feet, soil test results and an analysis of the soil survey, soil boring and soil tests. The report shall define soil depth to bedrock, seasonal high groundwater table or other limiting soil layer and percolation rate for the soils present with the proposed development. There shall be a minimum of 1 boring and 1 percolation test per 10 lots; the locations of these borings and test shall be distributed over the site to adequately represent the site soil conditions.*

Boring log and percolation records were submitted on October 8th, 2012 for review. These tests indicate a conventional septic tank is feasible with phase 1 of this project. The installation of an advanced treatment system does not appear to be necessary and does not need to be disclosed.

✓ 2.6.5 - *A liquid waste system feasibility map, superimposed on the subdivision plat or development plan delineating the areas suitable, limited and prohibitive soils as defined in Table 7.2 and delineating required setback distances as defined in Table 7.3. The feasibility map shall delineate slopes of 9% to 15% and slopes more than 15%.*

Based on the geotechnical report and development plan all soils, slopes and setbacks within Phase I of this development are suitable for a conventional septic system.

✓ 2.6.6 - *The flood frequency of areas within the proposed subdivision or development*

Flood map was reviewed by the Public Works Department and found acceptable.

✓ 2.6.7 - *A detailed description of the kind of individual liquid waste disposal systems, if any, that are to be used by the occupants of the subdivision or development. Preliminary plans for individual liquid waste disposal systems if a system will serve more than one connection.*

Not required for this development

✓ 2.6.8 - *The projected population of the subdivision or development.*

This requirement is met by the residential nature of the development through NMED Liquid Waste permitting procedures and will be deferred to in this review.

2.6.9 – The direction of movement of ground water in the subdivision or development

This requirement is met through NMED permitting procedures and will be deferred to in this review.

2.6.10 – An analysis which indicates the individual liquid waste disposal systems can be used for each lot in compliance with all applicable New Mexico Environment Department regulations in effect at the time the application is made and all requirements of Section 2.4 of this Article, without need for any variance from their requirements.

Based on the geotechnical report and development plan all soils, slopes and setbacks within Phase I of this development are suitable for a conventional septic system. Other requirements will be met through NMED permitting procedures and will be deferred to in this review.

Documentation submitted by the applicant meets code requirement for liquid waste disposal.

5. Submission of Water Restrictive Covenants for review prior to final plat approval.

Covenants were submitted for review. Rain catchment and hot water recirculating pump requirements were not included. Redlines are attached to this memo.

Conclusions

The submittal by the applicant is largely complete, in compliance with the Land Development Code and addressed most of previous review comments. Outstanding comments can be address as a condition of final development approval for phase I.

If you have any questions, please feel free to call me at 992-9871 or email at ktorres@co.santa-fe.nm.us.

OBB-33

Revised covenants were submitted which includes Rain Catchment and hot water recirculation

Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

April 20, 2012

TO: Vicki Lucero, Development Review Team Leader
FROM: Karen Torres, County Hydrologist
THRU: Rich Silva, Utilities Department
Patricio Guerrerortiz, Utilities Director

RE: CDRC Case # Z/S 08-5440 Tierra Bello Subdivision Master Plan and Preliminary and Final Approval for Phase I – T15N R10E Projected Sections 24 & 25

The subject development plan was reviewed for technical accuracy and compliance with the SFC Land Development Code. Staff review found Eldorado Area Water and Sanitation District has sufficient water rights and well capacity to meet the existing and future demands of the water system and the additional water use proposed by this application. After a review of the development submittals there is sufficient information submitted for Master Plan approval but request submission of additional information, as outlined below, for review prior to preliminary and final approval.

- Domestic water plans are sufficient to meet this code requirement for master plan but not for preliminary or final approval, as neither plan are stamped with an engineer's seal. Resubmission of properly stamped plans for review by the utilities department is required prior to preliminary and final plan approval.
- Address red-line comments on Development Plans for Tierra Bello Subdivision received March 19th, 2012.
- Preliminary and final plat should incorporate all easements required by EASWSD and all standards for public water facilities.
- Due to soil conditions within the development the analysis required by Article VII Sections 2.4 and 2.6, to determine whether a conventional septic tank is suitable at this site or an advanced treatment system.
- Submission of Water Restrictive Covenants for review prior to final plat approval.

Nature of Project:

The applicant proposes a master plan to create 73 lots ranging in size from 2.708 to 5.868 acres for single family residences. Additionally the applicant seeks preliminary and final approval for

phase I of this development consisting of only 9 residential lots. The subject property is located east of New Mexico State Road 285 and is north of Spur Ranch Road. This project is within projected Township 15 North, Range 10 East, Sections 25 and 25 N.M.P.M, in the Canada de Los Alamos Land Grant.

Water supply for this development will be provided by the Eldorado Area Water and Sanitation District with individual septic tanks for liquid waste disposal.

SFC Land Development Code Requirements for Water and Wastewater:

To address requirements of the SFC Land Development Code the pertinent sections of the Code are written out and are addressed individually as to compliance. Master Plan requirements and will include preliminary and final plat procedures for Phase I. This review is limited to SFC Land Development Code requirements for water and wastewater.

Master Plan Requirements for Water and Wastewater:

Article V, Section 5.2.2 g, Master Plan Procedures, as amended by Ordinance 2005-2, requires a master plan report to include the following:

1. A preliminary water supply plan and liquid waste disposal plan which identifies the source of water, water budget by phase and water conservation plan.
2. Submission of a water supply plan for the first sustainable phase of development, as required by Article VII, Section 6 of the Code.

Liquid Waste Disposal Plan

The development report submitted by the applicant states the proposed lots will use individual septic tanks.

Article VII, Section 6 - Water Supply Plan

Article VII, Section 6.2 entitled General Requirements and Submittals for a Water Supply Plan sets forth requirements based on the type and scale of the development. Table 7.4, entitled Required Code Sections for Water Supply, states any development which includes construction or expansion of a community water system, which describes the subject development, is required to submit a water supply plan which consists of submittals compliant with the following code requirements

1. *Article VII, Section 6.3 Community Water Systems*
2. *Article VII, Section 6.4 entitled "Water Availability Assessments"*
3. *Article VII, Section 6.5 entitled "Water Quality"*
4. *Article VII, Section 6.6 entitled "Water Conservation"*
5. *Article VII, Section 6.7 entitled "Fire Protection"*

Each of these code requirements are addressed separately as to compliance for phase I of the subject development. 6.3, 6.4, 6.5, 6.6, 6.7 of the Santa Fe County Land Development Code are required to submit information

Article VII, Section 6.3: Water Supply Plan - Community Water Systems

This article states community water systems shall be required for subdivisions according to the number and size of lots as indicated in Article V Section 9.3, Table 5.1. From Table 5.1 developments that propose between 25 - 99 lots between the size of 2.5 and 10.0 acres are required to have a community water system to serve the project. The Tierra Bello Development is required to either create or connect to a community water system. The code has specific requirements for submittals and review of community systems as follows:

The applicant shall submit a water supply plan which demonstrates that the [water] system will comply with the requirements of Section 6.3.1 of Article VII. The water supply plan shall be prepared by or under the supervision of a professional engineer and shall include the following:

- a) *Information showing the volume and peak rate of production of water required for each month to supply each use at full use of the development*

The last review of water use for EAWSD included data from 2006 to 2008 and is revised in this review to include the years 2009 – 2011. The goal of this analysis is to understand the average monthly volume of water as a percentage of the annual use for the current demand and apply that percentage to future water use. The highest monthly water use occurred in June with an average of 63 acre-feet. Using the monthly water use data, a monthly peaking factor was derived.

The projected water demand for future near term projects, to be served by EAWSA, is summarized in a 2007 Preliminary Engineering Report by Daniel B. Stephens & Associates. A total of 92.75 acre-feet of water is necessary for planned residential and commercial development which includes the Tierra Bello Development. The annual water budget for the entire Tierra Bello development (9.5 acre-feet) and the other future developments (83.25 acre-feet) was divided by 12 to get a monthly average water use. The monthly peaking factor was then applied and is summarized in the table below. It is estimated the Tierra Bello development and future projects will increase the demand for the month of June by a total of 11.7 acre-feet, where Tierra Bello accounts for 2.1 acre-feet on this demand.

Table 1: Monthly Water Demand for Current and Future Use

| Monthly Water Use (acre-feet) | Jan (af) | Feb (af) | Mar (af) | Apr (af) | May (af) | Jun (af) | Jul (af) | Aug (af) | Sep (af) | Oct (af) | Nov (af) | Dec (af) | Total |
|-------------------------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|--------|
| 2006 af/mo | 40 | 39 | 40 | 52 | 61 | 62 | 49 | 42 | 40 | 40 | 35 | 35 | 534 af |
| 2007 af/mo | 41 | 35 | 37 | 37 | 46 | 60 | 61 | 66 | 61 | 52 | 45 | 35 | 574 af |
| 2008 af/mo | 38 | 37 | 39 | 44 | 67 | 75 | 55 | 53 | 52 | 40 | 35 | 33 | 568 af |
| 2009 af/mo | 34 | 33 | 37 | 39 | 58 | 55 | 63 | 59 | 45 | 40 | 34 | 33 | 528 af |

| | | | | | | | | | | | | | |
|--|------|------|------|------|------|------|------|------|------|------|------|------|----------|
| 2010 af/mo | 33 | 22 | 31 | 37 | 56 | 62 | 53 | 55 | 54 | 45 | 34 | 34 | 516 af |
| 2011 af/mo | 35 | 35 | 37 | 45 | 58 | 65 | 63 | 55 | 46 | 41 | 33 | 32 | 544 af |
| Average af/mo | 37 | 33 | 37 | 42 | 58 | 63 | 57 | 55 | 50 | 43 | 36 | 34 | 544 af |
| Monthly Peaking Factor | 0.81 | 0.71 | 0.80 | 0.89 | 1.25 | 1.39 | 1.29 | 1.26 | 1.13 | 0.96 | 0.79 | 0.73 | |
| Future Projects (83.25 acre-feet) | 5.6 | 5.1 | 5.6 | 6.5 | 8.8 | 9.6 | 8.7 | 8.4 | 7.6 | 6.6 | 5.5 | 5.1 | |
| Demand – Tierra Bello (18.25 acre-feet) | 1.2 | 1.1 | 1.2 | 1.4 | 1.9 | 2.1 | 2.0 | 1.9 | 1.7 | 1.5 | 1.2 | 1.1 | 18.25 af |
| Total Current (2011) and Future Demand (637 acre-feet) | 43.0 | 37.7 | 42.2 | 48.8 | 65.1 | 70.6 | 67.1 | 64.4 | 57.2 | 50.5 | 41.9 | 39.3 | 637 af |

- b) *Plans and specifications for production or diversion, storage and distribution facilities and a time schedule for their completion, prepared by or under the supervision of a registered professional engineer.*

From the submittal it appears distribution lines are in existence to serve the Tierra Bello Development. An existing domestic water distribution and fire protection plan for the first phase in addition to as-built water plans for the previous development configuration were submitted by the applicant for staff and NMED to review. These plans are sufficient to meet code requirement for master plan but not preliminary or final approval, as neither plan are stamped with an engineer's seal. Resubmission of properly stamped plans for review is required prior to preliminary and final plan approval.

Any additional infrastructure necessary for this development will be designed and constructed under the terms of the Development Agreement- Tierra Bello West, dated October 17th, 2008, between EAWSD and the applicant.

- c) *A legal description of the location of all construction easements and right-of-way necessary for the installation of the water supply system.*

Plans of existing domestic water distribution and fire protection plan for the first phase in addition to as-built water plans for the previous development configuration were reviewed. No clear indication of utility easements for water lines could be located. The applicant has not met code requirements for preliminary and final approval. Preliminary and final plat should incorporate all easements required by EASWSD and all standards for public water facilities.

- d) *Well plans indicating casing diameter, total depth, screened interval and proposed pump setting.*

EAWSD provided multiple reports on the wells that serve the central well field and the Galisteo wells which document well construction and production. The following table is a summary of well information:

| EAWSD Well No. | OSE File No. | Total depth | Casing Diameter | Screened interval (Feet-BGL) | Pump setting (Feet-BGL) |
|----------------|--|-------------|-----------------|------------------------------|-------------------------|
| 1 | RG 18528 | 700 | 10-3/4" | 350-650 | 630 |
| 2 | RG 18529 | 250 | 8-5/8" | 120-131 160-209 | 280 |
| 3 | RG 18543 | 320 | 10-3/4" | 114-320 | 214 |
| 4 | RG 18550 | 365 | 10-3/4" | 75-360 | 167 |
| 5 | RG 18515 | 192 | 6" | UNK | 175 |
| 6 | RG 18571 | 280 | 8-5/8" | 220-265 | 260 |
| 7 | RG 18595 | 280 | 8-5/8" | 180-212 234-255 | 268 |
| 8 | RG 18531 | 312 | 8-5/8" | 165-215 268-275 | 190 |
| 9 | RG 18556 | 134 | 12-3/4" | 50-90 100-120 | 100 |
| 10 | RG 18524 | 65 | 6" | unk | |
| 11 | RG 18523 | unk | 6" | UNK | |
| 12 | RG 18517 | 197 | 6" | UNK | 80 |
| 13 | RG-18529-S | 407 | 6-5/8" | 160-200 220-290 | 310 |
| 14 | (RG -18528, RG-18543 & RG-18550)-S | 385 | 8-5/8" | 235-315 345-385 | 315 |
| 15 | (RG -18528, RG-18529, RG-18543, RG-18550, RG-18515, RG-18571, RG-18595 and RG-18531)-S | 407 | 8-5/8" | 289-400 | 280 |
| 17 | RG-88450 | 675 | 6 5/8 "od | 396-457; 497-637 | unk |
| 18 | License No. RG-18529 & RG-18556 | 713 | 8.625 | 420 - 700 | unk |

- e) *An agreement providing for:*
- i. *The construction and operation of the water supply system as shown in the plat documents and plans*
 - ii. *Collateral, in the form of a performance bond or other means, adequately assure the complete construction and operation of the system in accordance with design and time specifications*
 - iii. *Certification of the operator of the system*
 - iv. *Involvement as prescribed in the plat documents of a Homeowner's Association, Mutual Domestic Association, or non-profit corporation for the purpose of operation and maintenance of the system.*

The development will be served by the expansion of an existing water system and the future homeowners will not have the responsibility of operating the water system. Development Agreement between the applicant and EAWSD, dated October 17th 2008, assures the construction and operation of the water system serving this development. Therefore, the code requirement for *Section 6.3.1 of Article VII (e)*, relating to the operation of EAWSD, is met.

- f) If the developer is within a declared basin, the applicant shall obtain a valid water right permit issued by the State Engineer pursuant to Section 6.2.2 of this section.*

Tierra Bello will be served by EAWSD so it is not the applicant but rather the water system that is required to obtain a valid water right permit. A review of Office of the State Engineer records demonstrates EAWSD has valid water right permits sufficient to serve this development. Any requirement of additional water rights is governed by the development agreement between the applicant and EAWSD. Further discussion of water rights is later in this memo.

Article VII, Section 6.3: Required Submittals - Community Water Systems

Requirements for Community Water Systems: *Article VII, Section 6.3.1*

- a) When a community water system is required, the developer shall provide water from existing or proposed water supply systems for domestic use, fire protection, and any other use that the developer proposes.*

Letter from Eldorado Area Water and Sanitation District dated October 17th, 2008 states they commit to provide up to 18.25 acre-feet of water for water service (inclusive of fire protection) to the entire Tierra Bello Development.

- b) The developer shall provide for the completion of the proposed water supply systems, in accordance with applicable minimum design standards of the New Mexico Environment Department and the Construction Industries Division.*

By the water development agreement between EAWSD and the applicant, the completion of the proposed waterline extension is provided for.

- c) The developer shall meet fire flow requirements set forth in Article VII Section 6.7.*

Section 6.7.6, as amended by Ordinance 1998-10, states residential subdivisions shall have fire hydrants which are designed to flow at least 500 gallons per minute with 20 psi for a two hour minimum. On September 12, 2007 a Technical Memorandum was issued by IDModeling address these code requirements and did not identify any deficiencies in storage or fire flows in Pressure Zone PZ-3R where the proposed development is located.

- d) The developer shall provide sufficient potable water for full development of all properties within the proposed development*

Addressed in commitment letter from EAWSD.

- e) *If the development is in a Traditional Community District, the community water system shall be designed to minimize the use of local water resources. The applicant shall obtain water rights as the State Engineer requires. The community water system shall be consistent with the Local Land Use and Utility Plan, if any.*

The subject development is not within a Traditional Community District, this requirement is not applicable.

- f) *All distribution mains shall be a minimum of six inches in diameter*

An existing domestic water distribution and fire protection plan for the first phase in addition to as-built water plans for the previous development configuration were submitted by the applicant for staff and NMED to review. These plans are sufficient to meet code requirement for master plan but not preliminary or final approval, as neither plan are stamped with an engineer's seal. Resubmission of properly stamped plans for review is required prior to preliminary and final plan approval.

- g) *It shall be noted on the final plat and plans and in the covenants and disclosure statement that the drilling or use of individual or shared wells is strictly prohibited.*

The restriction of drilling or using a well is noted on the final plat. Minor edits were suggested to the covenants and disclosure and were submitted to the case manager in red line format.

- h) *The developer shall meet all applicable requirements of the Public Utility Act Articles 1 through 6 and 8 through 13 of Chapter 62 NMSA 1978.*

EAWSD does not fall under the jurisdiction of the PRC with the exception of rate adjustments so this part of the code does not appear to apply to this development.

Article VII, Section 6.4 entitled "Water Availability Assessments"

For developments where the source of supply will be an existing community or municipal supply system the applicant shall submit a water availability assessment in accordance with Section 6.6.4. This section requires a willingness to serve letter from the water system, proof of existing water rights, quantity of water presently produced and plans for the existing water system as outlined below

6.4 Water Availability Assessments – Community Water Systems

Article VII Section 6.4.4 entitled community water systems for which existing utility companies are proposed as the source of water supply, the applicant shall submit a water availability assessment which includes the following:

- i. *Name of the utility proposed as the source of supply and letter of intent from the utility that they are ready, willing and able to provide the maximum annual water requirements for the development including fire protection for at least 100 years.*

Eldorado Area Water and Sanitation District (EAWSD) is the source of supply for this development. Letter from EAWSD dated December 29, 2011 states the district is ready, willing and able to provide up to 18.25 acre-feet per year of water to serve the Tierra Bello Development. Though this letter did not specifically state the district can provide fire protection for at least 100 years it is presumed fire protection is provided as part of the residential water service.

- ii. *Documentation showing the quantity of water presently produced annually, quantity of water supply commitments to date and proof of sufficient water rights to meet both existing commitments and the requirements of the development for at least 100 years.*

1. Annual Water Use and Future Water Supply Commitments

This item was addressed in the review of Section 6.3.1 of this Article VII on page 3 but is repeated here for ease of reading. The last review of water use for EAWSD included data from 2006 to 2008 and is updated in this review to include the years 2009 – 2011. The goal of this analysis is to understand the average monthly volume of water as a percentage of the annual use for the current demand and apply that percentage to future water use. The average annual water use is 544 acre-feet per year with highest monthly water use occurring in June, with an average of 63 acre-feet. The monthly data was evaluated and a monthly peaking factor was derived.

The projected water demand for future near term projects, to be served by EAWSA, is summarized in a 2007 Preliminary Engineering Report by Daniel B. Stephens & Associates. A total of 92.75 acre-feet of water is necessary for planned residential and commercial development which includes the Tierra Bello Development. The annual water budget for the entire Tierra Bello development (9.5 acre-feet) and the other future developments (83.25 acre-feet) was divided by 12 to get a monthly average water use. The monthly peaking factor was then applied and is summarized in the table below. It is estimated the Tierra Bello development and future projects will increase the demand for the month of June by a total of 11.7 acre-feet, where Tierra Bello accounts for 2.1 acre-feet on this demand.

Table 1: Monthly Water Demand for Current and Future Use

| Monthly Water Use (acre-feet) | Jan (af) | Feb (af) | Mar (af) | Apr (af) | May (af) | Jun (af) | Jul (af) | Aug (af) | Sep (af) | Oct (af) | Nov (af) | Dec (af) | Total |
|-------------------------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|--------|
| 2006 af/mo | 40 | 39 | 40 | 52 | 61 | 62 | 49 | 42 | 40 | 40 | 35 | 35 | 534 af |
| 2007 af/mo | 41 | 35 | 37 | 37 | 46 | 60 | 61 | 66 | 61 | 52 | 45 | 35 | 574 af |
| 2008 af/mo | 38 | 37 | 39 | 44 | 67 | 75 | 55 | 53 | 52 | 40 | 35 | 33 | 568 af |
| 2009 af/mo | 34 | 33 | 37 | 39 | 58 | 55 | 63 | 59 | 45 | 40 | 34 | 33 | 528 af |
| 2010 af/mo | 33 | 22 | 31 | 37 | 56 | 62 | 53 | 55 | 54 | 45 | 34 | 34 | 516 af |

| | | | | | | | | | | | | | |
|--|------|------|------|------|------|------|------|------|------|------|------|------|----------|
| 2011 af/mo | 35 | 35 | 37 | 45 | 58 | 65 | 63 | 55 | 46 | 41 | 33 | 32 | 544 af |
| Average af/mo | 37 | 33 | 37 | 42 | 58 | 63 | 57 | 55 | 50 | 43 | 36 | 34 | 544 af |
| Monthly Peaking Factor | 0.81 | 0.71 | 0.80 | 0.89 | 1.25 | 1.39 | 1.29 | 1.26 | 1.13 | 0.96 | 0.79 | 0.73 | |
| Future Projects (83.25 acre-feet) | 5.6 | 5.1 | 5.6 | 6.5 | 8.8 | 9.6 | 8.7 | 8.4 | 7.6 | 6.6 | 5.5 | 5.1 | |
| Demand - Tierra Bello (18.25 acre-feet) | 1.2 | 1.1 | 1.2 | 1.4 | 1.9 | 2.1 | 2.0 | 1.9 | 1.7 | 1.5 | 1.2 | 1.1 | 18.25 af |
| Total Current (2011) and Future Demand (637 acre-feet) | 43.0 | 37.7 | 42.2 | 48.8 | 65.1 | 70.6 | 67.1 | 64.4 | 57.2 | 50.5 | 41.9 | 39.3 | 637 af |

2. Proof of Sufficient Water Rights

The following is a brief summary of the decreed, permitted and licensed water rights for EAWSD wells.

