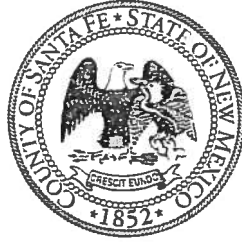


Daniel "Danny" Mayfield  
Commissioner, District 1

Miguel M. Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

**DATE:** March 21, 2013

**TO:** County Development Review Committee

**FROM:** Jose E. Larrañaga, Commercial Development Case Manager *JEL*

**VIA:** Vicki Lucero, Building and Development Services Manager *VL*  
Wayne Dalton, Building and Development Services Supervisor *WD*  
*VEG* Penny Ellis-Green, Land Use Administrator

**FILE REF.:** CDRC CASE # Z/S 12-5450 Cielo Colorado Subdivision

**ISSUE:**

Cielo Colorado, LLC, Applicant, Jim Siebert, Agent, requests Master Plan Zoning approval for a 63-lot residential subdivision on 257.16 Acres  $\pm$  within Tract 15A-2 of the Eldorado at Santa Fe Subdivision. The Applicant also requests approval to allow four cul-de-sacs (dead end roads) to exceed 500 feet in length. The property is located on the east side of US 285, off Camino Acote, within Sections 21 & 22, Township 15 North, Range 10 East (Commission District 4).

**SUMMARY:**

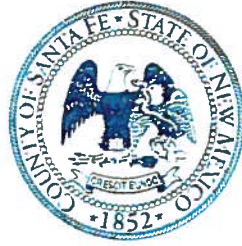
This case is being tabled so that the Applicant can meet with the area residents to discuss the proposed Master Plan.

OBA-1

Daniel "Danny" Mayfield  
Commissioner, District 1

Miguel M. Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

## MEMORANDUM

**DATE:** March 21, 2013

**TO:** County Development Review Committee

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

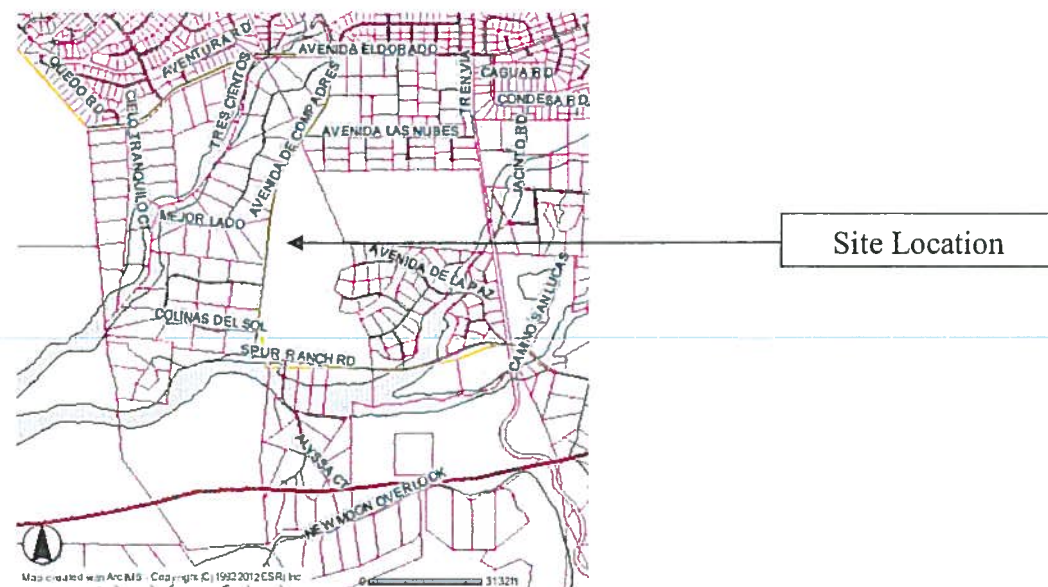
**VIA:** Penny Ellis-Green, Land Use Administrator *PEG*

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

### ISSUE:

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

### Vicinity Map:



*DBB-1*

**SUMMARY:**

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

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

On July 22, 2010, a request was presented to the CDRC by the Applicant for Master Plan Zoning approval for a 73-lot residential subdivision known as Tierra Bello. The decision of the CDRC was to table the request to allow the applicant to address issues regarding affordable housing, water availability and access and traffic (Refer to CDRC minutes in Exhibit 6).

The Applicant has since signed an Affordable Housing Agreement with Santa Fe County in which the Applicant has agreed to provide 15% affordable housing in accordance with Ordinance No. 2012-1 (Affordable Housing Program).

In regards to water availability, a positive recommendation was issued by the County Hydrologist. The OSE, however has not issued a favorable response (Refer to Exhibit 3).

In regards to access and traffic, the NMDOT has issues a positive recommendation. The County Public Works Department has also issued a positive recommendation subject to conditions. (Refer to Exhibit 3).

The Applicant has modified his request since the last CDRC meeting. The request is still for Master Plan Zoning approval for a 73-lot residential subdivision on 263.769 acres. However, in addition to this, the Applicant is now requesting Preliminary and Final Plat and Development Plan Approval for Phase 1, which will consist of 9 lots.

This Application was submitted on March 19, 2012.

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

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

**GROWTH MANAGEMENT AREA:** Galisteo, SDA-2.

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

**ARCHAEOLOGIC ZONE:** High Potential, archeological report required for development of more than 5 acres. An archaeological report has been submitted for review.

**ACCESS AND TRAFFIC:** The site will be accessed directly off Avenida de Compadres, at two points. Avenida de Compadres will need to be upgraded by the applicant to meet County Standards.

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

**WATER SUPPLY:** EAWSD, a ready, willing and able to serve letter has been provided by EAWSD.

**LIQUID WASTE:** Individual on-site septic systems

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

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

**SIGNAGE AND LIGHTING:** No private subdivision signage or lighting has been proposed at this time.

**EXISTING DEVELOPMENT:** The project site is currently vacant.

**ADJACENT PROPERTY:** With the exception of two large 390 acre tracts that lie to the northeast and southwest of the property the proposed Tierra



Bello Subdivision is surrounded by other residential subdivisions with lots ranging from just over 3 acres to approximately 18 acres in size.

**OPEN SPACE:**

A total of 52.58 acres is proposed as open space which allows for the development of a park.

**AFFORDABLE HOUSING:**

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

**PHASING:**

The project will be completed in 8 phases.

**AGENCY REVIEW:**

| <u>Agency</u>       | <u>Recommendation</u>             |
|---------------------|-----------------------------------|
| County Fire         | Approval with Conditions          |
| County Utilities    | Approval with Conditions          |
| NMDOT               | Approval with Conditions          |
| County Open Space   | Approval with Conditions          |
| County Public Works | Negative (Awaiting revised plans) |
| OSE                 | Negative                          |
| SHPO                | Approval with conditions          |
| NMED                | Approval with conditions          |
| Public School       | Approval                          |

**STAFF RECOMMENDATION:**

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

1. The Applicant shall comply with all review agency comments and conditions, **Article V, Section 7.1.3.c.**
2. Conditions as stated in the memo from the Public Works Department shall be addressed prior to this case being heard by the BCC.
3. Master Plan and Final Plat and Development Plan, with appropriate signatures, and subdivision covenants and final disclosure statement shall be recorded with the County Clerk, as per **Article V, Section 5.2.5 and Section 5.4.5.**
4. The Applicant shall submit a financial guarantee, in a sufficient amount to assure completion of all required improvements. The financial guarantee shall be based on a county approved engineering cost estimate for the

OB B-4

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.**

**EXHIBITS:**

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

0B3-5

# DEVELOPMENT REPORTS

PREPARED FOR:

## TIERRA BELLO SUBDIVISION

(A 73 lot single-family residential subdivision)

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

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

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

March 2012

~~REVISED NOVEMBER 2012~~  
JANUARY 2013

OBB#4

|         |          |
|---------|----------|
| tabbles | EXHIBIT  |
|         | <u>1</u> |



## LAND DEVELOPMENT PLANNING

◆ Development Planners ◆ Construction Management

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

March 7, 2012

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

**Re: Tierra Bello Subdivision, Development Plan Submittals**

Dear Ms. Lucero,

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

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

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

2 B B-17


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

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

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

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

Sincerely,

  
Danny S. Martinez  
Development Planner

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

Mr. Joseph Miller, Developer, Property Owner

CM B-8

TIERRA BELLO SUBDIVISION  
Santa Fe County, New Mexico

**PROJECT SUMMARY:**

**NAME OF DEVELOPMENT:** Tierra Bello Subdivision

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

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

**LAND USE DESIGNATION:** Basin Zone – Residential

**USES PROPOSED:** Single Family Residential

**SIZE OF PROJECT:** 263.769 Acres, more or less

**NUMBER OF LOTS:** 73 Residential Lots

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

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

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

**MAINTENANCE OF ROADWAYS:** Tierra Bello Homeowners Association.

L.B.B-93

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C B B - 15

## VII. TRAFFIC IMPACT REPORT

The following Santa Fe County Ordinances are acknowledged:

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

### VARIANCE REQUESTS

No variance requests are proposed.



I. INTRODUCTION

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

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

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

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

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

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

**A. Development Request**

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

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

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

**B. Platting**

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

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

**C. Existing Characteristics**

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

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

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

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

#### **D. Topographic and Natural Features**

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

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

EB 14

### **E. Land Use**

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

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

### **F. Housing**

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

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

CB B-5

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

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

#### **G. Phasing**

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

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

#### **H. Water Availability / Source**

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

C B B

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

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

#### **I. Liquid Waste Disposal**

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

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

2018 B-17

#### J. Solid Waste Disposal

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

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

#### K. Site Utilities

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

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

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

## II. Affordable Housing

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



8

Eldorado Area Water & Sanitation District - 1 Caliente Rd, Suite F, Santa Fe NM 87508 - 505-466-2411

David Denig-Chakroff  
General Manager

James Jenkins, President  
Jerry L. Cooper, Vice President  
Roberta A. Armstrong, Secretary  
Stephen Wust, Director  
George Haddad, Director  
Gene Schofield, Non-Director

December 29, 2011

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

Re: Tierra Bello Project

Dear Mr. Miller:

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

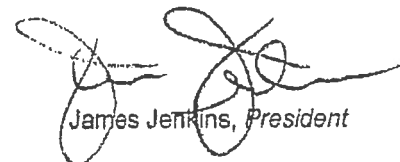
Subject to the satisfaction of the Requirements, EAWSD is ready, willing and able to provide water service to the entire Project or phases of the Project in an amount not to exceed eighteen and twenty-five hundredths (18.25) acre feet per year ("afy") of water. This amount includes five and seventy-five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

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

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

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

**ELDORADO AREA WATER AND SANITATION DISTRICT**

  
James Jenkins, President

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

EWB-20



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

DEVELOPMENT PLANS  
PREPARED FOR  
**TIERRA BELLO SUBDIVISION**  
(73 LOTS, SINGLE FAMILY RESIDENTIAL DEVELOPEMENT)  
COW SPRINGS LAND AND CATTLE, LLC

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

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

INDEX OF SHEETS

| SHEET NO. | SHEET TITLE  |
|-----------|--|
| 1         | CITY OF SANTA FE   |
| 2         | EL DORADO AT SANTA FE                                    |
| 3         | BINARY SURVEY NOTES                                      |
| 4         | BOUNDARY SURVEY  |
| 5         | MASTER PLAN AND AFFORDABLE HOUSING PLAN                  |
| 6         | SUBDIVISION PLAN NOTES                                   |
| 7         | SUBDIVISION PLAT PHASE 1                                 |
| 8         | EXISTING TOPOGRAPHY, SOILS & SLOPE ANALYSIS PLAN         |
| C-1       | TERRAIN MANAGEMENT PLAN, ORIGINAL DRAINAGE CONDITIONS    |
| C-2       | TERRAIN MANAGEMENT PLAN, ORIGINAL DRAINAGE CONDITIONS    |
| C-3       | ROAD PLAN AND PROFILE (AVENIDA DE COMPAÑERES)            |
| C-4       | ROAD PLAN AND PROFILE (AVENIDA DE COMPAÑERES)            |
| C-5       | EXISTING ROAD PLAN AND PROFILE (SUNVIEW LOOP)            |
| C-6       | EXISTING ROAD PLAN AND PROFILE (SUNVIEW LOOP)            |
| C-7       | EXISTING DOMESTIC WATER DISTRIBUTION AND FIRE PREVENTION |
| C-8       | EXISTING DOMESTIC WATER DISTRIBUTION AND FIRE PREVENTION |
| 11-13     | WATERLINE IMPROVEMENT PLAN (BY COMMUNITY SCIENCES, CORP) |
| 14        | WATERLINE IMPROVEMENT PLAN                               |
| 15        | EXISTING UTILITIES PLAN                                  |

SURVEY AND PLANS PREPARED FOR:  
JOSEPH F. & ALMA M. MILLER FAMILY TRUST &  
COW SPRINGS LAND DEVELOPMENT, LLC  
288 RIVERBANK ROAD  
LAMY, NEW MEXICO 87540

DEVELOPMENT PLANS PREPARED BY:  
LDP - LAND DEVELOPMENT PLANNING  
7009 MARILYN AVE. NE  
ALBUQUERQUE, NEW MEXICO 87109  
TELEPHONE: (505) 890-5250  
JORGE GONZALES, N.M.P.E. NO. 6441  
LENORE ARMILLO, N.M.L.S. NO. 16511

SANTA FE COUNTY NOTES AND CONDITIONS:

1. DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE DISTRICT STANDARDS OF THE U.S. 255 SOUTH HIGHWAY DRAINAGE (ORDINANCE NO. 2006-03).
2. THE LAND OWNER/USER UNLESS CURRENTLY MAINTAINED BY SANTA FE COUNTY SHALL BE RESPONSIBLE FOR MAINTENANCE OF UTILITY EXPOSED TO THE PUBLIC.
3. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 36" UNLESS OTHERWISE SPECIFIED IN THE PLANS.
4. THE LAND OWNER/USER SHALL MAINTAIN ALL UTILITIES UNDERGROUND AT ALL TIMES.
5. THE LANDS SHOWN WITHIN THE PLANNING AND PLATING JURISDICTION OF THE CITY OF SANTA FE ARE SUBJECT TO SANTA FE COUNTY FIRE AND RESCUE IMPACT FEES AT THE TIME OF THE DEVELOPMENT. PURSUANT TO THE SANTA FE LAND DEVELOPMENT CODE, THE SOILS SHALL BE RECLASSIFIED AS BEING MODERATE/SEVERE RESORING RISKING IMPACTS WITH THE NEW MEXICO ENVIRONMENTAL DEPARTMENT PARTNER PROGRAM (SUNVIEW LOOP) AND PROFILE (SUNVIEW LOOP).
6. AN ALTERNATIVE SYSTEM IS REQUIRED.
7. NATURAL DRAINAGEWAYS OTHER THAN THOSE SHOWN AS DRAINAGE COURSES SHALL BE MAINTAINED AND PRESERVED.
8. ALL BUILDINGS SHALL HAVE SLOPES OF AT LEAST 1%.
9. THE CITY OF SANTA FE DEVELOPMENT CODE REQUIRES THAT ALL RAINWATER BE CAPTURED AND STORED IN A TANK OR CISTERN.
10. THE CITY OF SANTA FE DEVELOPMENT CODE REQUIRES THAT ALL BUILDINGS SHALL BE GRADED TO THE SAME LEVEL AS THE SURROUNDING TERRAIN.
11. THESE LOTS ARE SUBJECT TO UTILIZING THE LANDS WATER SYSTEM NEW WATER WELLS ARE PROVIDED.

| NO. | DESCRIPTION | DATE BY |
|-----|-------------|---------|
| 1   |             |         |
| 2   |             |         |
| 3   |             |         |
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APPROVED BY THE BOARD OF COUNTY COMMISSIONERS AT THEIR MEETING ON  
COMMISSIONER BOARD OF COUNTY COMMISSIONERS \_\_\_\_\_ DATE \_\_\_\_\_  
APPROVED BY THE COUNTY DEVELOPMENT REVIEW COMMITTEE AT THEIR MEETING ON \_\_\_\_\_ DATE \_\_\_\_\_  
CONC. CHAIRPERSON \_\_\_\_\_ DATE \_\_\_\_\_  
COUNTY CLERK \_\_\_\_\_ DATE \_\_\_\_\_  
PUBLIC WORKS DIRECTOR \_\_\_\_\_ DATE \_\_\_\_\_  
LAND USE ADMINISTRATION \_\_\_\_\_ DATE \_\_\_\_\_  
RURAL ADDRESSING \_\_\_\_\_ DATE \_\_\_\_\_  
COUNTY DEVELOPMENT PERMIT NUMBER \_\_\_\_\_ DATE \_\_\_\_\_

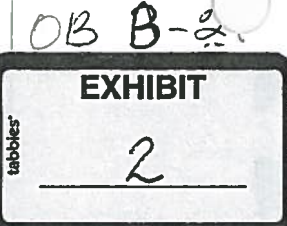
STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
HERBERT COUNTY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THE  
DAY OF \_\_\_\_\_ A.D. 2012 AT \_\_\_\_\_ CYCLOCK, A.M. AND WAS  
DAILY RECORDED IN PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ OF THE RECORDS  
OF SANTA FE COUNTY, NEW MEXICO.  
WITNESSES MY HAND AND SEAL OF OFFICE  
COUNTY CLERK, SANTA FE COUNTY, NEW MEXICO  
\_\_\_\_\_  
DEPUTY

THIS MASTER PLAN IS OF THE OWNERS FREE CONSENT  
\_\_\_\_\_  
OWNERS SIGNATURE  
DATE \_\_\_\_\_  
PROJECT NO. \_\_\_\_\_  
DESIGNED BY: \_\_\_\_\_  
DRAWN BY: \_\_\_\_\_  
CHECKED BY: \_\_\_\_\_  
LAY OUT: \_\_\_\_\_  
SHEET 1

COVER SHEET

TIERRA BELLO SUBDIVISION  
SANTA FE COUNTY, NEW MEXICO

12/6/12  
Revised 10/10/12



# TIERRA BELLO SUBDIVISION

TRACT B-A WITHIN THE EL DORADO AT SANTA FE, NEW MEXICO, COUNTY OF SANTA FE, STATE OF NEW MEXICO, WITHIN PROTECTED SECTIONS 24 & 25, TOWNSHIP 15 NORTH, RANGE 9 EAST, NEW MEXICO PRINCIPAL MERIDIAN, SANTA FE COUNTY, NEW MEXICO

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

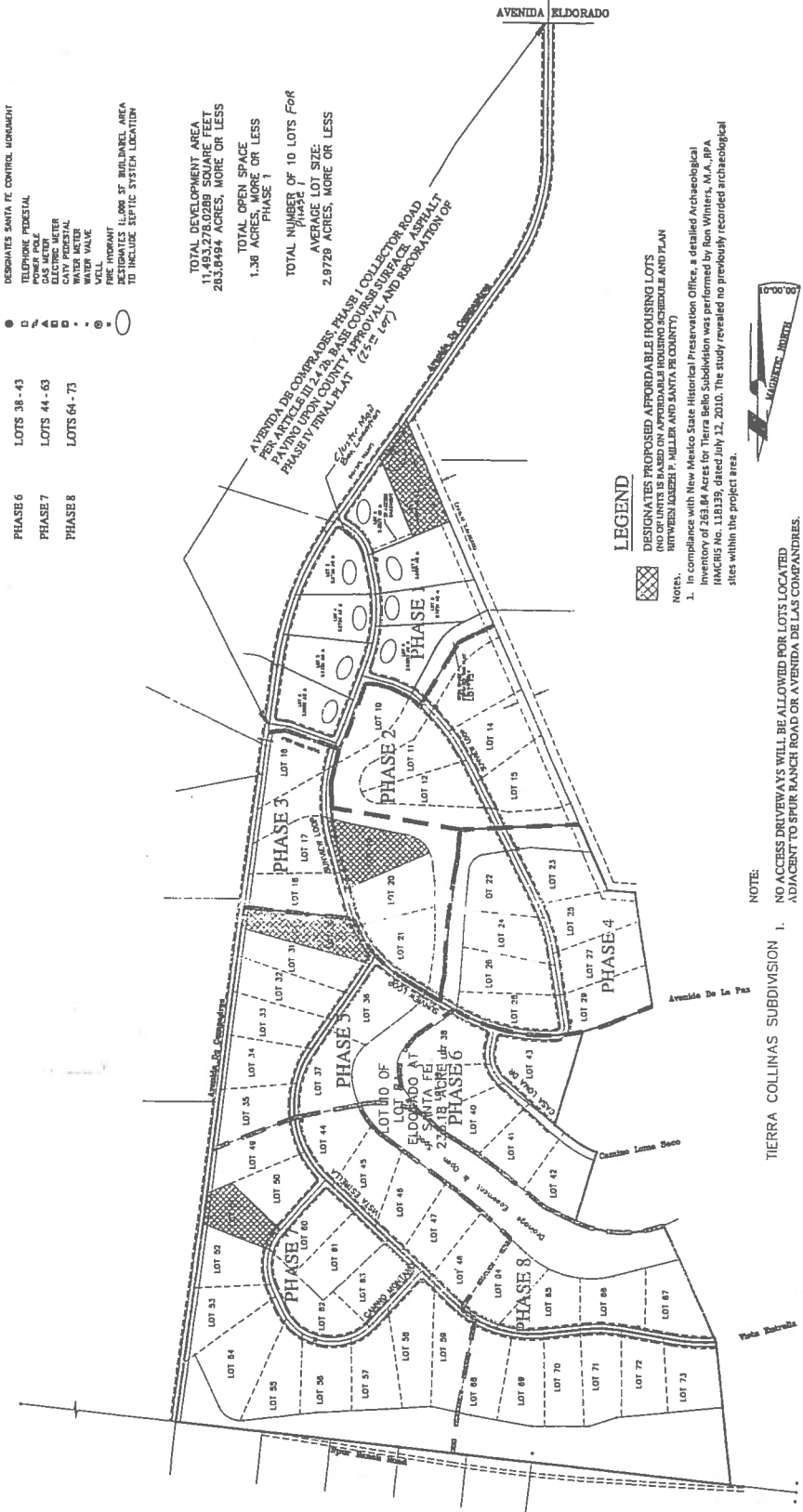
- LEGEND
- DESIGNATES POINTS FOUND AND USED, AS NOTED
  - DESIGNATES CAPED REMAINS TO BE SET WITH ROD CAP 7 1/2" DIA
  - DESIGNATES SANTA FE CONTROL MONUMENT
  - TELEPHONE FOOTING
  - POWER POLE
  - CITY FURNISH ELECTRIC METER
  - WATER WALK
  - WELL
  - STORM WATER
  - DESIGNATES 15,000 GPD BIELABEL AREA TO INCLUDE SEPTIC SYSTEM LOCATION

TOTAL DEVELOPMENT AREA  
11,463,278.0289 SQUARE FEET  
253,099.4 ACRES, MORE OR LESS

TOTAL OPEN SPACE  
1.36 ACRES, MORE OR LESS  
PHASE 1

TOTAL NUMBER OF 10 LOTS FOR PHASE 1  
10 LOTS

TOTAL NUMBER OF 10 LOTS FOR PHASE 2  
2,9729 ACRES, MORE OR LESS



LEGEND

DESIGNATES PROPOSED EL DORADO B B HOUSING LOTS (NO LOTS) IS BASED ON APPROVED INDIVIDUAL LOTS AND PHASING PLAN BETWEEN KAREN P. MILLER AND SANTA FE COUNTY

NOTE:

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



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

TIERRA COLLINAS SUBDIVISION

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

| NO. | REVISIONS (OR CHANGE NOTICES) | DATE |
|-----|-------------------------------|------|
| 1   |                               |      |
| 2   |                               |      |
| 3   |                               |      |
| 4   |                               |      |
| 5   |                               |      |
| 6   |                               |      |
| 7   |                               |      |

PROJECT NO.: 03-001  
 DRAWN BY: CFW  
 DATE: 07/12/10  
 SHEET: 6

OB B-22



**SUBDIVISION PLAT OF PHASE 1  
TIERRA BELLA SUBDIVISION  
PREPARED FOR  
COW SPRINGS LAND AND CATTLE LLC,  
JOSEPH F. MILLEY AND ALMA M. MILLER  
TRACT 8-A  
ELDORADO AT SANTA FE, WITHIN THE  
CANADA DE LOS ALAMOS GRANT,  
TOWNSHIP 15 NORTH, RANGE 9 EAST,  
NEW MEXICO PRINCIPAL MERIDIAN,  
SANTA FE COUNTY, NEW MEXICO**

**PLANNING/UTILITIES/ASSESSMENTS**  
This plat is subject to all applicable laws, rules, regulations, codes, ordinances, and orders of the Santa Fe County Board of Commissioners and the Santa Fe County Engineer. The applicant warrants that the plat complies with all applicable laws, rules, regulations, codes, ordinances, and orders of the Santa Fe County Board of Commissioners and the Santa Fe County Engineer. The applicant warrants that the plat complies with all applicable laws, rules, regulations, codes, ordinances, and orders of the Santa Fe County Board of Commissioners and the Santa Fe County Engineer. The applicant warrants that the plat complies with all applicable laws, rules, regulations, codes, ordinances, and orders of the Santa Fe County Board of Commissioners and the Santa Fe County Engineer.

