

Henry P. Roybal
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: November 19, 2015

TO: County Development Review Committee

FROM: Vicente Archuleta, Development Review Team Leader *VA*

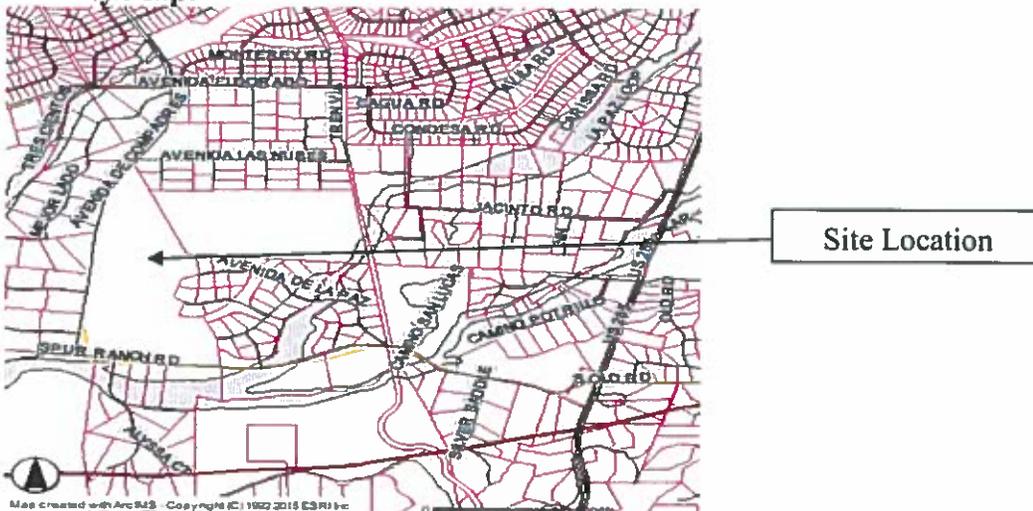
VIA: Penny Ellis-Green, Growth Management Director *PEG*
Vicki Lucero, Building and Development Services Manager *VL*
Wayne Dalton, Building and Development Services Supervisor *WD*

FILE REF.: CDRC CASE # S 08-5441 Tierra Bello Subdivision Phase 2 and Phase 3 Preliminary and Final Plat and Development Plan

ISSUE:

Joe Miller, Applicant, Danny Martinez, Agent, request Preliminary and Final Plat and Development Plan Approval for Phase 2 and Phase 3 of the Tiera Bello residential subdivision to create 12 residential lots within a previously approved Master Planned 73 lot residential subdivision. The property is located in Eldorado at the Northeast intersection of Avenida de Compadres and Spur Ranch Road, south of Avenida Eldorado, within Sections 24 and 25, Township 15 North, Range 9 East, (Commission District 5).

Vicinity Map:



SUMMARY:

On May 14, 2013, the Board of County Commissioners (BCC) approved the Master Plan for the 73-lot residential subdivision consisting of 8 phases on 263.77 acres and Preliminary Plat, Final Plat and Development Plan for Phase 1, which consisted of 9 lots of the Tierra Bello subdivision. (May 14, 2013, BCC Meeting Minutes, Exhibit 4).

The Applicant now requests Preliminary and Final Plat and Development Plan Approval for Phase 2 (6-lots) and Phase 3 (6-lots), which will consist of a total of 12 residential lots, one being an affordable lot (Lot 19), on 48.48 acres. Lot sizes range from 2.75 acres to 3.31 acres. A total of 12.28 acres will be dedicated as open space which includes roadway dedication, which will be maintained by the Tierra Bello Subdivision Homeowner's Association.

Article V, Section 5.3.1.c, Preliminary Plat Procedure - Conformance with Master Plan and Preliminary Development Plan, of the Santa Fe County Land Development Code, Ordinance No. 1996-10 (Code) states, "[a] preliminary plat may be submitted for only a phase or portion of the entire project so long as it conforms to the approved master plan and preliminary development plan..."

Article V, Section 5.3.5.a, Preliminary Plat Approval, states: "Approval or conditional approval of a preliminary plat shall constitute approval of the proposed subdivision design and layout submitted on the preliminary plat, and shall be used as a guide to the preparation of the final plat."

Article V, Section 5.4.1.a, Final Plat Procedure, states:

Final plats shall be submitted for Type-I, Type-II, Type-III, except Type-III subdivisions that are subject to review under summary procedure as set forth in Subsection 5.5 of this Section, and Type-IV subdivisions. Following approval or conditional approval of preliminary plat, and before the expiration of the plat, the subdivider may prepare a final plat in substantial conformity with the approved or conditionally approved preliminary plat. At the discretion of the Code Administrator, preliminary and final plats may be reviewed for approval simultaneously. Final plats for subdivisions proposed to be phased shall be submitted as indicated on the phasing schedule submitted with the master plan as specified in Section 5.2. The final plat shall comply with the New Mexico Subdivision Act and these regulations.

Article V, Section 5.4.4b, Final Plat Approval, of the Code states: "The Board shall not deny a final plat if it has previously approved a preliminary plat for the proposed subdivision if: 1) the preliminary plat was approved after July 1, 1996; 2) all preliminary plat conditions have been or are in the process of being met; and 3) it finds the final plat is in substantial compliance with the previously approved preliminary plat."

Article V, Section 7.2.1, Final Development Plan, states: "[a] final development plan conforming to the approved preliminary plan and approved preliminary plat, if required, and containing the same required information shall be submitted..."

Notice requirements were met as per Article II Section 2.4.2, of the Code. In advance of a hearing on the Application, the Applicant provided a certification of posting of notice of the hearing, confirming that public notice posting regarding the Application was made for twenty-one (21) days on the property, beginning on October 29, 2015. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on October 29, 2015, as evidenced by a copy of that legal notice contained in the record.

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: Preliminary Plat, Final Plat and Development Plan Approval for Phase 2 (6-lots) and Phase 3 (6-lots), which will consist of a total of 12 lots on 48.48 acres.

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 restrictions; unless water availability is proven to support increased density or community water is available. This project is served by the Eldorado Area Water and Sanitation District.

ARCHAEOLOGIC ZONE: High Potential, archeological report required for development of more than 5 acres. An archaeological report was submitted with the Master Plan. The Archaeological Survey yielded no cultural resources that require research or treatment.

ACCESS AND TRAFFIC: The site will be accessed directly off Avenida de Compadres, at two points (Sunview Loop and Salida Tierra Bello). Avenida de Compadres is currently a twenty (20) foot wide base course road with two (2) ten foot driving lanes, bar ditches, and no shoulders. The Applicant must upgrade Avenida de Compadres to Collector Road Standards 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. The Applicant must install the Emergency Access gates with Phase 4, Phase 6 and Phase 8.

County Public Works has reviewed the submittal and feels they can support the development subject to the following conditions:

1. Applicant shall pave Avenida de Compadres from Avenida Eldorado to the second entrance (Salida Tierra Bello) with 4 inches (2-2 inch lifts) of Hot Mix Asphalt (HMA) to a width of 24 feet..
2. Applicant shall core existing Sunview Loop to ensure six (6) inches minimum of basecourse on road surface as required by Santa Fe County Land Development Code (Code). Coring shall be witnessed by Santa Fe County Public Works Staff. A minimum of four (4) cores will be required.
3. Applicant shall reshape existing basecourse on Avenida de Compadres to obtain a minimum of a 2% crown and compacted to a density of 95% as per the Code.
4. Applicant shall be required to use SP-IV Superpave (asphalt) as per Division 400, Surface Treatment and Pavements, Section 423 Hot Mix asphalt (Superpave), of the New Mexico Department of Transportation (NMDOT) Standard Specifications for Highway and Bridge Construction, 2014 Edition.
5. Applicant shall obtain a road construction permit from the Santa Fe County Public Works Dept. prior to commencement of any work on Avenida de Compadres.
6. Applicant shall install 30 foot turn radii on Avenida de Compadres and Avenida Eldorado.
7. Applicant shall sawcut joint on asphalt apron to make a clean transition to new asphalt on Avenida de Compadres.
8. Applicant shall obtain density tests of the re-worked and reshaped basecourse 24 hours prior to placement of HMA on Avenida de Compadres. Density tests shall be witnessed by Santa Fe County Public Works staff. A minimum of 6 tests (three per lane) will be required.
9. Applicant shall place long line striping as per Division 700 Traffic Control Devices, Section 704, Pavement Markings, of the NMDOT Standard Specifications for Highway and Bridge Construction, 2014 Edition.
10. Applicant shall install a Guard Rail along Avenida de Compadres at Station 18 + 50 as per Division 600 Miscellaneous Construction, Section 606, Metal and Concrete Wall Barrier, of the NMDOT Standard Specifications for Highway and Bridge Construction, 2014 Edition.

11. Santa Fe County Public Works will require a pre-paving meeting prior to commencement of paving.
12. Santa Fe County will require a Final Inspection upon completion of required improvements.

FIRE PROTECTION:

The project lies within the Eldorado Fire District. The Eldorado Area Water and Sanitation District (EAWSD) will provide the water source for fire protection. One fire hydrant was proposed for Phase 1. A total of Eight (8) fire hydrants will be placed throughout the subdivision and will be located within 1,000 feet of all buildable areas. One additional fire hydrant is proposed for Phases 2 and 3.

The Santa Fe County Fire Department has reviewed the submittal and feels they can support the development subject to the following conditions:

1. Roads must meet the minimum County Standards of 24 feet wide all-weather driving surface for fire apparatus access roads within the proposed development. Driveways, turnouts and turnarounds shall be County approved all-weather driving surface of minimum 6 inch compacted basecourse or equivalent.
2. 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.
3. 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 (SFC Fire) for confirmation of compliance with all requirements and applicable Codes

WATER SUPPLY:

Eldorado Area Water and Sanitation District (EAWSD) has provided a ready, willing and able to serve letter. Phase 1 is currently being serviced by EAWSD.

The Office of the State Engineer (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 are proposed for the development. New Mexico Environment Department (NMED) had no comments.

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. Individual lots will require on-site retention ponds. Road drainage within Phases 2 and 3 will be directed for all into a series of bar ditches that will ultimately flow into nine (9) storm water retention ponds within Phases 2 and 3.

The entire project is outside the limits of a FEMA designated 100-year floodplain.

OPEN SPACE:

Within Phase 2 and Phase 3, 12.28 acres of land are proposed to be dedicated as open space which includes the roadway dedication, which will be maintained by the Tierra Bello Homeowner's Association.

AFFORDABLE HOUSING:

The Applicant has signed an Affordable Housing Agreement with Santa Fe County in which the Applicant has agreed to provide 15% affordable housing. At 15%, Phases 2 and 3

would require 2 affordable units. The Applicant is proposing one affordable lot (Lot 19) in Tierra Bello and one lot be transferred to Cimmaron Village. Affordable housing in future phases may be transferred to the Cimarron Village Development in accordance with the Affordable Housing Agreement.

AGENCY REVIEW:

| <u>Agency</u> | <u>Recommendation</u> |
|---------------------|--------------------------|
| County Fire | Approved with Conditions |
| County Utilities | Approved |
| NMDOT | Approved |
| County Open Space | Approved |
| County Public Works | Approved with Conditions |
| NMED | Approved |
| OSE | Negative Response |

STAFF RECOMMENDATION:

Approval of Preliminary Plat, Final Plat and Development Plan for Phase 2 and Phase 3, of the Tiera Bello residential subdivision to create 12 lots within a portion of a previously approved Master Planned 73 lot residential subdivision subject to the following conditions:

1. The Applicant shall comply with all review agency comments and conditions (per Article V, Section 7.1.3.c).
2. 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 (per Article V, Section 9.9).
4. Applicant shall pave Avenida de Compadres from Avenida Eldorado to the second entrance (Salida Tierra Bello) with 4 inches (2-2 inch lifts) of Hot Mix Asphalt (HMA).
5. Applicant shall core existing Sunview Loop to ensure six (6) inches minimum of basecourse on road surface as required by Santa Fe County Land Development Code (Code). Coring shall be witnessed by Santa Fe County Public Works Staff. A minimum of four (4) cores will be required.
6. Applicant shall reshape existing basecourse on Avenida de Compadres to obtain a minimum of a 2% crown and compacted to a density of 95% as per the Code.
7. Applicant shall be required SP-IV Superpave (asphalt) as per Division 400, Surface Treatment and Pavements, Section 423 Hot Mix asphalt (Superpave), of the New Mexico Department of Transportation (NMDOT) Standard Specifications for Highway and Bridge Construction, 2014 Edition.
8. Applicant shall obtain a road construction permit from the Santa Fe County Public Works Department prior to commencement of any work on Avenida de Compadres.
9. Applicant shall install 30 foot return radii on Avenida de Compadres and Avenida Eldorado.
10. Applicant shall sawcut joint on asphalt apron to make a clean transition to new asphalt on Avenida de Compadres.