- On March 3, 1971 Eldorado at Santa Fe filed 84 Declarations of Ownership of Groundwater Right for the original wells which served the utility.
- On December 20, 1972 under Cause No. 45612 the nature and limitations of the water rights associated with the original declared wells were decreed. The amount of water that may be diverted from each well was established under various permits issued by the OSE as follows:

| EAWSD Well No. | OSE Permit No. | 2007 Well Use (afa) | 2008 Well Use (afa) | 2009 Well Use (afa) | 2010 Well Use (afa) | 2011 Well Use (afa) | Maximum Diversion of Water as Decreed and Permitted (afa) |
|----------------|----------------|---------------------|---------------------|---------------------|---------------------|---------------------|---|
| 1 | RG 18528 | 25.08 | 0 | 0 | 0 | 0 | 151.3 |
| 2 | RG 18529 | 33.39 | 67.05 | 74.8 | 4.8 | 37.9 | 305.9 |
| 3 | RG 18543 | 0 | 0 | 0 | 0 | 0 | 82.1 |
| 4 | RG 18550 | 8.08 | 6.7 | 1.6 | 0 | 0 | 82.1 |
| 5 | RG 18515 | 0 | 0 | 0 | 0 | 0 | 24.0 |
| 6 | RG 18571 | 6.47 | 15.26 | 6.5 | 2.9 | 5.2 | 45.7 |
| 7 | RG 18595 | .76 | 4.30 | 13.4 | 10.6 | 17.5 | 82.0 |
| 8 | RG 18531 | 8.09 | 14.99 | 16.24 | 14.2 | 23.5 | 46.9 |
| 9 | RG 18556 | 163.24 | 92.06 | 129 | 124 | 2.3 | 195.4 |
| 10 | RG 18524 | 2.21 | 5.15 | 4.8 | 5.1 | 0 | 4.8 |
| 12 | RG 18517 | 14.90 | 13.31 | 4.4 | 0 | 0 | 17.4 |

| | | | | | | | | |
|--|---|----------------------------------|------------|------------|------------|------------|---|--|
| 13 | RG-18529-S | .03 | 0.62 | 0 | 0 | 0 | Supplemental to Well 2. | |
| 14 | (RG -18528, RG-18543 & RG-18550)-S | 110.57 | 91.44 | 93 | 85.5 | 109 | Supplemental to Wells 1, 3 & 4. Diversion shall not exceed 111.7 acre-feet | |
| 15 | (RG -18528, RG-18529, RG-18543, RG-18550, RG-18515, RG-18571, RG-18595 and RG-18531)-S | 201.58 | 240.38 | 185 | 186.6 | 198 | Supplemental to Wells 1, 2, 3, 4, 5, 6, 7, & 8. Diversion shall not exceed the sum of the 780.7 acre-feet | |
| 17 | (RG -18528, RG-18529, RG-18543, RG-18550, RG-18515, RG-18571, RG-18595 and RG-18531 and RG-18517)-S | | 16.97 | .19 | 43.8 | 106 | Not to exceed 111.07 acre-feet per annum. | |
| 18 | Permit Pending | | | | | 36.7 | Permit Pending | |
| Total Annual Water Use (af) | | 574 | 568 | 528 | 516 | 544 | | |
| Total Licensed Water Right (af) | | 783.43 acre-feet per year | | | | | | |

- On June 4th 2010 Partial License Nos. RG-18529 and RG-18556 was issued by the State Engineer. Partial License RG-18529 allows EAWSD to divert 583.23 acre-feet per year from the central well field and assigns a priority date ranging from 1968 to 1970. Partial License No. RG-18556 allows the diversion of 200.2 acre-feet per year from the Galisteo Creek Wells. (Well Nos. 9 and 10) and assigns a priority date ranging from 1968 to 1970. The total amount of water rights recognized under these licenses is 783.43 acre-feet per year.
- Partial License Nos. RG-18529 and RG-18556 allow for the application of water to beneficial use of 254.37 acre-feet per year above the licensed 783.43 acre-feet. EAWSD was given 20 years to perfect these water rights and submit Proof of Beneficial Use.

Based on the amount of water rights recognized under Partial License Nos. RG-18529 and RG-18556 and projected future demand of 637 acre-feet per year EAWSD has more than enough water rights to meet current and future water demands of the system; as well as the Tierra Bello Development.

iii. For New Mexico Public Utilities Commission (PUC) certified utilities, a copy of the most recent annual report submitted to the PUC.

EAWSD is not required to report to the PUC (now PRC) so this code requirement is not applicable

iv. Plans for the existing water system to which the proposed system will connect into. The plans shall show diversion point locations and water storage and distribution system. The size or capacity of the water system components should also be indicated on the plans.

The May 9, 2007 NMED, *Sanitary Survey Report Eldorado Water & Sanitation District WSS# 37326* states - The Eldorado Water and Sanitation District water system serves a population of approximately 7500, through 2904 service connections and approximately 70 commercial connections. The water system consists of fourteen wells (now fifteen), eight storage tanks, six treatment plants, three booster stations, and distribution. Notes: Well number 11 is no longer part of the system. Wells 3, 5, & 10 are still physically connected but not being used. Well 13 is still connected but no longer used. Meter reading submitted by EAWSD for 2007 and 2008 support NMED's finding that, with the exception of well 10, wells 3, 5 and 11 are not used to supply water to the system.

To estimate well capacity of the water system the design production of the wells currently on-line were obtained from EAWSD and reviewed. Since it is unreasonable to presume wells are pumped 100% of the time the well production was reduced by 60% to reflect reasonable well operation. It should be noted that wells 9 and 10 are shallow wells located near Lamy and within the streambed of Galisteo Creek. These wells are sensitive to drought and on several occasions have had a significant reduction in yield. For this reason, wells 9 and 10 are not a reliable supply of water every year and were not considered in this capacity analysis. Additionally Well 18 is excluded as it is not permitted for use by the State Engineer. A summary of EAWSD well production is as follows:

| EAWSD Well No. | OSE File No. | Design Capacity 100% (GPM) | Well Capacity 60% (GPM) | Well Capacity (acre-feet per year) |
|----------------|------------------------------------|----------------------------|-------------------------|------------------------------------|
| 1 | RG 18528 | 60 | 36 | 58 |
| 2 | RG 18529 | 130 | 78 | 126 |
| 3 | RG 18543 | Disconnected | - | - |
| 4 | RG 18550 | 25 | 15 | 24 |
| 5 | RG 18515 | Disconnected | - | - |
| 6 | RG 18571 | 50 | 30 | 48 |
| 7 | RG 18595 | 25 | 15 | 24 |
| 8 | RG 18531 | 50 | 30 | 48 |
| 9 | RG 18556 | 180 | 108 | Lamy Well |
| 10 | RG 18524 | UNK | - | Lamy Well |
| 11 | RG 18523 | Disconnected | - | - |
| 12 | RG 18517 | 20 | 12 | 19 |
| 13 | RG-18529-S | 200 | 120 | 194 |
| 14 | (RG -18528, RG-18543 & RG-18550)-S | 250 | 150 | 242 |
| 15 | (RG -18528, RG- | | 210 | 339 |

| | | | | |
|-------------------------------------|---|------------------------|----------------|------------------------|
| | 18529, RG-18543, RG-18550, RG- 18515, RG-18571, RG-18595 and RG- 18531)-S | 350 | | |
| 17 | RG-88450 | 115 | 69 | 111 |
| 18 | License No. RG- 18529 & RG-18556 | 300 (not permitted) | - | - |
| Total Well Production at 60% | | | 873 gpm | 1,233 acre-feet |

The amount of water that can be reasonably produced from the EAWSD central well field is estimated at 873 gallons per minute for wells currently on-line and permitted. Based on the highest water use month the estimated daily demand for current and future projects is 558 gpm but this does not account for peak daily use. Daily peaking issues are addressed through the use of storage. Based on this estimate there appears to be sufficient production from the EAWSD wells to meet current, future and the 18.25 acre-feet of demand proposed for this project.

- v. *Any other information, including any or all of the requirements of Sections 6.4.2 and 6.4.3 required by the Board or the County Development Review Committee to make a determination that the utility has the capability to meet the water requirements of the development.*

Additional information on this water system, as required by sections 6.4.2 and 6.4.3, is not necessary at this time as the water system has demonstrated sufficient capacity and water rights to serve the proposed development.

Article VII, Section 6.5 -Water Quality

No water quality information was submitted to the County to review but as EAWSD is a community water system they are required by NMED to meet all drinking water standards set forth by the Environmental Protection Agency. A review of the latest Sanitary Survey and NMED Drinking Water Bureau website did not indicate any water quality issues.

Article VII, Section 6.6- Water Conservation

Water Budget

Water budget submitted for review is reasonable and utilized an acceptable methodology, therefore this requirement of the Land Development Code has been met.

Water Restrictive Covenants

The report states that the lots will comply with the Santa Fe County water conservation ordinances. These restrictions should be reflected in the Water Restrictive Covenants for the development. Water conservation covenants reflecting the water conservation practices within LDC Article VII Section 6.6.2, Santa Fe County Ordinances 2002-13, 2004-7, 2003-6, 2006-3, 2006-8 should be submitted.

Article VII, Section 6.7- Fire Protection

Article VII, Section 6.7.6, as amended by Ordinance 1998-10, states residential subdivisions shall have fire hydrants which are designed to flow at least 500 gallons per minute with 20 psi for a two hour minimum. On September 12, 2007 a Technical Memorandum was issued by IDModeling address these code requirements and did not identify any deficiencies in storage or fire flows in Pressure Zone PZ-3R where the proposed development is located.

Article VII, Section 2 - Liquid Waste Disposal Requirements

Article V, Section 5.2.2. g, 8 entitled Master Plan Procedures requires a preliminary liquid waste disposal plan for the first sustainable phase of development, as required by Article VII, Section 2 of the Code. It should be noted wastewater requirements were amended by Ordinance 1999-1

Article VII, Section 2.2 (as amended by Ordinance 1999-1)

Table 7.1 of this section requires the submission of liquid waste disposal documentation package for subdivision proposing individual liquid water disposal systems, as described in Section 2.6.

Article VII, Section 2.6 (as amended by Ordinance 1999-1)

The following items are required for a liquid water disposal package:

2.6.1- A copy of the sub divider's disclosure statement relating to liquid waste disposal

2.6.2 – The location of proposed distance separation of all proposed and existing wells, sewage adsorption areas, community sewage systems and community water supply systems within the proposed subdivision or large scale residential development and existing wells and drain fields within 500 feet of the proposed subdivision or large scale residential boundary.

2.6.3 – A map showing the location of all arroyos, flood plains and bodies of water within the proposed subdivision or development and within 1,000 feet of the proposed subdivision or development boundary.

2.6.4 – A soil investigation report, including a soil survey, soil borings to a minimum depth of 8 feet, soil test results and an analysis of the soil survey, soil boring and soil tests. The report shall define soil depth to bedrock, seasonal high groundwater table or other limiting soil layer and percolation rate for the soils present with the proposed development. There shall be a minimum

of 1 boring and 1 percolation test per 10 lots; the locations of these borings and test shall be distributed over the site to adequately represent the site soil conditions.

2.6.5 - A liquid waste system feasibility map, superimposed on the subdivision plat or development plan delineating the areas suitable, limited and prohibitive soils as defined in Table 7.2 and delineating required setback distances as defined in Table 7.3. The feasibility map shall delineate slopes of 9% to 15% and slopes more than 15%.

2.6.6 - The flood frequency of areas within the proposed subdivision or development

2.6.7 - A detailed description of the kind of individual liquid waste disposal systems, if any, that are to be used by the occupants of the subdivision or development. Preliminary plans for individual liquid waste disposal systems if a system will serve more than one connection.

2.6.8 - The projected population of the subdivision or development.

2.6.9 - The direction of movement of ground water in the subdivision or development

2.6.10 - An analysis which indicates the individual liquid waste disposal systems can be used for each lot in compliance with all applicable New Mexico Environment Department regulations in effect at the time the application is made and all requirements of Section 2.4 of this Article, without need for any variance from their requirements.

2.6.11 - At the discretion of the Board, as applicant of a development permit, may be required to analyze the effect of wastewater discharges on groundwater quality over a 100 year time frame to demonstrate that potable water supplies new available to wells within one mile of the development shall not be caused to be unpotable during the 100 year period as a result of the proposed development.

The development report submitted by the applicant states the proposed lots will use individual septic systems which will incorporate gray water systems for irrigation. The original language in the report stated gray water will serve to meet individual irrigation but such use was not indicated on the water budget. An e-mail from the applicant's agent received March 29th, 2012, has clarified that such systems will be installed at the discretion of the homeowner and cannot be used to reduce the water budget for each lot. Given this the developer is not required to submit engineering plans for a grey water system.

The documentation submitted by the applicant does not meet code requirement for liquid waste disposal. Additionally, the plat notes state the soils in the development are moderate to severe regarding development of septic tank but is not addressed in the development report or disclosure statement. An analysis of site conditions, pursuant to all requirements of Article VII Section 2.4 and 2.6, to determine if a conventional septic tank or an advanced treatment system appropriate for the development site is required prior to preliminary and final development approval.

It is recommended county staff work with the applicant to outline necessary submittals to meet code requirements. This can be handled administratively as a condition prior to final plat approval.

Conclusions

Staff review found Eldorado Area Water and Sanitation District has sufficient water rights and well capacity to meet the existing and future demands of the water system and the additional water use proposed by this application. Additionally staff concludes there is sufficient information submitted for Master Plan but request submission of additional information, as outlined below, for review prior to preliminary and final approval.

- Domestic water plans are sufficient to meet this code requirement for master plan but not for preliminary or final approval, as neither plan are stamped with an engineer's seal. Resubmission of properly stamped plans for review by the utilities department is required prior to preliminary and final plan approval.
- Address red-line comments on Development Plans for Tierra Bello Subdivision received March 19th, 2012.
- Preliminary and final plat should incorporate all easements required by EASWSD and all standards for public water facilities.
- Due to soil conditions within the development the analysis required by Article VII Sections 2.4 and 2.6, to determine whether a conventional septic tank is suitable at this site or an advanced treatment system.
- Submission of Water Restrictive Covenants for Review prior to final plat approval

If you have any questions, please feel free to call me at 992-9871 or email at ktorres@co.santa-fe.nm.us.

XFINITY Connect

ldplanning@comcast.net

Font Size

RE: Tierra Bella Subdivision TIA

From : Afshin Jian, NMDOT <Afshin.Jian@state.nm.us>

Mon, Oct 22, 2012 06:34 PM

Subject : RE: Tierra Bella Subdivision TIA

To : Morey <Morey@walkerengineering.net>, Jeremy Lujan, NMDOT <Jeremy.Lujan@state.nm.us>

Cc : 'Vicki Lucero' <vlopez@co.santa-fe.nm.us>, Danny Martinez <ldplanning@comcast.net>

waiting for final response on DOT. This is listed as a condition of approval.

Hi Morey,

As per our phone conversation today we agreed to the following:

- The review of the 50% build shows that the delay is increasing on turning movements to US 285.
- Although, the level of service remains the same for the turning movements
- The deceleration lane on US 285 is not adequate length for the posted speed of 45 mph
- Acceleration length might not be required at this time, based on the shown turning movement in the report for 50% build scenarios
- Signal warrant was not performed at this intersection and the NMDOT district five communicated that a traffic signal was not planned.

Based on the traffic impact analysis the current mitigation for 50% development shall be to increase the length of deceleration lane to 45 mph standards shown in New Mexico Access Manual. The manual calls for 370' of deceleration lane with 150' of taper.

The full build requires analysis for traffic signal warrant for the intersection or right acceleration lane on US 285 if it does not meet the warrant.

Please let me know if you have any questions

Afshin Jian P.E.
State Traffic Engineer
New Mexico Department of
TRANSPORTATION
Phone: (505) 827-5490
Cell: (505) 795-5993

From: Morey [mailto:Morey@walkerengineering.net]
Sent: Monday, October 22, 2012 12:06 PM
To: Lujan, Jeremy, NMDOT; Jian, Afshin, NMDOT
Cc: 'Vicki Lucero'; Danny Martinez
Subject: RE: Tierra Bella Subdivision TIA

Afshin,

After talking with you today, my understanding is Terra Bella would receive NMDOT approval once we determine what mitigation measures will be required

I have looked into the design of the right turn deceleration lane from US 285 onto Avenida Eldorado. Apparently, when the right turn deceleration lane was built the speed limit on US 285 was 40 mph. I know that is a fact since I got a speeding ticket on that stretch of highway. Since the speed limit has been raised to 45 mph, the right turn deceleration lane should be lengthen from the current 300 feet to the required 370 feet. My client will agreed to pay for the lengthening once Tierra Bella has received final approval for 37 lots

This should take care of the mitigation requirements from NMDOT. If that is not the case, please do not hesitate to contact me. Santa Fe County is requesting a letter from NMDTO for this approval

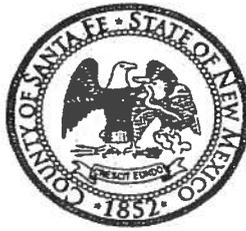
Thank you for your response

OB B-34

Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Santa Fe County Fire Department Fire Prevention Division

Official Submittal Review

| | | | |
|--|--|--|---|
| Date | April 24, 2012 | | |
| Project Name | Tierra Bello / Joe Miller | | |
| Project Location | 56 Avenida de Compadres T17; R9; S24-25 | | |
| Description | Development request for 73 lot single family subdivision | Case Manager | Vicki Lucero |
| Applicant Name | Joe Miller/ Agent -Land Development Consultants | County Case # | Z/S08-5440 |
| Applicant Address | 7009 Marilyn Ave. NE Albuquerque, NM 87109 | Fire District | El Dorado |
| Applicant Phone | 505-660-5250 | | |
| Commercial <input checked="" type="checkbox"/> | Residential <input type="checkbox"/> | Sprinklers <input type="checkbox"/> | Wildland <input type="checkbox"/> |
| Hydrant Acceptance <input type="checkbox"/> | Master Plan <input type="checkbox"/> | Preliminary <input type="checkbox"/> | Final <input checked="" type="checkbox"/> |
| Inspection <input type="checkbox"/> | Lot Split <input type="checkbox"/> | | |
| Project Status | Approved <input type="checkbox"/> | Approved with Conditions <input checked="" type="checkbox"/> | Denial <input type="checkbox"/> |

The Fire Prevention Division/Code Enforcement Bureau of the Santa Fe County Fire Department has reviewed the above submittal and requires compliance with applicable Santa Fe County fire and life safety codes, ordinances and resolutions as indicated (*Note underlined items*) :

Summary of Review

- addressed - Roads shall meet the minimum County standards for fire apparatus access roads within this type of proposed development... (page #2)
- revised plans submitted showing construction of Sunview Loop and Avenida Tierra Bello with Phase I. - Per revised Phase I plans, development shall include the regrading and surfacing of Sunview Loop for adequate fire department access and shall include Sunview Loop on Phase I drawings. Construction of Salida Tierra Bello shall allow for a secondary access point onto Avenida de Compadres Road. Avenida de Compadres Road shall be built to County Standards to the intersection with Avenida Eldorado . This shall include adequate drainage for low water crossing areas. (page #2)
- to be addressed at construction. - All access roadway identification signs leading to the approved development area(s) shall be in place (page #3)
- Addressed - (Note on Plat) - No building permits shall be granted until such time as the fire hydrants have been tested and approved... (page #4)

To be addressed after construction

- Prior to acceptance and upon completion of the permitted work, the Contractor/Owner shall call for and submit to a final inspection... (page #5)

Fire Department Access

Shall comply with Article 9 - Fire Department Access and Water Supply of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal

Any walking trail system created for this development shall have a trail identification number or name and be marked with a number every 1/10th of a mile (528 feet) for the purpose of expediting emergency response.

- **Fire Access Lanes**

Section 901.4.2 Fire Apparatus Access Roads (1997 UFC) When required by the Chief, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.

Curbs adjacent to fire hydrants, landscape medians in traffic flow areas and in designated no parking areas shall be appropriately marked in red with 6" white lettering reading "FIRE LANE - NO PARKING" as determined by the Fire Marshal prior to final approval. Assistance in details and information are available through the Fire Prevention Division. The Home Owner's and/or the Home Owner's Association will maintain said markings following the final approval and for the duration of the subdivision.

- **Roadways/Driveways**

Shall comply with Article 9, Section 902 - Fire Department Access of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

Roads shall meet the minimum County standards for fire apparatus access roads within this type of proposed development. Final acceptance based upon the Fire Marshal's approval.

Cul-de-sacs shall be a minimum 50' radius. SFC Land Use Code, Article V, Section 8.2.1d, (cul-de sacs over 250' in length)

Maximum size for an island in a cul-de-sac shall be 20' diameter.

Roads shall meet the minimum County standards for fire apparatus access roads within this type of proposed development. Driveways, turnouts and turnarounds shall be County approved all-weather driving surface of minimum 6" compacted base course or equivalent. Minimum gate and individual driveway width shall be 14' and an unobstructed vertical clearance of 13'6".

OB B-36

Per revised Phase I plans, development shall include the regrading and surfacing of Sunview Loop for adequate fire department access and shall include Sunview Loop on Phase I drawings. Construction of Salida Tierra Bello shall allow for a secondary access point onto Avenida de Compadres Road. Avenida de Compadres Road shall be built to County Standards to the intersection with Avenida Eldorado . This shall include adequate drainage for low water crossing areas.

▪ **Street Signs/Rural Address**

Section 901.4.4 Premises Identification (1997 UFC) *Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property.*

Section 901.4.5 Street or Road Signs. (1997 UFC) *When required by the Chief, streets and roads shall be identified with approved signs.*

All access roadway identification signs leading to the approved development area(s) shall be in place prior to the required fire hydrant acceptance testing. Said signs shall remain in place in visible and viable working order for the duration of the project to facilitate emergency response for the construction phase and beyond.

Properly assigned legible rural addresses shall be posted and maintained at the entrance(s) to each individual lot or building site within 72 hours of the commencement of the development process for each building.

▪ **Slope/Road Grade**

Section 902.2.2.6 Grade (1997 UFC) *The gradient for a fire apparatus access road shall not exceed the maximum approved.*

Slope shall not exceed 11%.

▪ **Restricted Access/Gates/Security Systems**

Section 902.4 Key Boxes. (1997 UFC) *When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the chief is authorized to require a key box to be installed in an accessible location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the chief.*

All gates on a public way shall be operable by means of a key or switch, which is located in a Knox Lock entry system, keyed to the Santa Fe County Emergency Access System (Knox Rapid Entry System). Details and information are available through the Fire Prevention office.

A final inspection by this office will be necessary to determine the applicability of the installation of the Knox lock access system in regards to emergency entrance / egress into the subdivision via the adjoining Tierra Colinas access roads. Should it be found suitable for such, the developer shall install the system.

Fire Protection Systems

- Hydrants

Shall comply with Article 9, Section 903 - Water Supplies and Fire Hydrants of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal

Section 903.4.2 Required Installations. (1997 UFC) *The location, number and type of the fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises or both to be protected as required and approved.*

Fire hydrants subject to possible vehicular damage shall be adequately protected with guard posts in accordance with Section 8001.11.3 of the 1997 UFC.

All fire hydrants shall be spaced so that the furthest buildable portion of a parcel shall be within one thousand feet (1,000') as measured along the access route.

Additional hydrants and/or relocation of existing fire hydrants shown within the submittal packet may be required.

Fire hydrant locations shall be no further than 10 feet from the edge of the approved access roadways with the steamer connections facing towards the driving surface. Final fire hydrant locations shall be located in full view for incoming emergency responders. Landscape vegetation, utility pedestals, walls, fences, poles and the like shall not be located within a three foot radius of the hydrant per Article 10, Sections 1001.7.1 and 1001.7.2 of the 1997 UFC.

All hydrants shall have NST ports.

No building permits shall be granted until such time as the fire hydrants have been tested and approved by the Santa Fe County Fire Marshal.

All hydrants shall comply with Santa Fe County Resolution 2000-55, Hydrant color-coding, marking and testing.

General Requirements/Comments

- **Inspections/Acceptance Tests**

Prior to acceptance and upon completion of the permitted work, the Contractor/Owner shall call for and submit to a final inspection by this office for confirmation of compliance with the above requirements and applicable Codes.

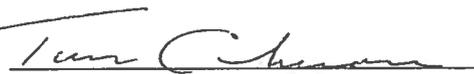
- **Permits**

As required

Final Status

Recommendation for Final Development Plan approval with the above conditions applied.

Tim Gilmore, Inspector



Code Enforcement Official

4-25-12
Date

Through: David Sperling, Chief/Fire Marshal

File: DevRev/EL/TierraBello/042412

Cy: Applicant
District Chief
Buster Patty, Capt., Fire Prevention Div. 

Official Submittal Review

5 of 5

OB 0-39



STATE OF NEW MEXICO
OFFICE OF THE STATE ENGINEER
SANTA FE

Scott A. Verhines, P.E.
State Engineer

March 21, 2013

CONCHA ORTIZ Y PINO BLDG.
POST OFFICE BOX 25102
130 SOUTH CAPITOL
SANTA FE, NEW MEXICO 87504-5102
(505) 827-6091
FAX: (505) 827-3806

Vicki Lucero
Building & Development Services Manager
Santa Fe County
P.O. Box 276
Santa Fe, NM 87504

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

Re: Tierra Bello Subdivision Master Plan/Preliminary & Final Plat & Development Plan for Phase 1

Dear Ms. Lucero:

The Water Use & Conservation/Subdivision Review Bureau of the Office of the State Engineer has reviewed the referenced subdivision proposal pursuant to the Santa Fe County Land Development Code and the New Mexico Subdivision Act.