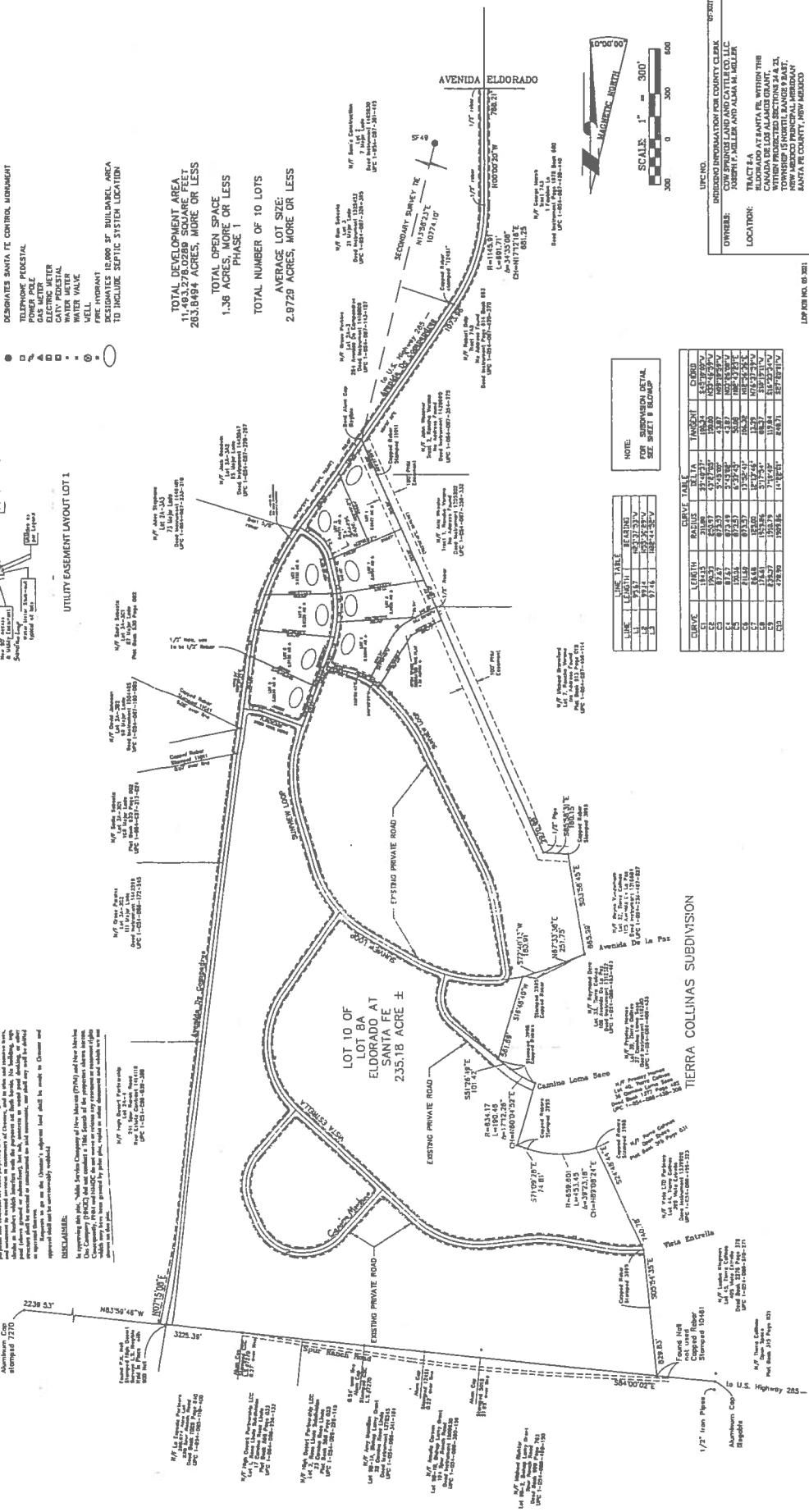
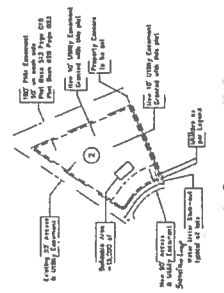
- LEGEND**
- DESIGNATES POINTS FOUND AND USED, AS INDICATED
  - DESIGNATES SANTA FE CONTROL SURVEY
  - DESIGNATES UTILITY
  - DESIGNATES POWER POLE
  - DESIGNATES GAS METER
  - DESIGNATES CITY INDUSTRIAL
  - DESIGNATES WATER METER
  - DESIGNATES WELL
  - DESIGNATES FIRE HYDRANT
- DESIGNATED TO BE PART OF BILLBOARD AREA  
TO INCLUDE SERVICE SYSTEM LOCATION

TOTAL DEVELOPMENT AREA  
11,493,760.289 SQUARE FEET  
263,849.4 ACRES, MORE OR LESS

TOTAL OPEN SPACE  
1.36 ACRES, MORE OR LESS

TOTAL NUMBER OF 10 LOTS  
2,9729 ACRES, MORE OR LESS

**UTILITY EASEMENT LAYOUT LOT 1**



**NOTE**  
FOR INTERPRETATION OF THIS PLAT SEE SHEET 1 & 2

| LINE | LENGTH | BEARING         | AREA   | AREA   |
|------|--------|-----------------|--------|--------|
| 1    | 10.00  | N 00° 00' 00" E | 100.00 | 100.00 |
| 2    | 10.00  | E 00° 00' 00" S | 100.00 | 100.00 |
| 3    | 10.00  | S 00° 00' 00" W | 100.00 | 100.00 |
| 4    | 10.00  | W 00° 00' 00" N | 100.00 | 100.00 |

| CURVE | LENGTH | CHORD | AREA   | AREA   |
|-------|--------|-------|--------|--------|
| 1     | 10.00  | 10.00 | 100.00 | 100.00 |
| 2     | 10.00  | 10.00 | 100.00 | 100.00 |
| 3     | 10.00  | 10.00 | 100.00 | 100.00 |
| 4     | 10.00  | 10.00 | 100.00 | 100.00 |

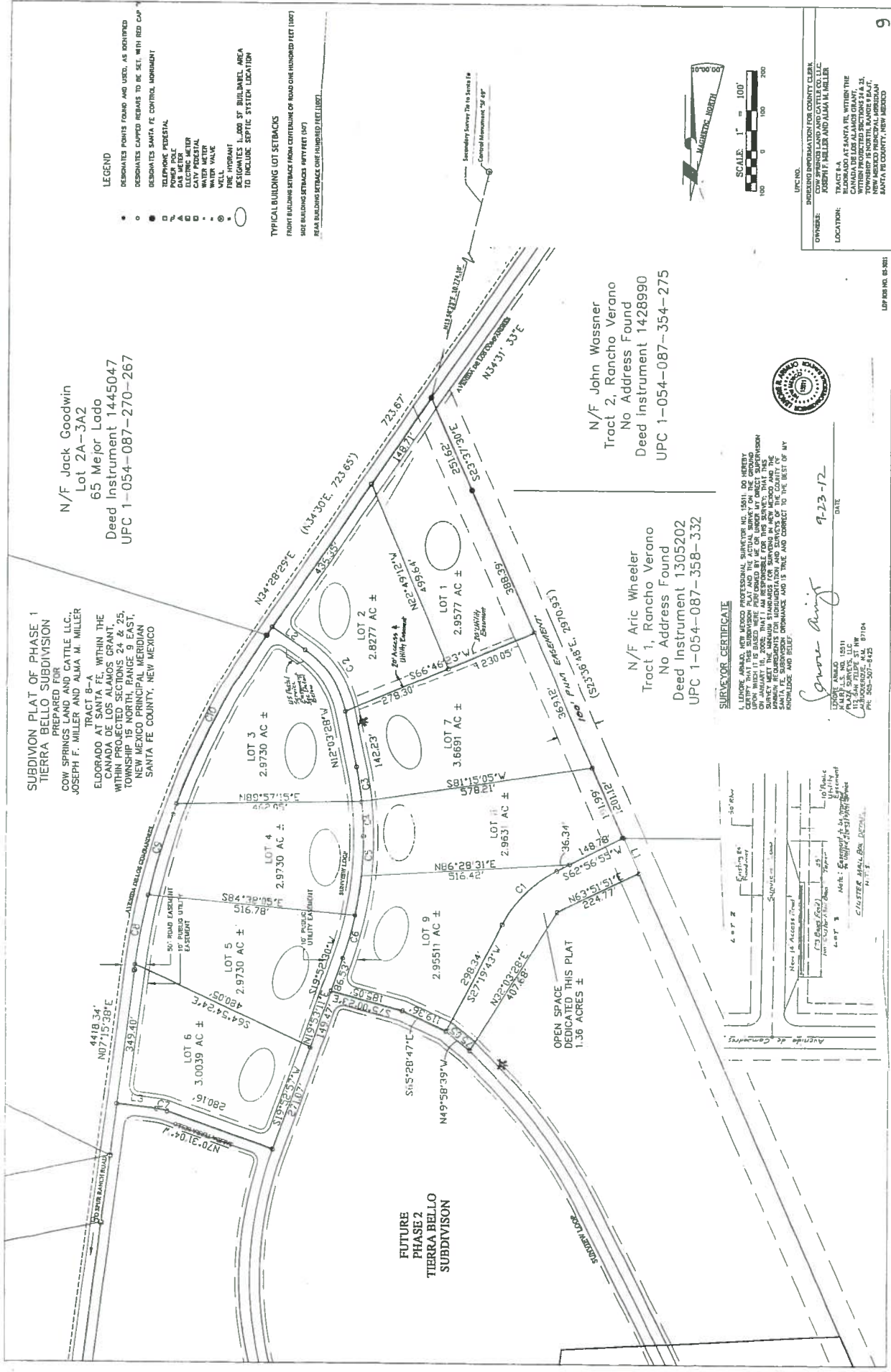
**UTLINO**  
INDICATED INFORMATION FOR COUNTY CLERK

**OWNER:**  
COW SPRINGS LAND AND CATTLE CO. LLC  
BY: JOSEPH F. MILLEY AND ALMA M. MILLER

**LOCATION:**  
TRACT 8-A  
ELDORADO AT SANTA FE, WITHIN THE  
CANADA DE LOS ALAMOS GRANT,  
TOWNSHIP 15 NORTH, RANGE 9 EAST,  
SANTA FE COUNTY, NEW MEXICO

OB B-24





SUBDIVISION PLAT OF PHASE 1  
TIERRA BELLO SUBDIVISION  
PREPARED FOR  
N/F JACK GOODWIN  
COW SPRINGS DEVELOPMENT, L.L.C.  
JOSEPH F. MILLER AND ALMA H. MILLER  
TRACT B-A  
ELDORADO AT SANTA FE, WITHIN THE  
CANADA DE LOS ALAMOS GRANT,  
WITHIN PROJECTED SECTIONS 24 & 25,  
TOWNSHIP 15 NORTH, RANGE 9 EAST,  
COUNTY OF SANTA FE, NEW MEXICO  
SANTA FE COUNTY, NEW MEXICO

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

FUTURE  
PHASE 2  
TIERRA BELLO  
SUBDIVISION

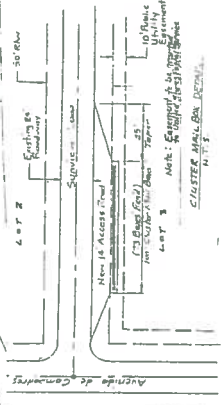
N/F John Wassner  
Tract 2, Rancho Verano  
No Address Found  
Deed Instrument 1428990  
UPC 1-054-087-354-275

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

**SURVEYOR CERTIFICATE**  
I, LINDSEY ANNE WHEELER, A PROFESSIONAL SURVEYOR IN THE STATE OF NEW MEXICO, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT AND THE ACTUAL SURVEY ON THE GROUND THEREON WERE MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND IN ACCORDANCE WITH THE STANDARDS FOR SURVEYS IN NEW MEXICO AND THE PROVISIONS OF THE SUBDIVISION ACT, AND THAT I AM RESPONSIBLE FOR THE ACCURACY AND CORRECTNESS OF THE DATA AND INFORMATION CONTAINED HEREON.  
*Lindsay Wheeler*  
LINDSEY ANNE WHEELER  
PLAT SURVEYOR, L.L.C.  
1135 SOUTH ILLINOIS STREET, SUITE 100  
SANTA FE, NEW MEXICO 87505  
PHONE: 505-587-4425



DATE  
9-23-12



50' ROAD EASEMENT  
20' ROAD  
WATER  
SEWER  
GAS

50' ROAD EASEMENT  
20' ROAD  
WATER  
SEWER  
GAS

50' ROAD EASEMENT  
20' ROAD  
WATER  
SEWER  
GAS

50' ROAD EASEMENT  
20' ROAD  
WATER  
SEWER  
GAS

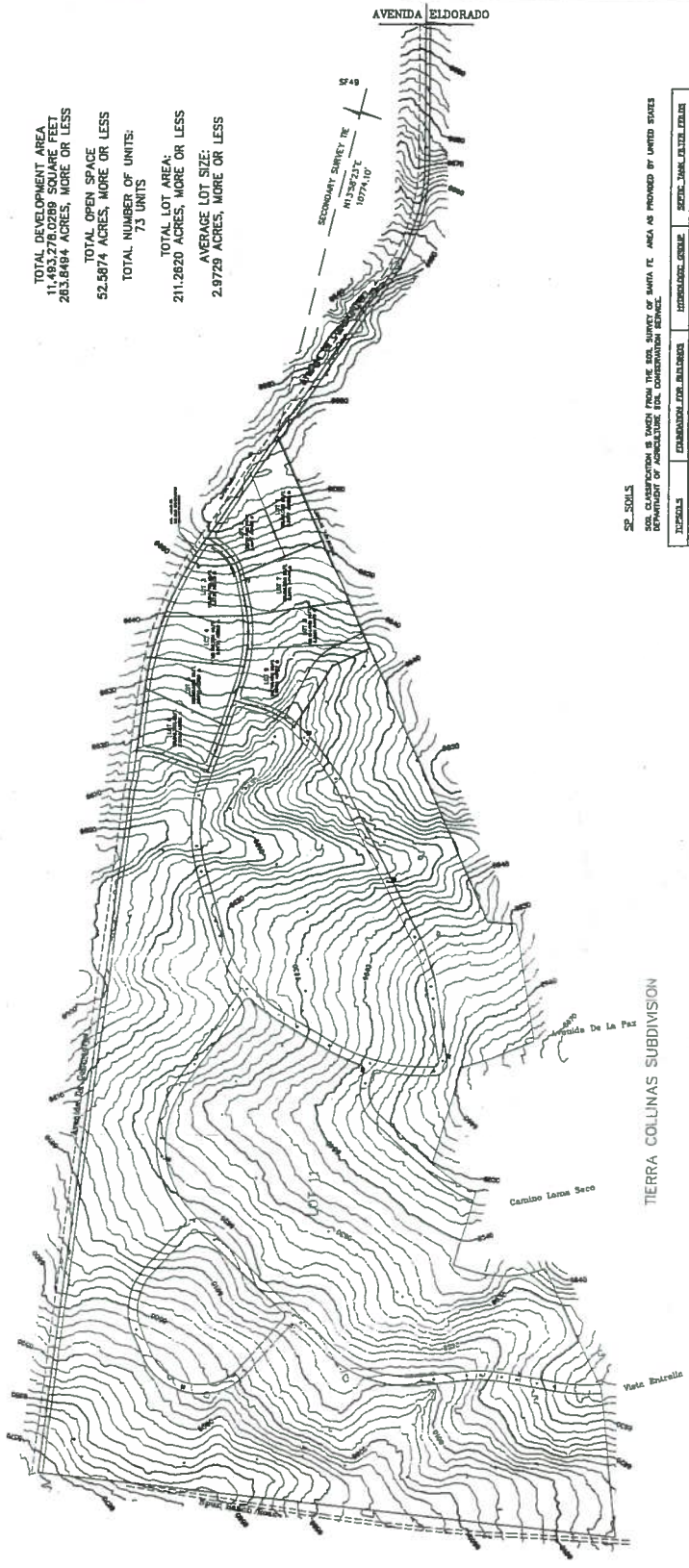
50' ROAD EASEMENT  
20' ROAD  
WATER  
SEWER  
GAS

50' ROAD EASEMENT  
20' ROAD  
WATER  
SEWER  
GAS

DB B-25

EXISTING TOPOGRAPHIC, SOILS, AND SLOPE ANALYSIS  
**TERRA BELLO SUBDIVISION**

TRACT B-A  
 ELDORADO AT SANTA FE, WITHIN THE  
 CANADA DE LOS ALAMOS GRANT,  
 WITHIN PROJECTED SECTIONS 24 & 25,  
 TOWNSHIP 18N, RANGE 9E, EAST,  
 NEW MEXICO PRINCIPAL MERIDIAN,  
 SANTA FE COUNTY, NEW MEXICO



TOTAL DEVELOPMENT AREA:  
 11,493,276.0289 SQUARE FEET  
 263.8484 ACRES, MORE OR LESS  
 TOTAL OPEN SPACE:  
 52,587.4 ACRES, MORE OR LESS  
 TOTAL NUMBER OF UNITS:  
 73 UNITS

TOTAL LOT AREA:  
 211,2920 ACRES, MORE OR LESS  
 AVERAGE LOT SIZE:  
 2,8728 ACRES, MORE OR LESS

SOIL CLASSIFICATION IS BASED FROM THE SOIL SURVEY OF SANTA FE AREA AS PROVIDED BY UNITED STATES DEPARTMENT OF AGRICULTURE FOR CONSERVATION SERVICE.

| EXPOSURE     | PERMANENT FLOOD HAZARD | HYDROLOGIC GROUP | SEPTIC TANK EFFLUENT TOLERANCE | SEPTIC TANK EFFLUENT TOLERANCE |
|--------------|------------------------|------------------|--------------------------------|--------------------------------|
| POOR TO POOR | HIGH SWAMP SWELL       | C                | SEVERE SLOPE PERMEABILITY      | SEVERE SLOPE PERMEABILITY      |

THE ASSUMED COEFFICIENT OF FRICTION FOR ALL PROPOSED DRIVEWAYS THAT HAVE SLOPES OF 1 TO 5 AND 30 PERCENT PERMANENT CLAY LOAM THAT HAS SLOPES OF 5 TO 8 PERCENT.