11. Applicant shall obtain density tests of the re-worked and reshaped basecourse 24 hours prior to placement of HMA on Avenida de Compadres. Density tests shall be witnessed by Santa Fe County Public Works staff. A minimum of 6 tests (three per lane) will be required.
12. Applicant shall place long line striping as per Division 700 Traffic Control Devices, Section 704, Pavement Markings, of the NMDOT Standard Specifications for Highway and Bridge Construction, 2014 Edition.
13. Applicant shall install a Guard Rail along Avenida de Compadres at Station 18 + 50 as per Division 600 Miscellaneous Construction, Section 606, Metal and Concrete Wall Barrier, of the NMDOT Standard Specifications for Highway and Bridge Construction, 2014 Edition.
14. Applicant shall meet with Santa Fe County Public Works Department for a pre-paving meeting prior to commencement of paving.
15. Applicant is required to have Santa Fe County conduct a Final Inspection upon completion of required improvements.
16. Roads must meet the minimum County Standards of 24 feet wide all-weather driving surface for fire apparatus access roads within the proposed development. Driveways, turnouts and turnarounds shall be County approved all-weather driving surface of minimum 6 inch compacted basecourse or equivalent.
17. 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.
18. 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 (SFC Fire) for confirmation of compliance with all requirements and applicable Codes.
19. Buildable Areas must be identified on each lot.

EXHIBITS:

1. Development Report
2. Proposed Plans
3. Reviewing Agency Responses
4. May 14, 2013, BCC Meeting Minutes
5. Aerial Photo of Site

PRELIMINARY & FINAL DEVELOPMENT REPORTS

PREPARED FOR:

TIERRA BELLO SUBDIVISION

PHASES 2 and 3 (A twelve (12) lot single-family residential subdivision), Being a portion of a Master Planned Seventy Three (73) Lot Single Family Residential Development

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: PRELIMINARY AND FINAL APPROVALS FOR PHASE TWO (2) AND THREE (3) CONSISTING OF TWELVE (12) SINGLE FAMILY RESIDENTIAL LOTS

Prepared for:

Joseph F. Miller, Family Trustees
286 Riverbank Road
Lamy, New Mexico 87540

July, 2015

Prepared By:



LAND DEVELOPMENT PLANNING

◆ Planners ◆ Construction Management

7009 Marilyn Ave NE ◆ Albuquerque, New Mexico 87109
Phone: (505)660-5250 ◆ Fax: (505)798-1959 ◆ Email: LDPlanning@comcast.net

EXHIBIT

tabbies

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NBE-8

Tierra Bello Subdivision, Phase's 2 and 3, Preliminary and Final Development Reports

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.

Tierra Bello received development approval for the master plan of seventy three (73) lot development with preliminary and final development plan approval for phase one (1) consisting of nine (9) single family residential lots, with one lot designated as affordable housing. The approval is documented in the records of the Santa Fe County Clerk's Office as Instrument No.1740986 and recorded in Plat Book775, Pages 39-43, dated July 8th 2014.

The proposed development consists of a total area of 48.480 acres more or less, with a total of 12.280 acres dedicated as open space and roadway dedication, which would be maintained by the Tierra Bello Subdivision Homeowners Association. The proposed development would consist of twelve (12) single-family residential lots ranging in size from 2.750 acres to the largest lot being 3.310 acres.

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 Eldorado At Santa Fe, 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.

Existing as built conditions include roadways, electric utilities, water main lines, service lines and fire hydrants, natural gas, high speed internet and communications.

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

A. Development Request

Development request is for the approval of Phases 2 and 3 of Tierra Bello Subdivision which would consist of a twelve (12) single family residential lots.

Community water will be provided by Eldorado Area Water and Sanitation District, through existing water mains and services currently in place throughout Tierra Bello Subdivision.

Enclosed further in this report is documentation provided by Eldorado Area Water and Sanitation District regarding "Will Serve Letter" to provide water for Tierra Bello Subdivision.

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 for Type One (1) Subdivisions in the State of New Mexico, together with guidelines and requirements outlined by Santa Fe County Land Use Development Code and the New Mexico Board of Registration for Professional Land Surveyor's.

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

Existing natural grades are less than five percent (5%) with slopes greater than ten percent (10%) located within small areas of natural drainages as delineated on the development plans.

No existing natural drainage ways 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 existing 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. Further development of Tierra Bello Subdivision would be limited to on-site grading, for building development and private driveways and drainage improvements.

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%) within natural drainage ways, with the average slopes less than five percent (5%) in grade. Roadway grades based on the topography survey fall within slopes less than five percent (5%) in grade.

E. Land Use

Development of Phases 2 & 3 of Tierra Bello Subdivision will be restricted to single family residential lots. The developer has upgraded all infrastructure including existing roadways, and offsite improvements along Avenida de Compadres Road to Santa Fe County Standards. Areas designated as "Open Space" are provided in compliance with Santa Fe County Development Regulations to the benefit of the Tierra Bello Subdivision Homeowners Association.

Development of open space and trails would be completed at a time when input from the creation of the Home Owners Association for the subdivision is in place. 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 to the benefit of the community and surrounding neighbors.

F. Affordable 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 for home construction versus on site built homes.

G. Phasing

The development of phases 2 and 3 is in compliance with the overall master plan of eight phases under the "Master Plan for Tierra Bello Subdivision", with preliminary and final development approval for "Phase One", consisting of nine residential lots, of which one lot would be identified as affordable housing, per the approved "Affordable Housing Agreement and Plan", approved by Santa Fe County and Mr. Joe Miller. All public roads and utility easements will be granted on the final subdivision plats for phases 2 and 3.

H. Water Availability / Source

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

The attached letters of acknowledgement by EAWSD, identifies that service mains exist within the development and parallel existing right of way's serving all of Tierra Bello Subdivision. 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. 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, the original Engineering Consultant for the water system infrastructure. ("See Attachment A, Letter of Water Availability as issued by Eldorado Area Water and Sanitation District.")

I. Liquid Waste Disposal

Liquid waste disposal for Phases 2 and 3 of Tierra Bello Subdivision would be provided through individual onsite 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 and the New Mexico Construction Industries Division for building permit. Plans will identify the lot size, building pad locations, septic tank locations with leach fields. Alternative systems for utilization of 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. 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 includes installation of all existing utility services within designated utility easement paralleling roadway easements. Utility easements are ten feet (10') in width outside of existing fifty (50') right of ways and are utilized for all dry utilities. Individual services would be identified during the 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:

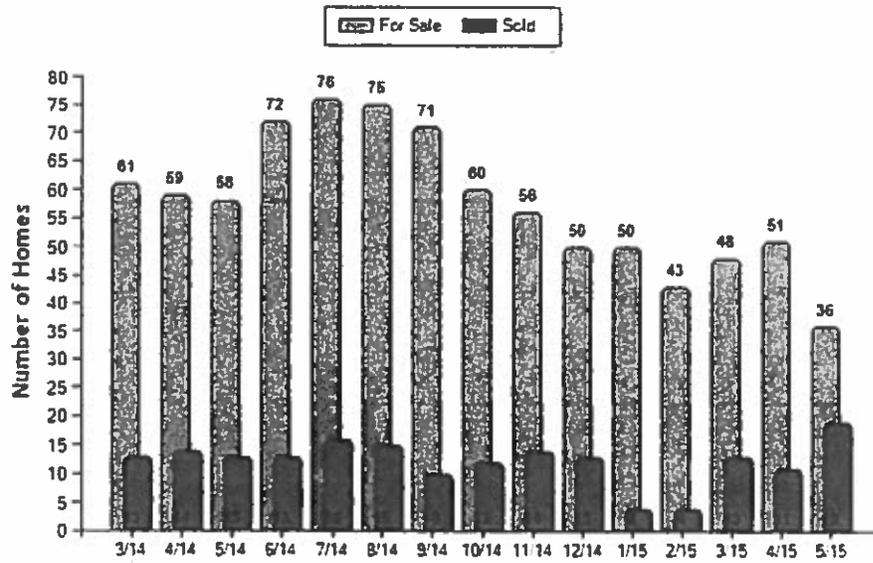
- Water Mains, Fire Hydrants, shut off valves and mechanical assemblies, individual water taps to the point of water can assemblies, individual water meters and service will be the homeowners' responsibilities.
- Electrical services will include the installation of the main service lines, transformers 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.
- Television services will include the installation of the main lines and other related facilities that would service the development. Individual owners will be responsible for connection fees and service lines to the residences. Individual homeowners reserve the right to use more modern technologies available to them.
- Telephone services will include the installation of main lines and other related facilities that would serve the development. Individual homeowners will be responsible for installation of the service lines to the residences.
- Septic Systems will be the responsibility of the individual homeowners via application approvals by New Mexico Environmental Improvement Department.

Market Study for Tierra Belo Phase II and Phase III

Prepared by Tai Bixby, Realtor® June 10, 2015. This is a broker opinion of the condition of this market. Tai Bixby is not an appraiser and this is not an appraisal.

HOME SALES MARKET

The market for homes in Eldorado currently has for sale 36 homes. This is down sharply from the inventory of 76 homes that were on the market this time last year. In the past 6 months there have been 64 sales in Eldorado. The absorption rate is 52% which is swinging the pendulum from a buyer's market to a seller's market (one where seller's set prices). If this trend continues, pricing will begin to rise steeply and speculative construction of homes will again be attractive to builders and developers. The price per square foot for homes Below is a graph showing the past year of sales activity for homes in Eldorado.



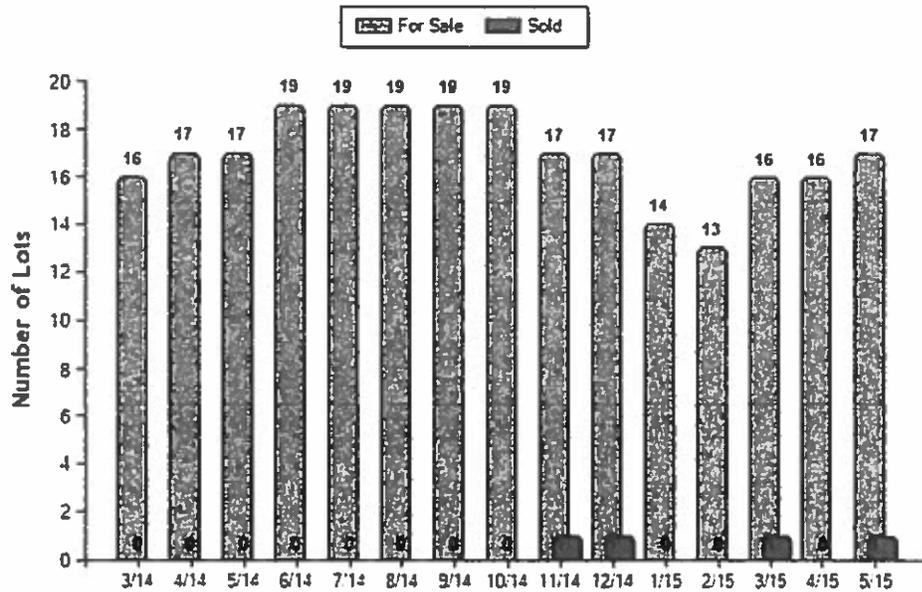
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| | Currnt vs. Prev Month | | | Currnt vs. Same Month 1 Yr Ago | | | Currnt vs. Same Qtr 1 Yr Ago | | |
|----------|-----------------------|---------|----------|--------------------------------|---------|----------|------------------------------|--------------------|----------|
| | May. 15 | Apr. 15 | % Change | May. 15 | May. 14 | % Change | Mar. 15 to May. 15 | Mar. 14 to May. 14 | % Change |
| For Sale | 36 | 51 | -29.4% ▼ | 36 | 58 | -37.9% ▼ | 45 | 59 | -23.7% ▼ |
| Sold | 19 | 11 | 72.7% ▲ | 19 | 13 | 46.2% ▲ | 14 | 13 | 7.7% ▲ |