Based on the information provided, this office cannot determine that the subdivider can furnish water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses, and that the subdivider can fulfill the proposals in his disclosure statement concerning water, excepting water quality. Accordingly, a **negative opinion** is issued.

A staff memorandum providing specific comments is attached for your information. If you have any questions, please call Julie Valdez at 505-827-6790.

Sincerely,

A handwritten signature in cursive script, appearing to read "John W. Longworth".

John W. Longworth, P.E.
Water Use & Conservation/Subdivision Review Bureau Chief
Encl.

cc: OSE Water Rights Division, Santa Fe Office

MEMORANDUM
New Mexico Office of the State Engineer
Water Use and Conservation Bureau

DATE: March 21, 2013

TO: John Longworth, P.E., Water Use and Conservation Bureau Chief

FROM: Julie Valdez, Senior Water Resource Specialist *JMV*

SUBJECT: Tierra Bello Subdivision, Santa Fe County

SUMMARY

On February 21, 2013 the Office of the State Engineer (OSE) received a request to provide comments on the *Tierra Bello Subdivision Master Plan/Preliminary and Final Plat and Development Plan for Phase 1*.

The applicant seeks approval from Santa Fe County for a Master Plan development of 73 lots and Preliminary/Final approval for Phase 1 of the development. The proposed Master Plan will be developed in eight phases as follows:

- Phase 1 – Lots 1-9
- Phase 2 – Lots 10-15
- Phase 3 – Lots 16-21
- Phase 4 – Lots 22-29
- Phase 5 – Lots 30-37
- Phase 6 – Lots 38-43
- Phase 7 – Lots 44-63
- Phase 8 – Lots 64-73

The Master Plan proposal is a request to subdivide a 263.8 acre parcel into 73 residential lots ranging in size from 2.7 to 5.9 acres. The property is located on the west side of US 285 between Avenida Eldorado and Spur Ranch Road within projected Sections 24 and 25, Township 17 North, Range 9 East, Cañada De Los Alamos Grant. The proposed water supply is by the Eldorado Area Water and Sanitation District. The New Mexico Subdivision Act does not require an opinion from the OSE for Master Plans. Therefore, this opinion is only for Phase 1 of the development.

This office reviewed and provided comments for the Tierra Bello Plan on January 12, 2009, January 13, 2010, August 26, 2010, October 28, 2011, April 9, 2012 and February 28, 2013. For details, please refer to these letters.

The water supply documents submitted to this office consist of an updated Water Budget, Disclosure Statement, and a Letter from EAWSD.

The nine lot subdivision proposal (Phase 1) was reviewed pursuant to the Santa Fe County Land Development Code (Code) and the New Mexico Subdivision Act (Act). Based on the information provided, the water supply proposal is not in compliance with the requirement of Section 6.4.4.b of the Code and Section 47-6-11.F.(1) of the Act. Accordingly, a **negative** opinion should be issued.

WATER DEMAND ANALYSIS AND WATER CONSERVATION

Section 6.6.2 of the Code requires that a detailed water demand analysis be included in the proposal. Water requirements for residential use are computed as 0.25 acre-feet per lot and are based on indoor water uses and quantities presented in OSE Technical Report 48, (Wilson, 1996) assuming 3 persons per dwelling unit and 400 squared ft of Bermuda grass.

The developer provides confusing and contradicting statements throughout the proposal regarding the size of lots for the proposed subdivision:

- Under the Project Summary the developer states that the largest and smallest parcels for phase 1 will be 3.69 acres and 2.71 acres in size.
- Under Section G of the proposal the developer states that the smallest parcel for phase one will be 2.90 acres size.
- Under Item No. 5 and 6 of the Disclosure Statement the developer states that largest and smallest parcels will be 2.97 acres and 2.75 acres in size.

Addressed
The size of parcels should also be consistent throughout the proposal. It is recommended that the developer amend the proposal accordingly.

WATER AVAILABILITY ASSESSMENT

The proposed water supply is by the Eldorado Area Water and Sanitation District (EAWSD). The water service agreement from EAWSD is a commitment to provide water service not to exceed 18.25 acre-feet per annum.

Under Item No. 20 of the Disclosure Statement the developer states that the life expectancy of the water supply is 100 years. No documentation to support this was provided. In May 2012, the OSE approved an application for an Additional Point of Diversion for EAWSD. The approval increased EAWSD's capacity to provide water by 200 acre-feet per annum. The amount of connections EAWSD is currently serving or the number of outstanding service commitments not yet connected was not included in the proposal. Santa Fe County staff estimated the amount of water needed for EAWSD's outstanding service commitments not yet served as approximately 116.75 acre-feet per annum. However, Section 6.4.4.b of the Santa Fe County Land Development Code requires documentation from the utility "*showing the quantity of water presently produced annually, quantity of water supply commitments to date, and proof of sufficient water rights to meet both existing commitments and the requirements of the development for at least 100 years*".

Section 47-6-11.F (1) of the Act requires that the developer provide documents demonstrating that water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision is available. The OSE reviews the water rights and the physical water availability when issuing an opinion. Based on OSE records, EAWSD currently holds sufficient water rights

Tierra Bello Subdivision
March 21, 2013
Page 3 of 3

to provide service to the proposed subdivision. However, an analysis conducted by the OSE Hydrology Bureau on EAWSD's well capacity over the next hundred years found that six of EASWD wells will fail. For more details regarding this analysis, please see the attached memo.

Based on the information provided, this office has determined, as required by Section 47-6-11.F. (1) of the Act, that the developer cannot fulfill the statements in the proposals concerning water availability at this time.

MEMORANDUM
OFFICE OF THE STATE ENGINEER
Hydrology Bureau

DATE: February 12, 2013

TO: Julie Valdez, Bureau of Water Use and Conservation

FROM: Susan Hoines, CGWP, P.E., Hydrology Bureau *SH*

THROUGH: Mike Johnson, P.G., Chief, Hydrology Bureau *MJ*

SUBJECT: Evaluation of Eldorado Area Water and Sanitation District's
(EAWSD) Production Wells, Over a 100-Year Production Period

The Water Use and Conservation Bureau (WUC) requested that the Hydrology Bureau analyze the hydrologic effects arising from prior service commitments made by Eldorado Area Water and Sanitation District (EAWSD) plus the four more recent subdivisions (Spirit Wind West, Tierra Bello, Cimarron Village, and Cielo Colorado) evaluated by WUC. Discussion with Santa Fe County staff indicated that the prior service commitments and aforementioned subdivisions is approximately 116.75 af/yr (Karen Torres, personal communication, February 11, 2013). Further, WUC requested that the analysis be carried out to 100 years to satisfy section 6.4 of the Santa Fe County Land Development Code.

EAWSD has a partial license for 583.23 acre-feet per annum and the ability to continue to develop an additional 254.37 acre-feet per annum from their Central Well Field. Water Rights Division (WRD) has advised the Hydrology Bureau that as long as EAWSD adheres to each well's diversion limits specified in its license, EAWSD is permitted to divert a total of 837.6 af/yr (583.23 af/yr + 254.37 af/yr) from its wells currently listed on its license, regardless of their hydrologic effects. On May 1, 2012, WRD approved an EAWSD application for an additional Point of Diversion for EAWSD Well #18, also known as Well RG-18528-POD6; permit conditions require that diversions from Well RG-18528-POD6 be limited to 200 af/yr. Metering records for 2012 show that EAWSD diverted only 527.78 af/yr from its central well field. EAWSD's license would allow supplying its prior service commitments in addition to the subdivisions mentioned above.

Prior to WRD's approval of EAWSD's Additional Point of Diversion (Well RG-18528-POD6), Hydrology Bureau reviewed EAWSD's assessment of drawdown and stream depletions due to a 200 af/yr diversion from Well RG-18528-POD6. However, Hydrology Bureau only assessed the effects over a 40-year time period. To comply with section 6.4 in the Santa Fe County Land Development Code, a 100-year time period will have to be assessed. Therefore, Hydrology Bureau assessed the pumping schedule proposed by EAWSD in its Application for Additional Point of Diversion under Partial License Nos. RG-18529 & RG-18556 (the Well 18 application) for a

100-year pumping period. The results show that drawdown at six EAWSD wells will exceed those wells' allowable physical drawdown or allowable economic drawdown after 100 years of diversion of 783.23 af/yr total according to the pumping schedule proposed by EAWSD in its application for its Well 18. Further, if EAWSD were to maintain its 2012 pumping schedule of 527.78 af/yr total for the next 100 years, drawdown at three of its wells would exceed those wells' allowable physical drawdown or allowable economic drawdown. A summary table of the results is presented in Table 1 below; more details are presented in Table 2, which is attached to this memorandum. The allowable physical drawdown and allowable economic drawdown for each well were calculated in accordance with Morrison, 2006. Significant decline in production from a well is expected when drawdown exceeds its allowable economic drawdown or allowable physical drawdown. If EAWSD continues to divert over the next 100 years, it will have to replace some of its wells to maintain 2012 diversions or to achieve its proposed diversion schedule and to fully develop its partially licensed right.

Table 1. Summary of results from the GGI-OSE Settlement Model of the Eldorado Area

| Well I.D. RG No. | Well I.D. EAWSD # | 2011 Proposed Diversion (afy) | 2012 diversion (afy) | Allowable Physical Drawdown (ft) | Allowable Economic Drawdown (ft) | Total predicted 100-yr Drawdown w/ proposed div. (ft) | Total predicted 100-yr Drawdown w/ 2012 div. (ft) |
|------------------|-------------------|-------------------------------|----------------------|----------------------------------|----------------------------------|---|---|
| RG 18528 | 1 | 2.54 | 0.00 | 495.31 | 367.72 | 47.88 | 1.51 |
| RG 18529 | 2 | 48 | 34.61 | 15.97 | 32.18 | 87.11 | 62.49 |
| RG 18543 | 3 | 12.46 | 0.00 | 219.35 | 174.55 | 54.61 | 13.38 |
| RG 18550 | 4 | 14.07 | 0.00 | 261.35 | 203.95 | 29.70 | 12.62 |
| RG 18515 | 5 | 24 | 0.00 | 54.64 | 59.25 | 101.77 | 14.91 |
| RG 18571 | 6 | 45.7 | 3.42 | 6.07 | 25.25 | 80.18 | 18.18 |
| RG 18595 | 7 | 11 | 12.89 | 30.59 | 42.41 | 35.58 | 31.07 |
| RG 18531 | 8 | 15 | 16.45 | 184.22 | 149.95 | 123.41 | 126.36 |
| RG 18517 | 12 | 10 | 0.00 | 92.05 | 85.44 | 95.50 | 48.28 |
| RG-18529-S | 13 | 17.46 | 0.00 | 39.00 | 48.30 | 51.21 | 28.52 |
| RG-18528-POD3 | 14 | 82 | 100.34 | 102.03 | 92.42 | 58.64 | 56.51 |
| RG-18528-POD4 | 15 | 186 | 175.86 | 127.39 | 110.17 | 89.41 | 86.95 |
| RG-18528-POD5 | 17 | 115 | 93.31 | 535.45 | 395.82 | 264.62 | 187.09 |
| RG-18528-POD6 | 18 | 200 | 90.89 | 562.09 | 414.46 | 158.96 | 81.10 |

Note: numbers printed in red are the total predicted drawdowns that exceeded the Allowable Physical Drawdown or Allowable Economic Drawdown for that well.

Proposed Diversion Total = 783.23 af/yr
 2012 Diversion Total = 527.78 af/yr

REFERENCES

Daniel B. Stephens and Associates (2011). *Installation and Testing of District Supply Well #18 (RG-92331)*. Albuquerque, New Mexico: Daniel B. Stephens and Associates

Glorieta Geoscience, Inc (2012). *Eldorado Area Water and Sanitation District Third Quarterly Water Level Monitoring Report of 2012*; Memorandum addressed to Vince Chavez and Jerri Trujillo, OSE. October 15, 2012

Glorieta Geoscience, Inc (2011). *Eldorado Area Water and Sanitation District 2010 Annual Water Level Monitoring Report*; Memorandum addressed to Vince Chavez and Jerri Trujillo, OSE. March 10, 2011

Hodgins, M., and Chudnoff, M., (2007). *Eldorado Area Water and Sanitation District Preliminary Hydrologic Assessment Report*, February, 2007. Santa Fe, New Mexico: Glorieta Geoscience, Inc.

Morrison, T., 2006, Guidelines for the assessment of drawdown estimates for water right application processing: New Mexico Office of the State Engineer Hydrology Bureau Report 06-01, February 1, 2006

Table 2. Summary of results from the GGI-OSE Settlement Model of the Eldorado Area.

| 1 | 2 | 3 | 4 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 16 | 17 | 18 | 19 |
|------------------|-------------------|--------------------------|-----------------|--------------------------------------|---------|---------|-----------------|-------------------|-----------------------------|-----------------------------|--|---|---------------------------------|----------------------------------|--|--|
| Well I.D. RG No. | Well I.D. EAWSD # | 2011 Proposed Div. (afy) | 2012 Div. (afy) | Estimated Specific Capacity (gpm/ft) | OD (in) | TD (ft) | recent DTW (ft) | Water Column (ft) | Allowable Physical DDn (ft) | Allowable Economic DDn (ft) | Total predicted 100-yr DDn w/ proposed div. (ft) | Total predicted 100-yr DDn w/existing div. (ft) | 100 yr-DDn (ft) w/proposed div. | 100 yr DDn w/ existing div. (ft) | Estimated Dynamic DDn w/existing div. (ft) | Estimated Dynamic DDn w/proposed div. (ft) |
| RG 18528 | 1 | 2.54 | 0.00 | 0.08 | 10.75 | 700.00 | 174.69 | 525.31 | 495.31 | 367.72 | 47.88 | 1.51 | 15.07 | 1.51 | 0.00 | 32.81 |
| RG 18529 | 2 | 48 | 34.61 | 0.66 | 8.63 | 250.00 | 161.03 | 45.97 | 15.97 | 32.18 | 87.11 | 62.49 | 11.96 | 8.31 | 54.18 | 75.15 |
| RG 18543 | 3 | 12.46 | 0.00 | | 10.75 | 320.00 | 74.65 | 249.35 | 219.35 | 174.55 | 54.61 | 13.38 | 27.05 | 13.38 | 0.00 | 16.00 |
| RG 18550 | 4 | 14.07 | 0.00 | 4.12 | 10.75 | 374.00 | 73.65 | 291.35 | 261.35 | 203.95 | 29.70 | 12.62 | 26.17 | 12.62 | 0.00 | 3.53 |
| RG 18515 | 5 | 24 | 0.00 | 0.90 | 6.00 | 192.00 | 107.36 | 84.64 | 54.64 | 59.25 | 101.77 | 14.91 | 74.21 | 14.91 | 0.00 | 27.56 |
| RG 18571 | 6 | 45.7 | 3.42 | 0.83 | 8.63 | 280.00 | 223.93 | 36.07 | 6.07 | 25.25 | 80.18 | 18.18 | 23.28 | 13.92 | 4.26 | 56.90 |
| RG 18595 | 7 | 11 | 12.89 | 1.17 | 10.75 | 268.00 | 189.41 | 60.59 | 30.59 | 42.41 | 35.58 | 31.07 | 25.86 | 19.68 | 11.39 | 9.72 |
| RG 18531 | 8 | 15 | 16.45 | 0.17 | 8.50 | 312.00 | 63.78 | 214.22 | 184.22 | 149.95 | 123.41 | 126.36 | 32.23 | 26.36 | 100.00 | 91.18 |
| RG 18517 | 12 | 10 | 0.00 | 0.90 | 6.00 | 197.00 | 74.95 | 122.05 | 92.05 | 85.44 | 95.50 | 48.28 | 84.02 | 48.28 | 0.00 | 11.48 |
| RG-18529-S | 13 | 17.46 | 0.00 | 1.35 | 6.63 | 340.00 | 221.00 | 69.00 | 39.00 | 48.30 | 51.21 | 28.52 | 37.85 | 28.52 | 0.00 | 13.36 |
| RG-18528-POD3 | 14 | 82 | 100.34 | 3.74 | 4.95 | 400.00 | 267.97 | 132.03 | 102.03 | 92.42 | 58.64 | 56.51 | 35.98 | 28.79 | 27.72 | 22.66 |
| RG-18528-POD4 | 15 | 186 | 175.86 | 4.25 | 8.00 | 417.00 | 249.61 | 157.39 | 127.39 | 110.17 | 89.41 | 86.95 | 44.19 | 44.19 | 42.76 | 45.22 |
| RG-18528-POD5 | 17 | 115 | 93.31 | 0.74 | 6.00 | 650.00 | 80.55 | 565.45 | 535.45 | 395.82 | 264.62 | 187.09 | 104.03 | 56.79 | 130.30 | 160.59 |
| RG-18528POD6 | 18 | 200 | 90.89 | 4.10 | 8.63 | 710.00 | 107.91 | 592.09 | 562.09 | 414.46 | 158.96 | 81.10 | 108.55 | 58.19 | 22.91 | 50.41 |

Div. = diversion
 DDn = drawdown
 Dynamic Drawdown = self-induced water level decline inside the well's casing
 DTW = depth to water
 OD = outside diameter
 Proposed Div. Total = 783.23 af/yr
 TD = Total Depth
 2012 Diversion Total = 527.78 af/yr

Notes:
 Numbers printed in red are the total predicted drawdowns that exceeded the Allowable Physical Drawdown or Allowable Economic Drawdown for that well.

Column 6: from Hodgins and Chudhoff (2007) except for well 18 (see DBSA (2011)) and well 17 (based on info in GGI (2011))
 Column 9: Water level data from GGI (2012) except for EAWSD Well # 4, 5, and 13 (GGI (2011))
 Column 10 = (depth to base of screen in primary prod. Zone) - Column 9
 Column 11 = column 10 - 30 ft.
 Column 12 = column 10 x 0.7
 Column 13 = column 16 + column 19
 Column 14 = column 17 + column 18
 Col.s 18, 19 Diversion (gpm) + column 6, except for EAWSD Well #3; Well #3 was calculated with Theis Equation



December 11, 2012

Vicki Lucero
Development Review Team Leader
Santa Fe County
Santa Fe, NM

Re: Tierra Bello Subdivision

Dear Ms Lucero:

Santa Fe Public Schools has reviewed information received from Santa Fe County Development Review Team regarding the above referenced project. Given the estimated build out projections for the development plan, current capacities at assigned schools (Eldorado Community School K-8, Santa Fe High School 9-12) will be adequate to serve the anticipated student population from this development. However, there may be additional residential housing projects currently planned or in the development phase that will affect future school capacities in this area.

We appreciate your observance of City Ordinance 2008-32 allowing Santa Fe Public Schools to adequately plan for impact to facilities and operations.

Sincerely,

Shirley McDougall
Property & Asset Management
(505) 699-4369
smcdougall@sfps.info

Educational Services Center
610 Alta Vista
Santa Fe, NM 87505
Telephone (505) 467-2000
www.sfps.info

OB B-44



BILL RICHARDSON
Governor

State of New Mexico
ENVIRONMENT DEPARTMENT
Environmental Health Division
District II-Santa Fe Field Office
#4 Calle Medico
Santa Fe, New Mexico 87505
Telephone (505) 827-1840
Fax (505) 827-1839
www.nmenv.state.nm.us



RON CURRY
Secretary
JON GOLDSTEIN
Deputy Secretary
CARLOS ROMERO
Director

December 30, 2008

Mr. Joe Catanach
Zoning Case Manager
County of Santa Fe
102 Grant Avenue, P.O. Box 276
Santa Fe, New Mexico 87504-0276

Re: CDRC Case # 08-5440 MP – Tierra Bello – Master Plan

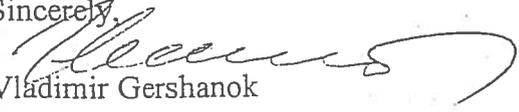
Dear Mr. Catanach:

Per your request I have reviewed the package submitted for CDRC Case # 08-5440 MP – Tierra Bello - Master Plan. My review covered regulatory and technical requirements within the purview of the New Mexico Environment Department. According to the Master Plan, individual liquid waste systems are proposed for each lot. Each lot owner must apply for a Liquid Waste Permit. Soil analysis has been prepared for the subdivision and appears that conventional LW System or Advanced Treatment System, based on soil evaluation on each individual lot, will be suitable and will meet NMED regulatory requirements.

Please contact NMED Drinking Water Bureau (Phone # 827-8641) regarding requirements for the proposed Eldorado Public Water System water line extensions and modifications.

If conditions as proposed within the Master Plan are not implemented as proposed, further review and evaluation would be needed. Should you have any questions regarding my comments, please contact me at (505)- 827-1840.

Sincerely,


Vladimir Gershanok
Environmental Scientist

cc: Robert Italiano
Reading file

08B-45

Harry B. Montoya
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Michael D. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Roman Abeyta
County Manager

July 28, 2010

Ms. Michelle Ensey, Deputy State Historic Preservation Officer
State of New Mexico
Historic Preservation Division
228 E. Palace Avenue
Santa Fe, NM 87501

089993



Re: EZ CASE # Z 08-5440 Tierra Bello Subdivision

Dear Ms. Ensey:

Please review the enclosed information as submitted to us by the applicant for technical accuracy and for compliance with the County Land Development Code and respond with comments at your earliest convenience.

If you have any questions, please do not hesitate to contact this office at 986-6222.

Sincerely,

Vicki Lucero
Development Review Team Leader

No Historic Properties Affected. 8/31/10

Michelle Ensey
for NM State Historic Preservation Officer

The cultural resources survey was negative, the proposed subdivision will not have an effect on historic properties.

OB B-46

DECLARATION OF RESTRICTIVE COVENANTS

FOR:

TIERRA BELLO SUBDIVISION

KNOW ALL PERSONS BY THESE PRESENTS:
(Revised April 4, 2013)

ARTICLE 1: DECLARATION

The undersigned, **TIERRA BELLO SUBDIVISION, THE JOSEPH F. MILLER AND ALMA M. MILLER REVOCABLE TRUST, JOSEPH F. MILLER AND ALMA M. MILLER, TRUSTEES**, the owners of real property now duly platted as Tierra Bello Subdivision as shown by a plat thereof filed in the office of the County Clerk of Santa Fe County, New Mexico on the _____ day of _____, 2013, in Plat Book _____, Page(s) _____ under Reception No. _____, HEREBY MAKE THE FOLLOWING DECLARATION as limitations, restrictions and use to which the Lots or tracts constituting said subdivision may be put. HEREBY SPECIFYING that said declaration shall constitute covenants to run with all of the land, as provided by law, and shall be binding on all parties and all persons claiming under them and for the benefit of and with limitations upon all future homeowners in said subdivision, thus keeping said subdivision desirable, uniform and suitable in architectural design and use as herein specified.

NOW THEREFORE that the subject property being identified as "Tierra Bello Subdivision" within Lot 8A, Eldorado at Santa Fe and zoned residential use is hereby subject to the restrictions herein set forth below.

ARTICLE 2: DEFINITIONS

- 2.1. "Lot" shall mean each and every Lot sold or leased to purchase or held for sale in the subject property.
- 2.2. "The Subdivision" means the Tierra Bello Subdivision.
- 2.3. "Architectural Committee" (the Committee): A committee comprising of three (3) members charged with the authority and duty to review and approve or disapprove proposed plans for development within the Subdivision.
- 2.4. "Manufactured Housing." "Based on New Mexico Statutes and Regulations Article 3-21A "Manufactured Housing and Zoning." Multi section manufactured housing means a manufactured home or modular home that is a single family dwelling with a heated area of at least thirty-six by twenty-four feet and at least fourteen hundred square feet and constructed in a factory to the standards of the United States Department of Housing and Urban Development, the National Manufactured Housing Construction and Safety Standards Act of 1974 and the Housing and Urban Development Zone Code 2 or the Uniform Building Code, as amended to the date of the unit's construction.