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



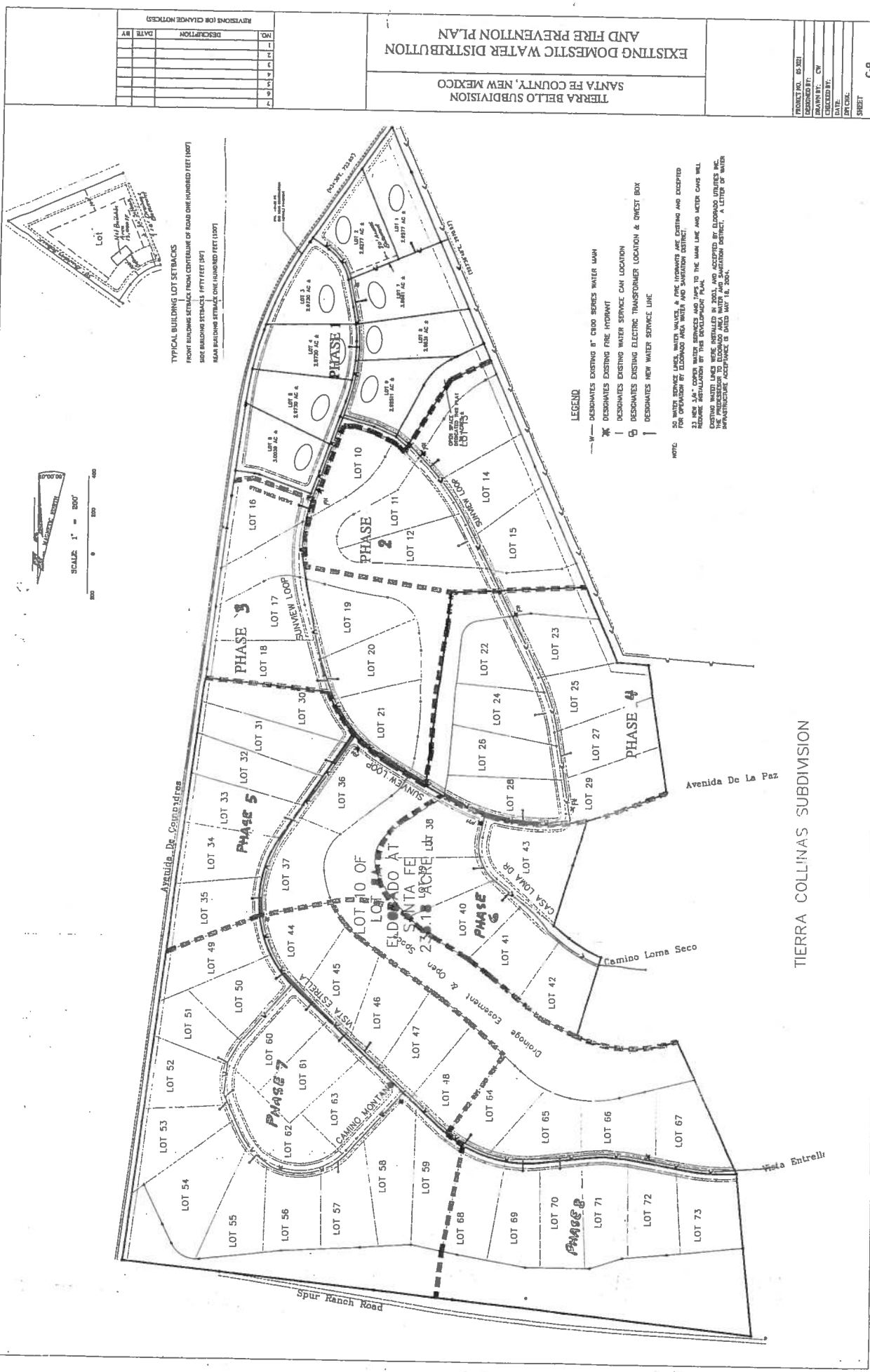
**SLOPE ANALYSIS**

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

| REVISIONS OR CHANGE NOTICES |      |
|-----------------------------|------|
| NO.                         | DATE |
| 1                           |      |
| 2                           |      |
| 3                           |      |
| 4                           |      |
| 5                           |      |
| 6                           |      |
| 7                           |      |

PROJECT NO. 03-001  
 DRAWING NO. 03-001  
 DATE 12/14/14  
 SHEET C-1

OB B-26



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

PROJECT NO. 03-201  
DRAWN BY: CV  
CHECKED BY:  
DATE:  
SCALE:  
SHEET - C-9

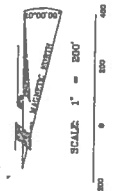
| REVISIONS (OR CHANGE NOTES) |             |      |
|-----------------------------|-------------|------|
| NO.                         | DESCRIPTION | DATE |
|                             |             |      |
|                             |             |      |
|                             |             |      |
|                             |             |      |
|                             |             |      |

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

**LEGEND**

- W — DESIGNATES EXISTING 8" CDSB SERIES WATER MAIN
- F — DESIGNATES EXISTING FIRE HYDRANT
- T — DESIGNATES EXISTING WATER SERVICE CAN LOCATION
- E — DESIGNATES EXISTING ELECTRIC TRANSFORMER LOCATION & OWEST BOX
- L — DESIGNATES NEW WATER SERVICE LINE

**NOTE:**  
10 WATER SERVICE LINE WATER VALVES & FIRE HYDRANTS ARE EXISTING AND EXCEPTED FOR OPERATION BY EL DORADO AREA WATER AND SANITATION DISTRICT.  
23 NEW 3/4" CDSB WATER SERVICES AND TAPS TO THE MAIN LINE AND WATER CANS WILL BE INSTALLED BY THE DEVELOPER. THE EXISTING WATER SERVICE LINES AND TRANSFORMERS WILL BE MAINTAINED BY EL DORADO AREA WATER AND SANITATION DISTRICT. ALL LOT SETBACKS AND MANUFACTURE ACCEPTANCE IS DATED MAY 16, 2004.



TERRA COLLINAS SUBDIVISION

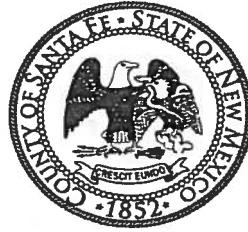
OB B-27



Daniel "Danny" Mayfield  
Commissioner, District 1

Miguel Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Liz Stefanics  
Commissioner, District 4

Kathy Holian  
Commissioner, District 5

Katherine Miller  
County Manager

**PUBLIC WORKS DIVISION  
MEMORANDUM**

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

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

**Access:**

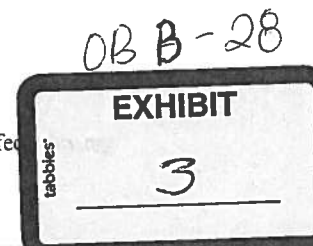
The project is proposing to access Tierra Bello Subdivision from Avenida de Compadres an existing unimproved dirt road.

**Conclusion:**

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

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

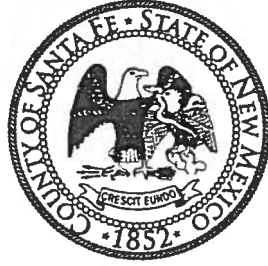
1. Applicant shall be required to obtain a road construction permit from Public Works Department prior to any work on Avenida de Compadres.
2. Santa Fe County Public Works will require a pre-construction conference prior to starting any construction.
3. Santa Fe County Public Works will require a construction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



Daniel "Danny" Mayfield  
*Commissioner, District 1*

Virginia Vigil  
*Commissioner, District 2*

Robert A. Anaya  
*Commissioner, District 3*



Kathleen Holian  
*Commissioner, District 4*

Elizabeth Stefanics  
*Commissioner District 5*

Katherine Miller  
*County Manager*

## MEMORANDUM

**DATE:** April 20, 2012

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

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

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

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

---

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

1. The Land Development Code (Article V; Section 9.7) states that for "subdivisions of twenty-five (25) lots or more, open spaces shall be provided for parks and recreation on a ratio of ten (10) acres per 1,000 residents; provided that no such open spaces shall contain less than one (1) acre per subdivision. Said open spaces shall be of a nature and location suitable for park development". The Tierra Bello Subdivision plans indicate enough acreage has been set aside to meet this requirement, but it is unclear from the plan set if the nature and location of the land is suitable for park development.
2. Open Space staff has reviewed the archaeology report prepared by Ron Winters for "An Archaeological Inventory of 263.84 Acres for the Proposed Tierra Bello Subdivision, West of US Highway 285, Santa Fe County, New Mexico prepared on July 12, 2010. Open Space staff has no comments on this report.

013 B-29

Daniel "Danny" Mayfield  
Commissioner, District 1

Virginia Vigil  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

October 23, 2012

TO: Vicki Lucero, Development Review Team Leader  
FROM: Karen Torres, County Hydrologist  
RE: CDRC Case # Z/S 08-5440 Tierra Bello Subdivision Final Approval for Phase I – T15N R10E  
Projected Sections 24 & 25

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

**Nature of Project:**

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

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

**History of Review:**

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

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

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

#### Review Comments

##### *1. Resubmission of Properly Stamped Plans*

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

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

##### *2. Address Redline Comments*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Not required for this development

*2.6.8 – The projected population of the subdivision or development.*

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

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

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

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

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

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

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

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

**Conclusions**

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

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

XFINITY Connect

ldplanning@comcast.net

Font Size

**RE: Tierra Bella Subdivision TIA****From :** Afshin Jian, NMDOT <Afshin.Jian@state.nm.us>

Mon, Oct 22, 2012 06:34 PM

**Subject :** RE: Tierra Bella Subdivision TIA**To :** Morey <Morey@walkerengineering.net>, Jeremy Lujan, NMDOT  
<Jeremy.Lujan@state.nm.us>**Cc :** 'Vicki Lucero' <vlopez@co.santa-fe.nm.us>, Danny Martinez <ldplanning@comcast.net>

Hi Morey,

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

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

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

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

Please let me know if you have any questions.

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

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

Afshin,

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

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

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

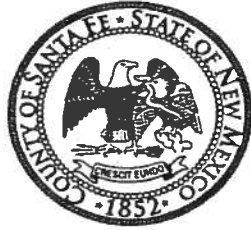
Thank you for your response.

OB B-34

Daniel "Danny" Mayfield  
Commissioner, District 1

Virginia Vigil  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

## Santa Fe County Fire Department Fire Prevention Division

### Official Submittal Review

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

**Project Status**    Approved     Approved with Conditions     Denial

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

#### Summary of Review

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

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

### Fire Department Access

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

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

- **Fire Access Lanes**

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

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

- **Roadways/Driveways**

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

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

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

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

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

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

▪ **Street Signs/Rural Address**

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

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

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

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

▪ **Slope/Road Grade**

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

Slope shall not exceed 11%.

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

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

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

OB B-37

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

## Fire Protection Systems

### ▪ Hydrants

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

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

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

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

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

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

All hydrants shall have NST ports.

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

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

## General Requirements/Comments

- **Inspections/Acceptance Tests**

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

- **Permits**

As required

## Final Status

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

*Tim Gilmore, Inspector*




Code Enforcement Official

4-25-12  
Date

Through: David Sperling, Chief/Fire Marshal

File: DevRev/EL/TierraBello/042412

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



STATE OF NEW MEXICO  
OFFICE OF THE STATE ENGINEER  
SANTA FE

Scott A. Verhines, P.E.  
State Engineer

April 9, 2012

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  
Development Review Team Leader  
Santa Fe County  
P.O. Box 276  
Santa Fe, NM 87504-1985

**CERTIFIED MAIL**  
**RETURN RECEIPT**  
**REQUESTED**

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

Dear Ms. Lucero:

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

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

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

Sincerely,

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

Encl.

cc: OSE Water Rights Division, Santa Fe Office

OB B-40

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

**DATE:** April 9, 2012  
**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

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**SUMMARY**

On March 16, 2012 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 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 and October 28, 2011. For details, please refer to these letters.

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

The revised 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 6.6.2 of the Code and Section 47-6-11.F.(1) of the Act. Accordingly, a **negative** opinion should be issued.

OB B-41

#### **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 water use:

- Outdoor irrigation is computed assuming 400 square feet of Bermuda grass (Table 1. Water Use Projection). This does not coincide with the Water Conservation Restrictions on Water Use which limited outdoor irrigation to 800 square feet watered with rainwater or recycled gray water.
- Under Item No. 4 of the Disclosure Statement the developer states that water use is limited to 0.25 acre-feet per annum. This does not coincide with Item No. 5 of the Disclosure Statement which states "*each household within the Eldorado subdivision uses approximately 0.80 acre feet of water per year*".

It is recommended that the developer amended the Water Budget and the Disclosure Statement to reflect the proper assumptions made in quantifying the maximum water demand. These assumptions should be consistent throughout the proposal.

#### **WATER AVAILABILITY ASSESSMENT**

The proposed water supply is by the Eldorado Area Water and Sanitation District (EAWSD). The proposal contains an agreement between the developer and EAWSD to provide water service at a rate of 18.25 acre-feet per year at full development.

EAWSD filed an application with the OSE for an additional Point of Diversion (POD) on May 3, 2011. The proposed POD will increase EAWSD's diversion capacity, which may be necessary to ensure sufficient ability to meet existing and proposed demands. This POD was granted an emergency authorization to divert water for the summer of 2011 and expired on October 1, 2011.

The May 3, 2011 application had been protested (which has been withdrawn) and is currently awaiting a determination from the OSE's Water Rights Division (WRD). Since the application is pending, the developer cannot currently furnish water in sufficient quantity to fulfill the maximum annual water requirement for Phase 1. Once the WRD determines the outcome of the application, this may change. However, the OSE does not have the authority to make a conditional determination based on a potential future action.

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

OBB-42

water availability at this time. This office is prepared to re-evaluate the reference proposal when the necessary water rights applications have been completed.

OB B-43





December 11, 2012

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

Re: Tierra Bello Subdivision

Dear Ms Lucero:

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

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

Sincerely,

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

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

OB B-44



BILL RICHARDSON  
Governor

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



RON CURRY  
Secretary  
JON GOLDSTEIN  
Deputy Secretary  
CARLOS ROMERO  
Director

December 30, 2008

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

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

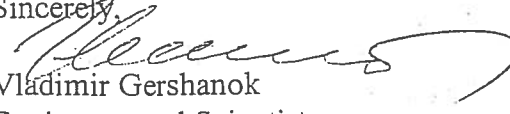
Dear Mr. Catanach:

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

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

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

Sincerely,

  
Vladimir Gershanok  
Environmental Scientist

cc: Robert Italiano  
Reading file

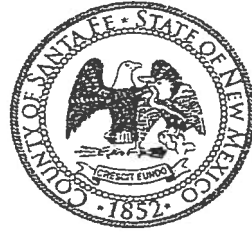
0BB-45

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Harry B. Montoya  
Commissioner, District 1

Virginia Vigil  
Commissioner, District 2

Michael D. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

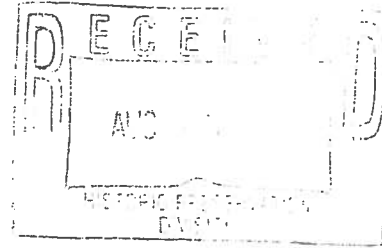
Liz Stefanics  
Commissioner, District 5

Roman Abeyta  
County Manager

July 28, 2010

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

089993



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

Dear Ms. Ensey:

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

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

Sincerely,

Vicki Lucero  
Development Review Team Leader

No Historic Properties Affected. 8/31/10

Michelle Ensey  
for NM State Historic Preservation Officer

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

OB B-46

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

**Disclosure Statement**

REVISED FEBRUARY 17, 2013

Tierra Bello Subdivision

Disclosure Statement

For all Subdivisions containing Five (5) or more Parcels



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

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

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

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

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

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

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

1. **Name of Subdivision**

Tierra Bello Subdivision

2. **Name & Address of developer**

Cow Springs Land & Cattle

Joseph & Alma Miller

286 Riverbank Road

Lamy, New Mexico 87540

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

Not applicable

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

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

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

2.972 Acres

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

2.750 Acres

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

Not Available

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

8. **Financing Terms**

Not Available

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

Cow Springs Land and Cattle

Joseph & Alma M. Miller

286 Riverbank Road

Lamy, New Mexico 87540

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

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

**11. Condition of Title**

Free and clear title, fee simple.

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

Not Applicable

**13. Escrow Agent**

Not Available

**14. Utilities Estimated Costs**

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

**15. Installation of Utilities**

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

**16. Utility Location**

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

**17. Water Availability**

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

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

Eldorado Area Water and Sanitation District.

19. **For Subdivisions with Individual Domestic Wells or Shared Wells**

Individual private wells are not permitted within Tierra Bello Subdivision.

20. **Life Expectancy of the Water Supply**

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

21. **Surface Water**

No surface irrigation water rights are available.

22. **Water Quality**

Refer to Eldorado Area Water and Sanitation District

23. **New Mexico Environmental Departments Opinion on Water Quality**

Refer to Eldorado Area Water and Sanitation District

24. **Liquid Waste Disposal**

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

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

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

25. **New Mexico Environmental Department Opinion on Liquid Waste Disposal**

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



26. **Solid Waste Disposal**

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

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

Not available

28. **Terrain Management**

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

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

Not available

30. **Subdivision Access**

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

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

No access driveway permits onto US Highway 285 are required.

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

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

33. **Adverse Conditions**

None

34. **Recreation Facilities**

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

35. **Construction Guarantees**

Not applicable

36. **Fire Protection**

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

37. **Police Protection**

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

38. **Public Schools**

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

39. **Hospitals**

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

40. **Shopping Facilities**

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

41. **Public Transportation**

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

42. **Completion Dates**

Not available.

**Sub-dividers:**

By: \_\_\_\_\_  
Joseph Miller, Trustee  
Cow Springs Land & Cattle

**Acknowledgement**

State of New Mexico )  
                                  )SS  
County of Santa Fe   )

The foregoing was acknowledged before me by Joseph Miller, trustee of the Cow Springs Land & Cattle, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**DECLARATION OF RESTRICTIVE COVENANTS**

**FOR:**

**TIERRA BELLO SUBDIVISION**

**KNOW ALL PERSONS BY THESE PRESENTS:**

**ARTICLE 1: DECLARATION**

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

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

**ARTICLE 2: DEFINITIONS**

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

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

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

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

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

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

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

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

### **ARTICLE 3: DURATION**

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

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

### **ARTICLE 4: SEVERABILITY**

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

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

### **ARTICLE 5: PERMITTED USES**

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

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

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

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

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

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

#### **ARTICLE 6: PROHIBITIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

**6.12. "Access to Lots"** - All Lots will be accessed from interior roads within the subdivision. No Lot may be accessed directly from Spur Ranch Road or Avenida de Compadres Road. No direct access for owners or the general public will be allowed into interior roads of neighboring subdivisions. (Tierra Colinas Subdivision)

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

**ARTICLE 7: CONSTRUCTION**

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

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

7.3. All Utilities shall be underground.

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

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

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

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

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

OB B-59



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

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

#### ARTICLE 8: ARCHITECTURAL COMMITTEE

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

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

Position 1: Architect or Owner of Declarant' choice

Position 2: Cathy Miller

Position 3: Danny Martinez

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

Position 1: Three (3) years

Position 2: Two (2) years

Position 3: One (1) year

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

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

OBB-60

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

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

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

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

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

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

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

OB B-1e1

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

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

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

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

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

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

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

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

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

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

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

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

#### **ARTICLE 9: COMMON SCHEME RESTRICTIONS AND REQUIREMENTS**

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

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

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

#### **9.4. LANDSCAPING.**

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

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

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

#### **9.6. GARAGES AND PARKING OF VEHICLES.**

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

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

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

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

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

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

**9.7. ANTENNAS, WIND GENERATORS, AND TOWERS.**

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

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

**9.8. HOME OCCUPATIONS.**

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

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

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

**9.10. LOT SPLITTING AND CONSOLIDATION.**

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

**9.11. WAIVER OF PROVISION.**

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

**ARTICLE 10: COMMON EASEMENTS: USES; RESTRICTIONS**

**10.1. COMMON EASEMENTS.**

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

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

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

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

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

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

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

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

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Subdivision, common post office boxes or other receptacles for the delivery to the United States mail to Lots, and similar improvements.

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

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

#### **ARTICLE 11: THE ASSOCIATION**

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

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

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

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

#### **ARTICLE 12: ASSESSMENTS**

**12.1. MUTUAL COVENANTS TO PAY ASSESSMENTS.** Each Owner, by acceptance of a deed to a Lot or a contract of sale therefore, covenants and agrees with

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other Owners and with the Association, to pay all assessments levied by the Association against such Owner's Lot, as provided under this Declaration or the Bylaws. The Declarants, at the Declarants sole option, will be exempt from any annual or special assessment fees. Until such time that the Bylaws are adopted assessments will be levied by the consent of 60% of the Owners.

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

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

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

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



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

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

#### **ARTICLE 13: DUTIES AND RESPONSIBILITIES OF OWNERS**

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

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

#### **ARTICLE 14: RESPONSIBILITIES OF ASSOCIATION**

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

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

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

#### **ARTICLE 15; GENERAL PROVISIONS**

**15.1.** The Association (acting by and through the Board), Declarants and an Owner shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by a party to enforce any covenant or restriction herein contained shall in no event be deemed to be a waiver of the right to do so

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thereafter. Anything foregoing notwithstanding, the prevailing party (ies) in any action brought to enforce the provisions of this Declaration shall be entitled to recover all costs, expenses and reasonable attorneys fees incurred in such action.

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

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

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

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

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

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

\_\_\_\_\_  
Joseph F. Miller

\_\_\_\_\_  
Alma M. Miller

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**ACKNOWLEDGMENTS**

STATE OF NEW MEXICO )  
                                  )  
COUNTY OF SANTA FE )

This instrument was duly acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2013,  
by Joseph F. Miller.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My commission expires

STATE OF NEW MEXICO )  
                                  )  
COUNTY OF SANTA FE )

This instrument was duly acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2013,  
by Alma M. Miller.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My commission expires

OBB-10

County Land Use Administrator

12 September, 2012


P.O. Box 276

Santa Fe, NM 87504-0276

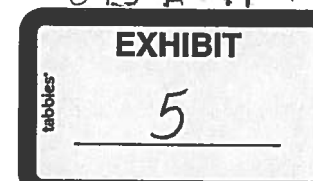
I strongly object to the approval of CDRC Case# Z 08-5440. Putting what essentially is a trailer park in a well established stick built community goes against the entire concept of community development—it would be like putting a trailer park in Las Campanas. Of course that would never happen because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

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

Please do not approve Tierra Bello.