| Date | 3/14 | 4/14 | 5/14 | 6/14 | 7/14 | 8/14 | 9/14 | 10/14 | 11/14 | 12/14 | 1/15 | 2/15 | 3/15 | 4/15 | 5/15 |
|------------------------------------|------|------|------|------|------|------|------|-------|-------|-------|------|------|------|------|------|
| For Sale | 61 | 59 | 58 | 72 | 76 | 75 | 71 | 60 | 56 | 50 | 50 | 43 | 48 | 51 | 36 |
| New Listing | 16 | 20 | 25 | 24 | 24 | 15 | 14 | 10 | 9 | 2 | 12 | 12 | 19 | 26 | 12 |
| Sold | 13 | 14 | 13 | 13 | 16 | 15 | 10 | 12 | 14 | 13 | 4 | 4 | 13 | 11 | 19 |
| Pended | 15 | 16 | 19 | 13 | 11 | 8 | 16 | 15 | 9 | 2 | 8 | 13 | 14 | 24 | 24 |
| Months of Inventory (Closed Sales) | 4.7 | 4.2 | 4.5 | 5.5 | 4.8 | 5 | 7.1 | 5 | 4 | 3.8 | 12.5 | 10.8 | 3.7 | 4.6 | 1.9 |
| Months of Inventory (Pended Sales) | 4.1 | 3.7 | 3.1 | 5.5 | 6.9 | 9.4 | 4.4 | 4 | 6.2 | 25 | 6.3 | 3.3 | 3.4 | 2.1 | 1.5 |
| Absorption Rate (Closed Sales) % | 21.3 | 23.7 | 22.4 | 18.1 | 21.1 | 20 | 14.1 | 20 | 25 | 26 | 8 | 9.3 | 27.1 | 21.6 | 52.8 |
| Absorption Rate (Pended Sales) % | 24.6 | 27.1 | 32.8 | 18.1 | 14.5 | 10.7 | 22.5 | 25 | 16.1 | 4 | 16 | 30.2 | 29.2 | 47.1 | 66.7 |
| Avg. Active Price | 382 | 362 | 381 | 389 | 371 | 363 | 363 | 350 | 357 | 355 | 361 | 346 | 373 | 388 | 414 |
| Avg. Sold Price | 307 | 341 | 328 | 337 | 326 | 354 | 388 | 343 | 343 | 306 | 324 | 329 | 388 | 317 | 321 |
| Avg. Sq. Ft. Price | 167 | 152 | 149 | 173 | 169 | 170 | 162 | 164 | 149 | 173 | 173 | 170 | 166 | 179 | |
| Sold/List Diff. % | 97 | 97 | 94 | 97 | 97 | 98 | 97 | 96 | 97 | 96 | 96 | 98 | 97 | 98 | 98 |
| Sold/Orig LP Diff. % | 93 | 94 | 87 | 93 | 96 | 96 | 95 | 92 | 93 | 91 | 95 | 95 | 92 | 93 | 96 |
| Days on Market | 144 | 108 | 164 | 156 | 96 | 130 | 109 | 110 | 130 | 140 | 88 | 166 | 224 | 178 | 124 |
| Median | 320 | 344 | 322 | 325 | 327 | 339 | 369 | 340 | 338 | 295 | 346 | 326 | 385 | 297 | 308 |

DEVELOPED LOT MARKET

The market for developed lots in Eldorado currently has for sale 17 lots. This is down from the inventory of 19 lots that were on the market this time last year. In the past 6 months there have been 4 lot sales in Eldorado. The absorption rate is 6% which represents a 17 month supply of lots. If the home sale trend described above continues, pricing will begin to rise steeply and speculative construction of homes will again be attractive to builders and developers. Appetite for newly built homes is dampened by the fact that in most cases it is cheaper to buy a resale home than it is to build one. Below is a graph showing the past year of sales activity for lots in Eldorado.



Copyright © Trendgraphix, Inc

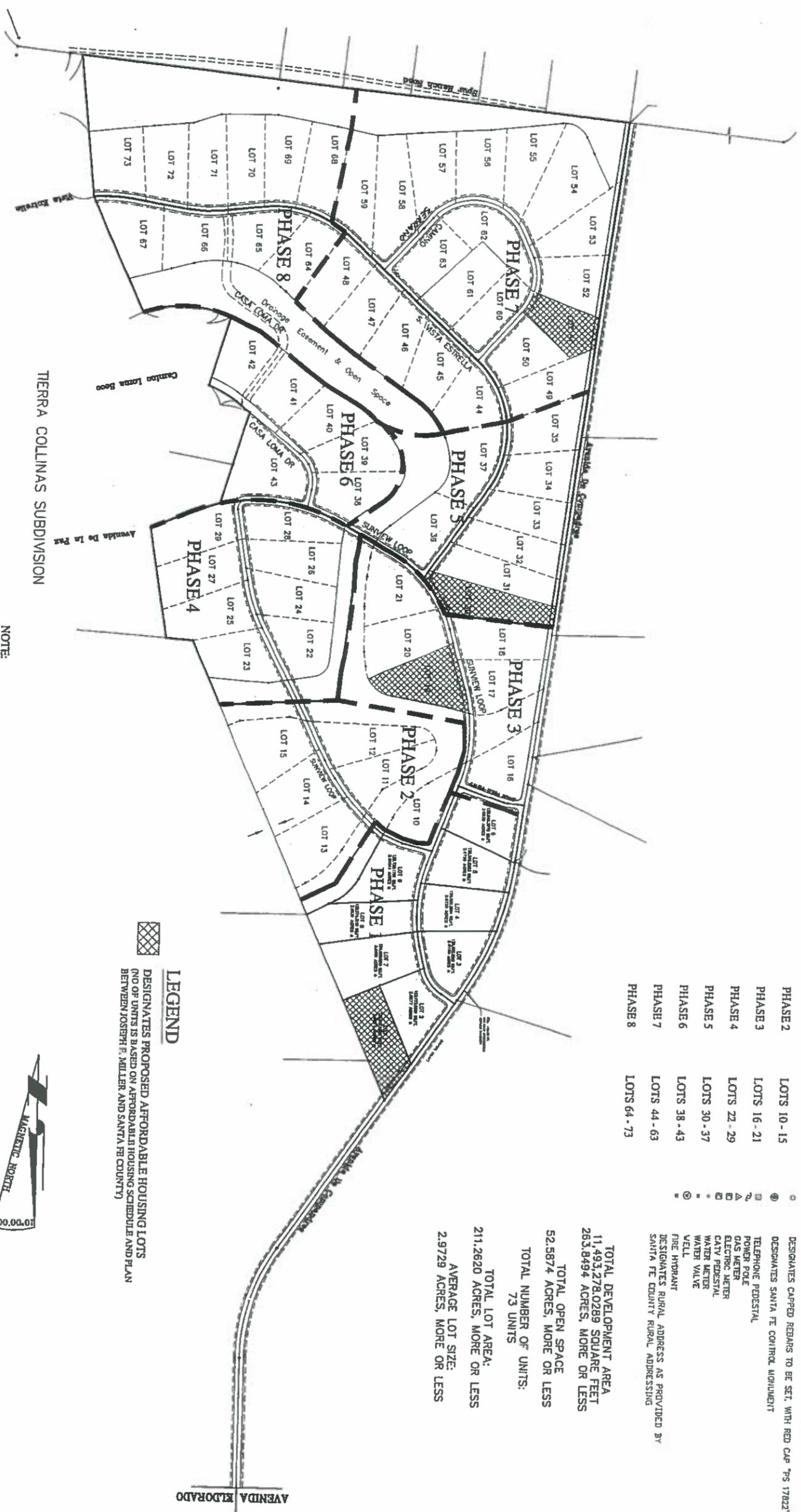
| | Currnt vs. Prev Month | | | Currnt vs. Same Month 1 Yr Ago | | | Currnt vs. Same Qtr 1 Yr Ago | | |
|----------|-----------------------|---------|----------|--------------------------------|---------|----------|------------------------------|--------------------|----------|
| | May. 15 | Apr. 15 | % Change | May. 15 | May. 14 | % Change | Mar. 15 to May. 15 | Mar. 14 to May. 14 | % Change |
| For Sale | 17 | 16 | 6.3% ▲ | 17 | 17 | 0% | 16 | 17 | -5.9% ▼ |
| Sold | 1 | 0 | N/A | 1 | 0 | N/A | 1 | 0 | N/A |

| Date | 3/14 | 4/14 | 5/14 | 6/14 | 7/14 | 8/14 | 9/14 | 10/14 | 11/14 | 12/14 | 1/15 | 2/15 | 3/15 | 4/15 | 5/15 |
|------------------------------------|------|------|------|------|------|------|------|-------|-------|-------|------|------|------|------|------|
| For Sale | 16 | 17 | 17 | 19 | 19 | 19 | 19 | 19 | 17 | 17 | 14 | 13 | 16 | 16 | 17 |
| New Listing | 1 | 1 | 1 | 3 | 0 | 0 | 0 | 3 | 1 | 0 | 0 | 0 | 3 | 1 | 1 |
| Sold | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 1 | 0 | 1 |
| Pended | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 1 | 1 | 0 | 0 |
| Months of Inventory (Closed Sales) | 16 | 17 | 17 | 19 | 19 | 19 | 19 | 19 | 17 | 17 | 14 | 13 | 16 | 16 | 17 |
| Months of Inventory (Pended Sales) | 16 | 17 | 17 | 19 | 19 | 19 | 19 | 19 | 17 | 17 | 14 | 13 | 16 | 16 | 17 |
| Absorption Rate (Closed Sales) % | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5.9 | 5.9 | 0 | 0 | 6.3 | 0 | 5.9 |
| Absorption Rate (Pended Sales) % | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5.3 | 5.9 | 0 | 0 | 7.7 | 6.3 | 0 |
| Avg. Active Price | 100 | 99 | 101 | 99 | 99 | 98 | 98 | 97 | 109 | 102 | 99 | 103 | 99 | 99 | 96 |
| Avg. Sold Price | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 107 | 71 | 0 | 0 | 35 | 0 | 80 |
| Avg. Sq. Ft. Price | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sold/List Diff. % | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 97 | 95 | 0 | 0 | 71 | 0 | 94 |
| Sold/Orig LP Diff. % | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 193 | 95 | 0 | 0 | 59 | 0 | 94 |
| Days on Market | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 48 | 56 | 0 | 0 | 394 | 0 | 39 |
| Median | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 108 | 71 | 0 | 0 | 35 | 0 | 80 |

* All reports are published June 2015, based on data available at the end of May 2015. All reports presented are based on data supplied by the Santa Fe MLS. Neither the Association nor its MLS guarantees or is in anyway responsible for its accuracy. Data maintained by the Association or its MLS may not reflect all real estate activities in the market. Information deemed reliable but not guaranteed.

Tierra Bello Subdivision

TRACT 8-A
 EL DORADO AT SANTA FE, WITHIN THE
 CANVADA DE LOS ALAMOS GRANT,
 WITHIN PROJECTED SECTIONS 24 & 25,
 TOWNSHIP 17 NORTH, RANGE 9 EAST,
 NEW MEXICO PRINCIPAL MERIDIAN
 SANTA FE COUNTY, NEW MEXICO



PHASING PLAN

| PHASE | 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

| Symbol | Description |
|--------|---|
| ● | DESIGNATES POINTS FOUND AND USED, AS IDENTIFIED |
| ○ | DESIGNATES CAPPED REBARS TO BE SET, WITH RED CAP "PS 17822" |
| ⊙ | DESIGNATES SANTA FE CONTROL MONUMENT |
| ⊚ | TELEPHONE PEDESTAL |
| ⊛ | POWER POLE |
| ⊜ | GAS METER |
| ⊝ | ELECTRIC METER |
| ⊞ | CATV PEDESTAL |
| ⊟ | WATER METER |
| ⊠ | WATER VALVE |
| ⊡ | WELL |
| ⊢ | FIRE HYDRANT |

DESIGNATES RURAL ADDRESS AS PROVIDED BY
 SANTA FE COUNTY RURAL ADDRESSING

TOTAL DEVELOPMENT AREA:
 11,493,278.0289 SQUARE FEET
 263,849.4 ACRES, MORE OR LESS

TOTAL OPEN SPACE
 52,587.4 ACRES, MORE OR LESS

TOTAL NUMBER OF UNITS:
 73 UNITS

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

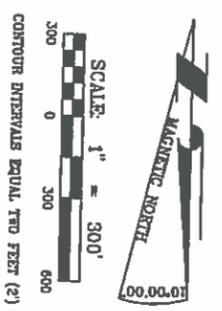
AVERAGE LOT SIZE:
 2,972.9 ACRES, MORE OR LESS

LEGEND

DESIGNATES PROPOSED AFFORDABLE HOUSING LOTS
 (NO OF UNITS IS BASED ON AFFORDABLE HOUSING SCHEDULE AND PLAN
 BETWEEN JOSEPH E. MILLER AND SANTA FE COUNTY)

NOTE:

NO ACCESS DRIVEWAYS WILL BE ALLOWED FOR LOTS LOCATED
 ADJACENT TO SPUR RANCH ROAD OR AVENIDA DE LAS CAMPANILLAS
 EXCEPT FOR LOT 1, PHASE 1.