EXHIBIT

4

installed consistent with the Manufactured Housing Act [Chapter 60, Article 14 NMSA 1978] and with the regulations made pursuant thereto relating to permanent foundations.

2.5. "Mobile Home" means a moveable or portable housing structure that is not constructed to the standards of the United States department of housing and urban development, the National Manufactured Housing Construction and Safety Standards Act of 1974 and the Housing and Urban Development Zone Code 2 or Uniform Building Code, as amended to the date of the unit's construction or built to the standards of any municipal building code.

2.6. "Board" shall mean the Board of Directors and the governing body for the association.

2.7. "Declarant" shall mean THE JOSEPH F.MILLER AND ALMA M. MILLER REVOCABLE TRUST, JOSEPH F.MILLER AND ALMA M. MILLER, TRUSTEES.

2.8. "Owner and Owners" shall mean and refer to the record owner(s) of a Subdivision Lot or Lots, whether one or more persons or entities, and its or their fee title or an undivided interest therein.

2.09. "Homeowners Association" (the "Association" or "Homeowner Association") means the non-profit association created to represent the common interests of the Owners.

2.10. "Household pets" shall mean no more than three (3) dogs, two (2) cats, small rodents that are caged, birds and reptiles that are caged. Farm animals, poultry and livestock are prohibited except on Lots greater than ten (10) acres.

ARTICLE 3: DURATION

3.1. These Restrictive Covenants shall run with and bind the land, and shall be binding on all Owners and persons claiming under them.

3.2. These covenants may be changed or terminated with the approval of 60% of the Owners of all Lots master planned for the Subdivision. There is only one vote per Lot. Master planned Lots will be considered Lots for voting purposes. ("Voting Power")

ARTICLE 4: SEVERABILITY

4.1. Invalidation of any one or more of these covenants by judgment or court order shall in no way affect any or the remaining provisions, which shall remain in full force and effect.

4.2. In the event that any party violates or attempts to violate any of the covenants contained herein it shall be lawful for the Homeowners Association or any Owner to prosecute any proceedings by law or equity against the person or persons violating or attempting to violate any such covenant in order to prevent them from further violation and to recover damages for such action.

ARTICLE 5: PERMITTED USES

5.1. The following are permitted in the Subdivision: Single-family dwellings together with such structures and out buildings as are commonly and customarily constructed in a residential setting. The foregoing notwithstanding there may only be one single out building used as a studio, storage or workshop not to exceed two hundred (200) square feet in size with exterior stucco finishes to match the home finishes. Garages of reasonable size are allowed and at least a single car garage is required. Any dwelling may be used for home occupied business provided all the requirements of the Santa Fe County Development Regulations are met.

5.2. Permitted are on site custom built homes and offsite Stick built Modular Homes placed on permanent foundations which must have exterior earth tone color stucco finish approved by the Architectural Board. Detached garages or studio, workshop or storage facilities shall be placed within twenty (20) feet of the main residence. Stick Built Modular homes will be constructed off site and meet five star energy ratings and all standards set forth by the NM Construction Industries Division, and will be required to meet Architectural Committee approvals.

5.3. Home construction shall be completed within one (1) year. A single construction work trailer will be allowed during construction phase. No onsite living units are allowed during construction.

5.4. Compliance with National Standards for Star Energy Efficient, Green Build Development Planning is encouraged.

5.5. "Minimum square footage"-The main structure shall be no less than one-thousand four hundred (1,400) square feet for a single story structure. The first floor area of a multi story structure must be at least one thousand one hundred (1,100) square feet and the entire two story structure must be a minimum of one thousand eight hundred (1,800) square feet. The square footage requirements relate to heated areas. Height of structures will be governed the Santa Fe County Development Regulations.

5.6. "Setbacks"- No structures shall be placed nearer than twenty-five (25) feet from side Lot lines, one hundred fifty feet (150) rear Lot lines and not closer than one hundred fifty (100) feet from the centerline of a road. No other structures, walls or fencing shall be built closer than twenty-five (25) feet from any sideline. Barbed wire or metal field fencing is prohibited.

ARTICLE 6: PROHIBITIONS

6.1. Single wide, double wide and triple wide Mobile Homes of any make or model are prohibited as permanent housing. RV's, camp trailers, boats or other trailer homes are prohibited from being stored on each Lot.

6.2. "Types and use"- No campers, tents, shacks, garages, barns or trailers shall at any time be used as a permanent residence.

6.3. "Oil and Mineral Operations"- No oil drilling, oil development, quarry or mining operations of any kind shall be permitted upon any Lot.

6.4. **“Hunting”**- No hunting shall be permitted and no firearms shall be discharged, except in self-defense, in Tierra Bello Subdivision.

6.5. **“Signage”**- No sign, except signs no larger than three (3) square feet in size, indicating the name, address or residence or as identification for home business purposes shall be permitted without approval of the Architectural Committee. However any owner may without such approval erect one (1) sign not more than six (6) square feet advertising the Lot or house for sale or rent. Signs required by legal proceedings are permitted. Contractor identification signs not more than three (3) square feet are permitted.

6.5.1. Appropriate safety, directional, and identification and safety signs installed adjacent to the Common Easements and public rights-of-way by Declarant, the County of Santa Fe, the Association, or as required by law are permitted.

6.5.2. The Declarant and/or his real estate broker is exempt from these rules.

6.6. **“Storage”**- No storage of any material, except building material during construction, shall be permitted, unless stored in a permitted structure out of sight. Parking spaces in garages shall remain accessible and available for parking.

6.7. **“Lighting”**- No exterior lighting more than eight (8) feet above ground designed to illuminate an area from dusk to dawn may be placed on a Lot unless it is adequately shielded, and not to exceed 75 watts to prevent being a nuisance to surrounding Owners. No flood lights, high resolution lighting will be allowed. Ground lighting for landscaping not to exceed 25 watts will be allowed. Other types of lighting may be approved by the Architectural Committee, if it is within the spirit of these Covenants.

6.8. **“Tanks”**- No above ground storage tanks shall be placed in any manner or use. Below ground storage tanks for rainwater harvesting, septic tanks and leach fields will be allowed, No other commercial, industrial or environmental storage tanks are permitted.

6.9. **“Nuisance”**- No noxious or offensive activity can be carried on in any Lot, nor shall any activities be done thereon which may become an annoyance or nuisance to the owners or renters in the approved subdivision. This provision shall be liberally construed to include activities, which are offensive to reasonable persons such as disposal or retention of junk vehicles and carrying on loud activities. Activities which produce interferences with ordinary TV reception such as improperly tuned HAM or CB reception transmission stations, etc. are prohibited. Any activity that interferes with the peace and tranquility of the residence of Tierra Bello Subdivision is prohibited.

6.10. **“Other uses”**- No uses inconsistent with the residential character of the Subdivision shall occur, as determined by the Homeowners Association.

6.11. **“Subdivision of Lots”** - No Lot shall be subdivided as to create an additional Lot.

6.12. **“Access to Lots”** - All Lots will be accessed from interior roads within the subdivision. No Lot may be accessed directly from Spur Ranch Road or Avenida de

Compadres Road. No direct access for owners or the general public will be allowed into interior roads of neighboring subdivisions. (Tierra Colinas Subdivision)

6.13. **“Waivers”**- Any prohibition may be waived by the Committee when the proposed waiver is not inconsistent with the purpose and intent of these covenants

ARTICLE 7: CONSTRUCTION

7.1. **“Approval”**- Architectural Committee must approve all plans prior to construction on site structures, or placing of structures built offsite, or exterior modification, or additions to any structure on any Lot in Tierra Bello Subdivision. The Architectural Committee shall render its decision relating to the proposed construction within ten (10) days following the date of submission of plans and specifications. If no decision is forthcoming within this time the plans and specifications shall be deemed to have been approved. Development applications and permits are required from Santa Fe County and New Mexico Construction Industries Division for on site and off site stick built homes, along with New Mexico Environment Improvement Division for liquid waste disposal systems.

7.2. **“Standard”** - The type of architecture design for on site constructed homes shall be based upon, but not strictly adhering to, Santa Fe style, Pueblo style and Northern New Mexico Style. Reasonable innovative and creative ways are permitted and encouraged for solar energy uses. Construction materials shall be of normal construction standards, with exterior earth tone colors and stucco finishes. No color tones will be allowed that are visually offensive. The only requirement of the decision to approve modifications in the standard is that the committee shall act in good faith for the benefit of all residents of Lots in the Subdivision.

7.3. All Utilities shall be underground.

7.4. All construction shall be completed within twelve (12) months from the date such work is started.

7.5. One temporary construction trailer is permitted, but must be removed immediately when the home is occupied. During construction the Owner or construction contractor of the site must ensure that the area will be clear of debris and use reasonable efforts to minimize noise, dust and fumes and blowing trash. A temporary trash container may be used for a period not to exceed five working days at a time

7.6. **“Construction”** - During construction, the Lot owner must ensure that they or the builder shall be required to refrain from damaging or removing trees and other vegetation except as may be reasonably necessary in clearing the building site or the construction of driveways and parking areas.

7.7. **“Solid Waste Disposal”**- All Lot owners are to dispose of their solid waste in an approved sanitary landfill or to contract for solid waste pick-up service by an approved waste management firm.

7.8. Any property owner, tenants and members of their family, and guest may have use of the common areas. No motorized vehicle of any type shall be operated on any open space or common area.

7.9. Property owners within Tierra Colinas may use the Subdivision open space upon an agreement between the Homeowners Associations of Tierra Colinas and Tierra Bello Subdivision.

Failure to enforce any covenant herein shall in no event be deemed as waiver of the right to do so thereafter

ARTICLE 8: ARCHITECTURAL COMMITTEE

8.1. The developer and his appointees shall serve as the Architectural Committee until six (6) Lots have been sold. The developer will then appoint a three (3) member interim committee. A vacancy in the committee will be filled by appointment of new members agreed upon by the remaining committee members. All members of the committee must be Owner(s) or Lessee(s) of Lots.

When a Homeowners Association is formed, then all members of the Architectural Committee must be elected by the Homeowners Association. All members of Architectural Committee must be notified of any meeting of the Committee at least 5 days before the meetings. Each of the three members of the Committee shall have one equal vote. A quorum of the Committee shall exist when a majority of the members are present at properly called meeting. The initial members of said Committee are:

Position 1: Architect or Owner of Declarant' choice
Position 2: Cathy Miller
Position 3: Danny Martinez

Declarant may remove and replace members of the Committee at any time, at his sole discretion, for the first three (3) years, or until the sixth (6th) Lot has been conveyed to other than a builder developer or the Owners take over the responsibility of managing the Association (collectively "Removal Period"), whichever is earlier. At any time Committee members may resign. Upon the expiration of the Removal Period, the Association Board shall appoint the three (3) members of the Committee, who shall then serve for the following terms:

Position 1: Three (3) years
Position 2: Two (2) years
Position 3: One (1) year

If a there is a vacancy on the Committee, it shall be filled by the Association Board. The person selected shall serve only the remainder of the term he or she is replacing. Until such time that the Board is elected, 60% of the Owners will act as the Board. The affirmative vote of a majority of the members of the Committee shall be required for approval of any matter, provided, however, that a majority of the members of the Committee may designate one member to act on behalf of the Committee.

8.2. **Submittal and Review Requirements.** Before anyone shall commence the erection, installation of off site built structures, construction, reconstruction, remodeling, or alteration of, or addition to any improvement or structure of whatsoever nature which affects the outside appearance of the structure, including but not limited to, a fence, wall, entrance gate, sign, roadway, utilities, etc. and before anyone shall paint, texture, repaint

or retexture the exterior surfaces of any improvement or structure, he/she shall submit for approval to the Architectural Committee two (2) complete sets of plans showing all sides, site location, driveway, outside colors, building style and similar information and specifications as required by Committee rules clearly showing the nature of the work proposed and the location thereof, as shall enable the Architectural Committee to evaluate whether the proposed construction, alteration, installation, etc., will comply with terms and provisions of this Declaration.

Regular maintenance of previously approved structures and improvements which do not materially alter the color or appearance of the structures or improvements shall not require Architectural Committee approval.

The Architectural Committee shall approve or disapprove, in writing, the plans and specifications submitted to it within ten (10) days after receipt. Approval of such plans and specifications shall be evidenced by the written endorsement of the Architectural Committee made on one copy of said plans and specifications with such copy delivered to the Owner or the Owner's agent or representative submitting the same. The other set of plans and specifications shall be retained by the Architectural Committee. If the Architectural Committee shall fail to approve or disapprove the plans and specifications within ten (10) days after receipt of complete plans and specifications, then approval shall be deemed given, provided that any work proposed to be done shall be done in a manner which does not violate any of the terms and provisions of this Declaration.

During construction the Architectural Committee shall have the right to review periodically progress of the work to ensure its compliance with the approved plans and specifications. All material changes involving the exterior elements of the planned improvements shall be submitted to the Architectural Committee at least ten (10) days prior to construction of any such change. Upon completion of a dwelling, structure or improvements, the plans for which have been approved, the Owner shall notify the Architectural Committee in writing that the work is complete.

The Architectural Committee will, within ten (10) days of receipt of the notice of completion, inspect the completed work and either: (i) send the Owner a written notice of approval of the work, if the work is in conformity and compliance with the approved plans and specifications, or (ii) send the Owner a notice of disapproval of the work, if the work is not in conformity and compliance with the approved plans and specifications, stating the particular grounds for such disapproval, and the Owner shall be obligated to take such action as may be necessary to effect such compliance and conformity without delay.

At the completion of any necessary corrections; the Architectural Committee will then reinspect the work within ten (10) days after written notice of the completion of such correction work, to again approve or disapprove of the correction work. If the Committee does not act within ten (10) days, it waives its right to review, approve, modify and inspect the phase it has been asked to review.

8.3. Review Fee. In connection with any submission for plan approval, the Committee may require the Owner to pay a review fee sufficient to pay the Committee's costs and expenses incurred in having the materials submitted and examined by a person or firm designated by the Committee. Such fee shall not exceed One Hundred Fifty Dollars (\$150.00).

8.4. Approval Standards. The Committee shall have the right to disapprove any plans and specifications submitted to it for any one or more of the following reasons:

8.4.1. If the plans and exterior specifications are not in sufficient detail, or are incomplete.

8.4.2. If the plans and specifications are not in compliance with all requirements and provisions of this Declaration.

8.5. Architectural Guidelines. A current copy of the Committee guidelines shall be kept with the Association's records, and shall be available to the Owners, upon request by the Owners.

8.6. Construction process and site maintenance. During construction, Owners and/or their contractors shall maintain a dumpster, of adequate size, on the Lot for the dumping of construction debris, and shall arrange for appropriate pick-up of debris in such dumpster.

Violation of this Section will result in cleanup at the Owner's expense, initially out of the Construction Deposit, and thereafter by special assessment against the offending Owner. It will be the Owner's responsibility to manage his contractor, sub-contractors and employees in a manner consistent with a residential community (i.e. a clean building site, no loud music, and keeping construction traffic off other Lots and in compliance with the posted speed limits.)

8.7. Liability. Neither the Committee, the Board nor the Declarant shall be liable to the Association or to any Owner for any damage, loss, or prejudice suffered or claimed on account of:

8.7.1. The approval, conditional approval or disapproval of any plans, drawings, and specifications whether or not defective;

8.7.2. The construction or performance of any work, whether or not pursuant to approved Plans, drawings and specifications.

8.7.3. The development or manner of development of any property within the Subdivision. By the acquisition of title to any Lot in the Subdivision, and in consideration thereof, each Owner thereby waives any right, and agrees not to file suit against the Declarant, the Architectural Committee, the Board, or any member thereof, to recover damages in connection with any of the foregoing events.

8.8. Variances. When naturally or artificially occurring circumstances or the necessities of reasonable use and enjoyment of a Lot require, the owner of the Lot may apply to the Architectural Committee for variance approval, and the Architectural Committee, upon showing of good cause and necessity therefore without significant possibility of detriment to other Lots and Owners, and by the affirmative vote of a majority of its members, may allow reasonable variances with respect to any provision of this Declaration, on such terms and conditions as the Committee shall specify by written report.

8.9. Appeal of Committee Action. An Owner may appeal a Committee action to the Board by requesting in writing, delivered to the President of the Association, a hearing before the Board or 60% of the Owners if the Association has not been formed. Upon such a request, the Board shall schedule a special meeting, pursuant to the Bylaws of the Association, no later than twenty (20) days from the date of the Board's receipt of such a request. At such special meeting, the Owner's evidence will be heard, and the Board, or 60% of the Owners, as the case may be, will decide whether or not to uphold the Committee's decision.

ARTICLE 9: COMMON SCHEME RESTRICTIONS AND REQUIREMENTS

9.1. Native Growth Preservation. The native growth of the Subdivision, including but not limited to cacti, live pinon and juniper trees, and chamisa is encouraged.

9.2. Water Conservation Covenants and restrictions will be filed in the records of the Santa Fe County Clerks Office.

9.3. Catchment of roof waters, stored in underground cisterns is encouraged and may be required by County ordinance.

9.4. LANDSCAPING.

9.4.1. There shall be no irrigated lawns in excess of four hundred (400) square feet. Lawns of drought resistant grasses are encouraged.

9.5. Fences and Walls. It is the intent of the Declarant to preserve an open and unobstructed terrain, free of fences and walls. Accordingly, no fence or wall shall be constructed or allowed to remain on any Lot except as have been approved by the Committee, subject to the following standards and in accord with Article 5.6.

9.5.1 Owners shall not fence or wall any portion of the perimeter or boundary of a Lot except yard like compound enclosures that are set back from the property lines a minimum of twenty five (25) feet and approved by the Architectural Committee. Fences and walls, not exceeding five (5) feet in height shall be allowed to enclose a yard, garden or the like.

9.6. GARAGES AND PARKING OF VEHICLES.

9.6.1. A garage of sufficient size to accommodate at least one automobile shall be constructed and maintained with each House.

9.6.2. The garage primarily shall be used for parking of vehicles and not storage. Storage in garages cannot take precedence over the garage's primary function of parking automobiles. No garage shall be used or converted for any use other than parking of vehicles, without the prior or simultaneous construction of a replacement garage.

9.6.3. All garages shall be equipped with an automatic opener. All garage doors shall be kept closed except when in actual use.

9.6.4. No commercial vehicles, campers, recreation vehicles, motor homes, boats, trailers, horse trailers or similar vehicles shall be kept or maintained in the Subdivision. Lot owners with these vehicles are encouraged to find offsite storage.

9.6.5. No vehicles, parts of vehicles of any type, or large unsightly equipment or machinery shall be permanently or semi-permanently parked in any portion of the Subdivision visible from other Lots, Common Easements and public roads, for purposes of repairs, reconstruction or storage.

9.6.6. No vehicle of any type, except maintenance vehicles and machinery, or as otherwise authorized by the Board, shall be operated on any open space depicted on the Plat. No automobiles or other motor vehicles shall be parked in any open space or in any public street within the Subdivision. No vehicles shall be kept or stored on any Common Easement.

9.7. ANTENNAS, WIND GENERATORS, AND TOWERS.

9.7.1. No exterior antenna of any sort, except television antennas and satellite dishes (not to exceed 32" in diameter), shall be installed or maintained on any Lot, those devices which are erected, installed, will be if at all possible screened from view from other Lots, Common Easements and public roads or which are otherwise specifically authorized by this Declaration or Subdivision Rules. No radio or television transmission towers shall be erected, placed or permitted in the Subdivision.

9.7.2. No wind-driven machinery shall be permitted within the subdivision.

9.8. HOME OCCUPATIONS.

9.8.1. No business or commercial activity of any nature shall be conducted upon or from any Lot, except that home occupations shall be permitted if such activity does not disturb Owners of other Lots or increase traffic upon public or private roadways to undesirable levels.

9.9. **Drainage.** Surface drainage courses within Lots must be kept free and clear of debris or obstructions which prevent free flow of storm waters. Owners shall, prior to construction of any structure, submit to the Committee, for approval, the design and engineering of appropriate drainage control structures that will retain excess water runoff from the impervious surfaces within said Lot. Owners shall also obtain the approval of the County of Santa Fe for design and engineering of said drainage control structures.

Prior approval of both the County of Santa Fe and the Committee are required, as conditions for construction. Drainage control devices may include yard ponding, grading, landscaping, French drains and other appropriate structures or devices which shall be located inside the courtyard walls or otherwise screened so as not be visible from other Lots or the Common Easements. Notwithstanding the foregoing Committee and County approval, the responsibility for on-Lot drainage control is and shall be that of the Lot Owner and no one else.

9.10. LOT SPLITTING AND CONSOLIDATION.

9.10.1 No Lot within the Subdivision shall be split or consolidated with other Lots, except subject to the Board's written consent and Santa Fe County's approval.

9.11. WAIVER OF PROVISION.

9.11.1. Any of the prohibitions or requirements set forth in this Article may be waived by the Committee where the proposed waiver is not inconsistent with the purpose and intent of this Declaration, and said waiver is granted pursuant to variance procedures.

ARTICLE 10: COMMON EASEMENTS: USES; RESTRICTIONS

10.1. COMMON EASEMENTS.

10.1.1. The Common Easements shall be maintained by the Association for the benefit of all Owners, and, in the case of the Tierra Bello Subdivisions Roads, the public, pursuant to this Declaration to enhance the value and desirability of the, Subdivision, subject, however, to the following limitations and restrictions:

10.1.2. The area designated on the Plat as open space and/or drainage easements shall not be open to public use, but shall be available only to all Owners, and their tenants, guests and invitees or Tierra Colinas residents if an agreement is in place. No motorized vehicles are allowed.

10.1.3. Use of the Common Easements shall be subject to the Subdivision Rules as they may be adopted from time to time.

10.1.4. The Common Easements shall be subject to the following:

10.1.5. The right of the Association to suspend the right of an Owner (and his licensees, invitees and tenants) to use the Common Easements, for any period during which any assessment levied by the Association against the Owner's Lot remains unpaid, or for a reasonable period for any infraction of the Bylaws, Rules, or this Declaration, as amended from time to time;

10.1.6. Each Owner shall be liable to the Association for all damage to the Common Easements, or improvements or facilities situated thereon, caused by such Owner, his invitees, licensees or tenants.

10.1.7. There is hereby reserved to Declarants, non-exclusive easements over the Common Easements and the facilities located thereon for all construction and sale activities relating to their development of the Subdivision. It is anticipated that said construction and sale activities shall relate to individual projects developed from time to time on portions of the Subdivision and to the promotion or enhancement of either all or a portion of the Subdivision by Declarants. Declarants reserve the right to use space in the Common Easements or within the building setbacks along the roads.

10.2. DECORATIVE FEATURE EASEMENTS. The Declarants and the Association shall have a blanket easement within the building set back lines on the corner of Lot 2 and 3 at the entry of Tierra Bello Roads into the Subdivision, for purposes of the

location, construction, maintenance and repair of a decorative entrance feature to the Subdivision, common post office boxes or other receptacles for the delivery to the United States mail to Lots, and similar improvements.

10.3. DECLARANTS' RESERVATION OF EASEMENTS. Declarants reserve an easement and right-of-way in, through, over, under and across all portions of the Subdivision for the purpose of completing its development and improvement work on the Subdivision, and towards this end, Declarants reserve the right to grant easements and rights-of-ways in, through, under, over, on and across the Subdivision, for the installation, maintenance and inspection of lines and appurtenances for public or private water, drainage, cable television, gas or other utilities and for any other materials or services necessary for the completion of said development and improvement work.