Sincerely,  
  
Amelia Carson

466-0091



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

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

**To:** Liz Stefanics

**Subject:** Joe Miller's Tierro Bello(sp)

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

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Vicki Lucero

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

Dear Ms. Lucero and County Development Committee:

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

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

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

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

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

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

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

[shouckross@aol.com](mailto:shouckross@aol.com)

**Vicki Lucero**

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

Ms. Lucero,

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

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

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

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

t) 466-0844



**Vicki Lucero**

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

Dear Ms. Lucero and other interested parties,

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

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

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

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

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

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

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

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

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

Thanks,

Dawn Gwin  
Secretary/Treasurer  
Tres Cientos Homeowners Association

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

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

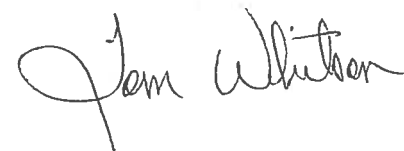
Our major concerns include availability of sufficient water, road maintenance, dust control, architectural requirements, and horses on the property. With the large number of small lots proposed and the limited water in the area what kind of impact will the new development have? What provisions are being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

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

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

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

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



OB B-78

Vicki Lucero

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Danny Martinez

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

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

**IV. APPROVAL OF MINUTES**

**A. June 17, 2010 Regular Meeting Minutes**

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

**V. FINAL ORDER**

**CDRC CASE # DP 09-5130 Zia Credit Union Final Development**

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

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

**VI. NEW BUSINESS**

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

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

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

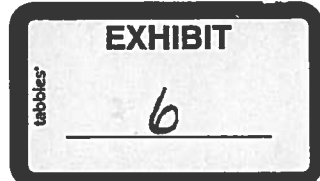
*Exhibit 3: Tierra Bello - Declaration of Restrictive Covenants*

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

Ms. Lucero provided her staff report as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DB B-86

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

He requested the CDRC deny the application.

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

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

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

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

OB B-90



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

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

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

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

Duly sworn, Richard Lyndale, Eldorado, said the application was incomplete and should not be acted on. The applicant is not in compliance with the affordable housing ordinance and the application should be denied.

That concluded the public input and Mr. Miller and his agent were permitted to rebut.

Mr. Miller said the public testimony was filled with misinformation. He suggested that one of the roads in question was an easement rather than a road. The mobile homes in Cimarron were placed there because the County would not allow anything else. Once the County gives him approval to move forward he'll move the trailers off the land. He said the County has raked him over the coals and he is treated differently than other developers. He mentioned that in the past he has had to run the County off his property and told them to come back with a warrant. He said the court found that the County violated his civil rights and since that time he has not been able to get anything approved.

Mr. Miller said he has had a rotten time working with Santa Fe County and the County will not let him do a thing with his property. He mentioned the gravel he supplied to the Highway Department.

Mr. Miller said the proposal he has before the CDRC is where the market is right now and while it's not what they originally wanted this is what they are requesting.

Mr. Martinez said they knew this would be a battle because the community would not want "substandard homes not comparable to theirs" and Mr. Miller is willing to adjust the covenants and work to satisfy some of the concerns raised by the community. He said they were prepared to work with County staff, revise the CC&Rs and meet today's market standards.

OB B-91



Chairman Romero said before an application comes to the CDRC, the County as well as other agencies reviews the proposal. He offered that he grew up in a trailer for the first 15 years of his life and he has many friends living in trailers.

Member DeAnda asked whether the January 2010 OSE's negative opinion was the most recent. Ms. Lucero said this application has changed and the January letter was in response to a mobile home park. That application is no longer on the table, the OSE's review of the current proposal is not negative and is included in the Committee's packet. There are issues regarding the water system that will need to be addressed but the OSE's opinion was not negative.

Member DeAnda said the CC&Rs [*Exhibit 3*] were ambiguous and the affordable housing ordinance requirements should be integrated within the subdivision plan. She said the issues raised regarding traffic and the sewage system were important and need to be addressed.

Member DeAnda said she was inclined to table the proposal pending additional information.

Chair Romero said the applicant did address the issues appropriate for master plan level.

Member Salazar pointed out that the OSE's letter references a 2009 memo which states the Eldorado Utility has had difficulty providing adequate water service. He asked whether it was appropriate for County staff to pursue answers to the concerns raised by the OSE.

Ms. Cobau said staff has actively been seeking information on the Eldorado utility's viability as a water provider for the past five years. According to reports prepared by experts in hydrology and reviewed by County staff, it has been ascertained that the utility was able to provide water to their current customers. Subdivisions will be required to transfer water rights in a sufficient amount to the utility.

Member Salazar said the application lacked information and he was not comfortable approving the plan. The affordable housing and density components need to be fleshed out. He said someone from the County's affordable housing department needs to be present to discuss the compliance alternatives that the applicant proposed.

Member Salazar raised concerns about sustainability in the plan regarding alternative energy, gray water, rainwater harvesting, etc. The plan appears to be from 20 years ago when conditions were different. A distinction between manufactured and mobile homes is required. He agreed with Member DeAnda that it was appropriate to table it.

Ms. Lucero said an archaeological study has been submitted and the County is awaiting SHPO comments.

Member Dayton said he was concerned about the affordable housing issue and the road access issue.

OB B-92

Member C. Gonzales said he didn't understand the litigation Mr. Miller described. He said he wanted to see gray water harvesting, screening with landscaping, and CC&Rs. He suggested restricting the age of mobile homes to resolve the issues and finally the lease, rent or sale of the property was vague.

Member JJ Gonzales said there were a lot of questions that haven't been answered and he agreed with the other members. He said he appreciated how hard the affordable housing ordinance was on developers.

Chair Romero said he hopes the developer and his agent will answer the questions the community and CDRC has raised. He urged them to be good neighbors and meet with the community a few more times.

Chair Romero moved to table CDRC Case Z 08-5440. His motion was seconded by Member DeAnda and passed by unanimous [6-0] voice vote.

[The CDRC recessed from 6:55 to 7:05]

Chair Romero requested that Tierra Bello be placed last under Old Business at the next meeting.

~~E. **CDRC CASE # V10-3032 Gerald Medina Variance.** Gerald Medina, Applicant, requests a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow a Land Division of 4.95 acres into two lots. The property is located at 312 C Rabbit Road, within Section 10, Township 16 North, Range 9 East, (Commission District 4).~~

Mr. Dalton presented the staff report as follows:

~~"The applicant, requests a variance of Article III, Section 10, Lot Size Requirements, of the Land Development Code to allow a Land Division of 4.9587 acres into two 2.475 acre lots. Article III, Section 10 states the minimum lot size in the area is 2.5 acres with water restrictions.~~

~~"The property currently has an accessory structure and no dwelling units. The property is located in the Basin Hydrologic Zone where lots can be administratively divided to a minimum of 2.5 acres with water restrictions, as previously noted. The proposed lot size of 4.9587 acres is just below the Code required 5.0 acres needed to subdivide this lot administratively. In order to process this request administratively an additional 1,799 square feet of property would be required. The applicant has approximately 99.1 percent of the required area."~~

DB B-93

~~Member Katz asked for a friendly amendment that the building sign be reduced from 144 square feet not to exceed 105 square feet, splitting the difference between the proposed size and the recommended maximum of 70 square feet. The motioner and seconder accepted the condition, as did Mr. Kost.~~

~~The motion as amended carried by unanimous [6-0] voice vote.~~

~~Mr. Larrañaga verified that the wall-mounted sign cannot exceed 105 square feet and the pole-mounted sign cannot exceed 12 feet, and stated a variance was still required. Ms. Brown confirmed that the approval included both variances.~~

VII. E. **CDRC CASE # Z/S 08-5440 Tierra Bello Subdivision. Joseph Miller, Applicant, Danny Martinez, Agent Requests Master Plan Zoning Approval for a 73-Lot Residential Subdivision on 263.769+ Acres and Preliminary and Final Plat and Development Plan Approval for Phase 1, Which Will Consist of 9 Lots. The Property is Located at the Northeast Intersection of Avenida de Compadres and Spur Ranch Road, South of Avenida Eldorado in Eldorado, within Sections 24 and 25, Township 15 North, Range 9 East, Commission District 5 [Exhibit 5: Staff Memo from County Hydrologist; Exhibit 6: Staff Memo from Public Works]**

Ms. Lucero read the caption and gave the following staff report:

“On July 22, 2010, a request was presented to the CDRC by the Applicant for Master Plan Zoning approval for a 73-lot residential subdivision known as Tierra Bello. The decision of the CDRC was to table the request to allow the applicant to address issues regarding affordable housing, water availability and access and traffic.

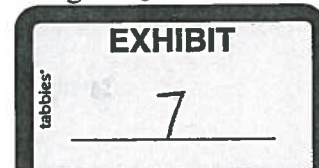
“The Applicant has since signed an Affordable Housing Agreement with Santa Fe County in which the Applicant has agreed to provide 15% affordable housing in accordance with Ordinance No. 2012-1.

“In regards to water availability, a positive recommendation was issued by the County Hydrologist. The OSE, however has not issued a favorable response. The response given by the OSE was with regard to the point of diversion, which is the same as the previous case heard, Spirit Wind.

“In regards to access and traffic, the NMDOT has issued a positive recommendation. The County Public Works Department – a new memo was just handed out which issues a positive recommendation with conditions. [Exhibit ???]

“The Applicant has modified his request since the last CDRC meeting. The request is still for Master Plan Zoning approval for a 73-lot residential subdivision on 263.769 acres. However, in addition to this, the Applicant is now requesting

OB B-94



Preliminary and Final Plat and Development Plan Approval for Phase 1, which will consist of nine lots.”

Ms. Lucero stated staff recommended approval of the request for master plan zoning approval for a 73-lot residential subdivision and preliminary and final plat and development plan approval for Phase 1, which will consist of nine lots subject to the following staff conditions:

1. The Applicant shall comply with all review agency comments and conditions, Article V, Section 7.1.3.c.
2. Conditions as stated in the memo from the Public Works Department shall be addressed prior to this case being heard by the BCC.
3. Master Plan and Final Plat and Development Plan, with appropriate signatures, and subdivision covenants and final disclosure statement shall be recorded with the County Clerk, as per Article V, Section 5.2.5 and Section 5.4.5.
4. The Applicant shall submit a financial guarantee, in a sufficient amount to assure completion of all required improvements. The financial guarantee shall be based on a county approved engineering cost estimate for the completion of required improvements as approved by staff prior to Final Plat recordation. All improvements shall be installed and ready for acceptance within eighteen months as required by Article V, Section 9.9.

Member Katz said he was confused by the fact staff was recommending preliminary and final approval, while the County Hydrologist seemed to approve only the master plan. Ms. Lucero said the memo handed out was an earlier memo; the latest is in the packet. Her last communication with the OSE indicated they were approving, but due to the short timeframe staff was unable to get anything in writing.

Legal counsel for the project, Ron Van Amberg stated this project has been in the works for ten years. It received final plat approval in 1986 but that expired. It is the second half of the project; the first was Tierra Colinas. The current application reflects work by County staff, the mediator, Robert Rambo and Mr. Miller. Mr. Van Amberg noted he has heard from the neighbors who request a tabling to give them time to go over the new covenants. He added there will be a two-month hiatus before the application goes to the BCC which will allow time for the neighbors to review the covenants and meet with Mr. Miller and Danny Martinez, his agent.

Mr. Van Amberg pointed out Tierra Bello will not have mobile homes, which are regulated by HUD but rather modular homes which are under the same jurisdiction as stick-built homes. Modular adds to the affordability.

He said initially 60 percent of Los Compadres Road will be basecoursed. Ultimately it will be paved.

Contrary to rumors, the water company does have the capacity and water rights to serve the project. Mr. Van Amberg referred to Exhibit 7, *Water Notes*, issued by the Eldorado Area Water & Sanitation District which established its capacity which is great enough to accommodate more development. There is an adequate cushion to serve current and future customers. He mentioned Well #18 has been approved by the OSE as a

OB B-95

point of diversion and will be functioning soon now that the easement with PNM has been settled. The well cost around \$1 million and produces 500 to 700 gallons per minute and is in a separate aquifer from the Galisteo Basin. He added consumption has decreased over the years due to increased conservation. "The impact of the Miller subdivisions will effectively be negligible. Mr. Miller has given five wells and the associated water rights to the EAWSD.

Turning to Exhibit 8, Mr. Van Amberg explained the agreement with the County regarding water supplies and infrastructure, which further assures adequate water resources as backup. Exhibit 9 refers to a partial license signed by the State Engineer. Mr. Van Amberg reviewed the history of water pumping in Eldorado.

Member Katz referred to recent developments causing the BDD to curtail diversion due to drought. "Rights are very nice, but what happens if it doesn't rain?" Mr. Van Amberg stated that the bulk of the water in that particular aquifer is not dependent on rain or runoff.

Previously sworn, Danny Martinez reiterated this has been a long process and they are committed to comply with the Land Use Code. He thanked staff for their continuing help and expressed his commitment to work with the neighbors.

Noting this was tabled two years ago Chair Gonzales asked what has changed in that time. Mr. Martinez stated the number of lots and phases have not changed. In deference to the neighbors they have eliminated manufactured homes – single-wide, double-wide and triple-wide. However, modular homes remain. Average lot size is 3+ acres, which is greater than the average in Eldorado, although neighboring developments are mandated to have larger lots. An affordable housing agreement has been arrived at that will allow a good portion of the 13 required affordable lots to be transferred to the future Cimarron Village Subdivision where wastewater treatment will be available. This subdivision will have four units in Tier 4.

Mr. Martinez stated water has been established and hydrants are in place. Natural gas has been extended to Tierra Colinas at no cost.

Chair Gonzales asked about farm animals and Mr. Martinez said they will not be allowed. Chickens are prohibited and pets limited.

Member Anaya asked what effect that restriction would have on 4-H participants. Mr. Martinez said the community does not seem to want to have farm animals and they are acquiescing to that preference. Citing the CC&Rs, Member Drobnis said household pets include birds; since chickens are birds it appears they are not excluded. Mr. Martinez said fine-tuning remains on the covenants.

County Hydrologist Torres reviewed the data she analyzed regarding the well capacity vis-à-vis demand. Her analysis did not include the Lamy wells which are shallow and subject to drought conditions. She found there was sufficient capacity even during high-pumping months.

Member Anaya asked how many monitoring wells were present. Ms. Torres stated she believed there were three, however, they are not on the USGS database. She explained there are two systems – the Lamy well and the central wellfield, which are independent from one another. She explained that as backup, a water line is being planned to bring Buckman water to the area. Eldorado has agreed to be a customer for up to 50 acre-feet a year as a supplemental supply.

Duly sworn, Ann Bitter, past president of the Tierra Colinas Homeowners Association, said she has been convening meetings for two or three years to discuss incoming developments. In that time the County has placed great emphasis on communication. She said the community has not had time to review the latest material due to the holidays. She first saw the amended covenants was on January 9<sup>th</sup> which did not afford the time for a meeting. Additionally, in that time the County's computer system was down. She asked that the case be tabled until the February meeting. She said they would be very happy to meet with Mr. Rambo as mediator since the last meeting with the developers did not go well.

Ms. Bitter recognized compromises made, stating they had no problem with modular homes as long as they are stuccoed. They appreciate that horses are excluded and that design standards are in place. They are also pleased with the affordable housing agreement. Concerns remaining to be addressed concern roads and traffic. Addition time will allow for greater consensus.

Noting that there were people from the Spirit Wind hearing that felt they were not allowed a chance to speak, Member Katz said that rather than go through the public hearing he would prefer to table and re-open the public hearing in February, and so moved. Member Martin seconded and the motion carried by 4-2 voice vote with Members Katz, Martin, Drobnis and Gonzales voting in favor and Members Anaya and Valdez voting against.

~~VIII. PETITIONS FROM THE FLOOR~~

~~None were offered.~~

~~IX. COMMUNICATIONS FROM THE COMMITTEE~~

~~Member Martin asked that her vote on the Spirit Wind case be changed from aye to nay.~~

~~X. COMMUNICATIONS FROM THE ATTORNEY~~

~~None were presented.~~

V. APPROVAL OF THE MINUTES: January 17, 2013

Chairman Gonzales stated he found a few typos, which were corrected by the recorder.

Member Martin moved to approve the minutes. His motion was seconded by Member Katz and passed by unanimous [5-0] voice vote with Member DeAnda abstaining.

VI. APPROVAL OF CONSENT CALENDAR

A. Final Orders

1. CDRC CASE # ACCS 12-5390 Leeto Raivo & Holly Alsobrook Accessory Structure. Leeto Raivo and Holly Alsobrook, Applicants, Requested Approval of a 2,400 Square Foot Accessory Structure to be Utilized as a Barn on 5.0 Acres. The Property is Located At 61A Hillside Road in Edgewood, Within Section 19, Township 10 North, Range 7 East, (Commission District 3). Approved 6-0, John Lovato

Member Katz moved approval and Member Martin seconded. The motion passed unanimously. [6-0]

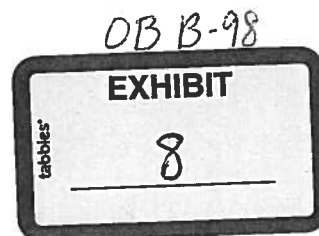
- VI. A. 2. CDRC CASE # MIS 12-5440 Perla Rascon. Perla Rascon, Applicant, Requested the Recognition of a 0.95-Acre Parcel as a Legal Lot of Record. The Property is Located At 65B Loma Vista Road, in the Vicinity of La Puebla, Within Section 4, Township 20 North, Range 9 East (Commission District 1) Approved 6-0 John Lovato

Upon motion by Member Martin and second by Member Katz this final order was unanimously [6-0] approved.

VII. OLD BUSINESS

- A. CDRC CASE # Z/S 08-5440 Tierra Bello Subdivision. Joseph Miller, Applicant, Danny Martinez, Agent, Requests Master Plan Zoning Approval for a 73-Lot Residential Subdivision on 263.769 Acres + and Preliminary and Final Plat and Development Plan Approval for Phase 1, Which Will Consist of Nine Lots. The Property is Located at the Northeast Intersection of Avenida de Compadres and Spur Ranch Road, South of Avenida Eldorado in Eldorado, within Sections 24 And 25, Township 15 North, Range 9 East (Commission District 5)

Vicki Lucero read the caption and gave the staff report as follows:



“On January 17, 2013, the CDRC met and acted on this case. The decision of the CDRC was to table the request to allow the community to review and discuss the most current information as submitted by the Applicant, and to allow the Applicant and mediator to meet with members of the community in regards to the proposed development. A meeting was held on February 5<sup>th</sup> between the Applicant and members of the community. Robert Rambo, who is a court mediator and facilitated the meeting is here to address any questions regarding that meeting.

“The Applicant is requesting Master Plan Zoning approval for a 73-lot residential subdivision which will be completed in eight phases. He is also requesting Preliminary and Final Plat and Development Plan Approval for Phase 1, which will consist of nine lots.”

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

1. The Applicant shall comply with all review agency comments and conditions, Article V, Section 7.1.3.c.
2. Conditions as stated in the memo from the Public Works Department shall be addressed prior to this case being heard by the BCC.
3. Master Plan and Final Plat and Development Plan, with appropriate signatures, and subdivision covenants and final disclosure statement shall be recorded with the County Clerk, as per Article V, Section 5.2.5 and Section 5.4.5.
4. The Applicant shall submit a financial guarantee, in a sufficient amount to assure completion of all required improvements. The financial guarantee shall be based on a county approved engineering cost estimate for the completion of required improvements as approved by staff prior to Final Plat recordation. All improvements shall be installed and ready for acceptance within eighteen months

Chairman Gonzales noted that the public requested tabling at the last meeting and he asked Ann Bitter to give a recap of what had happened in the intervening month.

Duly sworn, Ann Bitter from the board of the Tierra Colinas Homeowners Association thanked the committee for the extra time. She said Jim Garland from Spur Ranch Road had a meeting with Mr. Martinez regarding maintenance of that road. There was a two-hour meeting with Mr. Rambo, Mr. Miller and Mr. Martinez to go over issues. She characterized it as a productive meeting.

Member Drobnis asked if the community members had time to go over the CC&Rs. Ms. Bitter indicated a revised set of revised covenants was formulated by Mr. Martinez.

OBB-99



Jim Garland, under oath, said he represented the Spur Ranch Road Corporation comprised of four subdivisions with 71 residences and 51 vacant lots. The dues range from \$200 to \$275 for residences and \$100 for vacant lots. This organization is serving as a coordinating body for community concerns. He was pleased that mobile homes were not allowed and that a homeowners association would be formed. However, issues of road maintenance and minimum square footage were not addressed.

He showed an area map, noting that Tierra Bello is comparable in size to the other subdivisions but is much denser. This will constitute a great burden on police, fire and water services in the area.

Turning to the new CC&Rs, Mr. Garland said there are problems on every page. [Exhibit 1] For instance the minimum square footage was changed to 1,800 square feet, but includes the garage, which brings it back to the originally proffered square footage. He called this a "deceptive move." The lengthy new covenants became available only last week. He said given Mr. Miller's history the community needs to go over the new document with a fine-tooth comb.

Mr. Garland said he understood that Mr. Miller feels he has an agreement for water delivery, but the Eldorado Area Water and Sanitation District (EAWSD) still does not have a backup water source at this point.

Regarding Spur Ranch Road, Mr. Garland speculated that the residents of Tierra Bello would prefer to use this road and should share maintenance expense. He noted Mr. Miller plans to improve some roads as development proceeds. The status of connectors between Tierra Colinas and Tierra Bello remains to be determined. There are drainage problems and on occasion some of the roads become impassable. He said Mr. Miller should be responsible for bringing the roads up to standard.

Mr. Garland asked that the project be tabled again to give the community a chance to review the new covenants, which he described as poorly organized, confusing and ambiguous.

Member DeAnda asked how Spur Ranch Road was currently maintained. Mr. Garland said the association maintains it through voluntary dues.