Tierra Bello Subdivision
 Santa Fe County, New Mexico

Master Development
 and Affordable Housing Plan

| NO. | DESCRIPTION | DATE | BY |
|-----|-------------|------|----|
| | | | |
| | | | |
| | | | |
| | | | |
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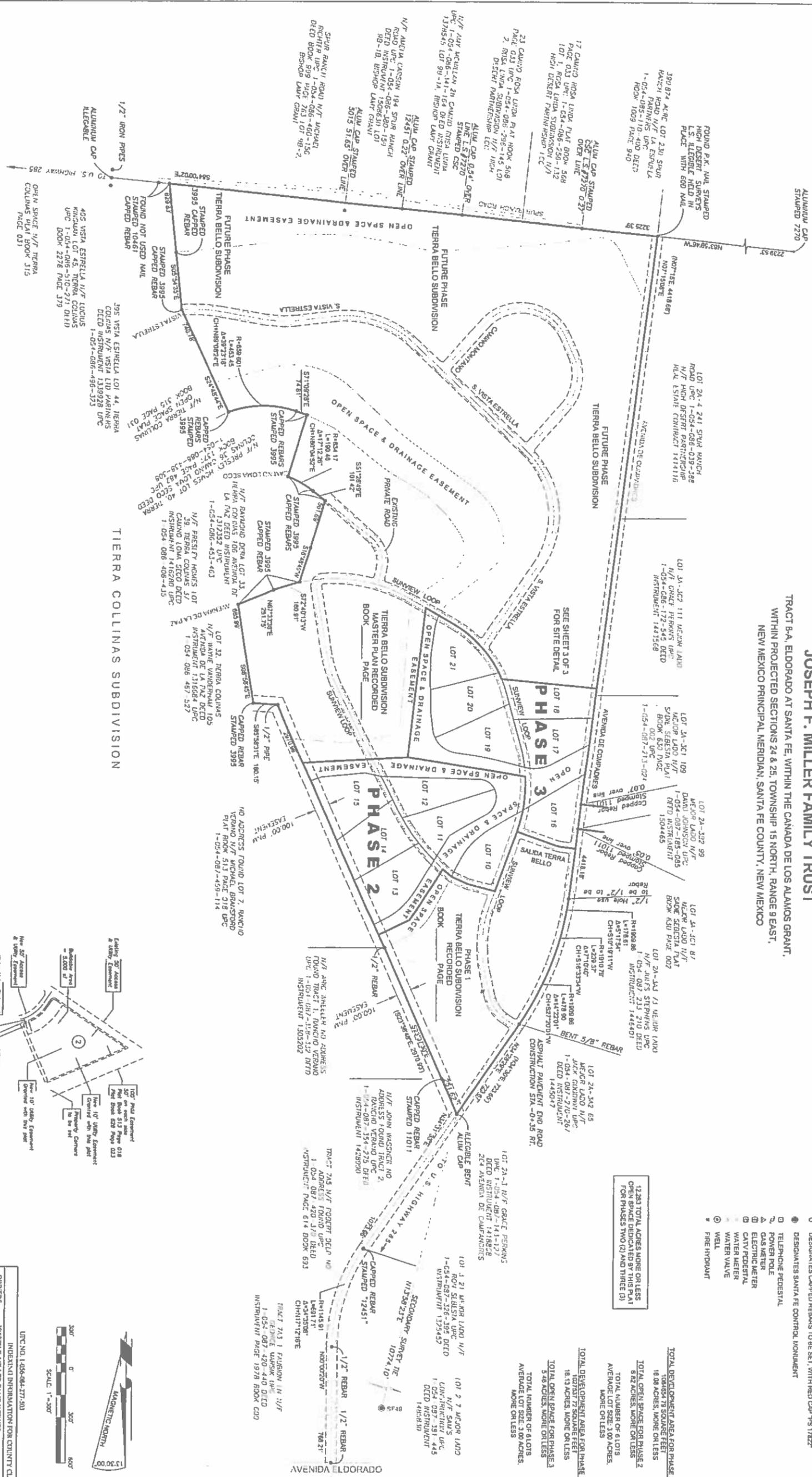
REVISIONS (OR CHANGE NOTICES)

EXHIBIT
 2
 NPE-1B

PRELIMINARY AND FINAL SUBDIVISION PLAT PREPARED FOR PHASE 2 AND 3 - TIERRA BELLO SUBDIVISION

PREPARED FOR
JOSEPH F. MILLER FAMILY TRUST

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



12.283 TOTAL ACRES MORE OR LESS
OPEN SPACE DEDICATED BY THIS PLAT
FOR PHASES TWO (2) AND THREE (3)

- LEGEND**
- DESIGNATES POINTS FOUND AND USED, AS IDENTIFIED
 - DESIGNATES CAPPED REBARS TO BE SET, WITH RED CAP TP5 174227
 - DESIGNATES SANITARY CONTROL MONUMENT
 - TELEPHONE PEDESTAL
 - POWER POLE
 - GAS METER
 - ELECTRIC METER
 - CANY PEDESTAL
 - WATER METER
 - WATER VALVE
 - WELL
 - FIRE HYDRANT

TOTAL DEVELOPMENT AREA FOR PHASE 2
18.08 ACRES, MORE OR LESS

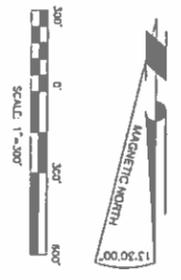
TOTAL OPEN SPACE FOR PHASE 2
6.82 ACRES, MORE OR LESS

TOTAL NUMBER OF LOTS
AVERAGE LOT SIZE: 3.00 ACRES,
MORE OR LESS

TOTAL DEVELOPMENT AREA FOR PHASE 3
18.13 ACRES, MORE OR LESS

TOTAL OPEN SPACE FOR PHASE 3
5.48 ACRES, MORE OR LESS

TOTAL NUMBER OF LOTS
AVERAGE LOT SIZE: 3.00 ACRES,
MORE OR LESS



UPLD NO. 1406-084-277-303
INDEXING INFORMATION FOR COUNTY CLERK
OWNER: JOSEPH F. MILLER FAMILY TRUST

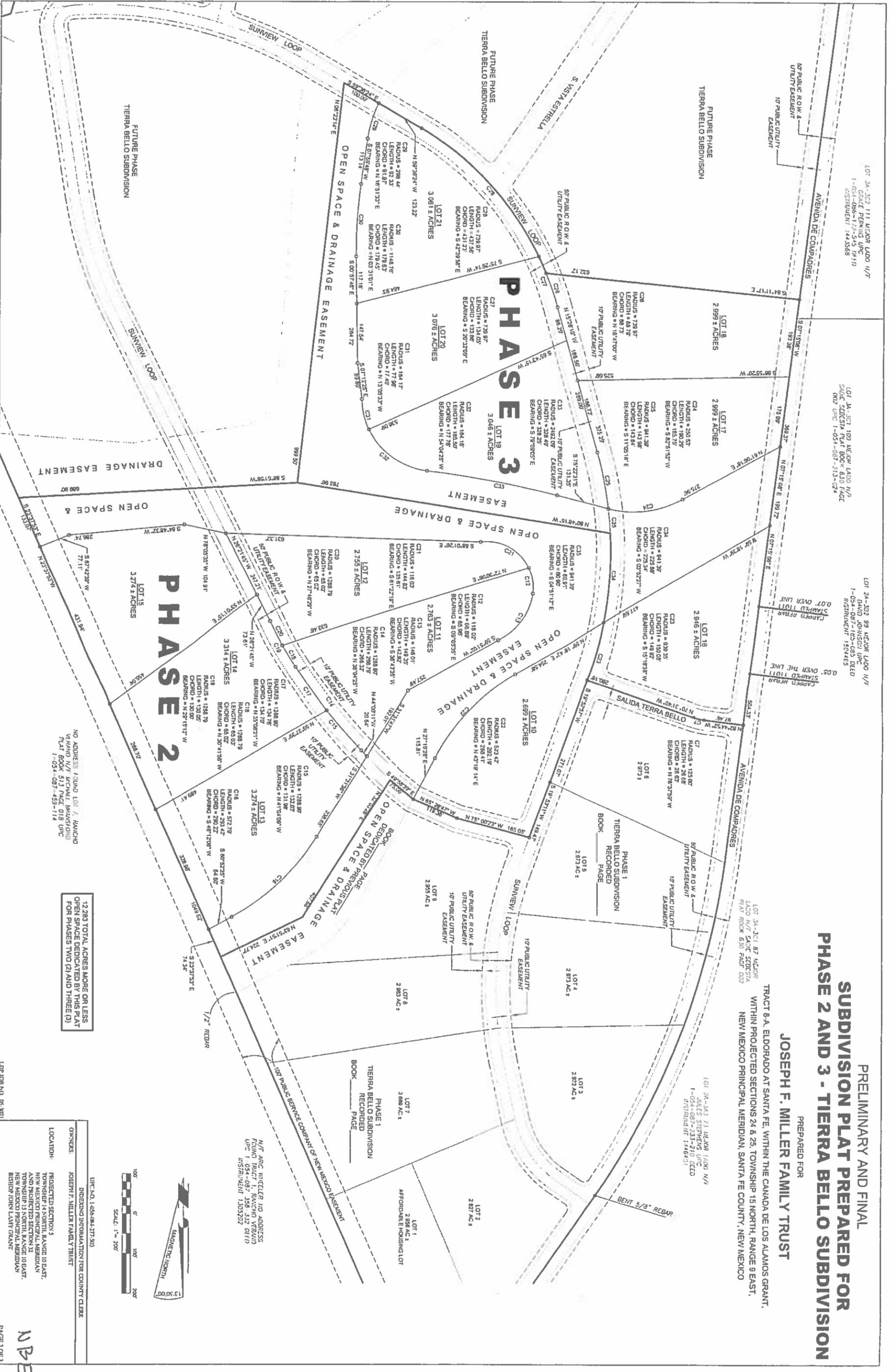
LOCATION: PROJECTED SECTION 3,
TOWNSHIP 15 NORTH, RANGE 9 EAST,
AND PROJECTED SECTION 24,
TOWNSHIP 15 NORTH, RANGE 9 EAST,
NEW MEXICO PRINCIPAL MERIDIAN,
BISHOP JOHN LAARY GRANT

NBE-2D

PRELIMINARY AND FINAL
SUBDIVISION PLAN PREPARED FOR
PHASE 2 AND 3 - TIERRA BELLO SUBDIVISION

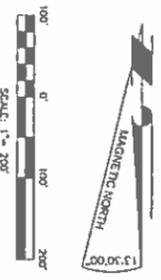
PREPARED FOR
JOSEPH F. MILLER FAMILY TRUST

TRACT 8-A, EL DORADO AT SANTA FE, WITHIN 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



NO ADDRESS FOUND FOR A RANCHO
 VANDU N/F MICHAEL BRANSON/D
 PLAT BOOK 513 PAGE 018 UPC
 1-054-087-459-114

12.283 TOTAL ACRES MORE OR LESS
 OPEN SPACE DEDICATED BY THIS PLAT
 FOR PHASES TWO (2) AND THREE (3)



UPC NO. 1-054-084-377-503
 RECORDING INFORMATION FROM COUNTY CLERK

OWNER:
 JOSEPH F. MILLER FAMILY TRUST

LOCATION:
 PROJECTED SECTIONS 24 & 25,
 TOWNSHIP 15 NORTH, RANGE 9 EAST,
 NEW MEXICO PRINCIPAL MERIDIAN,
 SANTA FE COUNTY, NEW MEXICO

Henry P. Roybal
Commissioner, District 1

Miguel Chavez
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 | August 18, 2015 | | |
| Project Name | Tierra Bello Subdivision Phase 2 & 3 Preliminary and Final Plat and Development Plan | | |
| Project Location | Avenida de Compadres and Spur Ranch Road T15; R09; S24 | | |
| Description | Tierra Bello Subdivision Phase 2&3 | Case Manager | Vicente Archuleta |
| Applicant Name | Joseph Miller Family Trust | County Case # | S 08-5441 |
| Applicant Address | 286 Riverbank Road Lamy, NM 87540 | Fire District | El Dorado |
| Applicant Phone | 505-660-5250-agent Danny Martinez | | |
| Review Type | Commercial <input type="checkbox"/> | Residential <input checked="" type="checkbox"/> | Sprinklers <input type="checkbox"/> |
| | Master Plan <input type="checkbox"/> | Preliminary <input checked="" type="checkbox"/> | Final <input checked="" type="checkbox"/> |
| | Wildland <input type="checkbox"/> | Variance <input type="checkbox"/> | Hydrant Acceptance <input type="checkbox"/> |
| | | Inspection <input checked="" type="checkbox"/> | Lot Split <input type="checkbox"/> |
| Project Status | Approved <input checked="" type="checkbox"/> | Approved with Conditions <input 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*):

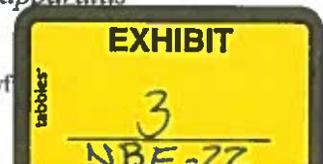
Fire Department Access

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 proposed 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 the 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.