Declarants reserve the right to connect with and make use of the utility lines, wires, pipes, conduits, data cables, cable television, sewers and drainage lines which may from time to time be in or along the streets and roads located within the Subdivision. In addition, Declarants reserve the right to continue to use the Subdivision and any sales offices, model homes, signs and parking spaces located on the Subdivision in its effort to develop and market portions of the Subdivision. This Section may not be amended without the prior written consent of Declarants. Any of the easements and rights reserved by Declarants in this section may be assigned to others and may be exercised by Declarants' agents, employees and representatives.

ARTICLE 11: THE ASSOCIATION

11.1. At such time that the Declarant has conveyed six (6) Lots, the Owners, at their option, may form an Association, elect the Board of Directors, adopt Bylaws, Articles of Incorporation, and levy annual Lot assessments. However, the Declarant will be exempt from any assessment or modifications to the Covenants. Until such time that the Board is elected association decisions will be made by an affirmative vote of 60% of the Owners.

11.2.2. The President and Secretary of the Association, or any two (2) members of the Board of Directors, may execute, acknowledge and record, in the real property records of Santa Fe County, New Mexico, a certificate of identity stating the names of all of the members of the then current Board and the then current Architectural Committee. The most recently recorded affidavit shall be conclusive evidence of the identity of the persons then composing the Board and Architectural Committee in favor of any person relying thereon in good faith.

11.2.3. The affairs of the Association shall be managed by the Board of Directors, which shall exercise all of the rights and powers and perform all of the duties and responsibilities, set out in this Declaration and the Articles and Bylaws for the Association.

11.2.4. The Board shall take such action as may reasonably be necessary to enforce or carry out the purposes of this Declaration and the Subdivision Rules.

ARTICLE 12: ASSESSMENTS

12.1. MUTUAL COVENANTS TO PAY ASSESSMENTS. Each Owner, by acceptance of a deed to a Lot or a contract of sale therefore, covenants and agrees with other Owners and with the Association, to pay all assessments levied by the Association against such Owner's Lot, as provided under this Declaration or the Bylaws. The Declarants, at the Declarants sole option, will be exempt from any annual or special assessment fees. Until such time that the Bylaws are adopted assessments will be levied by the consent of 60% of the Owners.

12.2. LIEN FOR NON-PAYMENT OF ASSESSMENTS. All sums assessed and fines imposed by the Association, but unpaid, chargeable to any Lot or its Owner, shall constitute a continuing lien on such Lot. If any assessment shall remain unpaid for thirty (30) days after the due date thereof, the Board or managing agent shall assess a late fee of One Hundred Dollars (\$100.00), together with interest on the unpaid assessment at a rate equal to twenty percent (20%) per annum, commencing on the date such assessment was due, together with reasonable costs and any attorney's fees incurred in connection with the collection thereof. In any suit for collection or foreclosure of such lien, the prevailing party shall be entitled to payment of all costs and expenses of such proceeding, all reasonable costs of collection and all reasonable attorneys' fees.

The Owner shall also be required to pay to the Association any assessment due for the Lot during the period of foreclosure. The managing agent or Board shall have the power to bid on the Lot at foreclosure sale, and to acquire, hold, lease, mortgage and convey the same. Any encumbrance holding a lien on a Lot may pay, but shall not be required to pay any unpaid assessments due with respect to such Lot, and upon such payment such encumbrance shall have a lien on such Lot of the same rank as the lien of encumbrance for the amounts paid.

12.3. PERSONAL DEBT OF OWNER. The amount of any assessments assessed against each Lot shall be the personal and individual debt of the Owner thereof at the time the assessment is made. Suit to recover a money judgment for unpaid assessments shall be maintainable without foreclosing or waiving the lien securing same. Notwithstanding anything to the contrary contained herein, the Association shall seek any sums due for the unpaid assessments from a person in possession of a Lot pursuant to a real estate installment sale contract for a period of forty-five (45) days following notice to such Person on unpaid assessments, before seeking such sums from the legal Owner of such Lot.

12.4. Joint Liability for Assessments Upon the Transfer of Lot, the grantee of a Lot shall be jointly and severally liable with the prior Owner for an unpaid assessments up to the time of the grant or conveyance; provided, however, that upon payment of a reasonable fee established by the Board, and upon written request, any such prospective grantee shall be entitled to a statement from the managing agent or Board setting forth the amount of the unpaid assessments, if any, with respect to the subject Lot; the amount of the current yearly assessment, the date that such assessment becomes due, and credits for advanced payments or for prepaid items, including but not limited to insurance premiums, which statement shall be conclusive upon the Association. If such statement is not tendered by the Association within ten (10) business days of its actual receipt of such request, then such requesting grantee shall not be liable for, nor shall the Lot conveyed be subject to a lien for any unpaid assessments against the subject Lot unless such lien has been recorded with the Santa Fe County Clerk prior to the date the request is received by the Association.

12.5. NO WAIVER OF ASSESSMENT. No Owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the Common Easements on his Lot, by abandonment of his Lot or by any other means whatsoever.

12.6. Initial Assessment Upon Lot Purchase. Upon the closing of the initial purchase of each Lot from the Declarant, each Owner shall pay an initial assessment to the Association in the amount of One Hundred Dollars (\$100.00), which assessment shall be added to and held with the general funds of the Association.

ARTICLE 13: DUTIES AND RESPONSIBILITIES OF OWNERS

13.1. Maintenance of Landscaping. Each Owner shall maintain the landscaping of his Lot in a neat and attractive manner.

13.2. Rights of Action. The Board of the Association shall have a right of action against Owners, and the Owner's family, agents, guests, contractors, employees and any person renting or leasing the Owner's House or Lot, for failure to comply with the provisions of this Article 13 of the Declaration. In addition to any other enforcement rights, if an Owner fails to fulfill his maintenance responsibilities, after reasonable notice from the Association and an opportunity for the Owner to cure such failure, the Association may enter the Lot and perform such maintenance. The Board shall be entitled to recover all costs, expenses and reasonable attorney's fees incurred in the enforcement of this Article 8, and the same shall constitute a special assessment against such Lot.

ARTICLE 14: RESPONSIBILITIES OF ASSOCIATION

14.1. Maintenance of Private Roads. The Association shall maintain, in good condition and repair, roads and appurtenant drainage structures within the Subdivision. The Association shall also assess Owners for a pro-rata share of the cost for maintaining Avenida de Compardes from Salida Tierra Bello to Avenida Eldorado along with interior roads in Tierra Bello Subdivision and shall cooperate with other users of such road for the maintenance of the same.

14.2. Maintenance of Other Common Easements. The Association shall own, maintain and keep in good repair all improvements constructed by Declarants of the Association within other Common Easements, including without limitation signage, mailboxes and trails

14.3. Maintenance of Drainage Structures; Easement. Declarants and the Association are each granted a perpetual easement to enter upon each Lot for purposes of correcting drainage problems or structures. Prior notice of entry shall be given to the occupant, except in an emergency.

ARTICLE 15; GENERAL PROVISIONS

15.1. The Association (acting by and through the Board), Declarants and an Owner shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by a party to enforce any covenant or restriction

herein contained shall in no event be deemed to be a waiver of the right to do so thereafter. Anything foregoing notwithstanding, the prevailing party (ies) in any action brought to enforce the provisions of this Declaration shall be entitled to recover all costs, expenses and reasonable attorneys fees incurred in such action.

15.2. Notices. Any notices required or permitted under this declaration shall be delivered to the respective addressee or deposited in the United States mails, postage prepaid, certified or registered mail, return receipt requested, addressed to the owners at the respective addresses as shown in records maintained by the Association. Each Owner will be responsible for providing the Association with such Owner's current address. Any Owner may change his address by giving notice thereof to the Association. Address change will be done by certified mail. Should an Owner not notify the Association of a change in address, the Owner forfeits any right he may have concerning notice and vote.

15.3. Severability. Invalidation of any provision of this Declaration by judgment or court order shall in no way affect any other provisions, which shall remain in full force and effect.

15.4. TERMINATION OR AMENDMENT: The covenants and restrictions of this Declaration shall run with and bind the land. An affirmative vote of 60% of the Voting Power may change, amend, modify, terminate or revise any of said restrictive covenants. Every amendment must be recorded in the Office of the County Clerk, Santa Fe County, New Mexico.

15.6. BINDING EFFECT: This Declaration shall be binding upon and shall inure to the benefit of Declarants, the Owners, and their respective heirs, successors and assigns, and shall run with the land.

IN WITNESS WHEREOF, DECLARANTS HAVE EXECUTED THIS DECLARATION
THIS _____ DAY OF _____, 2013.

**THE JOSEPH F. MILLER AND ALMA M. MILLER REVOCABLE TRUST,
JOSEPH F. MILLER AND ALMA M. MILLER, TRUSTEES,**

Joseph F. Miller

Alma M. Miller

**Tierra Bello Subdivision
Santa Fe County, New Mexico**

Disclosure Statement

REVISED April 4, 2013

Tierra Bello Subdivision

Disclosure Statement

For all Subdivisions containing Five (5) or more Parcels

PLEASE READ THIS DISCLOSURE STATEMENT BEFORE YOU SIGN ANY DOCUMENTS OR AGREE TO ANYTHING.

This disclosure statement is intended to provide you with enough information to permit you to make an informed decision on the purchase or lease of property described in this statement. You should read carefully all of the information contained in this statement before you decide to buy or lease or otherwise acquire the described property.

Various public agencies may have issued opinions, on both the subdivision proposal and the information contained in this disclosure statement. They may be favorable or unfavorable. You should read them closely.

The Board of County Commissioners has examined this disclosure statement to determine whether the sub-divider can satisfy what the sub-divider has said in this disclosure statement. However, the Board of County Commissioners does not vouch for the accuracy of what is said in this disclosure statement. In addition, this disclosure is not a recommendation or endorsement of the subdivision by the City, the County, or the State. It is informative only.

The Board of County Commissioners recommends that you see the property before buying or leasing it or otherwise acquiring it. **If you have not inspected the parcel before purchasing, leasing or otherwise acquiring it, you have six (6) months from the time of purchase, lease, or other acquisition to inspect the property. After inspecting the parcel within the six (6) month period, you have three (3) days from the date of inspection to rescind the transaction and receive all of your money back from the sub-divider when merchantable title is reverted in the sub-diver. To rescind the transaction, you must give the sub-divider notice of intent to rescind within three (3) days of your inspection of the property.**

County regulations require that any deed, real estate contract, lease, or other instrument conveying an interest in a parcel in the subdivision be recorded with the Santa Fe County Clerk.

Building permits, wastewater permits or other use permits must be issued by state or county officials before improvements are constructed. You should investigate the availability of such permits before you purchase, lease, or otherwise acquire an interest in the land. You should also determine whether such permits are required for construction of addition improvements before you occupy the property.

1. **Name of Subdivision**

Tierra Bello Subdivision

2. **Name & Address of developer**

Cow Springs Land & Cattle

Joseph & Alma Miller

286 Riverbank Road

Lamy, New Mexico 87540

3. **Name & Address of person in charge of sales or leasing in New Mexico**

Not applicable

4. **Size of Subdivision both present and anticipated**

Tierra Bello Subdivision is a (73) seventy three lot, single family residential development containing 263.750 acres, located within Lot 18A Of Eldorado at Santa Fe. Development will be completed in (8) phases.

5. **Size of the Largest Parcel or Unit offered for sale or lease within the Subdivision**

3.6691 Acres (In Phase One)

5.868 Acres (At Full Development).

6. **Size of smallest parcel offered for sale or lease within the Subdivision**

2.8277 Acres (In Phase One)

2.708 Acres (At Full Development)

7. **Proposed range of selling or leasing prices**

Not Available

NOTE: These lot and unit prices are subject to change based on off-site improvements required by the County or other market conditions by formal amendment to this Disclosure Statement.

8. **Financing Terms**

Not Available

9. **Name & Address of holder of legal title**

Cow Springs Land and Cattle

Joseph & Alma M. Miller

286 Riverbank Road

Lamy, New Mexico 87540

10. **Name & Address of person having equitable title**

Joseph F. & Alma M. Miller
286 Riverbank Road
Lamy, New Mexico 87540

11. **Condition of Title**

Free and clear title, fee simple.

12. **Statement of all restrictions or reservations of record subject the subdivided land to any conditions affecting its use or occupancy.**

Declaration Of Covenants and Water Restrictions are attached.

13. **Escrow Agent**

Not Available

14. **Utilities Estimated Costs**

Electric, gas water, telephone and cable TV main lines are existing within the public right of way and adjoining utility easements. Individual lot services are the responsibility of the lot/home owner.

15. **Installation of Utilities**

Electric – Public Service Company of New Mexico
New Mexico Gas
Telephone – Qwest
Cable TV - Comcast
Water mains, fire hydrants by the developer, individual services by the lot owner

16. **Utility Location**

All utilities are within designated 10' utility easements and public right of ways.

17. **Water Availability**

Water distribution for fire protection and domestic water consumption is provided by Eldorado Area Water and Sanitation District, and is designated as a Quasi Municipal Government, with an elected Board of Directors.

18. **For Subdivisions with Community Water Systems**

Eldorado Area Water and Sanitation District.

19. For Subdivisions with Individual Domestic Wells or Shared Wells

Individual private wells are not permitted within Tierra Bello Subdivision.

20. Life Expectancy of the Water Supply

100 Year water supply provided through Eldorado Area Water and Sanitation District. Documentation is available from the district.

21. Surface Water

No surface irrigation water rights are available.

22. Water Quality

Refer to Eldorado Area Water and Sanitation District

23. New Mexico Environmental Departments Opinion on Water Quality

Refer to Eldorado Area Water and Sanitation District

24. Liquid Waste Disposal

Private Septic Systems permitted through New Mexico Environmental Department is each lot owner responsibility. The types of permitted liquid waste disposal systems is dependent on the types of soils, depth of soils to bedrock and depth to water tables, proximity to natural water courses and steepness of slopes. It is the responsibility of the lot owner to comply with Santa Fe County Development Regulations and New Mexico Environment Department regulations at the time of development building permit submittal. Attached is a letter from NMEID acknowledging approval for septic systems.

Based on existing soils conditions within Tierra Bello Subdivision and development data Conventional septic systems are acceptable.

NOTE: Other liquid waste disposal system may be used in the subdivision such as advanced on site treatment, effluent gray water reuse systems or other systems approved by the New Mexico Environmental Department. Costs associated are the responsibility of the home owner and not the developer.

25. New Mexico Environmental Department Opinion on Liquid Waste Disposal

See attached letter from State of New Mexico Environment Department dated December 30th, 2008, regarding Tierra Bello Subdivision.

26. **Solid Waste Disposal**

Each lot owner is responsible for removal of solid waste by contracting with a commercial company that deals in solid waste disposal or by direct disposal at Santa Fe County Solid Waste Transfer Station located in Eldorado.

27. **New Mexico Environmental Department Opinion on Solid Waste Disposal**

Not available

28. **Terrain Management**

Gentle slopes, with no adverse impacts, subject property does not fall in a designated 100 year flood plain.

29. **Soil & Water Conservation District Opinion of Terrain Management**

Not available

30. **Subdivision Access**

Access into Tierra Bello Subdivision from the City of Santa Fe is east on Interstate 25 to US Highway 285 South, then to the intersection of Avenida Eldorado west to the Intersection with Avenida de Compadres Road south to the intersection of Sunview Loop and access into Tierra Bello Subdivision

31. **State Highway & Transportation Department's Opinion on Access**

No access driveway permits onto US Highway 285 are required.

32. **Maintenance of Public Right of Way within Subdivision.**

Tierra Bello Homeowners Association will be the responsible party for interior road maintenance.

33. **Adverse Conditions**

None

34. **Recreation Facilities**

Dedicated Open Space and Pedestrian Trail System to be designed and developed by The Tierra Bello Subdivision Homeowners Association.

35. Construction Guarantees

Not applicable

36. Fire Protection

Fire hydrants maintained by Eldorado Area Water and Sanitation District, with Santa Fe County Fire Departments Eldorado District located in the vicinity of Eldorado.

37. Police Protection

Santa Fe County Sheriff Department and New Mexico State Police provide police protection.

38. Public Schools

Santa Fe Public Schools, Eldorado Elementary, Capshaw Middle School and Santa Fe High School are with the Eldorado service area. Numerous private and Charter school are located in the City of Santa Fe.

39. Hospitals

Cristus St. Vincent Hospital is located within the City of Santa Fe, approximately (15) Fifteen miles from Tierra Bello Subdivision.

40. Shopping Facilities

City of Santa Fe is located approximately 15 miles from Tierra Bello Subdivision where Shopping facilities are located. Within the Eldorado vicinity commercial shopping facilities are within (4) four miles of the subdivision.

41. Public Transportation

New Mexico Department of Transportation Park and Ride Program is located within the Agora Shopping Center with transportation services for job commuters into Santa Fe.

42. Completion Dates

Not available.

DECLARATION OF COVENANTS AND WATER RESTRICTIONS
FOR "Tierra Bello Subdivision, Phase 1"

(Projected Sections 24 & 25, T15 N, R10E)

THIS DECLARATION is made in Santa Fe, New Mexico, this _____ day of _____ 20__, by Joseph F. & Alma M. Miller, dba Cow springs Land and Cattle LLC. Hereinafter for convenience referred to as the "Owner(s)".

WITNESSED THAT:

WHEREAS, Joseph F. & Alma M. Miller, are the owners of real property in Santa Fe County, New Mexico, which property includes lots containing a combined total of 263.849 acres, more or less, according to the plat entitled "**Final Subdivision Plat of Phase 1, Tierra Bello Subdivision**" referred to hereinafter at Article I; and

WHEREAS, the Owners are required to provide for certain water conserving covenants and measures as required per the Santa Fe County Land Development Code; and

WHEREAS, the Owners desire and intend that the owners, tenants, mortgagees, occupants and other persons hereinafter acquiring any interest in said property shall at all times enjoy the benefits of, and shall hold their interest subject to, the rights and restrictions hereinafter set forth, all of which are declared to be in furtherance of a plan for the proper and beneficial use of the property.

NOW THEREFORE, the Owners declare, covenant, and agree as follows:

ARTICLE I

Property Subject to this Declaration

The real property which is and shall be held, transferred, sold, conveyed and occupied subject to this Declaration is legally described as "Final Subdivision Plat of Phase 1, Tierra Bello Subdivision", and containing a combined total of 263.849 acres, more or less, in Projected Sections 24 & 25, Township 15 North, Range 10 East, N.M.P.M., Santa Fe County, New Mexico, according to the Plat of Survey for "**Final Subdivision Plat of Phase 1, Tierra Bello Subdivision**", Lenore Armijo, N.M.L.S. #15511, dated, _____, 20____. Recorded _____, 20____, under reception No. _____, Plat Book _____, Page _____, in the records of Santa Fe County, New Mexico (the "Plat").

ARTICLE II

Water Restrictive Covenants

The following water restrictive covenants shall apply to the use and occupancy of all lots on the plat noted above. (Any Existing dwelling units shown on the plat must

meet provisions (B) through (J) at the time of fixture or appliance replacement or installation of additional landscaping; provisions A, K and L are applicable immediately.)

- (A) Domestic water use is restricted to 0.25 acre-feet per year (81,463 gallons per year) per parcel as required by the Santa Fe County Land Development Code.
- (B) Water conserving appliances and fixtures as outlined in Ordinance 2002-13 as amended shall be installed and used at the time of construction or replacement.
- (C) Toilets shall use no more than 1.6 gallons per flush. Urinals shall use no more than 1.0 gallon per flush.
- (D) Lavatory and kitchen faucets shall be equipped with aerators and faucet flows shall not exceed 2.5 gallons per minute. Showerhead-flows shall not exceed 2.5 gallons per minute.
- (E) Hot water pipes shall be insulated.
- (F) Evaporative coolers must circulate bleed-off water.
- (G) No more than one automatic dishwasher per dwelling unit may be used, provided that it is a model designed to use no more than 13 gallons per cycle and shall have a cycle adjustment, which allows reduced amounts of water to be used for reduced loads.
- (H) No more than one automatic clothes washing machine per dwelling unit may be used, provided that it is a model that uses no more than 43 gallons per cycle and shall have a cycle or water level adjustment that permits reduced amounts of water to be used for reduced loads.
- (I) Water system leaks from private water lines shall be repaired by the owner or property manager within fifteen (15) days of initial notification by the County or the owner's knowledge of the leak. Proof of repair shall be provided to the County upon completion of the repair when such notification is requested.
- (J) Low water use landscaping techniques applying the principles of xeriscaping shall be utilized. Drip irrigation and mulching are encouraged whenever possible. Low water use grasses, trees and shrubs may be watered as needed during the first and second years of their growth to become established. Thereafter, such vegetation shall receive only minimal water as needed by each species.
- (K) Planting sod or grass seed that contains Kentucky bluegrass is not permitted. Lawns of other non-native grasses shall not exceed 400 square feet per parcel and shall only be watered with rainwater collected by means confined to the property or with recycled household gray water. Gray water systems shall meet the requirements of the New Mexico Environment Department and the Uniform Plumbing Code.
- (L) Swimming pools, of a permanent or temporary nature, are not permitted. Temporary wading pools of a diameter not to exceed eight feet and a depth not to exceed one foot and covered spas are acceptable at each dwelling unit. All hot tubs and spas must be covered to prevent evaporation when not in use.
- (M) No private wells shall be permitted within this development.
- (N) Outdoor Irrigation is prohibited between 11am to 7pm from May through September of each year. The following sources and water and types of irrigation methods are exempt from the irrigation hour restrictions:
 - a.) Plants being irrigated for retail or wholesale transactions.

- b.) All manual watering by landscape maintenance and contracting personnel, however landscaping personnel setting timed irrigation systems must ensure that the systems comply with the irrigation hour restrictions.
 - c.) Any water derived through rainwater catchment systems or any permitted water re-use system.
 - d.) Rainwater Harvesting techniques shall comply with Santa Fe County Ordinance No.2002-13.
- (O) Hot Water recirculation techniques are required per Santa Fe County Ordinances No's. 2006-03 and 2006-08.
- (P) These water restriction covenants shall run with the land and bind all successors In interest.

ARTICLE III

General Provisions

3.1 Duration; Covenants Running with the Land. The covenants of this Declaration shall run with and bind the land, shall inure to the benefit of and be enforceable by the owner of any land subject to this Declaration, their respective legal representatives, heirs, successors and assigns and the County Land Use Administrator.

3.2 Enforcement. Enforcement of these covenants and restrictions shall be by the County Land Use Administrator or any owner of property as shown on the Plat in any proceeding at law or in equity against any person or persons violating or attempting to violate any covenant or restriction or to restrain any such violation. Any failure by the County Land Use Administrator or any owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter. If the County Land Use Administrator or an owner prevails in any action against any person or persons to enforce any provision hereof, they shall be entitled to recover from such person or persons his costs and reasonable attorneys fees.

3.3 Severability. The invalidity or unenforceability of any covenant, restriction, term or other provision hereof as determined by a court of competent jurisdiction shall not impair or adversely affect the validity or enforceability of any other covenant, restriction, term or provision hereof, which shall be and remain valid and enforceable to the fullest extent permitted by law.

3.4 Miscellaneous. This Declaration shall be governed by and interpreted under the laws of the State of New Mexico. This Declaration shall be binding upon each tract owner, his successors and assigns.

IN WITNESS WHEREOF, the Owners have caused this Declaration to be signed as of the date first above written.

STATE OF NEW MEXICO)

COUNTY OF SANTA FE)

Joseph F. Miller

Alma M. Miller

dba: Cow Springs Land & Cattle LLC

On this _____ day of _____, 20____, the foregoing instrument was acknowledged before me by the person(s) whose name(s) appear above.