Duly sworn, Duncan Sibley, a PhD geologist from Eldorado stressed it was not known how much groundwater was actually available in the area. EAWSD is motivated to sell all the water they can to cover bond expenses. The County is building a pipeline to Canoncito but there is no agreement with Eldorado. At this point it is not a renewable resource. He said it would be prudent to get an alternate source of water before allowing new subdivisions. He urged a delay of several years.

Under oath, Jerry Cooper, the director of EAWSD said the previous speaker's remarks were only opinions. They are working to add more production and are coming to agreement on the County pipeline. They are drawing less water than they are entitled to by water rights. They are able to meet current needs except at times of peak demand. He said they have 800 afy capacity and consume around 550 afy.

In response to questions from Member DeAnda, Ms. Lucero said staff still has not received comments from the State Engineer's Office. As with the Spirit Wind

OB B-100

Subdivision, County Hydrologist Karen Torres gave a positive report on the water availability. Member DeAnda asked if it was possible to contravene the review comments given the ready, willing and able letter from the EAWSD and the County Hydrologist. Ms. Lucero said they are to be taken on their face.

Member Anaya asked how many more houses could be served by the EAWSD, based on .5 afy. Mr. Cooper pointed out that the maximum allotment is .25 afy per residence and Eldorado residents only use 70 to 80 percent of that, encouraged by the graduated rate structure.

Disclosing that he lived in the Eldorado area and was served by the EAWSD, Member Drobni asked about the possible future agreement with the County. Mr. Cooper said the MOU has to do with accepting the will-serve letters; it is not about water. However, they are working with the County about purchasing bulk water from the new pipeline. The discussions are active.

Mr. Garland mentioned that he is a member of the water district. Scientific disagreement is possible about the 100-year justification and different people come to different opinions about the reliability. He said it was necessary to rely on the experts.

Duly sworn, Henry Lanman recalled that recently there was a moratorium on building due to water shortage. Now there seems to be plenty of water in Eldorado although drought conditions prevail. He said most sources of water seem to be down, and everyone's property will become worthless if the water is gone. He noted many of the wells in La Cienega are going dry. He asked them to keep water in mind when they are considering developments.

Counsel for the applicant, Ron VanAmberg referred to the MOU [Exhibit 2] which refers to the ten-year moratorium. Analysis proved there was sufficient water. The memorandum acknowledges that and the County's negotiations regarding future water supplies from the Buckman Direct Diversion. Further, it says that the County will accept EAWSD's will-serve letters for the next three years without further technical review. He said there is a considerable cushion in the water supply. Tierra Bello will require 19+ afy.

Member DeAnda asked what will happen after the three years referred to in the MOU. Mr. VanAmberg said apart of the recognition of sufficient water there is mention of the good faith negotiations regarding the pipeline as backup. After three years the County can review acceptance of the will-serve letters.

Under oath, agent Danny Martinez pointed out the community meetings yielded eight pages of notes from Mr. Rambo for suggestions in improving the CC&Rs. The new covenants are drastically improved in an attempt to satisfy the neighbors' concerns. They were 10 pages and they are now 26 pages long. There is plenty of time to work with the neighbors but it is the responsibility and right of the developer to put the covenants in place. There are strong architectural standards, but they are working to develop homes that are affordable in today's economy.

OB B-101

He noted there are 63 acres of common open space which is above the amount required. The average lot is around three acres. They are more than willing to continue to work on the CC&Rs but there has to be compromise on both sides.

Regarding road maintenance, they will be developing a maintenance agreement for Avenida de Compadres. They are not asking for Tierra Colinas to contribute to maintaining that road, although residents of Tierra Colinas will be using it. He said they have met their commitment to build the necessary roads. Negotiations are underway with the Fire Department about Knox locks on roads between Tierra Colinas and Tierra Bello. He disagreed with Mr. Garland's contention that new residents would be using Spur Ranch Road. He reiterated they are open to negotiations but there has to be compromise.

Mr. Martinez said a tabling was not necessary; dialogue can continue.

Saying he appreciated the efforts to work with the neighbors, Member Katz said it did not appear there was sufficient time for the neighbors to review the covenants. Mr. Martinez said making such radical changes took more time than anticipated. They are open to making changes.

Member Drobnis asked to what degree covenants are reviewed by the County. Ms. Brown said they are reviewed only to ensure there are no conflicts with code provisions. Ms. Lucero noted staff received the covenants the day before so they haven't had the time to review them in their entirety but they should be able to do so before the case goes to the BCC.

Member DeAnda asked if the project goes forward meetings would continue in which they could work on the CC&Rs. Mr. Martinez said they are open to that. However, they are constrained in the amount they can change the size of the homes that would take them out of their price range.

Member Anaya moved to approve CDRC Case #Z 08-5440 per staff recommendation. Member DeAnda seconded.

Member Katz said he would prefer a tabling to allow staff time to review the new covenants. Member Drobnis agreed saying well organized, easily understood covenants are essential.

The motion tied 3-3 with Chairman Gonzales, Member DeAnda and Member Anaya voting in favor and Member Martin, Member Katz and Member Drobnis voting against.

Ms. Brown said the case will come back to the next meeting, March 21<sup>st</sup> when the seventh member will be present.

OB B-102



**REQUEST SUMMARY:**

The Applicants request a variance to allow the reconstruction of a driveway to access an existing residence on two parcels totaling 7.33 acres. A permit was issued on June 19, 1998, under permit # 98-823 for a residence and a driveway. The existing access contains grades greater than 15% which exceed access requirements for Fire and Emergency vehicles. The proposed grade would be within fire requirements of 11%

The request would require a variance of Article VII, § 3.41.c.c.i (No Build areas) to allow four (4) separate areas of 30% slope disturbance. The first isolated occurrence is 388 square feet, the second occurrence is 2,801 square feet, the third is 308 square feet, and the fourth is 2,806 square feet. The total combined disturbance is 6,303 square feet.

The Applicants state it is their intent to make their house accessible with a driveway that can be used by emergency vehicles such as ambulance and fire apparatus.

**This Application was submitted on February 5, 2013.**

**Growth Management staff have reviewed this Application for compliance with pertinent Code requirements and finds the project is not in compliance with County criteria for this type of request.**

**APPROVAL SOUGHT:** Approval for a driveway to access an existing residence on two parcels totaling 7.33 acres, which due to site conditions would require a variance of Article VII, § 3.41.c.c.i (No Build Areas) to allow four (4) separate areas of 30% slope disturbance.

**VARIANCES:** Article VII, § 3.41.c.c.i (No Build Areas) of the Land Development Code states: "access for corridors, utility corridors and landscape areas proposed on natural slopes in excess of thirty percent (30%) that disturb no more than three (3) separate areas of no more than one thousand (1,000) square feet each provided the Applicant demonstrates that no alternative development location is available"

Article II, § 3 (Variances) of the County Code states: "Where in the case of proposed development, it can be shown that strict compliance with the requirements of the code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance." This Section goes on to state "In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified".

**GROWTH MANAGEMENT AREA:** El Norte, SDA-2

**HYDROLOGIC ZONE:** Basin Hydrologic Zone, minimum lot size per Code is 10 acres per dwelling. Lot size can be reduced to 2.5 acres per dwelling with signed and recorded water restrictions.

**ACCESS:** State Road 76.

**FIRE PROTECTION:** La Puebla Fire District.

**WATER SUPPLY:** Domestic Well

**LIQUID WASTE:** Conventional Septic System

|                       |               |                       |
|-----------------------|---------------|-----------------------|
| <b>AGENCY REVIEW:</b> | <u>Agency</u> | <u>Recommendation</u> |
|                       | County Fire   | Conditional Approval  |

**STAFF RECOMMENDATION:** Staff acknowledges this request does not meet Code requirements. However, staff feels this could be considered an easing of code requirements due to the proposed driveway being more accessible for emergency vehicles and life safety concerns. Therefore, Staff recommends approval of the Applicants request.

If the decision of the CDRC is to recommend approval of the Applicant's request for a variance, staff recommends imposition of the following conditions:

1. The Applicant must obtain a development permit from the Building and Development Services Department for construction of the driveway. (As per Article II, § 2).
2. The Applicant shall comply with all Fire Prevention Division requirements at time of development application (As per 1997 Fire Code and 1997 Life Safety Code).

**EXHIBITS:**

1. Letter of request
2. Review Agency Comments
3. Article VII, § 3.4.1.c.c.i (No Build Areas)
4. Article II, § 3 (Variances)
5. Plans
6. Site Photographs
7. Aerial of Site and Surrounding Area

NBA-4

Wladimir Senutovitch  
P.O. Box 217  
Santa Cruz, NM 87567

John Lovato  
Santa Fe County  
Land Use Department  
102 Grant Ave  
Santa Fe, NM 87504-0276

January 29, 2013

Letter of Intent

It is my intent to make my house accessible with a driveway that can be used by emergency vehicles such as an ambulance and fire apparatus.

Sincerely,

*Wladimir Senutovitch*  
1/29/13

Wladimir Senutovitch



NBA-5



Daniel "Danny" Mayfield  
Commissioner, District 1

Virginia Vigil  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

## Santa Fe County Fire Department Fire Prevention Division

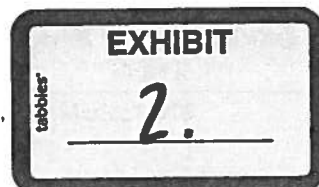
### Official Submittal Review

|                   |   |  |   |
|-------------------|---|--|---|
| Date              | 3/13/13   |  |   |
| Project Name      | Senutovitch, Wladimir                           |  |   |
| Project Location  | 214 and 216 State Road 76 in La Puebla          |  |   |
| Description       | Driveway Improvements – Variance to disturb 30% | Case Manager   | J. Lovato                                   |
| Applicant Name    | Wladimir and Diane Senutovitch                  | County Case #  | 13-5030                                     |
| Applicant Address | P.O. Box 217<br>Santa Cruz, NM 87567            | Fire District  | La Puebla                                   |
| Applicant Phone   | 505-753-8355                                    |  |   |
| Review Type       | Commercial <input type="checkbox"/>             | Residential <input checked="" type="checkbox"/>              | Sprinklers <input type="checkbox"/>         |
|                   | Master Plan <input type="checkbox"/>            | Preliminary <input type="checkbox"/>                         | Final <input type="checkbox"/>              |
|                   | Wildland <input type="checkbox"/>               | Variance <input checked="" type="checkbox"/>                 | Hydrant Acceptance <input type="checkbox"/> |
|                   |   | Inspection <input type="checkbox"/>                          | Lot Split <input type="checkbox"/>          |
| Project Status    | Approved <input type="checkbox"/>               | Approved with Conditions <input checked="" type="checkbox"/> | Denial <input type="checkbox"/>             |

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

#### Summary of Review

- The access road improvements submitted to our office on 2/20/13 have been reviewed and approved. (*page #2*)
- The alternative hammer head turnaround submitted to our office on 3/4/2013 has been reviewed and approved. (*page #2*)
- 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. (*page #2*)
- Upon completion of the permitted work, the Contractor/Owner shall call for a final inspection. (*page #3*)



## 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*

### ▪ 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.*

The access roads improvements submitted to our office on 2/20/13 have been reviewed and approved.

The alternative hammer head turnaround submitted to our office on 3/4/2013 has been reviewed and approved.

### ▪ 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.*

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 shall not exceed 11% slope and shall 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.

To prevent the possibility of emergency responders being locked out, all access gates should 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). Details and information are available through the Fire Prevention office.

A final inspection by this office will be necessary to determine the applicability of the installation of the Knox lock access system in regards to emergency entrance into the fenced area. Should it be found suitable for such, the developer shall install the system.

### **Life Safety**

Fire Protection requirements listed for this development have taken into consideration the hazard factors of potential occupancies as presented in the developer's proposed use list. Each and every individual structure of a private occupancy designation will be reviewed and must meet compliance with the Santa Fe County Fire Code (1997 Uniform Fire Code and applicable NFPA standards) and the 1997 NFPA 101, Life Safety Code, which have been adopted by the State of New Mexico and/or the County of Santa Fe.

### **General Requirements/Comments**

#### **▪ Inspections/Acceptance Tests**

Shall comply with Article 1, Section 103.3.2 - New Construction and Alterations of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

The developer shall call for and submit to a final inspection by this office prior to the approval of the Certificate of Occupancy to ensure compliance to the requirements of the Santa Fe County Fire Code (1997 UFC and applicable NFPA standards) and the 1997 NFPA 101, Life Safety Code.

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**

Official Submittal Review  
3 of 4

NBA-8

Recommendation for VARIANCE approval with the above conditions applied.

*Victoria DeVargas, Inspector*

*Victoria DeVargas*  
Code Enforcement Official

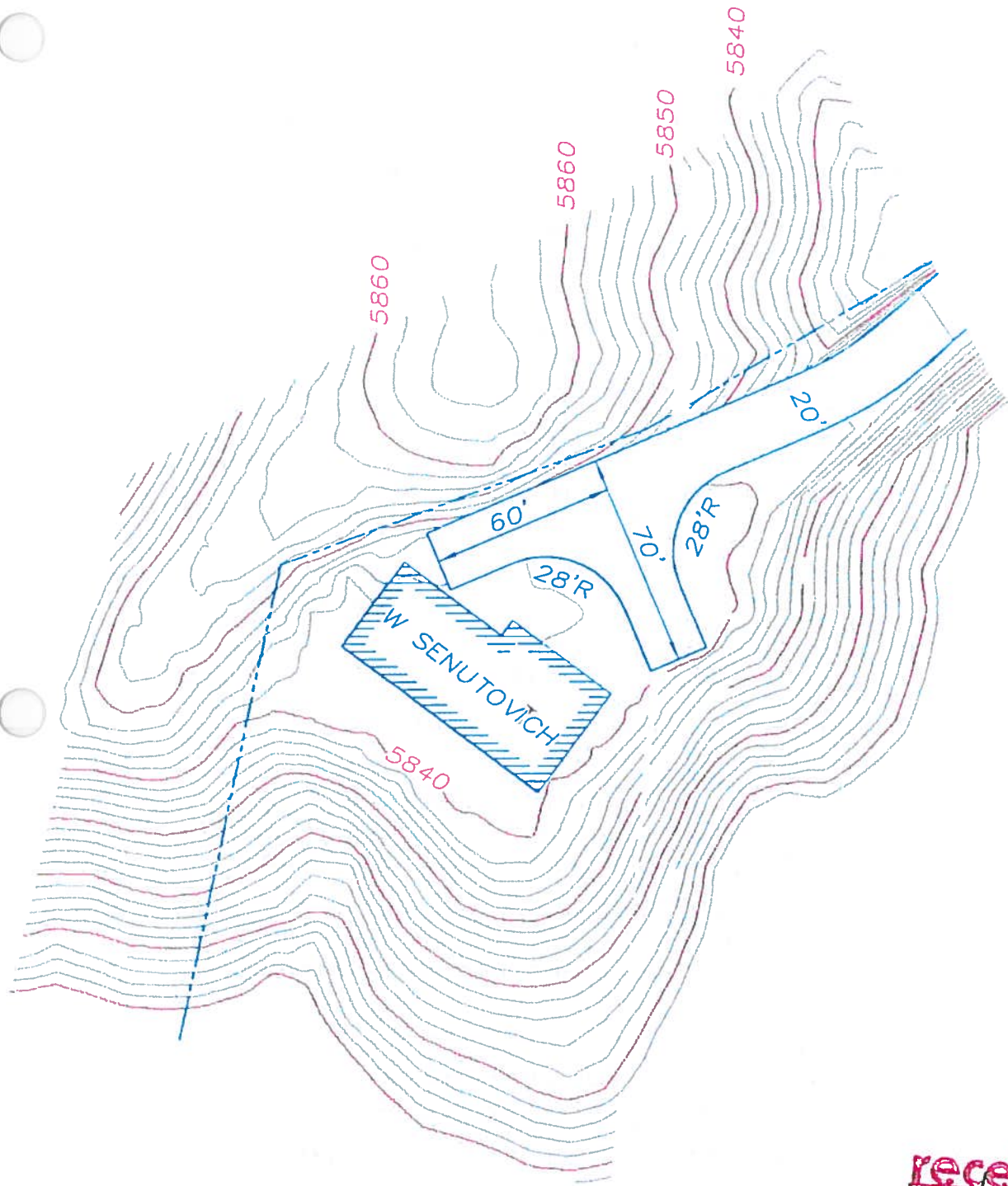
3/13/13  
Date

Through: David Sperling, Chief  
Buster Patty, Fire Marshal *BP*

File: NorthReg/DevRev/LaPuebla/SenutovitchWladimirVAR.doc

Cy: J. Lovato, Land Use  
Applicant  
District Chief  
File

753-8359



received  
3/4/13  
JLH

WLADIMIR SENUTOVICH  
NEW DRIVEWAY TO EXISTING BUILDING SITE  
OFF STATE ROAD 76 TO MEET FIRE APPARATUS  
ACCESS AND ALTERNATE HAMMERHEAD

NBA-10

b. Buildable Areas. Each lot shall have a Buildable Area which shall meet the following criteria:

- 1) The natural slope is less than thirty percent (30%);
- 2) New lots shall contain an area suitable for building, including areas suitable for access corridor and utility sites and corridors which can be developed in accordance with these terrain management regulations and other requirements of the Code.
- 3) Meet all required setback standards for ridgetops, drainage ways, etc.
- 4) Contain a site with slope of less than fifteen percent (15%) and soils adequate by type and thickness in order for installation of a septic tank with leach field to be approved. In all other cases, alternative liquid waste disposal will be required.

c. No Build Areas

- 1) The following areas shall be set aside from use for development:
  - a) areas of rock outcropping, wetlands, arroyos and natural drainage ways;
  - b) A minimum of twenty-five feet (25') set back is required from the natural edge of streams, waterways, drainage ways or arroyos that may convey a discharge ("Q") of one hundred cubic feet per second (100 cfs) or more, generated by a design storm (100 year recurrence, 24 hour duration); the required setback may be increased if the Code Administrator determines that a clear hazard exists because of slope stability and hydrologic/hydraulic conditions. In evaluating the need to increase the setback, the Code Administrator shall consider property and channel slope, velocity of channel flow, hydraulic radius, roughness coefficient and sectional area of the particular drainage way. A requirement for increased setback imposed by the County shall not be interpreted to be an engineered development plan for development or encroachment to any FEMA designated 100 year floodplain or significant tributary thereof.
- c) Natural slopes of thirty percent (30%) or greater. Exceptions may be approved by the Code Administrator for :
  - i. access corridors, utility corridors and landscape areas proposed on natural slopes in excess of thirty percent (30%) that disturb no more than three (3) separate areas of no more than one thousand (1000) square feet each, provided the applicant demonstrates that no alternative development location is available; and
  - ii. arroyo crossings may be approved which disturb more than one thousand (1000) square feet in each instance provided that slope stability and hydrologic/hydraulic conditions are not changed from pre-development values; and
  - iii. siting of structures to preserve remaining traditional agricultural lands and uses.
  - iv. The applicant shall demonstrate that crossing such slopes has minimal impact to terrain or to visual quality and otherwise would conform to the purposes and standards set forth in Article III, Section 2.3 and Article VII, Section 3.4. See the Guidelines for Site Planning and Development in Santa Fe County.

2) No Build Areas may be used as part of the dedicated open space or may be included in lots as conservation easements or may be platted as common area within a subdivision or land division.





2.5 Zoning

In connection with the review of an application for a development permit with respect to matters described in the New Mexico Statutes concerning zoning, the procedures concerning zoning matters set forth in the New Mexico Statutes, as amended from time to time, shall apply in addition to the review procedures provided in the Code. The time limits established in this Article II may be extended if required, in order to comply with the procedures concerning zoning matters.

2.6 Subdivisions

In connection with review of an application for a development permit with respect to matters described in the New Mexico Subdivision Act, as it may be amended from time to time, the procedures for review provided for in Article V of the Code and the New Mexico Subdivision Act shall apply in addition to the review procedures provided in this Article II of the Code. The time limits established in this Article II shall be extended if required in order to comply with the procedures concerning subdivision matters.

2.7 Other Requirements

The time limits set forth in this Article II shall be extended in order to comply with other provisions of the Code providing for time limits in connection with reviews and requirements under the Code.

SECTION 3 - VARIANCES

3.1 Proposed Development

Where in the case of proposed development, it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted conditions or that these conditions would result in inhibiting the achievement of the purposes of the Code, an applicant may file a written request for a variance. A Development Review Committee may recommend to the Board and the Board may vary, modify or waive the requirements of the Code and upon adequate proof that compliance with Code provision at issue will result in an arbitrary and unreasonable taking or property or exact hardship, and proof that a variance from the Code will not result in conditions injurious to health or safety. In arriving at its determination, the Development Review Committee and the Board shall carefully consider the opinions of any agency requested to review and comment on the variance request. In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified.

3.2 Variation or Modification

In no case shall any variation or modification be more than a minimum easing of the requirements.

3.3 Granting Variances and Modifications

In granting variances, and modifications, the Board may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.