Per submitted plans the roads will meet the minimum County standards of a minimum 24' wide all-weather driving surface 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 basecourse or equivalent.

- **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.

Driveway/fire access will not exceed 11% slope and have a minimum 28' inside radius on curves.

- **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 will be operable by means of a key or key switch, which is keyed to the Santa Fe County Emergency Access System (Knox Rapid Entry 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.

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.

Supply lines shall be capable of delivering a minimum of 500 gpm with a 20-psi residual pressure to the attached hydrants. The design of the system shall be accordingly sized and constructed to accommodate for the associated demands placed on such a system through drafting procedures by fire apparatus while producing fire flows. The system shall accommodate the operation of two pumping apparatus simultaneously from separate locations on the system. Final design shall be approved by the Fire Marshal.

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.

Automatic Fire Protection/Suppression

For life safety and property protection in this proposed project this office *highly recommends* the installation of automatic fire suppression systems meeting NFPA 13D requirements.

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 Preliminary/Final Development Plan approval

Tim Gilmore, Inspector


Code Enforcement Official

8-18-15
Date

Through David Sperling, Chief

File DevRev/EL/TierraBelloP&F 081815

Cy Buster Patty, Fire Marshal *BP*
Land Use
Applicant
District Chief
BC&Regional Lt.
File

Henry P. Roybal
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Elizabeth Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

TO: Vicente Archuleta, Development Review Team Leader
FROM: Jerry Schoeppner, SFC Utilities *JS*
THROUGH: Claudia I. Borchert, Utilities Director
SUBJECT: Preliminary and Final Plat and Development Plan, for Tierra Bello Phase 2 and 3
DATE: 8/27/2015

This memorandum provides review of the water supply plan portion of the Preliminary and Final Plat and Development Plan for Tierra Bello, Phases 2 and 3. The project is located east of New Mexico State Road 285 and north of Spur Ranch Road in projected Sections 24 & 25 of Township 15N, Range 10E, falls under large scale residential development, and lies within the Homestead hydrologic zone.

The applicant obtained approval from the Santa Fe County Board of County Commissioners for their master plan to create 73 lots ranging in size from 2.708 to 5.868 acres for single family residences, broken out in 8 phases in 2014. Additionally, the applicant obtained preliminary and final approval for phase 1 of this development which consisted of 9 residential lots. Phase 1 has been built out and the applicant is now seeking approval of phases 2 and 3 which consist of 12 lots ranging from 2.75 to 3.31 acres on a total of 48.48 acres.

Pursuant to the Santa Fe County Land Development Code (Code), Article VII, Section 6 (Water Supply), an applicant must provide a water supply plan. Pursuant to Table 7.4, Tierra Bello is also required to submit a water availability assessment in accordance with Section 6.4.4.

Section 6.3, Community Water Systems

A community water system is required for the Tierra Bello subdivision based on the number and size of lots as indicated in Article V, Section 9.3, Table 5.1 of the Code.

A Development Agreement between the applicant and Eldorado Area Water and Sanitation District (EAWSD), dated October 17, 2008, assures the construction and operation of the water system serving this development. This letter states that EAWSD commits to provide up to 18.25

NBE-26

acre-feet of water for water service (inclusive of fire protection) to the entire Tierra Bello Development.

Section 6.4. Water Availability Assessment

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.

A 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.

Based on the amount of water rights recognized under Partial License Numbers RG-18529 and RG-18556 and projected future demand of 637 acre-feet per year EAWSD has sufficient water rights to meet current and future water demands of the system including providing service to the Tierra Bello Development.

Section 6.4.4b, requires 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.

EAWSD is the source of supply for this development. A 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.

Review of the EAWSD in 2013 determined the water system holds sufficient water rights and well capacity to meet the existing and pending service commitments of the water system and the additional water use proposed by the final development request.

- 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 the Public Regulation Commission), therefore, 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.

Based on an evaluation of the Sanitary Survey Report Eldorado Water & Sanitation District WSS# 37326 in 2013, there appears to be sufficient capacity from the EAWSD wells to meet current, future and the 18.25 acre-feet of demand proposed for this project (see memo dated 9/2/2013).

- 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.

Section 6.5 - Water Quality

No water quality information was submitted for review but as EAWSD is a community water system they are required by the New Mexico Environment Department (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.

Section 6.6- Water Conservation

Water Budget: The water budget for individual lots is dictated in the Water Service Agreement, is based on the Office of the State Engineer, Technical Report 48 (Wilson 1996), and is in conformance with the Code which restricts water use to 0.25 acre-foot per lot for indoor and outdoor use. Therefore, this requirement of the Code has been met.

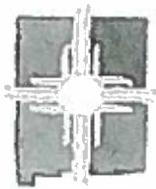
Water Restrictive Covenants: The Water Service Agreement requires water conservation restrictions as part of their agreement which comply with the Santa Fe County water conservation ordinances.

Section 6.7- Fire Protection

The Code requires the applicant to submit a fire protection plan and required improvements in accordance with Section 6.7. A determination from the Fire Marshall that the EAWSD water system serving the subdivision provides adequate protection will have to be made.

Conclusions

Staff review found EAWSD 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.



NEW MEXICO DEPARTMENT OF
TRANSPORTATION

August 25, 2015

Mr. Vicente Archuleta
102 Grant Avenue.
Santa Fe, NM 87501

RE: Tierra Bello Phase 2 and 3 Subdivision

Dear Mr. Archuleta,

The appropriate engineers of the New Mexico Department of Transportation have reviewed the submitted material on the above referenced development and comments or concerns to be addressed are as follows:

Traffic Technical Services: The problem with the TIA seems to stem primarily from its age. Mr. Walker claims that the TIA is still valid without providing any supporting documentation on why that is true. Traffic counts were conducted over three days: June 28, 2005, August 13, 2008 and October 17, 2008. The most current is nearly seven years old and the oldest is over ten years old. Traffic patterns may change significantly from when this data was collected and used for the basis of this TIA. A new TIA based on current data collection is necessary. The State Access Management Manual very clearly states on page 69, Section 16, item G that the traffic study validity period is one- year following approval of the driveway permit application. On page 4 of the TIA it is stated that, "Based upon NMDOT standards a 3% yearly increase was used to simulate traffic growth in this area." This begs the question of which NMDOT standard and why 3% was specifically selected. No documentation or reference material was provided to support this claim.

Environmental Bureau: The documentation demonstrates that a cultural resource survey was conducted on the parcels in accordance with the New Mexico Subdivision Act. However, the package for review does not contain a consultation letter indicating the developer has consulted with the State Historic Preservation Officer. The developer will need to contact Michelle Ensey, at the Historic Preservation Division, regarding this proposed project, and she can be reached at (505) 827-4064. We would like to have a copy of the letter once consultation is concluded.

Susana Martinez
Governor

Tom Church
Cabinet Secretary

Commissioners

Ronald Schmeits
Chairman
District 4

Dr. Kenneth White
Secretary
District 1

David Sepich
Commissioner
District 2

Keith Mortensen
Commissioner
District 3

Butch Mathews
Commissioner
District 5

Jackson Gibson
Commissioner
District 6

And, if the project requires access to NMDOT right of way for any infrastructure improvements (utilities, or ingress/egress as examples), then the project proponent would require an access permit and environmental clearance from the NMDOT.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeremy Lujan". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Jeremy Lujan
Property Management Agent

FILE#: 1679

Memorandum

To: Vicente Archuleta
From: Planning Staff
cc: Robert Griego, Planning Manager
Date: August 18, 2015
Re: CDRC CASE # S 08-5441 Tierra Bello Phase 2 and Phase 3 Preliminary and Final Plat and Development Plan

REVIEW SUMMARY: The applicant is requesting approval of a Preliminary and Final Plat, and Development Plan approval for Phase 2 and Phase 3 of multiple phase project. The Tierra Bello Subdivision Phase 2 and 3 has been reviewed for compliance with the Santa Fe Santa Fe County Land Development Code. Staff has reviewed for open space, community planning and transportation.

Planning:

- This development is located outside of the US 285 South Highway Corridor Planning area.

Open Space:

- Section 9.7 of the Land Development Code states “For subdivisions of twenty five lots or more, open spaces shall be provided for parks and recreation on a ratio of ten acres per 1000 residents; provided however that no such open spaces shall contain less than one acre per subdivision. Said open spaces shall be of a nature and location suitable for park development.”
- The minimum requirement of at least 1 acre for open space has been met. However, the open space drainage easement identified on the Development Plan may not be of a suitable nature or location for a park development.

Transportation:

- The current proposal, Phase 2 and 3, is to develop 12 new lots of this 73 lot subdivision. The trip generation numbers in Chapter 7, page 4 are comparable to my calculations for the 73 lots (55 ADT morning peak, 74 ADT evening peak).
- Access for the develop is from two local subdivision roads: Sunview Loop and Salida Tierra Bella which connect to Avenida De Compadres, Avenida Compadres connects to Avenida Eldorado for US 2885/84 access. East bound Peak Hour Level Of Service (LOS) at the intersection of Avenida De Compadres and Avenida Eldorado is currently at F, the 73 lot subdivision will add to existing delay but added the increment from this subdivision is only 14-29 % of the total, all other movements at this intersection are at LOS C , and northbound US 285/84 is at LOS A.

Staff Recommendation

Staff recommends approval in accordance with the approved Master Plan.

Henry P. Roybal
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

**PUBLIC WORKS DIVISION
MEMORANDUM**

Date: August 7, 2015

To: Vicente Archuleta, Development Review Team Leader

From: Paul Kavanaugh, Engineering Associate *PK*
Johnny P. Baca, Traffic Manager *JB*

Re: CASE # 08-5441 Tierra Bello Subdivision Phase II and Phase III Preliminary and Final Plat and Development Plan.

The referenced project has been reviewed for compliance with the Santa Fe County 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 west of New Mexico State Road 285, south of Avenida Eldorado, east of Avenida de Compadres and north of Spur Ranch Road. The applicant is requesting Preliminary and Final Development Plan for Phase II and Phase III (12 units) on 48.5 acres.

Access:

The project is proposing to access Tierra Bello Subdivision from Avenida de Compadres. Avenida de Compadres is currently a twenty foot base course road with 2- ten foot driving lanes, bar ditches and no shoulders.