NOTARY PUBLIC

MY COMMISSION EXPIRES:
(SEAL)

APPROVED BY COUNTY LAND USE ADMINISTRATOR

Penny Ellis Greene

County Land Use Administrator

12 September, 2012

P.O. Box 276

Santa Fe, NM 87504-0276

I strongly object to the approval of CDRC Case# Z 08-5440. Putting what essentially is a trailer park in a well established stick built community goes against the entire concept of community development—it would be like putting a trailer park in Las Campanas. Of course that would never happen because the rich people who live there would never allow it.

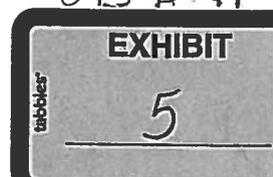
Besides Eldorado, there are several other developments in the vicinity of the proposed Tierra Bello. The lots of Rosa Linda, a subdivision across Spur Ranch Road, were required to be a minimum 12.5 acres and stick built homes- the lots alone were an average of \$240,000 each. How is it that Mr. Miller can be permitted to subdivide 263 acres into 73 lots and even allow horses on these small lots with trailers. Trailers are not consistent with the communities like Vista Linda and Eldorado. The presence of trailers (no matter what you call them, they are trailers) will cause the devaluation of the surrounding properties and a subsequent reduction in the tax base.

Please do not approve Tierra Bello.

Sincerely,

Amelia Carson

466-0091



From: Jane Carson [<mailto:janecarson@pawsonm.org>]

Sent: Tuesday, April 10, 2012 1:16 PM

To: Liz Stefanics

Subject: Joe Miller's Tierro Bello(sp)

I just saw the proposed covenants for the Tierro Bello subdivision to be built at Compardres and Spur Ranch Road next to Eldorado. They are totally opposite to the adjoining neighborhoods' covenants. For example, 2 horses allowed on 2 to 2.5 acres; recreational vehicles, horse trailers and boats recommended to be out of view, but not required; square footage minimum of only 1,000 square feet; house siding includes metal and vinyl, etc. At one point they talk about an 11 feet by 40 feet of house. Such language indicates a trailer /manufactured home subdivision which would be completely out of character with the surrounding communities. I own 2 expensive lots right around the corner from where Mr Miller wants to put this trailer park subdivision. What can we do to insure that Mr Miller does not devalue the surrounding property by creating a trailer/manufactured home subdivision that is so starkly different from the other subdivisions around him? Thank you , Jane Carson

OB B-72

Vicki Lucero

From: Sharon Ross [shouckross@aol.com]
Sent: Thursday, April 26, 2012 12:18 PM
To: Vicki Lucero
Subject: Tierra Bello County Development Review

Dear Ms. Lucero and County Development Committee:

As homeowners in Tres Cientos (located close to the intersection of Avenida Eldorado and Avenida de Compadres) we respectfully request that the Santa Fe County Development Review Committee deny the permit resubmitted by Joe Miller for the Tierra Bello subdivision located south of Eldorado.

Residents in the Eldorado area all live within communities that are highly regulated in terms of construction materials, home size, exterior appearance and other aesthetics. These areas also restrict livestock and visual distractions such as boats, trailers, or RVs. The covenants governing our Tres Cientos Homeowners Association of 12.5 acre lots require stucco exteriors, minimum 2,500 square feet, and prohibit boats, trailers and RVs unless they are screened from view and also require that cars be parked inside a garage rather than in the drive. Our community is located less than 1/2 mile from Joe Miller's proposed Tierra Bello.

For the CDRC to approve Tierra Bello covenants permitting standards that are far lower than those of any other Homeowners Association in the Eldorado area is questionable community planning. The Tierra Bello covenants allow:

- o **manufactured or modular homes (no older than 2006 models) of 864 square feet** with wood, cement board, metal, vinyl or stucco siding along with detached carports, garages and sheds
- o up to **two (2) horses on 2 to 2-1/2 acre lots** fenced to 1/3 acre and barn (less than ideal conditions for horses not exercised daily and a potential fecal waste/fly control problem)
- o **one (1) recreational vehicle AND one (1) boat** to be stored on each lot
- o **butane or storage tanks**
- o **73 lots** of this type to be developed in phases!

In addition, prefabricated homes would not benefit our local economy as that type of housing is typically manufactured and trucked in from other New Mexico and Texas cities. Other counties and other states would benefit from 73 lots of manufactured homes; while site constructed homes would employ local construction, electrical, and plumbing workers creating a positive bonus to the area's economy and workforce.

I would hope that the CDRC would give careful consideration to the repercussions of such inappropriate and disparate land development adjacent to properties that require a higher benchmark for their residents. Such a development would surely negatively impact both the aesthetics of a carefully maintained community as well as property values.

Sincerely,
Sharon Houck Ross and Larry Erbert
44 Mejor Lado
Santa Fe, NM 87508
505-466-2950

shouckross@aol.com

Vicki Lucero

From: Chuck West [chuckofthewest@gmail.com]
Sent: Tuesday, April 24, 2012 12:27 PM
To: Vicki Lucero
Subject: Tierro Bello Development

Ms. Lucero,

As a resident of Eldorado, I am quite concerned about the proposed low cost housing development by Joe Miller adjoining Eldorado on the southern edge, particularly since I live just off Avenida Eldorado, very near the proposed development.

It is clear to those of us who have lived in Eldorado for a few years, that this is not about Joe Miller providing affordable housing to lower income families. This is all about Joe Miller sticking his thumb in the eyes of Eldorado residents. As a perfect example, when Mr. Miller proposed an affordable housing development across hwy. 285 a few years ago, which was defeated, he promptly installed several rag-tag house trailers directly across the highway in full view of Eldorado. Most of those trailers have fallen into disrepair, and remain an ugly blight on the views east of Eldorado.

This is not the behavior of a concerned citizen fighting to provide affordable housing to lower income families, this is the behavior of an immature and vindictive individual with no real social concern for the welfare of the community at large. Please do not allow Joe Miller to play his obnoxious little game with the decent people of Eldorado.

Charles H. (Chuck) West
12 Reno Rd.
Eldorado at Santa Fe, NM 87508

t) 466-0844

Vicki Lucero

From: Dawn Gwin [dawn@dawngwinstudio.com]
Sent: Tuesday, April 24, 2012 3:03 PM
To: Vicki Lucero; Dawn Gwin
Cc: hhoughton@sfnewmexican.com; editor@sfreporter.com; cmoore@abqjournal.com
Subject: Tierra Bello Subdivision, Permit Number Z/S 08-5440

Dear Ms. Lucero and other interested parties,

I implore the Santa Fe County Development Review Committee (CDRC) to carefully review the permit resubmitted by Joe Miller for the Tierra Bello subdivision in view of its impact on current residents. The proposed subdivision is located just south of Avenida Eldorado, between Avenida de Compadres and Spur Ranch Road.

Residents in the Eldorado area all live within communities that are highly regulated in terms of construction materials, home size, exterior appearance and other aesthetics. These areas also restrict livestock and visual distractions such as boats, trailers, or RVs. The covenants governing our Tres Cientos Homeowners Association of 12.5 acre lots require stucco exteriors, minimum 2,500 square feet, and prohibit boats, trailers and RVs unless they are screened from view and also require that cars be parked inside a garage rather than in the drive. Our community is located less than 1/2 mile from Joe Miller's proposed Tierra Bello.

For the CDRC to approve Tierra Bello covenants permitting standards that are far lower than those of any other Homeowners Association in the Eldorado area is questionable community planning. The Tierra Bello covenants allow:

- **manufactured or modular homes (no older than 2006 models) of 864 square feet** with wood, cement board, metal, vinyl or stucco siding along with detached carports, garages and sheds
- **up to two (2) horses on 2 to 2-1/2 acre lots** fenced to 1/3 acre and barn (less than ideal conditions for horses not exercised daily and a potential fecal waste/fly control problem)
- **one (1) recreational vehicle AND one (1) boat** to be stored on each lot
- **butane or storage tanks**
- **73 lots** of this type to be developed in phases!

In addition, prefabricated homes would not benefit our local economy as that type of housing is typically manufactured and trucked in from other New Mexico and Texas cities. Other counties and other states would benefit from 73 lots of manufactured homes; while site constructed homes would employ local construction, electrical, and plumbing workers creating a positive bonus to the area's economy and workforce.

I would hope that the CDRC would give careful consideration to the repercussions of such inappropriate and disparate land development adjacent to properties that require a higher benchmark for their residents. Such a development would surely negatively impact both the aesthetics of a carefully maintained community as well as property values.

I am copying the city editors of *The New Mexican*, *The Santa Fe Reporter*, and *The Journal* with this email in hope that they will assist us in discovering why the County would cater to Joe Miller's objections to the County's Affordable Housing directives as they impact developers by permitting a subdivision in immediate proximity to an existing community of more than 3,000 residents which disregards the general standards of the area.

Friends and neighbors are also receiving a blind copy of this email for the sake of keeping you informed. If you have objections or opinions, please make them known to Vicki Lucero, Development Review Team Leader at the Santa Fe County Growth Management Department (email: vlopez@co.santa-fe.nm.us or by mail: Vicki Lucero, P. O. Box 276, Santa Fe NM 87504-0276). Many of us objected and attended meetings when Miller first proposed Tierra Bello over a year ago, but those letters must be resubmitted to be considered regarding this new permit request.

Please don't delay, the hearing for the new permit request is scheduled for Thursday, May 17, 2012, and we need to be sure that we are acting to protect our interests.

Thanks,

Dawn Gwin
Secretary/Treasurer
Tres Cientos Homeowners Association

DATE: October 15, 2012
TO: Santa Fe County Commissioners
Santa Fe County Planning and Development Division
FROM: Tom Whitson, President, Sun Ranch Homeowner's Association
SUBJECT: Proposed Tierra Bella Subdivision

It has come to our attention that a proposed new subdivision called Tierra Bella will adjoin our subdivision on the west. In the same area are numerous long-time established other subdivisions including El Dorado. We would like to bring your attention to some concerns we have about the proposed Tierra Bella subdivision.

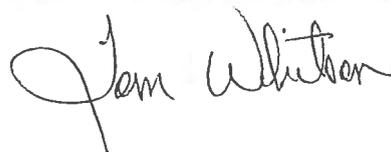
Our major concerns include availability of sufficient water, road maintenance, dust control, architectural requirements, and horses on the property. With the large number of small lots proposed and the limited water in the area what kind of impact will the new development have? What provisions are being made for road maintenance?

Tierra Bella proposes very small houses with no restrictions on materials used and no limitations on modular construction. All other homes in the area are larger and restricted to southwestern design. Many people feel the value of existing properties will drop. In our subdivision large investments have been made in our homes. This does not seem fair to other property owners.

Two horses will be allowed on the proposed lots but restricted to one-third acre plots. Nothing in the covenants talks about proper care, manure disposal, fly control or riding areas being provided. There is no place to ride except on private property nearby.

We feel that perhaps Mr. Miller, the developer of the proposed Tierra Bella subdivision, has made a bad investment and in an effort to recoup his money in difficult economic times is lowering his development standards as a way out of his problems. Those of us already living in the area should not be penalized by a new subdivision with so few requirements compared to neighboring developments that property values and therefore revenue for the county will be impacted.

Thank you for considering our concerns. Please feel free to contact me for additional information or questions you may have of us. 505-629-5770



OB B-78

Vicki Lucero

From: Ann Bitter [annbitter3@gmail.com]
Sent: Wednesday, January 09, 2013 9:20 AM
To: ldplanning@comcast.net
Cc: Vicki Lucero; Penny Ellis-Green; Dee Hall; Beth Prothro; lstepanics@msn.com; Al Webster; 4cx250b@muohio.edu; Sharon Peterson
Subject: Re: Tierra Bello Subdivision

First, let me say how pleased I am that Mr. Miller has made modifications to the Tierra Bello Covenants in response to some of our concerns.

HOWEVER, you and the County need to understand that you have left us insufficient time to inform all our neighbors and affected parties about these new developments. While you posted public notice five months ago and we have been diligently following the County review process, we were not aware that the CDRC would take this up this month (many of our neighbors have been away for the holidays). I know that Mr. Miller and the County staff and CDRC place a high value on communication between all parties. Nine days is simply not enough time for us to communicate with our neighbors, review your documents, and schedule a meeting to discuss these latest developments.

We therefore respectfully request that CDRC review of Tierra Bello be tabled until the February meeting. I understand your desire to keep this project moving forward, but I can tell you what will happen if neighbors are not given enough time to carefully review this project. Remember what it was like the last time this project came before the CDRC without proper communication: Hundreds of angry people appeared to testify in opposition to Tierra Bello and the project was delayed for many months. This is likely to happen again unless we take the time to ensure that everyone is properly informed and engaged. Nothing is to be gained if we fail to communicate with each other.

I have read your covenants and restrictions and now believe that Tierra Bello has become a project that our neighbors should have the opportunity to support. But if we rush this through without communicating properly with our neighbors, we will have missed the chance to build awareness, understanding and support. Let's do it right this time. Please table CDRC review until February. I thank you for your consideration and look forward to your prompt response to my request.

On Tue, Jan 8, 2013 at 11:21 AM, <ldplanning@comcast.net> wrote:

TO: Neighbors of the Terra Bello Subdivision Monday, January 07, 2013

On Thursday January 17, 2013 The Santa Fe County will consider the development approval of the Terra Bello Subdivision at The Santa Fe County CDRC Commission.

We sent out our "public notice" to the surrounding residences more than 5 months ago and have diligently been working with the county staff to insure that we have met all the requirements of the county and concerns of the residents.

The county staff has now finished their review and has recommended approval. We will be heard that evening seeking approval from the CDRC Commission so that we can proceed to the Santa Fe County Commission for final approval.

Attached for your review are our updated Restrictive Covenants and our Disclosure Statement.

We have made many modifications requested by the county staff and many residents. Those changes include the elimination of single, double and triple wide manufactured homes. The covenants will allow modular homes placed on permanent foundations, with exterior stucco finishes, attached or detached garages or studios along with custom built site homes.

The exceptional quality and design features of today's modular homes are accepted in many of the new developments approved by The City of Santa Fe and Santa Fe County. These homes will be of frame stucco construction on permanent foundations and will be subject to the approval of the Terra Bello Architectural Committee. We are committed to insuring a new home community that will enhance home values and the quality of life that is so important to us all.

In addition we have eliminated farm animals and restricted the number and types of house hold pets.

We have also reach an agreement to build and pave approximately 2,200 feet of Avenida de Compardes Road from Avenida Eldorado to the second entrance into Tierra Bello Subdivision. This segment will be paved to SF County Standards upon approval of Phase Four of the overall development.

We are willing to meet at a time and location convenient to you, prior to the CDRC meeting. Should you prefer to respond via email, I will provide a timely response to your questions or comments?

Danny Martinez

Land Development Planning
PHONE: (505) 660-5250
FAX: (505) 798-1959
e-mail ldplanning@comcast.net

Ronald VanAmberg

From: Jim Garland <4cx250b@miamioh.edu>
Sent: Friday, March 15, 2013 5:32 PM
To: 'Ronald VanAmberg'
Subject: RE: Tierra Bello

Ron,
Many thanks for your note and additional clarification. I appreciate Joe's willingness to meet in person on Saturday, but I believe we've pretty well clarified our respective positions, so I don't think there's much to be gained by meeting in person. Please tell Joe to enjoy his weekend. Please also convey to him that I appreciate his flexibility on many of the issues of community concern. I don't know how the County will rule on his application, but at least we can all say that there's no misunderstanding about Joe's plans for Tierra Bello. I also think you should take considerable satisfaction in your role in clarifying, tightening, and improving the CC&Rs.

Best wishes,
Jim

> -----Original Message-----

> From: Ronald VanAmberg [<mailto:rvanamberg@nmlawgroup.com>]

> Sent: Friday, March 15, 2013 12:01 PM

> To: 4cx250b@miamioh.edu

> Subject: Tierra Bello

>
> Jim - Thanks for your letter of March 13, 2013.
> First, your areas of agreement are accurate.
> Relating to your areas of unresolved issues:
> 1, Internal Roads. As you note, the internal roads issue should not
> impact the neighbors. The way Joe sees this working is that when 6
> lots
> are
> sold, there will not be much road maintenance, as these owners can
> decide what they want to do. The burden will primarily fall on Joe. As
> more lots are sold, the more the owners can afford maintenance. If
> their level of maintenance is not to Joe's liking for marketing
> purposes, then he will likely increase the level of maintenance. So he
> sees this as a gradual transitioning.
> 2. External Roads. Joe is having to pave .9 mile of road. Paving was
> something that he should not be required to do, base course was all
> that
> was required, but he agreed to pave. The County then required 4 inches
> of asphalt when the code only calls for 3 inches. One inch does not
> seem like much, but it will likely require two lifts which will add
> considerably to the cost of the road. We do disagree about the
> subdivision residents using unpaved area roads. Joe believes that few
> if any will use unpaved roads
> when
> paved roads can get them to wherever they want to go. But if Joe is
> wrong, he sees no reason why the HOA would not want to participate in the future.
> It would be in the HOA's interest to do so if in fact the residents
> are using the unpaved roads.
> 3. Sequence of Phases. Joe has always intended that when the 25th
> lot is sold, no matter the numbers of the lots, he has to pave, and I

> am sure that is the County's intent. So your request about paving at
> the sale of the 25th lot is accepted.
> 4. Water. This has been discussed to death. The OSE acknowledges that
> there are more than sufficient water rights. EAWSD and others also
> contend that there is enough wet water with the addition of new wells
> and plans to add more wells as needed.
>
> I am not sure what else Joe is prepared to do. He can meet with you
> on Saturday. I am preparing for a week long trial which starts Monday,
> but
> I
> can be available by phone. 690-4818. Joe will go to your home unless
> at
> the
> suggested time. If that scheduling changes, please let me know. Thanks
>
> Thanks. Ron VanAmberg

Member C. Gonzales moved approval of the agenda as amended and Member Salazar seconded. The motion carried by unanimous voice vote.

IV. APPROVAL OF MINUTES

A. June 17, 2010 Regular Meeting Minutes

Member Dayton moved to approve the minutes as submitted and Member DeAnda seconded. The motion passed unanimously.

V. FINAL ORDER

CDRC CASE # DP 09-5130 Zia Credit Union Final Development Plan. Zia Credit Union, Applicant, Jeffery White, Agent, request Final Development Plan approval for a Branch Banking Facility consisting of a 7,724 square foot two-story building, four (4) drive-through lanes and one (1) ATM lane on 1.12 acres. The 1.12-acre site is designated as a Traditional Mixed-Use Sub-District under Ordinance No. 2008-5. The property is located within the Pojoaque Traditional Community, at #1 Luz de Amado, within Section 17, Township 19 North, Range 9 East, (Commission District 1)

Member Salazar moved approval of the final order. Member C. Gonzales seconded and the motion passed without opposition.

VI. NEW BUSINESS

- D. CDRC CASE # Z 08-5440 - Tierra Bello Subdivision:** Joseph Miller, Applicant, Land Development Consultants, Agent, request Master Plan Zoning approval for a residential subdivision consisting of 73 lots on 263.769 acres. The property is located at the northeast intersection of Avenida de Compadres and Spur Ranch Road, south of Avenida Eldorado in Eldorado, within Sections 24 and 25, Township 15 North, Range 9 East (Commission District 5).

Exhibit 1: Emails (43) in opposition to the proposal

Exhibit 2: Santa Fe County Affordable Housing Administrator Memo dated 7/22/10 re: Tierra Bello

Exhibit 3: Tierra Bello – Declaration of Restrictive Covenants

Exhibit 4: Correspondence - Attorney John Wertheim to Attorney Ron VanAmberg dated 6/9/10

Ms. Lucero provided her staff report as follows:

“The Applicant requests Master Plan Zoning approval for a residential subdivision at Avenida de Compadres and Spur Ranch Road, consisting of 73 residential lots on 263+ acres. The proposed lots range in size from 2.6989 acres to 3.6691 acres. The property is located within the Basin Fringe Hydrological Zone where the minimum lot size is 12.5 acres per dwelling unit with a 0.25 acre-

foot per year per lot water restriction unless water availability is proven to support increased density or community water and/or sewer is available.

“The project site is currently vacant. The land consists of a gentle slope of which the majority does not exceed 10 percent. Minimal areas near natural drainages have slopes greater than 10 percent. With the exception of two large 390-acre tracts that lie to the northeast and southwest of the property the proposed Tierra Bello Subdivision is surrounded by other residential subdivisions with lots ranging from just over 3 acres to approximately 18 acres in size.”

Ms. Lucero stated that the application was reviewed for phasing, access and traffic, terrain management, water and liquid waste, solid waste, fire protection, landscaping, open space, archaeology, signage and affordable housing. She noted that the applicant has been unable to demonstrate a viable means of compliance with the affordable housing plan but because the plan is at master plan approval which gives the applicant no vested rights, staff has determined that the alternative means of compliance can be resolved prior to the submission of the preliminary plat and development plan.

Ms. Lucero indicated that the application was in accordance with Code Master Plan Requirements and therefore staff recommends Master Plan Zoning approval subject to the following conditions:

1. The Master Plan must be recorded with the County Clerk’s office.
2. All redlines will be addressed; original redlines will be returned with final plans.
3. A location for a future cluster mailbox area to serve the Tierra Bello Subdivision and other areas must be provided. This pullout shall meet the minimum specifications for mailbox pullouts set forth by the NMDOT. The pullout driving surface shall be a minimum of 6” of aggregate base course, and adequate drainage must be provided. The detail of this location shall be included in the Final Development Plan, and additional right-of-way as required indicated on the Final Plat.
4. The Applicant must provide a revised traffic study to include the existing intersections along Avenida Eldorado to determine that the development has no adverse impacts on these intersections.

Chair Romero requested that staff distribute copies of their report to the audience.

Duly sworn, Danny Martinez, Land Development Planning agent for the applicant, stated the submittal was made over 20 months ago and he was pleased to be before the CDRC. The development is designated as a 73-lot residential subdivision and the original draft covenants submitted with the original plan have been modified [*Exhibit 3*] to “not disallow the placement of manufactured housing within the subdivision.”

Mr. Martinez said the intent of the development is to provide lots to those wanting to live out in the county at an affordable price for the placement of manufactured housing. He emphasized, “this isn’t a mobile home subdivision.” He said people can place manufactured, modular homes as well as custom houses on their lots.

OB B-82

Mr. Martinez reminded the Committee that this is the master plan stage and the applicant is prepared to negotiate and wants to keep the door open to manufactured housing.

Mr. Martinez said that over 40 percent of the residents in New Mexico live in manufactured houses.

Mr. Martinez said he had the opportunity to review the concerns raised by the neighbors and he was "shocked by the prejudice against this type of housing." He said these are not mobile homes but rather manufactured homes.

Mr. Martinez said Mr. Miller's development is providing affordable housing for the future generations.

Mr. Martinez stated that the Tierra Bello Subdivision was half of a subdivision that received final plat approval in 1996 for a 100-lot subdivision. Following the approval, the subdivision was divided into two 50-lot parcels. Tierra Colinas and Tierra Bello. Tierra Colinas has been developed.

After a period of time, the Tierra Bello was sent back to the BCC for approval and it was denied. Mr. Miller took the County to court and ultimately lost that case.

Mr. Martinez said they have met with three administrators of affordable housing who have said affordable housing on a 2.5-acre lot is not viable. He said they have developed nine separate submittals to meet the affordable housing plans.

Closing his comments, Mr. Martinez said Tierra Bello offers the opportunity for those people who would love to live in a rural setting but can't afford to build a house to buy a manufactured house. He said he hoped the CDRC would provide definitive direction on what was appropriate.

Duly sworn, the applicant, Joe Miller of Lamy said Tierra Bello is the eastern half of Tierra Colinas, an approved 100-lot subdivision. The partnership split up and the subdivision was turned into two 50-lot subdivisions. Mr. Miller stated that before he purchased the 50-lot subdivision, he obtained assurance from the County three times that because the subdivision was approved prior to the moratorium he would be able to develop it. Once he purchased the property the County revoked the approval.