3.4 Height Variance in Airport Zones

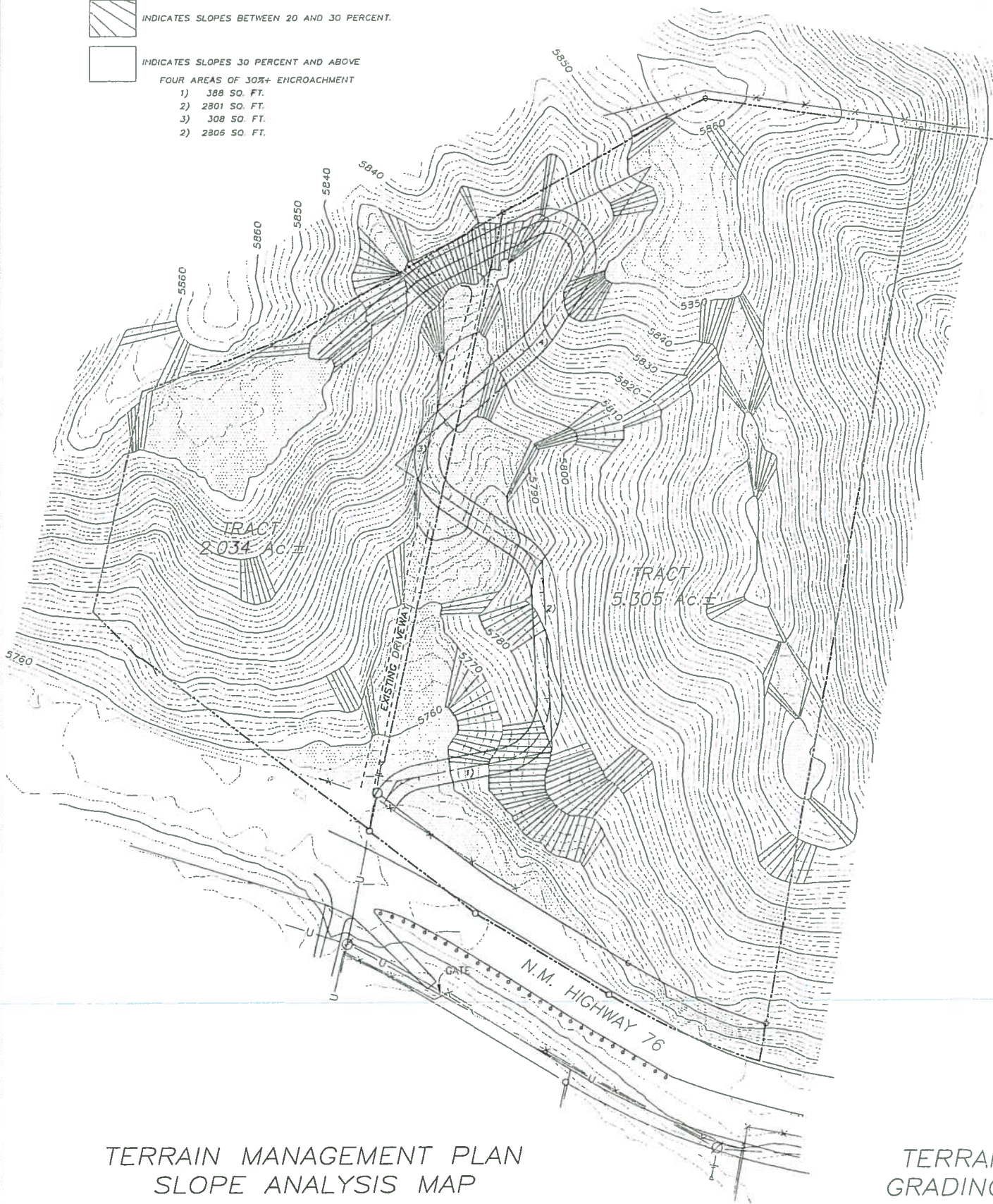
All height variance requests for land located with approach, Transitional, Horizontal and Conical surfaces as described within Map #31 A, incorporated herein by reference, shall be reviewed for compliance with Federal Aviation Administration Regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the



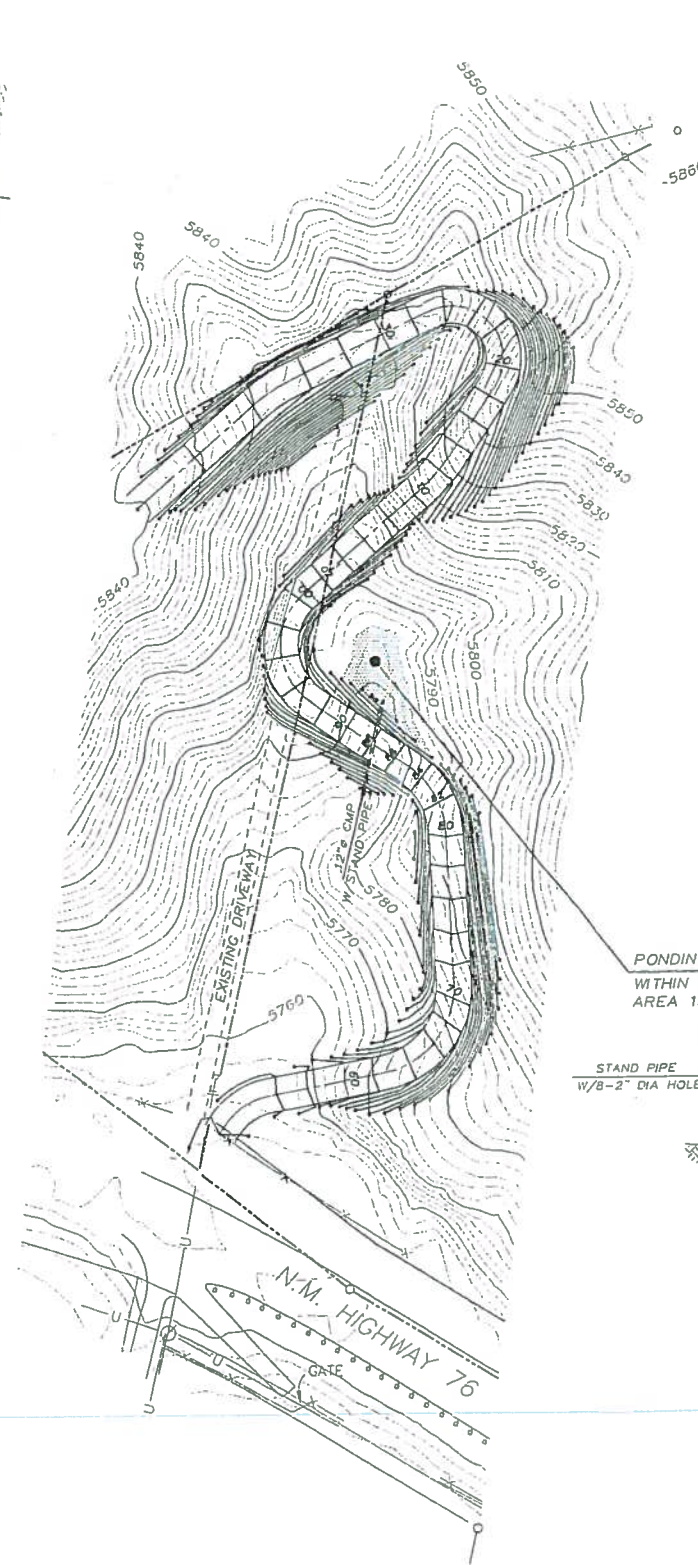


**LEGEND**

-  INDICATES SLOPES BETWEEN 0 AND 20 PERCENT
  -  INDICATES SLOPES BETWEEN 20 AND 30 PERCENT
  -  INDICATES SLOPES 30 PERCENT AND ABOVE
- FOUR AREAS OF 30%+ ENCROACHMENT
- 1) 388 SQ. FT.
  - 2) 2801 SQ. FT.
  - 3) 308 SQ. FT.
  - 2) 2806 SQ. FT.



TERRAIN MANAGEMENT PLAN  
SLOPE ANALYSIS MAP



TERRAIN MANAGEMENT PLAN  
GRADING AND DRAINAGE PLAN

**STORM DRAINAGE CALCULATION AND DRIVEWAY AREA OF 22,500 S.F.**

SITE: 319,686.00 S.F. ( 7.339 AC)

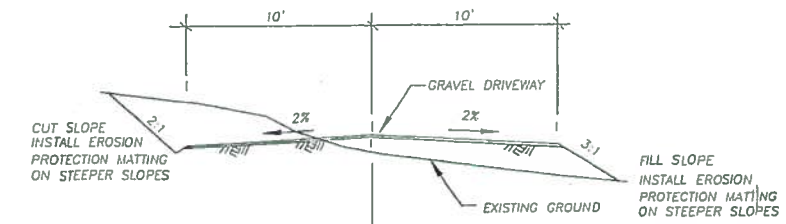
TIME OF CONCENTRATION: = 10.0 MIN.  
UNITS DISCHARGE: 2.3 CFS/AC-IN  
100-YR RAINFALL: 3.8 IN

|                | PRE-DEVELOPMENT |           |        | POST DEVELOPMENT |           |       |       |
|----------------|-----------------|-----------|--------|------------------|-----------|-------|-------|
|                | CN              | SF        | %      | CN               | SF        | %     | CN    |
| UNDISTURBED:   | 80              | 319686.00 | 100.00 | 80.00            | 297186.00 | 92.96 | 74.37 |
| DRIVEWAY AREA: | 90              |           | 0.00   | 0.00             | 22500.00  | 7.04  | 6.33  |
| WEIGHTED CN:   |                 |           |        | 80.00            |           |       | 80.70 |

RUNOFF: 1.88 IN  
PEAK: 31.693 CFS  
VOLUME: 1.1483 AC-FT  
VOLUME: 50020 CF

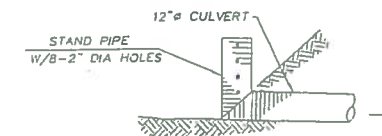
1.93 IN  
32.603 CFS  
1.1813 AC-FT  
51457 CF

RETAINAGE NEEDED TOTAL: 1,437 CF  
RETAINAGE AVAILABLE: 2061 CF

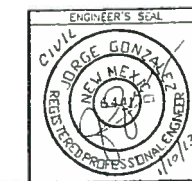
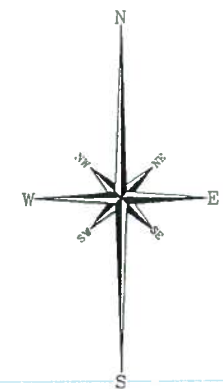


DRIVEWAY SECTION  
NO SCALE

PONDING AREA TO BE RELEASED  
WITHIN 48 HRS. VOLUME 2061 C.F.  
AREA 1374 SF x 1.5 FT DEEP



SECTION  
INLET STAND PIPE  
TO DRAIN POND

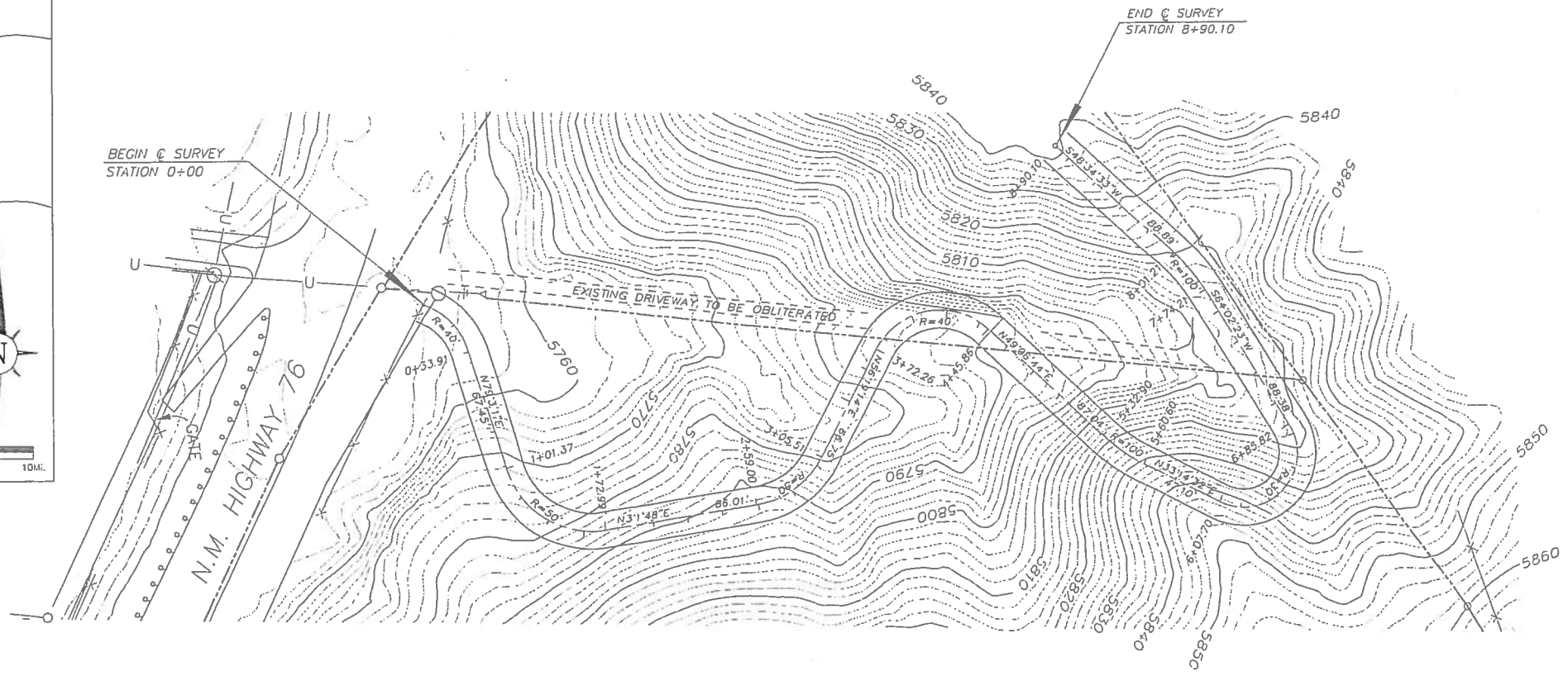
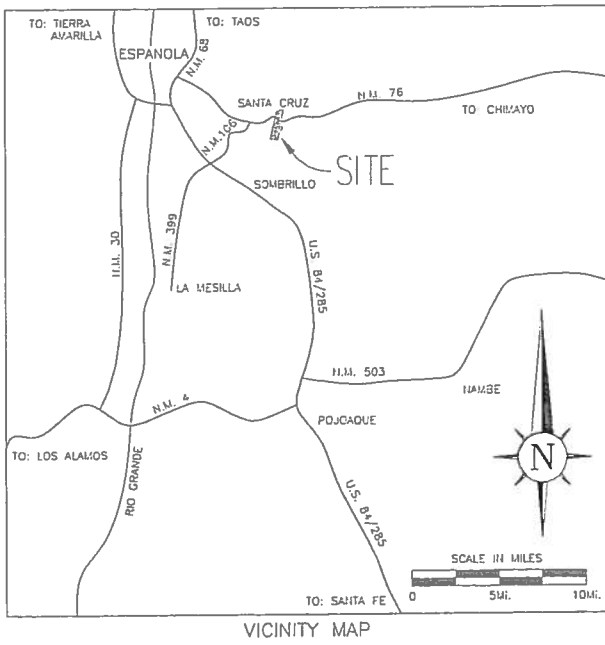


**EXHIBIT**  
**5.**

**MINUTOVITCH**  
REGISTERED PROFESSIONAL ENGINEER  
MEET FIRE APPARATUS  
ACCESS AND OBLITERATE OLD DRIVEWAY

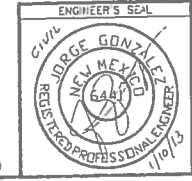
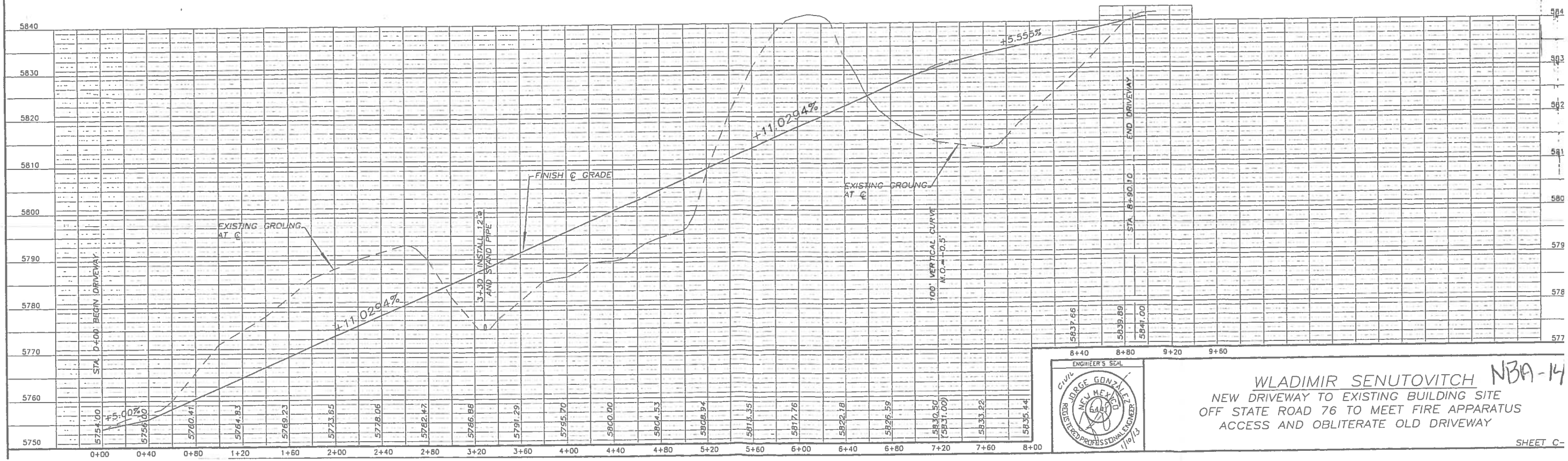
NBA





DRIVEWAY PLAN AND PROFILE

SCALES: 1" = 40' HORIZ.  
1" = 10' VERT.



Wladimir Senutovitch NBA-14  
 NEW DRIVEWAY TO EXISTING BUILDING SITE  
 OFF STATE ROAD 76 TO MEET FIRE APPARATUS  
 ACCESS AND OBLITERATE OLD DRIVEWAY



Wladimir & Diane  
Senutovitch



NBA-15





Wladimir & Diane  
Senutovitch



Wladimir & Diane

Senutovitch

NBA-17





Wladimir & Diane

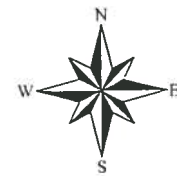
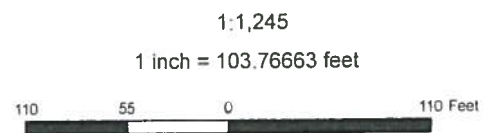
Senutovitch





**Legend**

- Major
- Minor
- Parcels
- 0.2% Annual Chance Flood Hazard
- 2012 Zone A
- 2012 Zone AE
- 2012 Floodways
- 2012 Zone AO
- 2012 Zone D



2008 Orthophotography  
2 Foot Contours

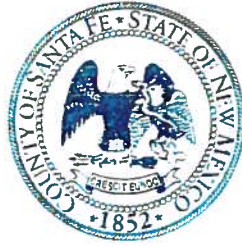
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March 13, 2013







Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

**DATE:** March 21, 2013

**TO:** County Development Review Committee

**FROM:** John Lovato, Development Review Specialist Sr.

**VIA:** Penny Ellis-Green, Land Use Administrator  
Vicki Lucero, Building and Development Services Manager  
Wayne Dalton, Building and Development Services Supervisor

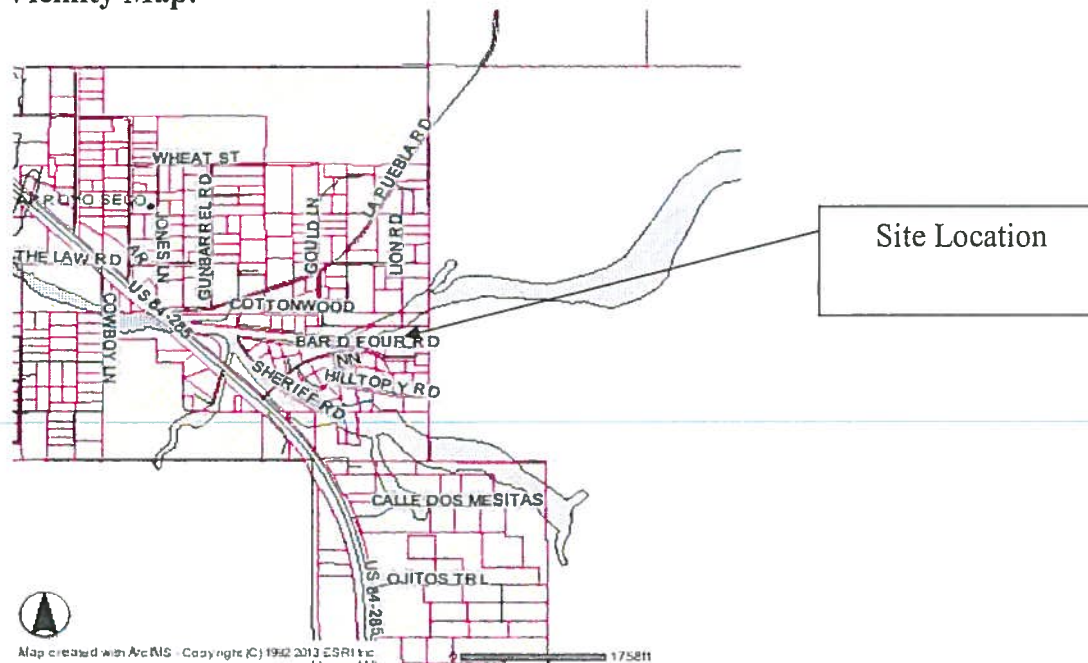
**FILE REF.:** CDRC CASE # V 13-5040 Roddy & Sherry Leeder Variance

**ISSUE:**

Roddy & Sherry Leeder, Applicants, Ralph Jaramillo, Agent, request a variance of Article III, Section 2.4.1a.2.b (Access) of the Land Development Code and a variance of Article 4, Section 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) to allow the placement of a manufactured home on 7.68 acres.

The property is located at 25 Bar D Four Road, in the vicinity of Arroyo Seco, within Section 18, Township 20 North, Range 9 East, (Commission District 1).

**Vicinity Map:**



NBB-1



**REQUEST SUMMARY:**

The Applicant requests a variance to allow the placement of a manufactured home on 7.68 acres. Access to the subject property would be off Bar D Four road which is a dirt road/private roadway crossing a FEMA designated Special Flood Hazard Area, via an existing low water concrete dip section which may be frequently impassible during inclement weather, and thereby is not all weather accessible.