Conclusion:

Public Works has reviewed the applicant's submittal and feels that they can support the above mentioned with the following conditions;

- Applicant shall pave Avenida de Compadres from Avenida Eldorado to the second entrance of Avenida de Compadres of the Tierra Bello subdivision, with four inches of HMA (2- 2" lifts), as per *Settlement Agreement And General Release Of Claims, by and between Joseph Miller and the Board of County Commissioners of Santa Fe County* as recorded in the office of the County Clerks as Instrument # 1690328, Dated the 12th of December, 2012.
- Applicant shall core existing Sunview Loop to ensure six (6") inches minimum of base course on road surface as required by the Santa Fe County Land Development Code. Coring shall be witnessed by Santa Fe County Public Works Staff; Johnny Baca (992-3020) or Paul Kavanaugh (992-3026). A minimum of four (4) cores will be required.

- Applicant shall reshape existing basecourse on Avenida de Compadres, to obtain a minimum of a 2% crown and compacted to a density of 95 % as per the Santa Fe County Land Development Code.
- Applicant will be required SP-IV Superpave as per Division 400 Surface Treatments and Pavements, Section 423 Hot Mix asphalt – Superpave, of the New Mexico Department of Transportation Standard Specifications for Highway and Bridge Construction 2014 Edition.
- Applicant shall be required to obtain a road construction permit from Public Works Department prior to any work on Avenida de Compadres.
- Applicant shall install 30' Return radiuses on Avenida de Compadres adjacent to Avenida Eldorado.
- Applicant shall sawcut joint on asphalt apron to make a clean transition to new asphalt on Avenida de Compadres.
- Applicant shall obtain density tests of the re-worked/reshaped basecourse 24 hours prior to placement of HMA on Avenida de Compadres. Density Tests shall be witnessed by Santa Fe County Public Works Staff; Johnny Baca (992-3020) or Paul Kavanaugh (992-3026). A minimum of six (6) tests, 3 per lane will be required.
- Applicant shall place long line striping as per Division 700 Traffic Control Devices, Section 704 Pavements Markings, of the New Mexico Department of Transportation Standard Specifications for Highway and Bridge Construction 2014 Edition.
- Applicant shall install Guard Rail along Avenida de Compadres at station 18 + 50 as per Division 600 Miscellaneous Construction, Section 606 Metal and Concrete Wall Barrier, of the New Mexico Department of Transportation Standard Specifications for Highway and Bridge Construction 2014 Edition.
- Santa Fe County Public Works will require a pre-paving meeting prior to starting any paving.
- Santa Fe County will require a **FINAL INSPECTION** upon completion of required improvements



NEW MEXICO
ENVIRONMENT DEPARTMENT



SUSANA MARTINEZ
Governor
JOHN A. SANCHEZ
Lieutenant Governor

2540 Camino Edward Ortiz
Santa Fe, NM 87507
Phone (505) 827-1840 Fax (505) 827-1839
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RYAN FLYNN
Cabinet Secretary
BUTCH TONGATE
Deputy Secretary

July 27, 2015

Vicente Archuleta, Development Review Team Leader
Planning and Development Division
Santa Fe County
P.O. Box 276
Santa Fe, NM 87504-0276

RE: CDRC CASE # S 08-5441 Tierra Bello Phase 2 and Phase 3

Dear Mr. Archuleta:

I have reviewed the correspondence you provided concerning the referenced development and have no comments relating to on-site treatment and disposal of liquid waste.

Please contact me with any questions or if you need additional information.

Sincerely,

Bill Brown
Liquid Waste Specialist
New Mexico Environment Department

NBE-34



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

Dcar 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

NBE-35

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.

NBE-36

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.

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

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.

Santa Fe County
 Board of County Commissioners
 Regular Meeting of May 14, 2013
 Page 118

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I appreciate Commissioner Mayfield bringing up the comments he did and commenting on the Code of the West and I just want to say that I penciled on my notebook over here that if you put into years the amount of time I've spent in the wilderness off the grid it equates into several years of time that on purpose I was off the grid where I couldn't be reached. But I will say this, I know Santa Fe County, Mr. Patty and emergency services will do everything to get to me if I needed some help. And, I understand if they can't get there but I think it's a good thing to have places where you're not accessible to anyone if that's what you so choose and if you understand that going in then who am I or any other governing body to tell you you can't do that.

So I appreciate the comments and I think we do need to figure out accommodations in the new code that deal with this very issue. So thank you, Madam Chair.

CHAIR HOLIAN: Thank you, Commissioner Anaya. And I know exactly what you're doing because my husband and I have done it ourselves. So good luck. Thank you.

- XVII. A. 9. CDRC CASE # Z/S 08-5440 Tierra Bello Subdivision. Joseph Miller, Applicant, Danny Martinez, Agent, Request 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 7: DOT memo dated 5/2/13; Exhibit 8: Resident (Bischoff/Lindahl) letter raising concerns; Exhibit 9: Emails cited by R. VanAmberg; Exhibit 10: MOU between the Eldorado Area Water and Sanitation District and the Board of County Commissioners]

VICKI LUCERO (Case Manager): This case was first heard by the CDRC on January 17, 2013. At that time 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. This case went back to the February 21, 2013 where it was tabled due to a tie vote. On March 21, 2013, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of this request.

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.



Santa Fe County
Board of County Commissioners
Regular Meeting of May 14, 2013
Page 119

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. Staff recommendation is for 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. Madam Chair, may I enter those conditions into the record?

CHAIR HOLIAN: Yes, you may.

The conditions are as follows:

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.

MS. LUCERO: Thank you, Madam Chair. Also, we have a letter, an updated letter from NMDOT which we'll be handing out shortly and a letter of opposition from one of the neighbors as well.

CHAIR HOLIAN: Thank you, Vicki. Any questions for staff? Seeing none, is the applicant here?

RONALD VANAMBERG: Madam Chair, Ronald VanAmberg on behalf of Tierra Bello and Mr. Miller. And Mr. Martinez has a couple of handouts for the Commission.

CHAIR HOLIAN: Is there anything that you would like to add, Mr. VanAmberg?

MR. VANAMBERG: I don't have a whole lot to add to the staff's report. It reflects the fact that all requirements have been met and that the only opposition or the negative response was from the State Engineer's Office which I will address. I would like to say that this case was tabled in order to allow residents to meet with Mr. Miller and resolve any other issues that they might have or at least discuss them.

On April 11th as indicated in the emails that have been handed out, I reached out by email to Jim Garland who was the spokesperson for the community and there I stated that my understanding was that we had met previously, we had made some very good efforts in order to resolve our differences and I think we resolved most of them. There is a remaining issues

NBE-40

Santa Fe County
Board of County Commissioners
Regular Meeting of May 14, 2013
Page 120

as to how many roads – what kind of roads need to be improved but we had redone the covenants and adopted many of Mr. Garland's suggestions and I inquired of Jim whether or not he felt we needed to meet again and his response was, Hi Ron, your understanding is correct. I think we've clarified our respective positions as much as possible and further meetings are not likely to be productive, Regards, Jim.

Mr. Miller and Danny Martinez stood ready and able to meet with anybody who came forward and I think most of the negotiations took place prior to the tabling and there wasn't any further community contact that we were able to discern.

And, so concerning the State Engineer's position on the water at the last meeting I went over the Memorandum of Understanding which was entered into between the County and the Eldorado Area Water and Sanitation District and in that agreement the County quote, recognizes the right of the District under the water and sanitation District act to supply the water to existing and new customers and to supply new developments within its service area boundaries. The County agrees that it not extend its water facilities into the District service area without prior written approval of the District. The parties also agreed that quote, the County has statutory responsibility with respect to each such new development within the District's service area and the parties further agreed that the information provided for the District concerning the adequacy of its water supply is such that for a minimum of three years from the date of the execution of this agreement no further information is needed and the County will accept a quote will serve letter from the District that it is ready, willing and able to provide a customer with water service as adequate for purposes of the required review under the New Mexico Subdivision Act, Zoning Enabling Act, the Santa Fe County Growth Management Plan and the Santa Fe County Land Development Code without further technical review or inquiry. And finally, the agreement reflects the fact that subsequent to the agreement the County and the District – the County will negotiate with the District to provide the District with water from the Buckman Direct Diversion Project and with assist the District in times of drought and mechanical failure or otherwise agreed by the parties on terms specified in this subsequent agreement.

My understanding at our last meeting from Mr. Ross that negotiations were proceeding satisfactorily and I'm not sure if Steve had further update on where they are in these negotiations.

CHAIR HOLIAN: Steve, would you like to comment on that?

MR. ROSS: Well, Madam Chair, we have an agreement a form agreement from the attorneys for the Water District which as far as I'm concerned is approval as its written. We're discussing some refinements to that agreement with them right now and I expect it will be on a Commission agenda in two or three meetings from now.

So I think that it's fair to say that discussions are progressing very well. They had a buy after 150 acre-feet of Rio Grande water from us and also receive backup water as needed.

CHAIR HOLIAN: Thank you, Steve. Mr. VanAmberg.

MR. VANAMBERG: Madam Chair, I have with me Danny Martinez who is the planner on the project and if there are any questions either he or I are happy to respond.

CHAIR HOLIAN: Are there any questions for the applicant? I have a couple. Have you done a market analysis on this particular subdivision?

[Duly sworn, Danny Martinez testified as follows]

NBE-41

Santa Fe County
Board of County Commissioners
Regular Meeting of May 14, 2013
Page 121

DANNY MARTINEZ: Danny Martinez, Land Development Planning for Mr. Miller. Madam Chair, member of the Commission, no, we haven't done a market analysis on this. We've got a market analysis a pro forma that was actually put together a while back that really is not representative of what today's economy is doing. So that would be the concern that we're testing the waters in our own way by moving these developments forth, however, that could pretty much establish any future market in the Eldorado Basin as what we're doing. And I understand that's one of the conditions that is stated by staff that under the next phase a market analysis would be performed.

CHAIR HOLIAN: What do you propose or what are you going to be asking for the lots? What's the range of prices that you're going to be asking for the lots that you're proposing?

MR. MARTINEZ: Madam Chair, Commissioners, at this point we're looking at \$100,000 or slightly less per lot. Each lot is on average of 2.75 or larger so that's about the market rates we're looking at.

CHAIR HOLIAN: And my understanding is that the interior roads to this subdivision are going to be private; is that correct? So the homeowners association will collect dues in order to maintain those roads eventually.

MR. MARTINEZ: Madam Chair, Commissioners, that is correct. It is part of our restrictive covenants and it will be part of our disclosure that the roads will be maintained by the homeowners association.

CHAIR HOLIAN: And in this letter from Lesley Bischoff and Richard Lindahl they who live apparently in Tierra Colinas, they ask about installing gates or barriers on the roads – I guess that adjoins Tierra Colinas and what's your response to that?

MR. MARTINEZ: Madam Chair, Commissioners, the two developments were originally connected when it was a 100-lot subdivision which was called Tierra Dorado. Once the Tierra Colinas portion was developed the road network as is the open space were pretty much tied together so that they made a complete development in some form. Well, at this point we have agreed to follow prior to Buster Patty's recommendation where we would be installing two gates at the two entrances and they would have Knox boxes on it for fire protection. It was of vital interest of the fire department that a fire access be maintained but we will have a gate with Knox boxes on them.

CHAIR HOLIAN: Okay, thank you, Mr. Martinez.

MR. MARTINEZ: Then again I'm reading the letter I see that there's an urgency and I think we're prepared to go there and put the gates up if we have to do it.

CHAIR HOLIAN: Okay, thank you. Any further questions for staff or for the applicant. Seeing, none this is a public hearing. Is there anyone here who would like to speak on this case either in favor or in opposition? Please come forward, state your name for the record and please be sworn in.

[Duly sworn, Richard Lindahl testified as follows]

RICHARD LINDAHL: My name is Richard Lindahl. I am the co-author of the letter that I hope you have before you and I truly wish that Commissioner Stefanics was here tonight because this is in her district and she's very familiar with this whole issue and this whole district. But, be that as it may. You've got that letter, I presume. We're the landowners in [inaudible] and we do commend Mr. Miller for working with the community.

NBE - 42

Santa Fe County
Board of County Commissioners
Regular Meeting of May 14, 2013
Page 122

I heard the testimony about Eldorado Water District and the County and all that stuff but, you know, I think the Office of the State Engineer they are the experts in this whole area in the entire state and I think the Office of the State Engineer should be given much greater attention. They issued a negative opinion apparently on the initial development due to the limited and insufficient water supply and I don't think that should be overlooked. They are the expert not the Eldorado Water District. Secondly, I think the County has previously a master plan for roughly 50 lots and now this is mushroomed to 73 and I don't know why given the severe drought that is existing in the area these days the proposed density which is increased density will just add to the strain on the community's water supply. Why doesn't the County stick with the initial 50 lots that were approved in the master plan?