Mr. Miller said he took the matter to court where he won but the County appealed the decision and two years later the County won their appeal.

Once the moratorium was lifted, Mr. Miller said the County instituted an affordable housing ordinance that, he said, was far more restrictive than the moratorium. This ordinance requires a developer to give 30 percent of their land to the County which he said was extortion. He said that not only would he be required to give the County the land, but to build houses on them, sell them within the County's purchase structure and pay 8 percent gross receipts tax on the sale. Complying with the ordinance would make the development of the subdivision unaffordable; however, there are alternatives. Mr. Miller said he proposed nine alternatives to the County and no response was received.

Mr. Miller said they eventually applied for a waiver warranted by the projected loss of \$2.3 million. The County rejected the waiver. Mr. Miller said apparently the County does not "think losing \$2.3 million is a hardship" and he was appealing that decision in district court. In fact the entire ordinance is under appeal in a Denver court and Mr. Miller said if he loses there, the case will go the US Supreme Court.

Mr. Miller said he was unable to get anything through the County and cited a project he has on US 285 that has been delayed for 19 years and another by Lamy delayed 14 years. He said the County has a vendetta against him which they satisfy by denying his projects.

Mr. Miller said there are people interested in buying lots in Tierra Bello.

Mr. Miller talked about a \$6,750 fee he paid to start the subdivision development phase with the County. He said manufacturers of homes are willing to help finance. He has the land and this will provide affordable housing for citizens of Santa Fe County.

Referring to water, Mr. Miller said in 1985 he bought 79 water taps from the Eldorado Water Company and those taps are being honored by Eldorado Utility. He discussed an agreement with the water company to turn over five wells and the associated water rights that will supply half of what the utility currently uses. He discussed easements and rights-of-way necessary to drill the wells.

"It's a good project that will help a lot of people," concluded Mr. Miller.

Member DeAnda asked whether he proposed a homeowners association for the subdivision. Mr. Miller said yes, but he wanted the subdivision property owners to rewrite their own covenants.

Member DeAnda asked if he was willing to develop CC&Rs before selling any lots. Mr. Miller said there will be generic restrictive covenants on the lots. He discussed financing and lease-to-purchase property ideas.

Member DeAnda asked whether mobile homes would be restricted and Mr. Miller said the industry term is manufactured housing, offsite homes, pre-fab, and modular homes. He offered that whatever fit in with the aesthetics would be acceptable. Member DeAnda said she was concerned there were no standards. Mr. Miller said Tierra Bello will have an architectural committee making aesthetic decisions.

Member DeAnda asked whether a community sewer system was considered and Mr. Miller said it was and there was a community system in his Cimarron Subdivision. He indicated that all the lots in that area have septic tanks and the only distinguishing factor between his lots and the existing developed lots was that his are larger.

Ms. Cobau said per the Code, CC&Rs and homeowner association documentation are required at preliminary plat for review.

Mr. Martinez said the CC&Rs were submitted to the County as part of the original packet and are very clear in regards to livestock, vehicles, etc.

OB B-84

Responding to the Chairman's question, Mr. Martinez said the retention ponds would be sited in the open space area.

In response to a series of questions about by Member C. Gonzales, Ms. Cobau confirmed that this subdivision was in litigation between the County and Mr. Miller in 2005. She said the County issued a notice of violation for illegal grading activity and other improvements on Avenida de Compadres. She said most of the infrastructure has been constructed. In regards to bonding for infrastructure, Ms. Cobau said the County will require a letter of credit and test the already installed infrastructure. She said a bond will be required for offsite improvements.

Member Salazar said the terms mobile home and manufactured homes have been used interchangeably by the applicant and according to state statute there is a difference. He asked Mr. Miller whether he was intending on allowing mobile homes or manufactured housing on the development. Mr. Miller said they were not restricting manufactured houses and if there is a difference he said he was unaware of it.

Member Salazar said mobile homes are typically on axles and wheels. Manufactured housing units are designed to be on permanent foundations. He repeated his question of whether trailers/mobile homes (4-foot wide/16-foot) would be allowed. Mr. Miller responded they would all be built off-site and transported to the site. Whether the homes are on permanent or temporary foundations was not restricted.

Member Salazar asked whether the proposal could receive approval at master plan without an affordable housing agreement or at least a preliminary agreement. Ms. Lucero said depending on discussions, the number of lots could change. If the numbers increased the applicant would be required to return for an amendment to the master plan.

Member Salazar opined that it made more sense to have the affordable housing component addressed before granting master plan approval.

Mr. Martinez said the affordable housing issue is under discussion with County staff. He said he appreciated staff's help with the ordinance in trying to figure out how affordable housing works on 2.5-acre lots. He said one of Mr. Miller's alternatives was to transfer the requirement to the Cimarron Subdivision where townhouses are proposed.

Mr. Miller said the affordable housing people have been very helpful, are good people and he gave them a lot of credit for their work. He said staff's hands were tied in trying to administer an affordable housing ordinance that does not work.

Chair Romero asked whether community meetings were held. Mr. Miller said there were several meetings over the past years. Mr. Martinez said before manufactured housing was put in the mix the area residents supported the development.

Chair Romero asked whether there were any manufactured houses/mobile homes within the area. Ms. Cobau could not recall having seen any but Mr. Miller interjected that there are some on his property.

Member Dayton asked about the planned improvement to the two access roads to the development. Mr. Miller said originally they were going to pave; however, since the time County revoked the approval the price of paving has skyrocketed. He said they will improve them and bring them up to County standards.

Duly sworn, Morey Walker, the applicant's engineer, discussed the traffic study which used single-family housing for the trip generation. Regardless of the type of houses the trip generation will be the same. The study employed the largest numbers. The intersection analyzed was US 285 and Avenida Eldorado. All movements in PM were okay the only problem movement was during the AM eastbound out of the subdivision. He said that the level of service did not change and there would be problems regardless of this subdivision. He said the grades were C and better although Vista Grande was an F.

Chair Romero requested that the public limit their comments to three minutes and avoid redundancy. Those wishing to speak were administered the oath as a group.

Previously sworn, John Green, vice president of the Tierra Colinas Subdivision, discussed Spur Ranch Road noting it is unimproved and substandard and not maintained by either the County or a homeowners group. He doubted that a right-turn only sign would divert traffic from Spur Ranch Road. The proponent must take responsibility for the additional wear and tear on Spur Ranch Road as well as the full length of Avenida de Compadres between Avenida de Eldorado and Spur Ranch Road.

Mr. Green said the neighborhood has requested that barriers be erected to limit traffic through the Tierra Colinas interior roads.

In regard to the affordable housing component, Mr. Green said his subdivision supports it and believes it should be integrated into the community. They did not support the applicant's idea of transferring the affordable housing to Cimarron because it would essentially establish a "rural ghetto" behind the Chevron Gas Station.

Mr. Green said the proposal should be tabled until the affordable housing component and CC&Rs are resolved. He mentioned Mr. Miller's installation of mobile homes on US 285 across from the Eldorado Subdivision and said it was the CDRC's responsibility to make sure that is not repeated. He referred to the July 4th memorandum that includes conditions of the approval by Tierra Colinas.

Member DeAnda asked Mr. Green if he had an opportunity to review the proposed CC&Rs and he said he did and they did not appear restrictive. He discussed his understanding of mobile homes versus manufactured housing stating, a mobile home has a VIN number similar to any vehicle.

Member DeAnda asked whether it was his understanding that mobile homes, according to the CC&Rs, would not be allowed on this subdivision. Mr. Green said that was not his understanding and he was unsure as to what would be allowed.

Under oath, John Wentworth, an Eldorado resident, prefaced his comments stating he has known Joe Miller's attorney Ron VanAmberg for over 30 years and asked him if mobile homes were going to be permitted and, if so, were there any restrictions.

DB B-86

Mr. VanAmberg responded yes, they would be allowed and the restrictions have not yet been drafted. [Exhibit 4] Mr. Wentworth said west of US 285 from the north of Eldorado to the south he knows of no mobile homes, no trailers or manufactured or modular houses.

Mr. Wentworth distributed a packet outlining his following testimony [*copy was not made available for this record*]. He said on May 20, 2004 the CDRC denied Tierra Bello with 50 lots, all stick homes. The proposal changed from 50 homes with CC&Rs to a 46 percent increase of 73 lots with any kind of home. On June 4, 2004, Mr. Miller was cited for working on the land without a permit. A few days later the County filed a criminal case against Mr. Miller for constructing a subdivision without a proper permit. An appeal was heard by the BCC on the CDRC's denial of Tierra Bello and by unanimous vote the appeal was denied. Mr. Miller took his appeal to District Court and during that same time period placed a notice in the newspaper declaring it was impossible to work with Santa Fe County's "unreasonable politicians who use their position to satisfy a personal vendetta."

Mr. Wentworth referred to the 2006 Affordable Housing Ordinance which establishes that the ordinance shall apply to an application for approval of master plan. This proposal is for master plan, observed Mr. Wentworth. The affordable component is to be integrated into the project and he reviewed other requirements, none of which have been accomplished. The ordinance is the law, stated Mr. Wentworth and it applies to this case.

At district court, Mr. Miller lost and affirmed the County's position in denying Tierra Bello. In 2008, the New Mexico Supreme Court told Mr. Miller he'd had his day in court and he lost with Tierra Bello. While the case was being appealed and pending, Mr. Miller filed suit in federal district court challenging the constitutionality of the affordable housing ordinance. March 11, 2009, the federal district judge in Albuquerque issued a 62-page opinion denying his challenge. Mr. Miller filed a motion to amend that judgment and the court turned him down. Mr. Wentworth continued to outline the court proceedings.

Mr. Wentworth said access was an issue and referred to an earlier declaration submitted by Mr. Miller on this subdivision that represented that no lots may be accessed from Spur Ranch Road or Avenida de Compadres. Spur Ranch Road is a private road and maintained by the property owners. "It is not a public road," stated Mr. Wentworth. He referred to the traffic impact report and pointed out that the intersection reviewed for this proposal was 3 miles from the subdivision. There are multiple intersections that were more appropriate to review impact on. However, the level of service was graded F creating a "breakdown of intersection." He provided traffic generation numbers that would occur over a road on private property. Mr. Miller has done nothing to maintain Spur Ranch Road.

Contrary to Mr. Miller's assertion that water is not a problem, Mr. Wentworth said the State Engineer as of January 2009 said, "there has been difficulty in the past" and asked for documentation demonstrating quality and quantity of water. In 2010, the OSE issued a negative opinion on the development. He pointed out that Mr. Miller's wells have not been transferred to the Eldorado utility nor has it been proven there is sufficient water.

OB B-87

Previously sworn, Lois Klezmer, an Eldorado homeowner, said she has experience with several homeowner associations and what concerns her is the lack of information about the covenants and what percentage of the lots must be sold before a homeowners association would be established.

Previously sworn, Dirk Wassner, a resident of Rancho Verano, defined a mobile home as having axles and a trailer hitch and without CC&Rs the subdivision will be a mobile home park. Relying on the traffic counts provided by Mr. Wentworth, Dr. Wassner said his business in the ER will skyrocket.

Dr. Wassner took issue with Mr. Miller's use of the phrase "this kind of people" stating it was one step away from "you people."

Under oath, Bill Davis, president of the Rosalinda Landowners Association, said the County Assessor will lose a lot of revenue once the trailers are wheeled into the area. He said approving this development will destroy peoples' property values. Mr. Davis said he had a lot sympathy for Joe Miller and agreed with him regarding the affordable housing ordinance. He said the ordinance was the source of the problem and had it not been enacted there would be some nice houses already built in the subdivision.

Under oath, Ellsworth Stewart, Rosalinda landowner, said he planned on building a high-end home on his property but his property overlooks Tierra Bello and with trailers to look at, his property will be worth nothing. He said Los Compadres is not a road but instead a mud hole that requires a high-clearance vehicle and private Spur Ranch Road is the only alternative.

Duly sworn, Randy Blake, Sun Mountain Subdivision, said he's spent 20 years to be able to afford to live in the area and if the mobile homes are permitted he will instantly lose \$100,000 of equity.

Under oath, Bill Farmer a 10-year resident of Eldorado stated he recently read the Ordinance 2005-8 which prohibits mobile homes in Eldorado. He said there is a big difference between a manufactured home and a mobile home. The development is breaking rules from escarpment to fencing.

Mentioning the five trailers on Mr. Miller's US 285 land, Mr. Farmer said one of them has been uninhabited for five years. He said he knew that it was empty because all winter long one of the doors was open. He referred to a landfill on Mr. Miller's property behind the gas station, to his bulldozing of trees and other infractions by Mr. Miller.

Under oath, Colonel Bert Koegl, an Eldorado resident said the issue is "trailer." He asked that the Committee obtain a specific definition of what a mobile home is and what a manufactured or modular home is. He defined a manufactured home as one that is delivered to the site and installed on a permanent foundation with no wheels, no axles, nor toolbars. Anything else, Colonel Koegl said should be prohibited.

The proposal fails to include an archaeological permit as well as an affordable housing component. He said the proposal must be tabled or denied.

OB B-88

Under oath, Bill Peterson a resident of Tierra Colinas, said Spur Ranch Road was very dangerous this winter. He said it is much easier to use Spur Ranch Road or Camino de Compadres rather than US 285 and he said additional traffic would be detrimental to those roads.

Mr. Peterson recognized that as a private property owner Joe Miller has rights. He said it was important that Mr. Miller have firm restrictions on his subdivision. If the plan is approved, Mr. Peterson urged the CDRC to insure that restrictive covenants are established that are clear about preserving the aesthetics and quality to protect the communities around it.

Eldorado resident Lorren Meares, under oath, alluded to the chamber mural and mentioned that he lived in a mobile home as a former teacher. The protection of property is a right, stated Mr. Meares. He applauded Mr. Miller's egalitarian sensibility; however, Mr. Miller was unclear if the lots would be purchased or leased. Manufactured homes encompass a wide array from wonderful modular homes to junk yard mobile homes.

Mr. Meares said a mobile home community was a "blessing" for him when that was all he could afford. The concern is that that community might look like the community Mr. Miller has erected off US 285. Mr. Meares said Mr. Miller's proposal is too "loosey goosey" in its definition of manufactured homes, aesthetics and landscaping.

Previous sworn, Crystal Coombs, Eldorado, said she moved to the area because it is a beautiful community where people take pride in their property. She said she was assured by the County that the minimum lot size in her area was 12.5 acres. Following the purchase of the property she said Mr. Miller began a development with units on 2.5 acres. She said the value of her home has dropped because the County allows Mr. Miller to develop. If this development is approved, Ms. Coombs said the "investment of our future is in the toilet."

Stating she didn't have any problem with "those folks," Ms. Coombs explained that she wasn't prejudice ...her daughter lives in a double-wide and her parents have always lived in a mobile home. She said she and her husband left Las Campanas because Aldea and the bypass were developed destroyed the night-light. Further, aesthetics are very important and there are a lot of artists in the area. The proposed development is "just not going to work for the community. It may be helpful to 73 families but ... incredibly harmful to the hundreds of people that already live there."

Under oath, Diane Pinter, Eldorado, said to leave Eldorado she has to drive by the dilapidated trailers that Mr. Miller installed. She said those trailers make her mad because it ruins an absolutely beautiful hillside. She found Mr. Miller's statement that "just about anything" would be permitted on the property "real scary." She asked whether FEMA trailers from Louisiana would be moved onto the property.

Referring to the Chamber mural's declaration of protection of property, Ms. Pinter said the homeowners have invested money in their homes and would like the CDRC to protect their property.

OB B-89

Duly sworn, Michael Dukeminier, Eldorado, identified himself as a lifelong resident of Santa Fe. He said his family has owned property in Lamy and neighbors to Joe Miller. Mr. Dukeminier said for 20+ years they have been fighting Mr. Miller on everything from gravel mining to painting water towers. Making a deal with Mr. Miller is making a deal with the devil, stated Mr. Dukeminier. He said the proposal before the CDRC is a way to thumb his nose at the County and the fact is "you cannot trust this guy."

Mr. Dukeminier said he was depending on the CDRC to be the community's voice. He didn't care if he was called prejudiced but these are the facts: property values would decline and crime will go up if trailer homes are next to a neighborhood.

Mr. Dukeminier beseeched the Committee to "have no dealings with this man."

Eric Wheeler, duly sworn, said his house is adjacent to the west and south of the proposed development. He said he reviewed the information on this subdivision and it is incomplete and inaccurate. The question of whether mobile homes would be permitted was not answered. This subdivision cannot move forward until the application is complete. Mr. Wheeler said the effect of this development on his property value was not the issue, rather is the plan complete and compatible with the surrounding community?

He requested the CDRC deny the application.

Under oath, Terry Irons, 122 La Paz Loop, said his concern is the traffic, specifically Avenida Eldorado at US 285 which is already a problem. He requested that staff analyze the traffic study. He said he was opposed to anything that would decrease his property value and this development may decrease values as far away as three miles where his home is.

Mr. Irons asked the CDRC to pay particular attention to the required master plan submittal of a market analysis and economic impact report.

Previous sworn, Doug Speeret, member of the Eldorado ad hoc architecture committee and a professional consultant with expertise in global climate said the development is being approached as though the world has not changed and that is not true. The world has changed. He mentioned the oil and gas ordinance to protect the environment. He urged the CDRC not to approve any development that would use Avenida de Compadres until the road is approved for fire trucks. Providing water to this development will impact everyone in the areas as the southwest is in a drought. He said the resource shortage – fuel, medicine, food – is already a consideration in Eldorado. Mr. Speeret said the application fails to address energy conservation.

Previously sworn, Charlotte Meares, Eldorado said there was no one here against affordable housing. The people here objecting to the proposal are not NIMBY people. She said if this proposal were really about affordable housing it would look like those in-town developments that are "decent, ... in character with the community around it and at least has an effort made to look presentable." She said the five trailers on US 285 are the proof of the pudding.

OB B-90

Ms. Meares said affordable housing should appreciate rather than depreciation, as the trailers will over time. She said true affordable housing should uplift the people and not ostracize them from their community.

Duly sworn, Noel Camborbe, Azul Loop, Eldorado said water was an issue that cannot be ignored. Taxes will need to be increased because there will be more kids in the Eldorado schools. The area lacks public transportation and he asked rhetorically whether this development was good for Santa Fe County.

Returning to the podium Crystal Coombs said the road maintenance was a really big issue.

Ronald Davidson, under oath, said he was a five-year resident of the area and in his time he has seen that the applicant's actions are not coherent with words. He pointed out that the applicant ducks the questions.

Duly sworn, Richard Lyndale, Eldorado, said the application was incomplete and should not be acted on. The applicant is not in compliance with the affordable housing ordinance and the application should be denied.

That concluded the public input and Mr. Miller and his agent were permitted to rebut.

Mr. Miller said the public testimony was filled with misinformation. He suggested that one of the roads in question was an easement rather than a road. The mobile homes in Cimarron were placed there because the County would not allow anything else. Once the County gives him approval to move forward he'll move the trailers off the land. He said the County has raked him over the coals and he is treated differently than other developers. He mentioned that in the past he has had to run the County off his property and told them to come back with a warrant. He said the court found that the County violated his civil rights and since that time he has not been able to get anything approved.

Mr. Miller said he has had a rotten time working with Santa Fe County and the County will not let him do a thing with his property. He mentioned the gravel he supplied to the Highway Department.

Mr. Miller said the proposal he has before the CDRC is where the market is right now and while it's not what they originally wanted this is what they are requesting.

Mr. Martinez said they knew this would be a battle because the community would not want "substandard homes not comparable to theirs" and Mr. Miller is willing to adjust the covenants and work to satisfy some of the concerns raised by the community. He said they were prepared to work with County staff, revise the CC&Rs and meet today's market standards.

OB B-91

Chairman Romero said before an application comes to the CDRC, the County as well as other agencies reviews the proposal. He offered that he grew up in a trailer for the first 15 years of his life and he has many friends living in trailers.

Member DeAnda asked whether the January 2010 OSE's negative opinion was the most recent. Ms. Lucero said this application has changed and the January letter was in response to a mobile home park. That application is no longer on the table, the OSE's review of the current proposal is not negative and is included in the Committee's packet. There are issues regarding the water system that will need to be addressed but the OSE's opinion was not negative.

Member DeAnda said the CC&Rs [*Exhibit 3*] were ambiguous and the affordable housing ordinance requirements should be integrated within the subdivision plan. She said the issues raised regarding traffic and the sewage system were important and need to be addressed.

Member DeAnda said she was inclined to table the proposal pending additional information.

Chair Romero said the applicant did address the issues appropriate for master plan level.

Member Salazar pointed out that the OSE's letter references a 2009 memo which states the Eldorado Utility has had difficulty providing adequate water service. He asked whether it was appropriate for County staff to pursue answers to the concerns raised by the OSE.

Ms. Cobau said staff has actively been seeking information on the Eldorado utility's viability as a water provider for the past five years. According to reports prepared by experts in hydrology and reviewed by County staff, it has been ascertained that the utility was able to provide water to their current customers. Subdivisions will be required to transfer water rights in a sufficient amount to the utility.

Member Salazar said the application lacked information and he was not comfortable approving the plan. The affordable housing and density components need to be fleshed out. He said someone from the County's affordable housing department needs to be present to discuss the compliance alternatives that the applicant proposed.

Member Salazar raised concerns about sustainability in the plan regarding alternative energy, gray water, rainwater harvesting, etc. The plan appears to be from 20 years ago when conditions were different. A distinction between manufactured and mobile homes is required. He agreed with Member DeAnda that it was appropriate to table it.

Ms. Lucero said an archaeological study has been submitted and the County is awaiting SHPO comments.

Member Dayton said he was concerned about the affordable housing issue and the road access issue.

OB B-92

Member C. Gonzales said he didn't understand the litigation Mr. Miller described. He said he wanted to see gray water harvesting, screening with landscaping, and CC&Rs. He suggested restricting the age of mobile homes to resolve the issues and finally the lease, rent or sale of the property was vague.

Member JJ Gonzales said there were a lot of questions that haven't been answered and he agreed with the other members. He said he appreciated how hard the affordable housing ordinance was on developers.

Chair Romero said he hopes the developer and his agent will answer the questions the community and CDRC has raised. He urged them to be good neighbors and meet with the community a few more times.

Chair Romero moved to table CDRC Case Z 08-5440. His motion was seconded by Member DeAnda and passed by unanimous [6-0] voice vote.

[The CDRC recessed from 6:55 to 7:05]

Chair Romero requested that Tierra Bello be placed last under Old Business at the next meeting.