There is currently a residence and the proposed manufactured home on the property. The residence was permitted in July of 2010, under permit (# 10-343). The proposed manufactured home was allowed to be temporarily placed on the property for a period of 90 days while the Applicant proceeds through the variance process.

The Applicants state they have seven children and it is expensive to live in the market at the current moment and they want to help their children with housing.

**This Application was submitted on February 7, 2013.**

**Growth Management staff have reviewed this Application for compliance with pertinent Code requirements and finds the project is not in compliance with County criteria for this type of request.**

**APPROVAL SOUGHT:** Approval for the placement of a manufactured home on 7.68 acres, which due to site conditions would require a variance from Article III, § 2.4.1a.2.b (Access) of the Land Development Code and a variance of Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management).

**VARIANCES:** Article III, § 2.4.1a.2.b (Access) of the Land Development Code states: "All development sites under this Section shall demonstrate that access for ingress and egress, utility service and fire protection whether by public access and utility easement or direct access to a public right-of-way can be provided and meet the requirements of this Code".

Article V, § 8.1.3 states "Legal access shall be provided to each lot and each lot must directly access a road constructed to meet the requirements of Section 8.2 of the Code. Parcels to be accessed via a driveway easement shall have a twenty (20) foot all weather driving surface, grade of not more than 11%, and drainage control as necessary to insure adequate access for emergency vehicles".

Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) states: "At no time shall a permit be issued for a new dwelling unit, site, lot, parcel or tract of land intended for placement of a habitable structure where the site is absent all weather access".

Article II, § 3 (Variances) of the County Code states: "Where in the case of proposed development, it can be shown that strict compliance with the requirements of the code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance." This Section goes on to state "In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified".

**GROWTH MANAGEMENT AREA:** El Norte, SDA-2

**HYDROLOGIC ZONE:** Traditional Community of La Puebla, minimum lot size per Code is 0.75 acres per dwelling unit. Proposal meets minimum lot size criteria.

**ACCESS:** Via concrete low water dip section, does not comply with minimum Code criteria.

**FIRE PROTECTION:** La Puebla Fire District.

**WATER SUPPLY:** Domestic Well

**LIQUID WASTE:** Conventional Septic System

|                       |                   |                       |
|-----------------------|-------------------|-----------------------|
| <b>AGENCY REVIEW:</b> | <u>Agency</u>     | <u>Recommendation</u> |
|                       | County Fire       | Denial                |
|                       | Floodplain Admin. | Denial                |

**STAFF RECOMMENDATION:** Denial of a variance from Article III, § 2.4.1a.2.b (Access) of the Land Development Code and denial of a variance of Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management).

If the decision of the CDRC is to recommend approval of the Applicants request for variances, staff recommends imposition of the following conditions:

1. Water use shall be restricted to 1.00 acre feet per year per home. A water meter shall be installed for the proposed home. Annual water meter readings shall be submitted to the Land Use Administrator by January 1<sup>st</sup> of each year. Water restrictions shall be recorded in the County Clerk's Office (As per Article III, § 10.2.2 and Ordinance No. 2002-13).
2. The Applicant must obtain a development permit from the Building and Development Services Department for

the placement of the proposed home (**As per Article II, § 2**).

3. The Applicant shall comply with all Fire Prevention Division requirements at time of Development Permit Application (**As per 1997 Fire Code and 1997 Life Safety Code**).
4. A restriction must be placed on the Warranty Deed regarding the lack of all-weather access to the subject lot. This restriction shall include language as follows: the access to this property does not meet minimum standards set forth by County Ordinances and Code. Site access including access by emergency vehicles, may not be possible at all times (**As per Ordinance #2008-10**).

**EXHIBITS:**

1. Letter of request
2. Review Agency Comments
3. Article III, § 2.4.1a.2.b (Access)
4. Article V, § 8.1.3 (Legal Access)
5. Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management)
6. Article II, § 3 (Variances)
7. Site Plan
8. Site Photographs
9. Aerial of Site and Surrounding Area

Wayne Dalton  
Santa Fe County Land Use  
Santa Fe, New Mexico 87501

February 6, 2013

Roddy and Sherry Leeder  
#25 Bar D Four Rd.  
Arroyo Seco, New Mexico 87501

Re: Requesting Variance for Double Wide Mobile Home

Dear Mr. Dalton


We at this time are requesting a variance along with a permit for allowing us to place a 1986 Double Wide Mobile Home, Oakley 28X52 onto our property, described as #25 Bar D Four Rd. in Arroyo Seco. More particularly described as Tract A within Section 18, T20N, R9E, N.M.P.M., Vicinity of Arroyo Seco Consisting of 7.685 ac. more or less.

The Subject Mobile Home is currently on the property and has not been hooked up to any utilities or any such matter. On December 7, 2012 Penny Ellis Green, Land Use Director has given us permission along with a letter to allow us to move subject mobile home onto property as long as we go through the process to request a variance and without connecting to any utilities.

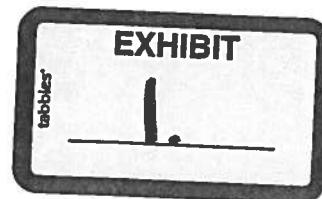
We have seven children and grandchildren and as we all know how expensive it is to live and with the way the market is at the current moment, we are wanting to help our children with housing.

We appreciate your consideration and support in this manner and hope and pray that you can approve this for us.

Sincerely,



Roddy and Sherry Leeder, Ralph Jaramillo, Agent



NBB-5

Daniel "Danny Mayfield  
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

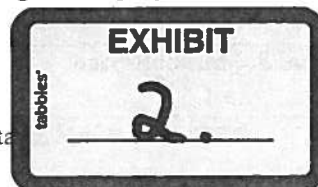
### Official Development Review

|                   |   |   |   |
|-------------------|---|---|---|
| Date              | 3/4/2013                                  |   |   |
| Project Name      | Leeder, Roddy                             |   |   |
| Project Location  | 25 Bar D Four Road in Arroyo Seco         |   |   |
| Description       | Variance to Flood Plain                   | Case Manager                                      | J. Lovato                                   |
| Applicant Name    | Roddy and Sherry Leeder                   | County Case #                                     | 13-5040                                     |
| Applicant Address | 25 Bard D Four Road<br>Santa Fe, NM 87506 | Fire District                                     | La Puebla                                   |
| Applicant Phone   | 505-490-7720 (agent Ralph Jaramillo)      |   |   |
| Review Type:      | Commercial <input type="checkbox"/>       | Residential <input checked="" type="checkbox"/>   | Sprinklers <input type="checkbox"/>         |
|                   | Master Plan <input type="checkbox"/>      | Preliminary <input type="checkbox"/>              | Final <input type="checkbox"/>              |
|                   | Wildland <input type="checkbox"/>         | Variance <input checked="" type="checkbox"/>      | Hydrant Acceptance <input type="checkbox"/> |
| Project Status:   | Approved <input type="checkbox"/>         | Approved with Conditions <input type="checkbox"/> | Denial <input checked="" type="checkbox"/>  |
|                   |   | Inspection <input type="checkbox"/>               | Lot Split <input type="checkbox"/>          |

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

#### Summary of Review

- The primary access to this property goes through a low water crossing that does not meet Santa Fe County Fire Department Access Road requirements of an all-weather driving surface. The Santa Fe County Fire Prevention Division is not able to approve this project without additional fire safety requirements which meet the 1997 Uniform Fire Code, Article 9, Section 902.2.1 requirements. (*page #2*)
- The circle drive that was approved in July 2010 no longer exists. An emergency vehicle turn around meeting Santa Fe County Fire Department Access Road requirements shall replace the circle drive that was removed. (*page #2*)
- Properly assigned legible rural addresses shall be posted and maintained at the entrance(s) to each individual lot or building site. (*page #2*)



- Due to its remote location and the possibility of this residence being made inaccessible due to inclement and various other weather conditions, for life safety and property protection this office requires the installation of Automatic Fire Protection Sprinkler systems meeting NFPA13D requirements (*per 1997 UFC – Article 10 Section 1001.9: Special Hazards*).  
(page 3)

#### **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*

##### **▪ 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.*

The primary access to this property goes through a low water crossing that does not meet Santa Fe County Fire Department Access Road requirements of an all-weather driving surface. The Santa Fe County Fire Prevention Division is not able to approve this project without additional fire safety requirements which meet the 1997 Uniform Fire Code, Article 9, Section 902.2.1 requirements.

The circle drive that was approved in July 2010 has not been built. The circle drive or a turn around meeting Santa Fe County Fire Department Access Road requirements shall be built prior to approval.

##### **▪ 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.*

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.*

This driveway/fire access shall/does not exceed 11% slope and shall 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.*

To prevent the possibility of emergency responders being locked out, all access gates should 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). Details and information are available through the Fire Prevention office.

**Automatic Fire Protection/Suppression**

Due to its remote location and the possibility of this residence being made inaccessible due to inclement and various other weather conditions, for life safety and property protection this office requires the installation of Automatic Fire Protection Sprinkler systems meeting NFPA 13D requirements (per 1997 UFC – Article 10 Section 1001.9: Special Hazards).

All Automatic Fire Protection systems shall be developed by a firm certified to perform and design such systems. Copies of sprinkler system design shall be submitted to the Fire Prevention Division for review and acceptance prior to construction. Systems will not be approved unless tested by the Santa Fe County Fire Department. Fire sprinklers systems shall meet all requirements of NFPA 13-D Standard for the Installation of Sprinkler Systems.

All sprinkler and alarm systems as required shall be tested and approved by the Santa Fe County Fire Department, prior to allowing any occupancy to take place. It shall be the responsibility of the installer and/or developer to notify the Fire Prevention Division when the system is ready for testing.

**Life Safety**

Fire Protection requirements listed for this development have taken into consideration the hazard factors of potential occupancies as presented in the developer's proposed use list. Each and every individual structure of a private occupancy designation will be reviewed and must meet compliance with the Santa Fe County Fire Code (1997 Uniform Fire Code and applicable NFPA standards) and the 1997 NFPA 101, Life Safety Code, which have been adopted by the State of New Mexico and/or the County of Santa Fe.

## General Requirements/Comments

### ▫ Inspections/Acceptance Tests

Shall comply with Article 1, Section 103.3.2 - New Construction and Alterations of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

The developer shall call for and submit to a final inspection by this office prior to the approval of the Certificate of Occupancy to ensure compliance to the requirements of the Santa Fe County Fire Code (1997 UFC and applicable NFPA standards) and the 1997 NFPA 101, Life Safety Code.

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

### ▫ Permits

As required

## Final Status

Recommendation for Final Development Plan DENIAL is applied.

*Victoria DeVargas, Inspector*

*Victoria DeVargas*  
Code Enforcement Official

3/5/13  
Date

Through: David Sperling, Chief/Fire Marshal  
Buster Patty, Fire Prevention Captain *BP*

File: NorthReg/DevRev/LaPuebla/LeederRoddy-VAR.doc

Cy: J. Lovato, Land Use  
Applicant  
District Chief  
File

Enclosed: Fire Department Access Requirements  
(applicant only)

Official Submittal Review

4 of 4

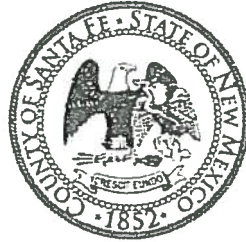
NBB-9



**Daniel "Danny" Mayfield**  
Commissioner, District 1

**Virgina Vigil**  
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:** March 4, 2013

**TO:** John Lovato, Development Review Specialist Senior

**FROM:** Vicki Lucero, CFM, Building and Development Services Department Manager,  
Floodplain Administrator *VL*

**REF.:** CDRC Case # V 13-5040 Roddy and Sherry Leeder

The Applicant is requesting approval to allow the placement of a manufactured home on 7.68 acres. The manufactured home will not be benefited by all weather access as required by Code. This application has been reviewed specifically for compliance to Ordinance 2008-10 (Flood Damage Prevention and Stormwater Management Ordinance).

Article 4, Section 4.2 states: "At no time shall a Floodplain Development Permit be issued for a new dwelling unit, site, lot, parcel or tract of land intended for placement of a habitable structure including single family homes, residential subdivisions, etc, when ... the site is absent all weather access. A Floodplain Development Permit will not be issued based upon the following:

1. Bar D Four Road, used to access the subject parcel, is within a federally mapped Special Flood Hazard Area, Zone A. The Zone A designation indicates these areas will be inundated by floodwater during the 1% recurrence interval storm event, or 100-year storm. This area is unstudied by FEMA and depth, velocity and duration of inundation are not provided.
2. The site is accessed by a concrete low water crossing, which does not provide dry access for emergency vehicles during storm events.
3. Section 5.11 (Basis for Approval or Denial) (E) states: "Approval or Denial of a Stormwater Management Analysis (none provided by applicant), that approval may not be given when certain relevant factors are present", including "The safety of access to the property in times of flood for ordinary and emergency vehicles "
  - a. The applicant has not provided a Stormwater Analysis which identifies the quantity, depth, and velocity of the flow present in the dip section. This information would be needed to assess the potential danger of this crossing. Note that flow depths of as little as 12", when velocity is considered, are enough to wash away or create buoyancy of an average vehicle. Additional danger arises when motorists are unable to view the driving surface and enter inundated areas. Injury or death can occur if

the driving surface has been scoured away by high velocity floodwater, and unknowing motorists often attempt to cross these inundated areas without regard for the surface of the road.. Notably, death during flash flood events are surpassed only by hurricane fatalities, and more deaths occur nationwide from flood related deaths than any other natural disaster. This is a dangerous and sometimes deadly situation.

- b. As a minimum, the applicant should be required to provide an analysis of the depth and velocity of flooding expected at this crossing using the methodology and techniques presented in Ordinance 2008-10, and place a culvert or other conveyance as needed based on the report to provide dry access for emergency vehicles.
4. Ordinance 2008-10 contains specific criterion that recommending and approval bodies must consider. These are copied below:
- A. *The Board of County Commissioners (Board) after recommendation by the County Development Review Committee (CDRC) shall hear and render judgment on a request for variance from the requirements of this Ordinance.*
  - B. *The CDRC may recommend and the Board take action on an appeal of the Floodplain Administrator's decision only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Ordinance.*
  - C. *Any person or persons aggrieved by the decision of the Board may appeal such decision to a court of competent jurisdiction within thirty days of the Board's decision.*
  - D. *The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.*
  - E. *Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Ordinance.*
  - F. *Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2) of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.*
  - G. *Upon consideration of the factors noted above and the intent of this Ordinance, the Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Ordinance (Article 1, Section C).*
  - H. *Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.*
  - I. *Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.*

*J. Prerequisites for granting variances:*

- 1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.*
- 2. Variances shall only be issued upon, (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, the creation of a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.*
- 3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.*
- 4. Variances may be issued by the Board for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Article 4, Section D(1)-(9) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.*

**Finding:**

This application does not meet the standards required for placement of a manufactured home as described in the Code and Ordinance 2008-10, and in considering the criteria for variance issuance as noted above does not meet these criteria, therefore as Santa Fe County Floodplain Administrator, **it is recommended that this variance is denied based on the lack of all weather access to the proposed home.**

Be advised that should the BCC recommend approval of this variance, as noted in the federally mandated conditions for variance, FEMA must be notified of this decision as required by Federal Code of Regulations..

Should the BCC approve this case the following note should be placed on the Plat:

**The access to this property does not meet minimum standards set forth by County Ordinance and Code. Site access, including access by Emergency vehicles, may not be possible at all times.**

NBB-12

submittal list and explanation with the development permit application form.

2. Reviews

(a) Lot Size Requirement Review

The Code Administrator shall review the application for compliance with the lot size requirements of the Code.

→ (b) Access

(i) All development sites created under this Section shall demonstrate that access for ingress and egress, utility service, and fire protection whether by public access and utility easement or direct access to a public right-of-way can be provided and meet the requirements of this Code.

(ii) Installation of culverts, where applicable, shall be required at intersections of driveways with County roads.

(iii) Road Construction and/or Road Cut Permits must be obtained prior to road or driveways construction. The applicant must provide submittals for new construction pursuant to this Section 2.4.1 and meet standards as applicable and as required in Article V, Section 8, Subdivision Design Standards, and Article VII, Section 3, Terrain Management. Notification of all affected property owners and posting of notice will be required for roads and driveways accessing more than one property.

(c) Special District Review

The Code Administrator shall check the location of the proposed dwelling, and if the location of the proposed dwelling is within a Special Review District as described in Article VI, the Code Administrator shall inform the applicant of any additional submittals or reviews required, if any, and make the applicable review.

(d) Environmental Review

The Code Administrator shall inform the applicant of any additional submittals and make the reviews required under Article VII - Environmental Requirements.

(e) Siting Review

The Code Administrator shall review the application for compliance with the site planning standards. Additional submittals in connection with the siting may be required; site visits to assure compliance with the standards of Section 2.3 of this Article and approval of the Code Administrator will also be required.

(f) Building, Mechanical and Electrical Code Review

The Code Administrator shall cause the submitted plans and specifications to be reviewed for compliance with Article IV - Construction Codes of the Code and for engineering design.



NBB-13  
III-11

8.1.2 The Santa Fe County Master Plan For Roads

- a. Pursuant to 3-19-9 N.M.S.A., 1978, the Santa Fe County Master Plan for Roads establishes the general location of existing and proposed highway and arterial roads for the purpose of assuring a coordinated system of roads in Santa Fe County.
- b. The Santa Fe County Master Plan for Roads may be amended by resolution from time to time to accommodate changing or changed conditions.

8.1.3 Legal access shall be provided to each lot and each lot must directly access a road constructed to meet the requirements of Section 8.2 of this Article. Parcels to be accessed via a driveway easement shall have a twenty (20) foot all weather driving surface, grade of not more than 11%, and drainage control as necessary to insure adequate access for emergency vehicles.

8.1.4 Dead end roads may not serve more than thirty (30) dwelling units, except that the Code Administrator with the concurrence of the Fire Marshal may approve the development of more than thirty (30) lots on a dead end road. The Code Administrator may require a second access for any development with fewer than thirty (30) dwelling units where issues of public health, safety and welfare exists.

8.1.5 Coordination of Roads With Surrounding Property

- a. The arrangement of roads in a development shall provide for the continuation or appropriate projection of existing or proposed highway or arterial roads in surrounding areas according to the Santa Fe County Master Plan for Roads, and shall provide reasonable means of ingress and egress to surrounding property.
- b. Where land is subdivided into large tracts or where there is a potential for further subdivision or development of subsequent phases exists, the proposed development shall be designed to provide for a coordinated road system for the entire tract.
- c. Where it is in the public interest to establish a right-of-way or access to property which adjoins a proposed development, the right-of-way shall be extended to the boundary of the property which is the subject of a development application. The right-of-way shall either be dedicated to the County or granted to the Owner's Association, subject to a conditional dedication governed by Article V, Section 8.1.9. Such right-of-way shall be designated on the master or phase development plan and on the plat as a public access.

8.1.6 Access to highways and arterials: buffering requirements

- a. Where a proposed subdivision contains lots abutting or adjacent to an arterial or highway, it shall be planned so as to avoid having lots having frontage on said thoroughfares.
- b. The subdivision shall be laid out to have a minimum number of intersections with arterials or highways, and where appropriate, shall provide at least two separate points of ingress and egress to assure adequate access, and shall be designed for all weather conditions. Driveways from lots shall access local roads and may access collector roads on a limited basis as approved by the County Development Review Committee.
- c. Where the subdivision is traversed by or is adjacent to a state or federal highway, and in addition to these regulations, the subdivision must satisfy the New Mexico State Highway Department Regulations Covering Design and Construction of Driveways on Non-Controlled Access Highways in New Mexico, a copy of which is on file in the office of the Code Administrator for public inspection.
- d. Where a subdivision borders on or contains a railroad right-of-way or a limited access highway right-of-way, a parallel road or frontage road may be required at a distance suitable for the appropriate use of the intervening land. Such distances shall also be



NB3-14  
V - 21

SFC CLERK RECORDED 06/18/2008

**ARTICLE 4**

**FLOODPLAIN DEVELOPMENT PERMIT PROCEDURAL REQUIREMENTS**

**SECTION 4.1 AREAS REQUIRING A FLOODPLAIN DEVELOPMENT PERMIT**

A. For development within a designated SFHA, including lands which are traversed by, bisected by, or directly adjacent to the SFHA designated on the effective FIRM as described in Article 2, §2.2C, Article 3, §3.2 and Article 3, §3.10, a Floodplain Development Permit issued by the Floodplain Administrator in conformity with the provisions of the Ordinance shall be secured pursuant to Article 3, §3.3(B) prior to commencement of construction.

**SECTION 4.2 NON-ELIGIBLE NEW DEVELOPMENT OR CONSTRUCTION**

At no time shall a Floodplain Development Permit be issued for a new dwelling unit site, lot, parcel or tract of land intended for placement of a habitable structure including single family homes, residential subdivisions, modular home sites and modular home subdivisions where the site is:

- i. An alternative buildable area located outside the limits of the SFHA is available;
- ii. Unable to be removed from the SFHA through the formal FEMA map revision process described in Article 4, § 4.4;
- iii. Absent all weather access.

**SECTION 4.3 PROCEDURES FOR SUBDIVISION PROPOSALS**

All subdivision proposals which include area traversed by, bisected by, or directly adjacent to SFHA, including manufactured home parks and manufactured home subdivisions shall be required to secure a Floodplain Development Permit per Article 4, §4.4, and:

- A. SFHA may be used in computation of density;
- B. SFHA may be utilized to meet open space criteria;
- C. Primary and secondary subdivision access as required by County Code must be all weather access;
- D. For phased subdivisions, an overall Master Drainage Analysis shall be provided which demonstrates that floodplain management policies and stormwater management criteria will be compliant with this Ordinance and function independently in each phase, or construction of the entire conveyance system will be required in the first phase of construction.



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2.5 Zoning

In connection with the review of an application for a development permit with respect to matters described in the New Mexico Statutes concerning zoning, the procedures concerning zoning matters set forth in the New Mexico Statutes, as amended from time to time, shall apply in addition to the review procedures provided in the Code. The time limits established in this Article II may be extended if required, in order to comply with the procedures concerning zoning matters.