And, then, thirdly, the history of this is that Mr. Miller began the development of this subdivision putting in roads and utilities without the proper authorization or permits from the County. As owners of a lot in Tierra Colinas that is one lot away from his proposed subdivision we've been impaired and we want to sell that lot because of this issue and we've already had two potential buyers that once they found out about his proposed subdivision and the blasted through of the road to Tierra Colinas that was a deal breaker. They didn't want to buy. So I appreciate the fact that the applicant is willing to put up a gate there. I don't know why the applicant blasted that road in through Tierra Colinas without any authorization from the County but, nevertheless, we commend him for proposing to put that gate up but I would request that maybe the Commission should table this proposal or postpone any determination until number one, he actually puts up that gate and then secondly maybe deny the proposed based on the current density of the proposed 73 lots and limit it back to the master plan approval for 50 lots.

So, thank you very much for your consideration. I do appreciate the opportunity to make a comment on this at least. Thank you.

CHAIR HOLIAN: Thank you, Mr. Lindahl. Is there anyone else here who would like to speak on this case?

[Duly sworn, Tom Whitson, testified as follows]

TOM WHITSON: I'm Whitson president of the Sun Ranch Homeowners Association that adjoins the new subdivision of Tierra Bello on the west side and we do have a road, just one road between us and that's what we have between us.

The thing that I see right now that is the biggest problem we've got is that that road is just graded. It's a dirt road and dust is just tremendous problem on that road. The other part is that the gravel road is so rough it will tear cars up if they just continue to go back and forth and I guess my proposal would be rather than waiting until Phase 3 for this subdivision to pave the road, go ahead and start with a paved road that way the lots would be more salable. It would be to the developer's potential for sales to help that a lot and I think it would increase the value for everyone in the area and allow us to prevent that dust from coming over our subdivision with all the traffic. So, thank you, so much

CHAIR HOLIAN: Thank you, Mr. Whitson. Is there anybody who would like to speak? Seeing none the public hearing is closed. Mr. Martinez or Mr. VanAmberg would you like to make some final comments?

MR. MILLER: Yes, Madam Chair, members of the Commission. Again, the road improvement that would be coming under this initial phase is about a \$500,000 road

NBE-43

Santa Fe County
Board of County Commissioners
Regular Meeting of May 14, 2013
Page 123

improvement to Compadres road which will include construction to County standards and it will be base coursed until we reach the 4th phase at which point the road will be paved to County standards and it will actually fall under the classification of a collector road at that point.

So the improvements of the road –

CHAIR HOLIAN: So, Mr. Martinez, if I understand you correctly you are going to improve the road even for Phase 1; is that correct?

MR. MILLER: Madam Chair, that's correct. In regards to the 50 lots: he is correct. Originally when this development was approved it was approved as Tierra Dorado. It was a 100-lot subdivision. The phase that we're working in was 50 lots as was Tierra Colinas so the 50 lot approval was basically taken away from Mr. Miller because of conditions that we don't want to go there right now but it was resolved and now we're back to this phase now. At one point there was a desire to go back and do the 50 lots but that would have to require that this Board of Commission would have to rescind their original vote taking away the 50 lots in order for us to go that process. We're so far into this thing that the 73 lots meet the density requirements. It's been six, seven years in the making so we've been working on this for quite some time now and, again, as far as the community we have gone extensively above and beyond to meet with these people. And I think that we're really satisfied that they're satisfied with everything that we've done today.

CHAIR HOLIAN: Okay, thank you. Any questions? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I have, I guess one question for the applicant and then I'm going to have some questions for the Mr. Ross, if you don't mind. So Madam Chair, and as far as the applicant, I guess the applicant's agent, Mr. Martinez, because you mentioned Phase 4 or Chairwoman mentioned Phase 4 but when do you think that Phase 4 -- and the reason I'm bringing up Phase 4 is because of the letter we received from DOT that was handed to us and I can read it but they're talking about the turnout; so when do you think you'll have completion of Phase 4 if this is approved?

MR. MARTINEZ: Madam Chair, Commissioner Mayfield, our current master plan/phasing plan is calling that Phase 4 could possibly or conceivably come in as of 2014. We have to test this market and see what's going to happen with the lots. It's just really difficult to put lots on the tax roll if they're not going to have a good market response so we're looking at, I would say, late 2014, possibly into 15 we would be looking into coming in with that Phase 4 development.

COMMISSIONER MAYFIELD: And, then, Madam Chair, Mr. Martinez and I think it's Mr. Whitson's point as far as starting on the paved road he just mentioned, you're going to be \$500,000 basecourse and everything but if you had some paved roads and I'm not telling you or suggesting where you start your phases or your build out but would there be a reason why you wouldn't want to start is that adjacent to that?

MR. MARTINEZ: Madam Chair, Commissioner Mayfield, the big concern that we have is that we have one affordable housing unit that comes in with the development also under Phase 1. We got \$250,000 we're going to be putting into one affordable housing and then we got the \$500,000 into the Compadres Road improvements so that's three quarters of a million before you sell your first lot so the concern was if we had to do the

NBE-44

Santa Fe County
Board of County Commissioners
Regular Meeting of May 14, 2013
Page 124

paving and had to make that road complete under Phase 1 what it does is that there's just no profit after trying to sell nine lots based on phasing. The paving alone will increase the costs of Compadres Road by another \$375,000. So that road improvement would now be a three quarter of a million dollar plus we have the affordable housing unit. So the development would have to spend a million dollars before he could sell his first lot. That's why we have requested that the paving be put off until Phase 4.

And, again, in relationship to the Highway Department letter they increased the speed limit on US Highway 285 to 55, well, when they did that it also increased the need for a longer acceleration lane that's where this letter comes in. So the developer has agreed that when we are paving under Phase 4 we would come in and we would make that improvement on 285 at the same time.

COMMISSIONER MAYFIELD: And, Madam Chair, Mr. Martinez I thought I understood Mr. Whitson as saying there are already some paved roads out there where that would make you – excuse me, put you in a position where you wouldn't have to invest those monies right now in new paving.

MR. MARTINEZ: Madam Chair, Commissioner Mayfield, the only paved roads out there is Avenida Eldorado. There's no paving – Avenida Eldorado. There's no paving on Compadres Road it's a real rough trail road right now is what it is and very limited access when it's wet. The improvement will bring it to County standards at that point though.

COMMISSIONER MAYFIELD: Okay, thank you. Madam Chair, Mr. Ross, because I don't want to drudge up any bad issues but as far as Mr. Lindahl's and I apologize if I've got your name wrong, sir, concerns, the 50 lots under the master plan and now we're proposing to 73 and what Mr. Martinez alluded to I guess you probably articulated it a little better, so did we initially approve 50 lots and pulled that back based on those settlement agreements and now they're proposing 73 and I guess I'm not understanding that and I'd rather you address that.

MR. ROSS: Madam Chair, Commissioner Mayfield, that's ancient history basically. I mean the problem with the original 50-lot master plan was that it expired and had been superseded by subsequent plans. When Mr. Miller filed his application he was told and correctly so that he could file for any number of lots that was consistent with the prevailing density and this is what he chose. There was no precedent that was test back 25 years ago.

COMMISSIONER MAYFIELD: So that 50 was a moot point.

MR. ROSS: It's gone.

COMMISSIONER MAYFIELD: Okay, thank you. Then the second issue that was brought up from Mr. Lindahl – well there were three issues. Putting in roads without the proper authorization or permits by our County. Can you address that in this letter?

MR. ROSS: Well, Madam Chair, Commissioner Mayfield, we did have an issue with Mr. Miller years ago when the road and other utilities were put in which we resolved through some of the litigation –

COMMISSIONER MAYFIELD: Okay, so that road is already addressed.

MR. ROSS: Yes.

COMMISSIONER MAYFIELD: And then there was a request from Mr. Lindahl and I don't know if applicant Martinez and Mr. Miller and that is the issue with just

NBE-45

Santa Fe County
Board of County Commissioners
Regular Meeting of May 14, 2013
Page 125

installing a gate or a barrier on the road immediately. Is that something that could pretty easily be worked out?

MR. ROSS: Madam Chair, Commissioner Mayfield, that –

COMMISSIONER MAYFIELD: Maybe that's for Mr. Martinez –

MR. MARTINEZ: Again, Madam Chair, Commissioner Mayfield, Mr. Miller has agreed and he's prepared to go out there tomorrow if that's what it takes. The gates will go up.

COMMISSIONER MAYFIELD: Thank you, Mr. Martinez. Madam Chair, that's all I have.

CHAIR HOLIAN: Any further questions?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, one thing struck me about this case that I commented since I go on the Commission and a comment was made earlier by someone that reflected that the State Engineer is the responsible party for regulating water in New Mexico and that individual entities like the county or the city sometimes adopt requirements that are different or more stringent I should say. I actually concur that the State Engineer is the primary governing point for water in New Mexico and was established in state law to help be that person, correct, Mr. Ross?

MR. ROSS: Madam Chair, Commissioner Anaya, yes. Excepting in situations like this where the State Engineer is basically reviewing from an expert perspective applications based on the land development code not based on their own requirements.

COMMISSIONER ANAYA: That was, that was where I was headed and where I have some more questions. When I look at the letter dated March 21, 2013 I mean we're asking them for their expert assessment and they're utilizing the Subdivision Act and the County Code. In the absence of a county code, does the State Engineer provide reviews solely based on the Subdivision Act or do they have to provide reviews at all or is it just a courtesy request?

MR. ROSS: Madam Chair, Commissioner Anaya, in this case we've had issues with State Engineer about master plans, they don't want to review them. But there are nine lots proposed for final, preliminary and final plat approval here so what they are required to review are those nine lots. The water supply for those nine lots.

COMMISSIONER ANAYA: So, Madam Chair, Mr. Ross, the intent of having the State Engineer review our subdivision and planning documents is based on the assumption that they are the water governing entity for the State of New Mexico and they are put in place to help provide feedback and advice, correct?

MR. ROSS: Yes.

COMMISSIONER ANAYA: So, with that being said I'm looking at their letter and I'm just trying to understand their letter and their report but first it says – but first it says the office can't determine impact but then in the subsequent five, six, seven pages it actually goes into a far amount of detail as to why it does think there's an opinion. So first they say we don't have an opinion but then in the subsequent pages it talks about supply of water and connection to other wells.

NBE-46

Santa Fe County
Board of County Commissioners
Regular Meeting of May 14, 2013
Page 126

So let me ask the question again, in other governmental entities does the State Engineer have a responsibility by law at all to review subdivision plats or developments? Do they have a responsibility in statute to review subdivisions?

MR. ROSS: Madam Chair, Commissioner Anaya, yes.

COMMISSIONER ANAYA: Okay. So it's not just give us your expert opinion. There's a statutory provision that says the State Engineer shall review subdivisions?

MR. ROSS: And give their opinion, correct.

COMMISSIONER ANAYA: So that being said, the first problem that I'm having and maybe it's something that I should have brought up sooner but as I look at these reports some of which – I've seen these reports before, they go back and forth between what their statutory obligations are within the Subdivision Act and what the Code requirements are. And I guess where I'm having a problem with this – they're saying they're confusing about providing or don't maybe have the information that they need to provide a perspective but I think they need to differentiate between what's Subdivision Act and what's within their auspice and responsibility and I think the Code interpretation isn't for a third-party or outside party from the County, that's our responsibility.

So I guess in the future what I'm asking for is that they differentiate and clearly separate what is their obligation by law under the Subdivision Act and what the opinion. And the reason I'm saying this, and I know it's late, Madam Chair, but this is an issue that keeps coming up and is going to keep coming up – is that we talk about a 100 years supply in our code. Does the Subdivision Act speak to 100-year supply in the Subdivision Act, State Subdivision Act?

MR. ROSS: Madam Chair, Commissioner Mayfield, no.

COMMISSIONER ANAYA: So what does the Subdivision Act say as far as how long a project should sustain water?

MR. ROSS: Madam Chair, Commissioner, it doesn't. It requires the State Engineer to review according to the local ordinance. So the locality makes the choice in their ordinances what to require. So in our Code is 100-year water supply.