~~E. **CDRC CASE # V10-3032 Gerald Medina Variance.** Gerald Medina, Applicant, requests a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow a Land Division of 4.95 acres into two lots. The property is located at 312 C Rabbit Road, within Section 10, Township 16 North, Range 9 East, (Commission District 4).~~

~~Mr. Dalton presented the staff report as follows:~~

~~"The applicant, requests a variance of Article III, Section 10, Lot Size Requirements, of the Land Development Code to allow a Land Division of 4.9587 acres into two 2.475 acre lots. Article III, Section 10 states the minimum lot size in the area is 2.5 acres with water restrictions.~~

~~"The property currently has an accessory structure and no dwelling units. The property is located in the Basin Hydrologic Zone where lots can be administratively divided to a minimum of 2.5 acres with water restrictions, as previously noted. The proposed lot size of 4.9587 acres is just below the Code required 5.0 acres needed to subdivide this lot administratively. In order to process this request administratively an additional 1,799 square feet of property would be required. The applicant has approximately 99.1 percent of the required area."~~

DB B-93

~~Member Katz asked for a friendly amendment that the building sign be reduced from 144 square feet not to exceed 105 square feet, splitting the difference between the proposed size and the recommended maximum of 70 square feet. The motioner and seconder accepted the condition, as did Mr. Kost.~~

~~The motion as amended carried by unanimous [6-0] voice vote.~~

~~Mr. Larrañaga verified that the wall-mounted sign cannot exceed 105 square feet and the pole-mounted sign cannot exceed 12 feet, and stated a variance was still required. Ms. Brown confirmed that the approval included both variances.~~

- VII. E. **CDRC CASE # Z/S 08-5440 Tierra Bello Subdivision. Joseph Miller, Applicant, Danny Martinez, Agent Requests Master Plan Zoning Approval for a 73-Lot Residential Subdivision on 263.769+ Acres and Preliminary and Final Plat and Development Plan Approval for Phase 1, Which Will Consist of 9 Lots. The Property is Located at the Northeast Intersection of Avenida de Compadres and Spur Ranch Road, South of Avenida Eldorado in Eldorado, within Sections 24 and 25, Township 15 North, Range 9 East, Commission District 5 [Exhibit 5: Staff Memo from County Hydrologist; Exhibit 6: Staff Memo from Public Works]**

Ms. Lucero read the caption and gave the following staff report:

“On July 22, 2010, a request was presented to the CDRC by the Applicant for Master Plan Zoning approval for a 73-lot residential subdivision known as Tierra Bello. The decision of the CDRC was to table the request to allow the applicant to address issues regarding affordable housing, water availability and access and traffic.

“The Applicant has since signed an Affordable Housing Agreement with Santa Fe County in which the Applicant has agreed to provide 15% affordable housing in accordance with Ordinance No. 2012-1.

“In regards to water availability, a positive recommendation was issued by the County Hydrologist. The OSE, however has not issued a favorable response. The response given by the OSE was with regard to the point of diversion, which is the same as the previous case heard, Spirit Wind.

“In regards to access and traffic, the NMDOT has issued a positive recommendation. The County Public Works Department – a new memo was just handed out which issues a positive recommendation with conditions. [Exhibit ???]

“The Applicant has modified his request since the last CDRC meeting. The request is still for Master Plan Zoning approval for a 73-lot residential subdivision on 263.769 acres. However, in addition to this, the Applicant is now requesting

OB B-9.

Preliminary and Final Plat and Development Plan Approval for Phase 1, which will consist of nine lots.”

Ms. Lucero stated staff recommended approval of the request for master plan zoning approval for a 73-lot residential subdivision and preliminary and final plat and development plan approval for Phase 1, which will consist of nine lots subject to the following staff conditions:

1. The Applicant shall comply with all review agency comments and conditions, Article V, Section 7.1.3.c.
2. Conditions as stated in the memo from the Public Works Department shall be addressed prior to this case being heard by the BCC.
3. Master Plan and Final Plat and Development Plan, with appropriate signatures, and subdivision covenants and final disclosure statement shall be recorded with the County Clerk, as per Article V, Section 5.2.5 and Section 5.4.5.
4. The Applicant shall submit a financial guarantee, in a sufficient amount to assure completion of all required improvements. The financial guarantee shall be based on a county approved engineering cost estimate for the completion of required improvements as approved by staff prior to Final Plat recordation. All improvements shall be installed and ready for acceptance within eighteen months as required by Article V, Section 9.9.

Member Katz said he was confused by the fact staff was recommending preliminary and final approval, while the County Hydrologist seemed to approve only the master plan. Ms. Lucero said the memo handed out was an earlier memo; the latest is in the packet. Her last communication with the OSE indicated they were approving, but due to the short timeframe staff was unable to get anything in writing.

Legal counsel for the project, Ron Van Amberg stated this project has been in the works for ten years. It received final plat approval in 1986 but that expired. It is the second half of the project; the first was Tierra Colinas. The current application reflects work by County staff, the mediator, Robert Rambo and Mr. Miller. Mr. Van Amberg noted he has heard from the neighbors who request a tabling to give them time to go over the new covenants. He added there will be a two-month hiatus before the application goes to the BCC which will allow time for the neighbors to review the covenants and meet with Mr. Miller and Danny Martinez, his agent.

Mr. Van Amberg pointed out Tierra Bello will not have mobile homes, which are regulated by HUD but rather modular homes which are under the same jurisdiction as stick-built homes. Modular adds to the affordability.

He said initially 60 percent of Los Compadres Road will be basecoursed. Ultimately it will be paved.

Contrary to rumors, the water company does have the capacity and water rights to serve the project. Mr. Van Amberg referred to Exhibit 7, *Water Notes*, issued by the Eldorado Area Water & Sanitation District which established its capacity which is great enough to accommodate more development. There is an adequate cushion to serve current and future customers. He mentioned Well #18 has been approved by the OSE as a

point of diversion and will be functioning soon now that the easement with PNM has been settled. The well cost around \$1 million and produces 500 to 700 gallons per minute and is in a separate aquifer from the Galisteo Basin. He added consumption has decreased over the years due to increased conservation. "The impact of the Miller subdivisions will effectively be negligible. Mr. Miller has given five wells and the associated water rights to the EAWSD.

Turning to Exhibit 8, Mr. Van Amberg explained the agreement with the County regarding water supplies and infrastructure, which further assures adequate water resources as backup. Exhibit 9 refers to a partial license signed by the State Engineer. Mr. Van Amberg reviewed the history of water pumping in Eldorado.

Member Katz referred to recent developments causing the BDD to curtail diversion due to drought. "Rights are very nice, but what happens if it doesn't rain?" Mr. Van Amberg stated that the bulk of the water in that particular aquifer is not dependent on rain or runoff.

Previously sworn, Danny Martinez reiterated this has been a long process and they are committed to comply with the Land Use Code. He thanked staff for their continuing help and expressed his commitment to work with the neighbors.

Noting this was tabled two years ago Chair Gonzales asked what has changed in that time. Mr. Martinez stated the number of lots and phases have not changed. In deference to the neighbors they have eliminated manufactured homes – single-wide, double-wide and triple-wide. However, modular homes remain. Average lot size is 3+ acres, which is greater than the average in Eldorado, although neighboring developments are mandated to have larger lots. An affordable housing agreement has been arrived at that will allow a good portion of the 13 required affordable lots to be transferred to the future Cimarron Village Subdivision where wastewater treatment will be available. This subdivision will have four units in Tier 4.

Mr. Martinez stated water has been established and hydrants are in place. Natural gas has been extended to Tierra Colinas at no cost.

Chair Gonzales asked about farm animals and Mr. Martinez said they will not be allowed. Chickens are prohibited and pets limited.

Member Anaya asked what effect that restriction would have on 4-H participants. Mr. Martinez said the community does not seem to want to have farm animals and they are acquiescing to that preference. Citing the CC&Rs, Member Drobnis said household pets include birds; since chickens are birds it appears they are not excluded. Mr. Martinez said fine-tuning remains on the covenants.

County Hydrologist Torres reviewed the data she analyzed regarding the well capacity vis-à-vis demand. Her analysis did not include the Lamy wells which are shallow and subject to drought conditions. She found there was sufficient capacity even during high-pumping months.

Member Anaya asked how many monitoring wells were present. Ms. Torres stated she believed there were three, however, they are not on the USGS database. She explained there are two systems – the Lamy well and the central wellfield, which are independent from one another. She explained that as backup, a water line is being planned to bring Buckman water to the area. Eldorado has agreed to be a customer for up to 50 acre-feet a year as a supplemental supply.

Duly sworn, Ann Bitter, past president of the Tierra Colinas Homeowners Association, said she has been convening meetings for two or three years to discuss incoming developments. In that time the County has placed great emphasis on communication. She said the community has not had time to review the latest material due to the holidays. She first saw the amended covenants was on January 9th which did not afford the time for a meeting. Additionally, in that time the County's computer system was down. She asked that the case be tabled until the February meeting. She said they would be very happy to meet with Mr. Rambo as mediator since the last meeting with the developers did not go well.

Ms. Bitter recognized compromises made, stating they had no problem with modular homes as long as they are stuccoed. They appreciate that horses are excluded and that design standards are in place. They are also pleased with the affordable housing agreement. Concerns remaining to be addressed concern roads and traffic. Addition time will allow for greater consensus.

Noting that there were people from the Spirit Wind hearing that felt they were not allowed a chance to speak, Member Katz said that rather than go through the public hearing he would prefer to table and re-open the public hearing in February, and so moved. Member Martin seconded and the motion carried by 4-2 voice vote with Members Katz, Martin, Drobnis and Gonzales voting in favor and Members Anaya and Valdez voting against.

~~VIII. PETITIONS FROM THE FLOOR~~

~~None were offered.~~

~~IX. COMMUNICATIONS FROM THE COMMITTEE~~

~~Member Martin asked that her vote on the Spirit Wind case be changed from aye to nay.~~

~~X. COMMUNICATIONS FROM THE ATTORNEY~~

~~None were presented.~~

V. **APPROVAL OF THE MINUTES: January 17, 2013**

Chairman Gonzales stated he found a few typos, which were corrected by the recorder.

Member Martin moved to approve the minutes. His motion was seconded by Member Katz and passed by unanimous [5-0] voice vote with Member DeAnda abstaining.

VI. **APPROVAL OF CONSENT CALENDAR**

A. **Final Orders**

1. **CDRC CASE # ACCS 12-5390 Leeto Raivo & Holly Alsobrook Accessory Structure. Leeto Raivo and Holly Alsobrook, Applicants, Requested Approval of a 2,400 Square Foot Accessory Structure to be Utilized as a Barn on 5.0 Acres. The Property is Located At 61A Hillside Road in Edgewood, Within Section 19, Township 10 North, Range 7 East, (Commission District 3). Approved 6-0, John Lovato**

Member Katz moved approval and Member Martin seconded. The motion passed unanimously. [6-0]

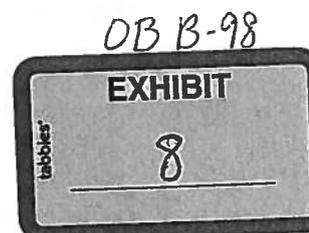
- VI. A. 2. **CDRC CASE # MIS 12-5440 Perla Rascon. Perla Rascon, Applicant, Requested the Recognition of a 0.95-Acre Parcel as a Legal Lot of Record. The Property is Located At 65B Loma Vista Road, in the Vicinity of La Puebla, Within Section 4, Township 20 North, Range 9 East (Commission District 1) Approved 6-0 John Lovato**

Upon motion by Member Martin and second by Member Katz this final order was unanimously [6-0] approved.

VII. **OLD BUSINESS**

- A. **CDRC CASE # Z/S 08-5440 Tierra Bello Subdivision. Joseph Miller, Applicant, Danny Martinez, Agent, Requests Master Plan Zoning Approval for a 73-Lot Residential Subdivision on 263.769 Acres + and Preliminary and Final Plat and Development Plan Approval for Phase 1, Which Will Consist of Nine Lots. The Property is Located at the Northeast Intersection of Avenida de Compadres and Spur Ranch Road, South of Avenida Eldorado in Eldorado, within Sections 24 And 25, Township 15 North, Range 9 East (Commission District 5)**

Vicki Lucero read the caption and gave the staff report as follows:



“On January 17, 2013, the CDRC met and acted on this case. The decision of the CDRC was to table the request to allow the community to review and discuss the most current information as submitted by the Applicant, and to allow the Applicant and mediator to meet with members of the community in regards to the proposed development. A meeting was held on February 5th between the Applicant and members of the community. Robert Rambo, who is a court mediator and facilitated the meeting is here to address any questions regarding that meeting.

“The Applicant is requesting Master Plan Zoning approval for a 73-lot residential subdivision which will be completed in eight phases. He is also requesting Preliminary and Final Plat and Development Plan Approval for Phase 1, which will consist of nine lots.”

Ms. Lucero stated staff was recommending Approval of the request for Master Plan Zoning for a 73-lot residential subdivision and Preliminary and Final Plat and Development Plan Approval for Phase 1, which will consist of 9 lots subject to the following staff conditions:

1. The Applicant shall comply with all review agency comments and conditions, Article V, Section 7.1.3.c.
2. Conditions as stated in the memo from the Public Works Department shall be addressed prior to this case being heard by the BCC.
3. Master Plan and Final Plat and Development Plan, with appropriate signatures, and subdivision covenants and final disclosure statement shall be recorded with the County Clerk, as per Article V, Section 5.2.5 and Section 5.4.5.
4. The Applicant shall submit a financial guarantee, in a sufficient amount to assure completion of all required improvements. The financial guarantee shall be based on a county approved engineering cost estimate for the completion of required improvements as approved by staff prior to Final Plat recordation. All improvements shall be installed and ready for acceptance within eighteen months

Chairman Gonzales noted that the public requested tabling at the last meeting and he asked Ann Bitter to give a recap of what had happened in the intervening month.

Duly sworn, Ann Bitter from the board of the Tierra Colinas Homeowners Association thanked the committee for the extra time. She said Jim Garland from Spur Ranch Road had a meeting with Mr. Martinez regarding maintenance of that road. There was a two-hour meeting with Mr. Rambo, Mr. Miller and Mr. Martinez to go over issues. She characterized it as a productive meeting.

Member Drobnis asked if the community members had time to go over the CC&Rs. Ms. Bitter indicated a revised set of revised covenants was formulated by Mr. Martinez.

OBB-99

Jim Garland, under oath, said he represented the Spur Ranch Road Corporation comprised of four subdivisions with 71 residences and 51 vacant lots. The dues range from \$200 to \$275 for residences and \$100 for vacant lots. This organization is serving as a coordinating body for community concerns. He was pleased that mobile homes were not allowed and that a homeowners association would be formed. However, issues of road maintenance and minimum square footage were not addressed.

He showed an area map, noting that Tierra Bello is comparable in size to the other subdivisions but is much denser. This will constitute a great burden on police, fire and water services in the area.

Turning to the new CC&Rs, Mr. Garland said there are problems on every page. *[Exhibit 1]* For instance the minimum square footage was changed to 1,800 square feet, but includes the garage, which brings it back to the originally proffered square footage. He called this a “deceptive move.” The lengthy new covenants became available only last week. He said given Mr. Miller’s history the community needs to go over the new document with a fine-tooth comb.

Mr. Garland said he understood that Mr. Miller feels he has an agreement for water delivery, but the Eldorado Area Water and Sanitation District (EAWSD) still does not have a backup water source at this point.

Regarding Spur Ranch Road, Mr. Garland speculated that the residents of Tierra Bello would prefer to use this road and should share maintenance expense. He noted Mr. Miller plans to improve some roads as development proceeds. The status of connectors between Tierra Colinas and Tierra Bello remains to be determined. There are drainage problems and on occasion some of the roads become impassable. He said Mr. Miller should be responsible for bringing the roads up to standard.

Mr. Garland asked that the project be tabled again to give the community a chance to review the new covenants, which he described as poorly organized, confusing and ambiguous.

Member DeAnda asked how Spur Ranch Road was currently maintained. Mr. Garland said the association maintains it through voluntary dues.

Duly sworn, Duncan Sibley, a PhD geologist from Eldorado stressed it was not known how much groundwater was actually available in the area. EAWSD is motivated to sell all the water they can to cover bond expenses. The County is building a pipeline to Canonicito but there is no agreement with Eldorado. At this point it is not a renewable resource. He said it would be prudent to get an alternate source of water before allowing new subdivisions. He urged a delay of several years.

Under oath, Jerry Cooper, the director of EAWSD said the previous speaker’s remarks were only opinions. They are working to add more production and are coming to agreement on the County pipeline. They are drawing less water than they are entitled to by water rights. They are able to meet current needs except at times of peak demand. He said they have 800 afy capacity and consume around 550 afy.

In response to questions from Member DeAnda, Ms. Lucero said staff still has not received comments from the State Engineer’s Office. As with the Spirit Wind

Subdivision, County Hydrologist Karen Torres gave a positive report on the water availability. Member DeAnda asked if it was possible to contravene the review comments given the ready, willing and able letter from the EAWSD and the County Hydrologist. Ms. Lucero said they are to be taken on their face.

Member Anaya asked how many more houses could be served by the EAWSD, based on .5 afy. Mr. Cooper pointed out that the maximum allotment is .25 afy per residence and Eldorado residents only use 70 to 80 percent of that, encouraged by the graduated rate structure.

Disclosing that he lived in the Eldorado area and was served by the EAWSD, Member Drobnis asked about the possible future agreement with the County. Mr. Cooper said the MOU has to do with accepting the will-serve letters; it is not about water. However, they are working with the County about purchasing bulk water from the new pipeline. The discussions are active.

Mr. Garland mentioned that he is a member of the water district. Scientific disagreement is possible about the 100-year justification and different people come to different opinions about the reliability. He said it was necessary to rely on the experts.

Duly sworn, Henry Lanman recalled that recently there was a moratorium on building due to water shortage. Now there seems to be plenty of water in Eldorado although drought conditions prevail. He said most sources of water seem to be down, and everyone's property will become worthless if the water is gone. He noted many of the wells in La Cienega are going dry. He asked them to keep water in mind when they are considering developments.

Counsel for the applicant, Ron VanAmberg referred to the MOU [*Exhibit 2*] which refers to the ten-year moratorium. Analysis proved there was sufficient water. The memorandum acknowledges that and the County's negotiations regarding future water supplies from the Buckman Direct Diversion. Further, it says that the County will accept EAWSD's will-serve letters for the next three years without further technical review. He said there is a considerable cushion in the water supply. Tierra Bello will require 19+ afy.

Member DeAnda asked what will happen after the three years referred to in the MOU. Mr. VanAmberg said apart of the recognition of sufficient water there is mention of the good faith negotiations regarding the pipeline as backup. After three years the County can review acceptance of the will-serve letters.

Under oath, agent Danny Martinez pointed out the community meetings yielded eight pages of notes from Mr. Rambo for suggestions in improving the CC&Rs. The new covenants are drastically improved in an attempt to satisfy the neighbors' concerns. They were 10 pages and they are now 26 pages long. There is plenty of time to work with the neighbors but it is the responsibility and right of the developer to put the covenants in place. There are strong architectural standards, but they are working to develop homes that are affordable in today's economy.

He noted there are 63 acres of common open space which is above the amount required. The average lot is around three acres. They are more than willing to continue to work on the CC&Rs but there has to be compromise on both sides.

Regarding road maintenance, they will be developing a maintenance agreement for Avenida de Compadres. They are not asking for Tierra Colinas to contribute to maintaining that road, although residents of Tierra Colinas will be using it. He said they have met their commitment to build the necessary roads. Negotiations are underway with the Fire Department about Knox locks on roads between Tierra Colinas and Tierra Bello. He disagreed with Mr. Garland's contention that new residents would be using Spur Ranch Road. He reiterated they are open to negotiations but there has to be compromise.

Mr. Martinez said a tabling was not necessary; dialogue can continue.

Saying he appreciated the efforts to work with the neighbors, Member Katz said it did not appear there was sufficient time for the neighbors to review the covenants. Mr. Martinez said making such radical changes took more time than anticipated. They are open to making changes.

Member Drobni asked to what degree covenants are reviewed by the County. Ms. Brown said they are reviewed only to ensure there are no conflicts with code provisions. Ms. Lucero noted staff received the covenants the day before so they haven't had the time to review them in their entirety but they should be able to do so before the case goes to the BCC.

Member DeAnda asked if the project goes forward meetings would continue in which they could work on the CC&Rs. Mr. Martinez said they are open to that. However, they are constrained in the amount they can change the size of the homes that would take them out of their price range.

Member Anaya moved to approve CDRC Case #Z 08-5440 per staff recommendation. Member DeAnda seconded.

Member Katz said he would prefer a tabling to allow staff time to review the new covenants. Member Drobni agreed saying well organized, easily understood covenants are essential.

The motion tied 3-3 with Chairman Gonzales, Member DeAnda and Member Anaya voting in favor and Member Martin, Member Katz and Member Drobni voting against.

Ms. Brown said the case will come back to the next meeting, March 21st when the seventh member will be present.

VII. OLD BUSINESS

- A. CDRC CASE # Z/S 08-5440 Tierra Bello Subdivision. Joseph Miller, Applicant, Danny Martinez, Agent, Requests Master Plan Zoning Approval for a 73-Lot Residential Subdivision on 263.769 Acres + and Preliminary and Final Plat and Development Plan Approval for Phase 1, Which Will Consist of Nine Lots. The Property is Located at the Northeast Intersection of Avenida de Compadres and Spur Ranch Road, South of Avenida Eldorado in Eldorado, within Sections 24 And 25, Township 15 North, Range 9 East (Commission District 5)

Vicki Lucero read the caption and gave the staff report as follows:

“On February 21, 2013, the CDRC heard this case and a motion was made to recommend approval of the request; however, with only six committee members present the motion ended in a tie vote. Under Commission rules of order, the application is automatically tabled until the next meeting at which time a great number of members are present. This case is now coming before the CDRC for deliberation and vote only.”

Ms. Lucero stated that Staff recommends approval of the request for Master Plan Zoning for a 73-lot residential subdivision and Preliminary and Final Plat and Development Plan Approval for Phase 1, which will consist of 9 lots subject to the following staff conditions:

1. The Applicant shall comply with all review agency comments and conditions, Article V, Section 7.1.3.c.
2. Conditions as stated in the memo from the Public Works Department shall be addressed prior to this case being heard by the BCC.
3. Master Plan and Final Plat and Development Plan, with appropriate signatures, and subdivision covenants and final disclosure statement shall be recorded with the County Clerk, as per Article V, Section 5.2.5 and Section 5.4.5.
4. The Applicant shall submit a financial guarantee, in a sufficient amount to assure completion of all required improvements. The financial guarantee shall be based on a county approved engineering cost estimate for the completion of required improvements as approved by staff prior to Final Plat recordation. All improvements shall be installed and ready for acceptance within eighteen months

Staff distributed a report from Jim Garland, President, Spur Ranch Road Association [*Exhibit 1*] outlining the meetings that occurred with Mr. Miller and Mr. VanAmberg. An additional exhibit of emails providing additional clarification via emails between Mr. Van Amberg and Mr. Garland was provided [*Exhibit 2*].

Deputy Attorney Brown advised the Committee that a new motion is required.

The Committee reviewed the distributed information.



Member Anaya moved to approve CDRC CASE # Z/S 08-5440, Tierra Bello Subdivision, with staff recommendations. Member DeAnda seconded.

Member Katz said he appreciated the discussions that took place and with the covenants having been clarified he no longer had those concerns.

Member Drobnis asked whether there was any legal basis for the County to enact the Association's request for a temporary ban on development in the proposed area. Ms. Brown responded that this proposal meets Code requirements.

Member DeAnda said this case has been on the Committee's agenda many times and she was pleased the developer has met with the community. With the assurance of staff that there is sufficient water for the development and the immediate area she was prepared to move this application forward.

Member Martin lauded Mr. Miller in his efforts to accommodate and meet with the neighbors. However, water availability and drought continue to concern her and she was not able to support the application.

Chair Gonzales thanked the area residents and Mr. Miller for working together. He pointed out that the CDRC's recommendation will be forwarded to the BCC for their action.

The motion passed by majority [6-1] voice vote with Member Martin voting against.

~~B. **CDRC CASE # V 13-5040 Roddy & Sherry Leeder Variance: Roddy & Sherry Leeder, Applicants, Ralph Jaramillo, Agent, request a variance of Article III, Section 2.4.1a.2.b (Access) of the Land Development Code and a variance of Article IV, Section 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) to allow the placement of a manufactured home on 7.68 acres. The property is located at 25 Bar D Four Road, in the vicinity of Arroyo Seco, within Section 18, Township 20 North, Range 9 East, (Commission District 1)**~~

~~Mr. Lovato provided the staff report as follows:~~

~~"The Applicant requests a variance to allow the placement of a manufactured home on 7.68 acres. Access to the subject property would be off Bar D Four Road which is a dirt road/private roadway crossing a FEMA designated Special Flood Hazard Area, via an existing low water concrete dip section which may be frequently impassible during inclement weather, and thereby is not all weather accessible.~~