COMMISSIONER ANAYA: So is there a rule of thumb that the State Engineer uses or if an entity says we want to have a five-year water plan they would say, well, that's sufficient or is there a general guidelines that they use in the absence of a water plan that the board utilizes because I guess what I'm struggling with is if Santa Fe County is – we have a requirement. We say 100 years. I think it's a little odd but I guess I'll continue to learn more, but I guess it's a little odd if we say we want 100-year supply but then we ask our neighbor in the State Engineer, Hey, can you verify that we have 100 year supply? I would think that the State Engineer because they are the water regulatory body, if you will, or you know, or guru expert that they would have a framework to work off. So, they don't have a framework or do we know?

MR. ROSS: Madam Chair, Commissioner Anaya, the 100 year requirement as best as I can determine came from guidelines promulgated 30 years ago from the Attorney General's Office and has just sort of been carried on sort of mindlessly by everybody in this business in a sense.

COMMISSIONER ANAYA: Really?

MR. ROSS: Yeah.

NBE-47

Santa Fe County
Board of County Commissioners
Regular Meeting of May 14, 2013
Page 127

COMMISSIONER ANAYA: So, Madam Chair, Mr. Ross as I look further into the detail of what they provide I think they do have some analysis in there that is worthy of our consideration. On page two of three at the top, water demand analysis and water conservation, they bring up that there were differing lot sizes within the subdivision that we're asking them to review. Do we rectify that and provide some clarity in our packet to the questions that they raised in section?

Because it does seem a little bit confusing. And I'm at the top of page two of three in the memorandum dated March 21, 2013 from the Office of the State Engineer.

MR. ROSS: I think Vicki may have some information on that.

MS. LUCERO: Madam Chair, Commissioner Anaya, the applicant has addressed those concerns. We haven't received an updated letter from the OSE as of yet but the applicant did address those concerns and noted there is consistency throughout the report.

COMMISSIONER ANAYA: On that piece?

MS. LUCERO: Correct.

COMMISSIONER ANAYA: Okay, so then they go on and so basically what I'm hearing from you, Steve, is that they have the Subdivision Act it doesn't speak anything to water supply over a period of time that we're aware of. We're not aware whether or not there's a general rule of thumb that they utilize in the absence of a governing body that has a term. So taking that at its face value what's puzzling to me and you have to help me understand is in a subdivision of 73 lots, okay, and we're only talking about nine. We're only talking about nine lots in the subdivision where we on numerous occasions have made it public and known that we have the water supply. I said many things at the last Commission meeting that dealt with a similar matter. We absolutely have a water supply that is coming into the area. Help me understand the justification or the remarks that they make in the memo that speak to not being able to substantiate nine lots? We're not talking 73. They're only speaking the nine lots and they're saying based on the information that they have and based on their analysis of our code and our requirements – I mean these are bona fide experts in water policy and they're saying you don't have enough to justify nine lots. I, I – you have to help me because it's important to this case but it's important to all future cases. What is it? Is that confusion of what we're expecting and what they're trying to analyze or where is the confusion at?

MR. ROSS: Madam Chair, Commissioner Anaya, there's two principle points of confusions I think that they're suffering from. Number one, I think they're discounting our efforts to hookup the Water and Sanitation District to our Buckman Direct Diversion water source. That's something they haven't been able to accept as of this plan and probably for a good reason because we haven't documented it but we're absolutely progressing that way and they know it. We have a project underway that takes water out to Canonicito which will supply Eldorado in two different points with backup water or direct water that they need. So whatever the State Engineer's criticism of the water rights put forward and the quality of the wells out there, it becomes sort of a moot point if they're hooked up to a source of supply like the Buckman that's capable of providing more than the entire Eldorado Area Water and Sanitation District needs in any given years. So that's issue number one.

The second issue I talked a lot with Karen about is the fact that the engineer for some reason is discounting the willingness or ability of the Water and Sanitation District to replace

NBE-48

Santa Fe County
Board of County Commissioners
Regular Meeting of May 14, 2013
Page 128

well once they become unusable. Wells they clog up after a period of time and for some reason the engineer is not willing to entertain the idea that over the course of this 100 years the Water and Sanitation District will replace those wells. So they're basically allowing the wells in their various water models to cease producing over the 100 years and they're not accounting for the fact that should the Eldorado District is going to be put money into new wells and new water sources and stuff like that.

We've had this problem periodically with the State Engineer. About three years ago we had to have a large meeting and kind of iron out all of this stuff and it seems to happen on about three year intervals and it's probably time to do it again.

COMMISSIONER ANAYA: So, Madam Chair, Mr. Ross you have articulated some of the concerns that I have associated with this review. If you review the documents that we've been provided by the State Engineer, okay, and I don't know I would assume that the State Engineer himself doesn't have the ability to review every case that comes through but when you review the documents in front of us at face value and making the assumption that no well will ever be replaced which I think is an erroneous assumption, every mutual domestic, every city water company, every utility has a need not for future growth but for maintaining responsible use of existing water has a need and responsibility to over time upgrade their wells. And to deepen wells and to find new water sources and in this case one of the new possible alternate water sources is the Buckman Direct Diversion project.

So when I read this it discounts, as you said, the entire Buckman Direct Diversion project, but it even goes further to say that not only can the wells that exist in the current fashion not sustain the nine lots but they can't even sustain what they have in place right now which if you don't do anything to your wells and you never deepen and you never modify as time goes on then you're not going to have water. I mean, individual well owners that have well in the Estancia Basin on a regular basis over decades of time have to go in and deepen their wells and drill new wells and attain new water. So, so, so I appreciate the explanation. I think there needs to be clarity and more definition between the Subdivision Act and the Code in future reports and I absolutely think that we need to as a Commission engage the State Engineer in a comprehensive discussion about how his office and he is evaluating water supply and use and continued maintenance of that use and how we can all reasonably work together to figure out what makes most sense so that we don't overuse an aquifer but that we also make the right reasonable assumptions on how long a water supply would last and what accommodations need to be made when there is a lack of water.

Madam Chair, I don't have anything else.

CHAIR HOLIAN: Really. Are there any further questions? I'm afraid to ask are there any further questions for staff or the applicant? Seeing none is there a motion?

COMMISSIONER ANAYA: Madam Chair, on the nine lots alone I would move for approval.

CHAIR HOLIAN: Is there a second?

COMMISSIONER MAYFIELD: I'll second, Madam Chair.

CHAIR HOLIAN: Any further discussion? I just would like to make a comment. First of all I would really like to thank Mr. Martinez and Mr. VanAmberg for meeting with the community and trying to address their concerns. I know that you've had many community meetings and you have done what you could to address the concerns of the

NBE-49

Santa Fe County
Board of County Commissioners
Regular Meeting of May 14, 2013
Page 129

people in that area. I do have some reservations about this case but I have to say with respect to water I am not really that concerned because I really believe that soon the Eldorado Area Water and Sanitation District will have County utility water as a backup. I also think that it is very appropriate that a market analysis be done before the developer comes forward with future phases and I know that is a condition. So I will vote for this but before I would support future phases I would really want to see a market analysis and I would wasn't to see that the developer has followed through on the conditions of developing this phase.

I believe we have a motion and a second with staff conditions?

COMMISSIONER ANAYA: That's correct, Madam Chair.

CHAIR HOLIAN: For approval of CDRC ZS 08-5440 Tierra Bello Subdivision. All those in favor – yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, just a comment for the applicant. I'm just hearing the community concerns and maybe you can work with temporary, temporary because I think you might want to have these properties interconnect, but just [inaudible] construction phase some egress and ingress issues with those gates, just if you would take that into consideration. Thank you, Madam Chair.

COMMISSIONER MAYFIELD: Okay, we have a motion and second. All those in favor say aye.

The motion passed by unanimous [4-0] voice vote.

CHAIR HOLIAN: Any opposed? Motion carries.

XVIII. ADJOURNMENT

Upon motion by Commissioner Chavez and second by Commissioner Mayfield, Chair Holian declared this meeting adjourned at 11:20 p.m.

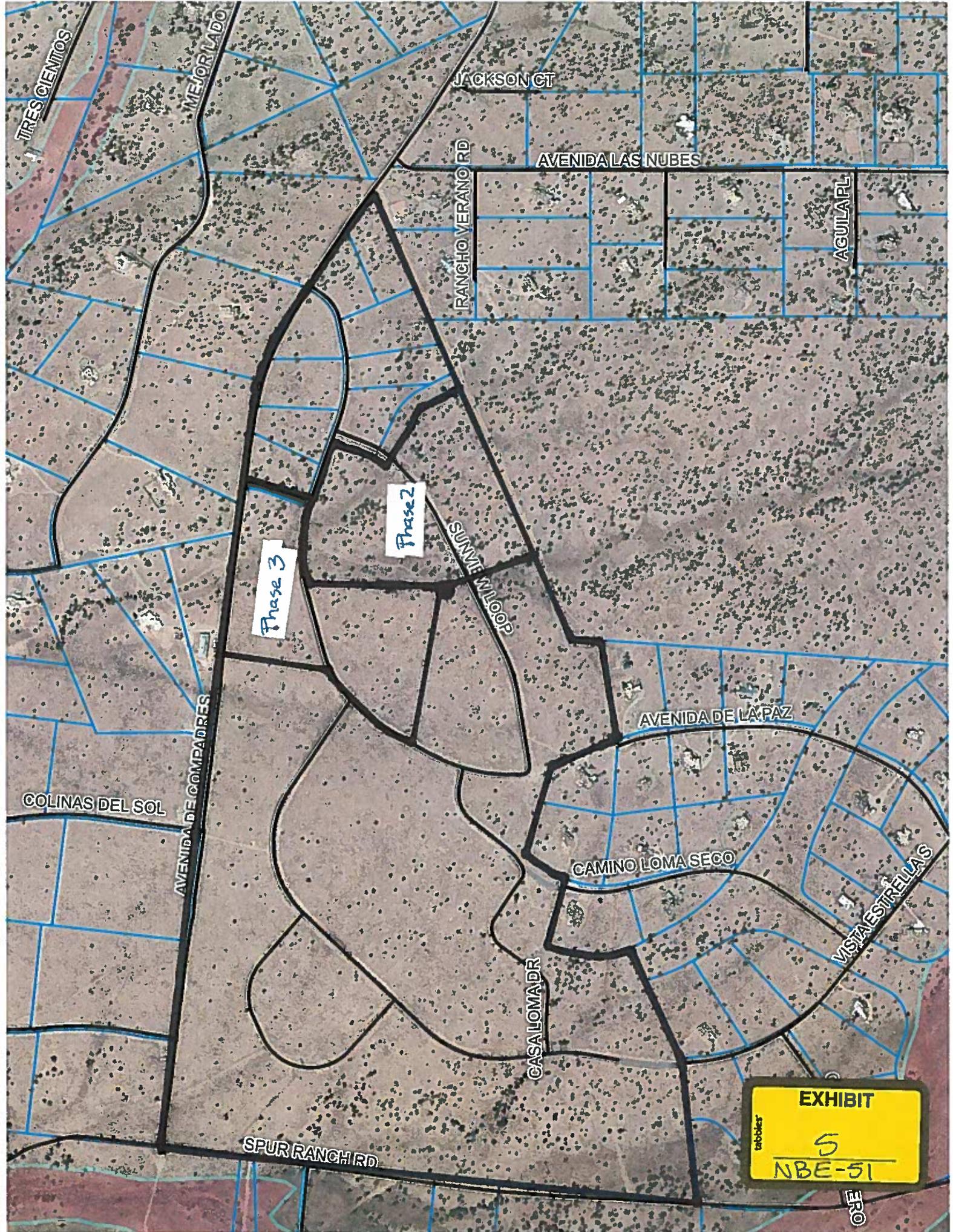


Approved by:

Kathy Holian
Board of County Commissioners
Kathy Holian, Chair

Geraldine Salazar
GERALDINE SALAZAR
SANTA FE COUNTY CLERK
6/11/2013

NBE-50



TRES CIENTOS

MEJORADO

JACKSON CT

RANCHO VERANO RD

AVENIDA LAS NUBES

AGUILA FL

Phase 3

Phase 2

SUNVIEW LOOP

AVENIDA DE LA PAZ

COLINAS DEL SOL

AVENIDA DE COMPADRES

CAMINO LOMA SECO

VIA ESTRELLAS

CASA LOMA DR

SPUR RANCH RD

tabbles

EXHIBIT

5

NBE-51

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