2.6 Subdivisions

In connection with review of an application for a development permit with respect to matters described in the New Mexico Subdivision Act, as it may be amended from time to time, the procedures for review provided for in Article V of the Code and the New Mexico Subdivision Act shall apply in addition to the review procedures provided in this Article II of the Code. The time limits established in this Article II shall be extended if required in order to comply with the procedures concerning subdivision matters.

2.7 Other Requirements

The time limits set forth in this Article II shall be extended in order to comply with other provisions of the Code providing for time limits in connection with reviews and requirements under the Code.

→ SECTION 3 - VARIANCES

→ 3.1 Proposed Development

Where in the case of proposed development, it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted conditions or that these conditions would result in inhibiting the achievement of the purposes of the Code, an applicant may file a written request for a variance. A Development Review Committee may recommend to the Board and the Board may vary, modify or waive the requirements of the Code and upon adequate proof that compliance with Code provision at issue will result in an arbitrary and unreasonable taking or property or exact hardship, and proof that a variance from the Code will not result in conditions injurious to health or safety. In arriving at its determination, the Development Review Committee and the Board shall carefully consider the opinions of any agency requested to review and comment on the variance request. In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified.

3.2 Variation or Modification

In no case shall any variation or modification be more than a minimum easing of the requirements.

3.3 Granting Variances and Modifications

In granting variances, and modifications, the Board may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

3.4 Height Variance in Airport Zones

All height variance requests for land located with approach, Transitional, Horizontal and Conical surfaces as described within Map #31 A, incorporated herein by reference, shall be reviewed for compliance with Federal Aviation Administration Regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the



NBB-16  
II - 9









Roddy & Sherry  
Leeder



NBB-18





Roddy & Sherry

Leeder

NBB-19



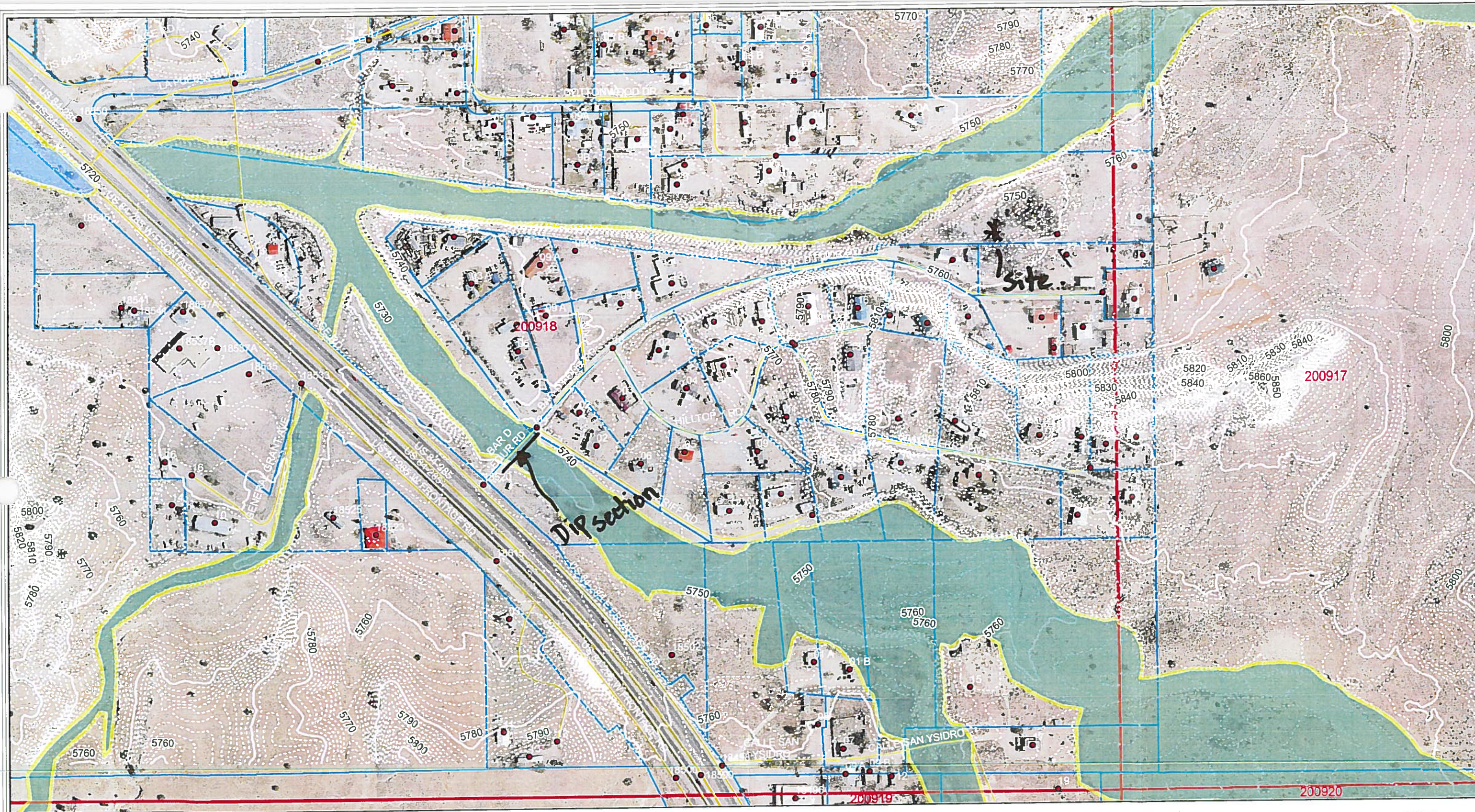


Roddy & Sherry

Leeder

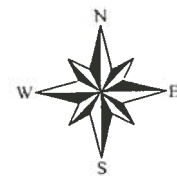
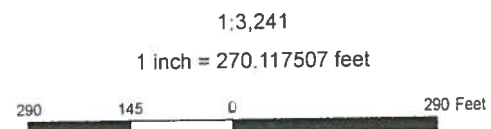
NBB-20





**Legend**

- Major
- Minor
- Parcels
- 0.2% Annual Chance Flood Hazard
- 2012 Zone A
- 2012 Zone AE
- 2012 Floodways
- 2012 Zone AO
- 2012 Zone D



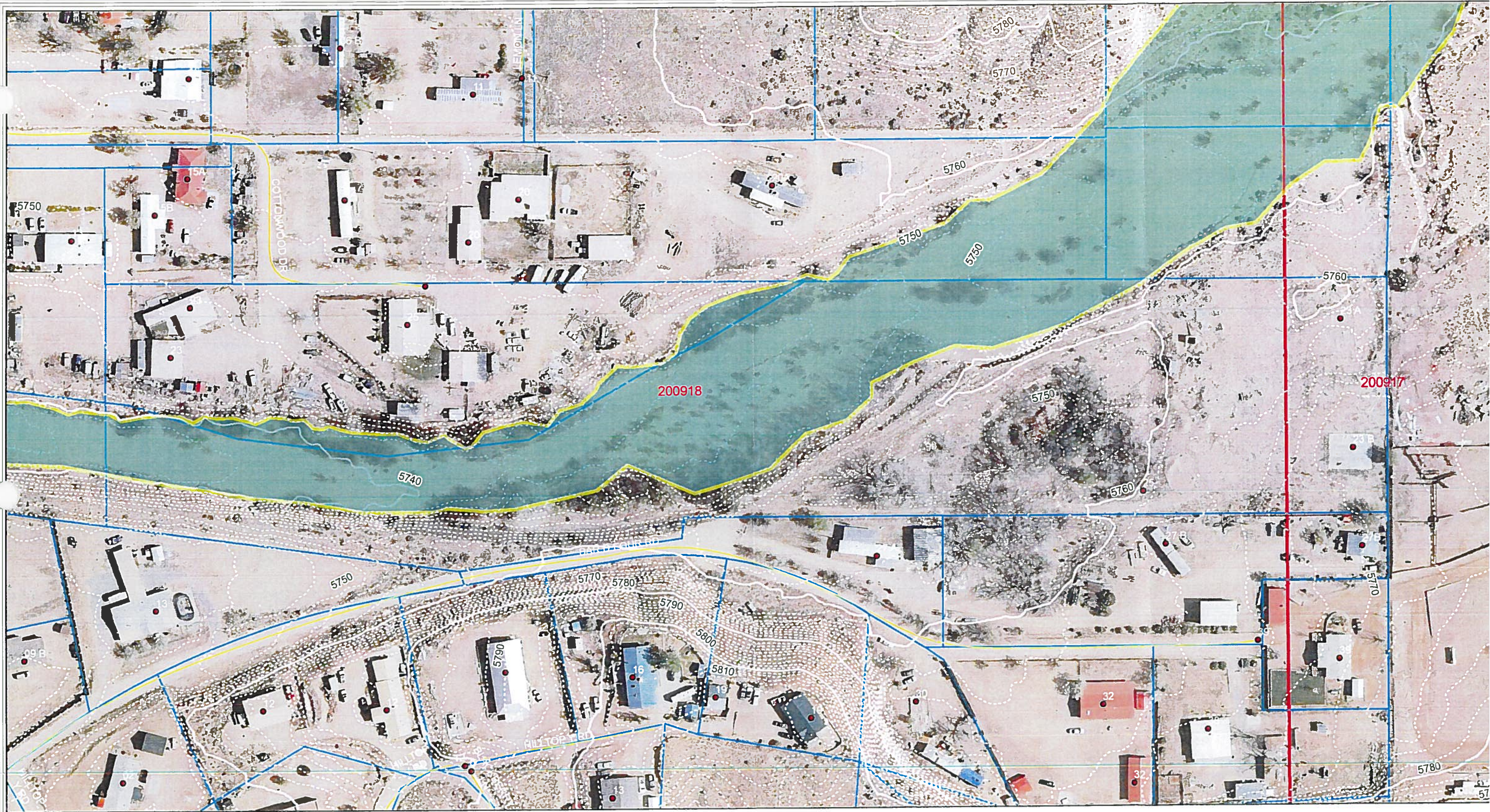
2008 Orthophotography  
2 Foot Contours

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Santa Fe County assumes no liability for  
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User are solely responsible for  
confirming data accuracy.



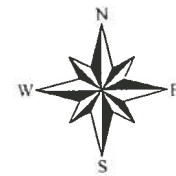
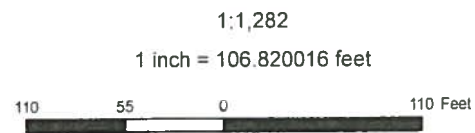
March 13, 2013





**Legend**

- Major
- Minor
- Parcels
- 0.2% Annual Chance Flood Hazard
- 2012 Zone A
- 2012 Zone AE
- 2012 Floodways
- 2012 Zone AO
- 2012 Zone D



2008 Orthophotography  
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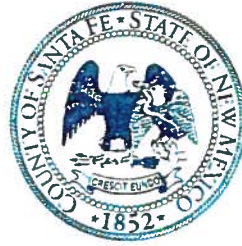
March 13, 2013



Daniel "Danny" Mayfield  
Commissioner, District 1

Miguel M. Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

**DATE:** March 21, 2013

**TO:** County Development Review Committee

**FROM:** Wayne Dalton, Building and Development Services Supervisor *WD*

**VIA:** Penny Ellis-Green, Land Use Administrator *PEG*  
Vicki Lucero, Building and Development Services Manager *VL*

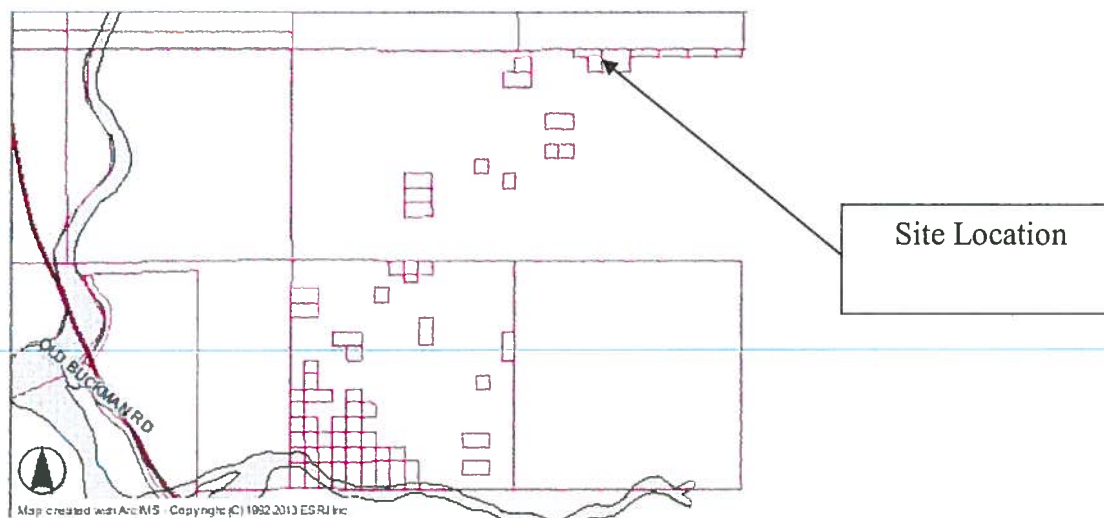
**FILE REF.:** CDRC CASE # V 13-5050 Patrick Christopher & Marga Friberg Variance

**ISSUE:**

Patrick Christopher & Marga Friberg, Applicants, request a variance of Article III, § 2.4.1a.2.b (Access) of the Land Development Code and a variance of Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) to allow the construction of a residence on 15.3 acres.

The property is located at 250C Kalitaya Way off Old Buckman Road, within Section 29, Township 19 North, Range 8 East, (Commission District 1).

**Vicinity Map:**



*NBC-1*



**REQUEST SUMMARY:**

The Applicants request a variance to allow the construction of a residence on property consisting of five lots which total 15.3 acres. The lots consist of 3.84 acres, 3.87 acres and three 2.5 acre lots. The subject properties are part of a subdivision created in the 1940's with the US Government's "Small Parcel Act" which assisted veterans in acquiring their own property. The properties all have Land Patents from the US Government dating from 1962, and are recognized as legal lots of record.

As part of the permitting process, the Applicants have agreed to consolidate all five lots in order to have the proposed residence on one lot consisting of 15.3 acres. The Applicants intend to sell the property contingent upon the outcome of the variance process and the buyer of the property will be constructing the residence.

The property is accessed by Old Buckman Road (County Maintained Road on BLM Land) and Kalitaya Way (Public Road on BLM Land). Old Buckman Road is a dirt/sand driving surface and is located in, and crosses two FEMA designated Special Flood Hazard Areas, numerous contributing arroyos and drainage ways. The portion of Old Buckman Road that services the property is approximately 9 miles in length. Kalitaya Way is a dirt driving surface and crosses one FEMA designated (SFHA), contributing arroyos and several drainage ways. The portion of Kalitaya Way that services the property is approximately 2.5 miles in length. Both Old Buckman Road and Kalitaya Way do not have an all-weather driving surface and may be frequently impassible during and after inclement weather, and thereby are not all weather accessible.

The Applicants state they are not in a position to upgrade 9 miles of Old Buckman Road to County standards, nor the 2.5 miles of Kalitaya Way. However they are interested in doing all they can to build responsibly. The Applicants also state that after consulting with County staff and the Fire Prevention Division, they understand that there are certain items that can be incorporated into the building plans to substantially enhance the protection against fire danger. These improvements may include a turnaround on the property, a water storage tank, sprinkler system, a vegetation management plan, and compliance with the Urban Wild Land Interface Code for building materials for any proposed structures on the property **(To be determined by Fire Prevention)**.

**This Application was submitted on February 7, 2013.**

**Growth Management staff have reviewed this Application for compliance with pertinent Code requirements and finds the project is not in compliance with County criteria for this type of request.**

**APPROVAL SOUGHT:** Approval for the construction of a residence on 15.3 acres, which due to site conditions would require a variance from Article III, § 2.4.1a.2.b (Access) of the Land Development Code and a variance of Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management).

NBC-Z

**VARIANCES:** Article III, § 2.4.1a.2.b (Access) of the Land Development Code states: "All development sites under this Section shall demonstrate that access for ingress and egress, utility service and fire protection whether by public access and utility easement or direct access to a public right-of-way can be provided and meet the requirements of this Code."

Article V, § 8.1.3 states "Legal access shall be provided to each lot and each lot must directly access a road constructed to meet the requirements of Section 8.2 of the Code. Parcels to be accessed via a driveway easement shall have a twenty (20) foot all weather driving surface, grade of not more than 11%, and drainage control as necessary to insure adequate access for emergency vehicles."

Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) states: "At no time shall a permit be issued for a new dwelling unit, site, lot, parcel or tract of land intended for placement of a habitable structure where the site is absent all weather access."

Article II, § 3 (Variances) of the County Code states: "Where in the case of proposed development, it can be shown that strict compliance with the requirements of the code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance." This Section goes on to state "In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified." **(The variance criteria does not consider financial or medical reasons as extraordinary hardships).**

**GROWTH MANAGEMENT AREA:** El Centro, SDA-3

**HYDROLOGIC ZONE:** Basin Fringe Hydrologic Zone, minimum lot size per Code is 50 acres per dwelling unit. Lot size can be reduced to 12.5 acres per dwelling unit with signed and recorded water restrictions.

**ACCESS:** Via FEMA Special Flood Hazard Areas, arroyo and drainage crossings, does not comply with minimum Code criteria.

**FIRE PROTECTION:** Agua Fria Fire District.

**WATER SUPPLY:** Trucked Water/Water Harvesting

**LIQUID WASTE:** Conventional Septic System

|                       |                   |                       |
|-----------------------|-------------------|-----------------------|
| <b>AGENCY REVIEW:</b> | <u>Agency</u>     | <u>Recommendation</u> |
|                       | County Fire       | Denial                |
|                       | Floodplain Admin. | Denial                |

**STAFF RECOMMENDATION: Denial of a variance from Article III, § 2.4.1a.2.b (Access) of the Land Development Code and denial of a variance of Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management).**

If the decision of the CDRC is to recommend approval of the Applicants request for variances, staff recommends imposition of the following conditions:

1. Water use shall be restricted to 0.25 acre foot per year. A water meter shall be installed for the proposed home. Annual water meter readings shall be submitted to the Land Use Administrator by January 1<sup>st</sup> of each year. Water restrictions shall be recorded in the County Clerk's Office **(As per Article III, § 10.2.2 and Ordinance 2002-13).**
2. The Applicant shall comply with all Fire Prevention Division requirements at time of Plat review and Development Permit Application **(As per 1997 Fire Code and 1997 Life Safety Code).**
3. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval for the lot consolidation **(As per Article III, § 2.4.2).**
4. A note must be placed on the Plat regarding the lack of all weather access to the subject lot. This restriction shall include language as follows: The access to this property does not meet minimum standards set forth by County Ordinance and Code. Site Access, including access by Emergency vehicles, may not be possible at all times. **(As per Ordinance 2008-10).**

**EXHIBITS:**

1. Letter of request
2. Review Agency Comments
3. Article III, § 2.4.1a.2.b (Access)
4. Article V, § 8.1.3 (Legal Access)
5. Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management)
6. Article II, § 3 (Variances)
7. Site Plan
8. Site Photographs
9. Aerial of Site and Surrounding Area

**Santa Fe County Variance Application: Letter of Intent**

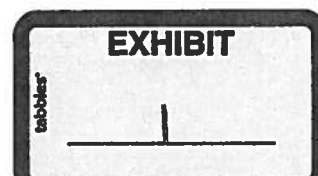
Patrick Christopher and Marga Friberg, applicants

Patrick Christopher and Marga Friberg purchased five lots, totaling 15.3 acres, now known as 250-C Kalitaya Way, in northwest Santa Fe County with the intention of building a modest house. The property is part of a "subdivision" created in the 1940s with the US Government's "Small Parcel Act" to assist veterans wanting to own property. The original surveyed plat for this particular subdivision included hundreds of small lots, mostly 2.5 acres in size, however, only a small percentage of the lots were ever sold. Eventually, the government reclaimed most of the lands which are now under the jurisdiction of the BLM. The lots that we purchased all have Land Patents from the government dating from 1962 and are legal lots of record in Santa Fe County.

Although these lots were surveyed by the government prior to being sold, no infrastructure was provided. The only access to these lots was and still is from the historic roadway, now known as Kalitaya Way, which was an old road from Espanola and San Ildefonso running south to the old town site of Buckman and terminating in Santa Fe. This historic public road appears on maps of the area dating from 1915 and possibly earlier, and until a few years ago, provided public access from Old Buckman Road north to Highway 502 near San Ildefonso Pueblo. The boundary with the Pueblo land now is gated and locked. Several persons in the mapping division of the County believe that this roadway once had a County Road number in years past, but is no longer designated as such.

In an effort to follow all of the requirements to create legal access to our property (the five adjoining lots) we worked with the BLM for over a year to receive a 30-year renewable easement for our driveway which crosses BLM land between Kalitaya Way and our property. It is now our intention to move forward with Santa Fe County and request a building permit.

We began this process over five months ago and have worked diligently with numerous members of the County staff in the course of six meetings and several



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site visits to try and accommodate everyone's concerns. In the end, after many hours of brainstorming, it was recommended that we pursue this course of action before the County Board of Commissioners requesting a variance. Last month we were informed by County staff that the new upcoming Land Development Code would not exempt us from the necessity of requesting a variance in order to build on our property.

Although there appear to be excellent building sites on the property, the issue of limited emergency access is our greatest obstacle. According to Captain Patty, his large equipment would not be able to access the property. Regarding the access roads, after leaving Camino La Tierra, the first nine miles of unpaved road are on Old Buckman Road, a County Maintained road. Members of the County Land Use staff, as well as Captain Patty, all agree that Old Buckman Road does not meet County emergency access standards. It has so many open wash crossings that we have not been able to accurately count them. The County's vehicles responding to an emergency call would most likely not be able to drive the nine miles on Old Buckman Road, prior to the turn-off on to Kalitaya Way.

Kalitaya Way is a historic and now primitive roadway which provides the 2.5 miles of access to our property. Although we have driven it in our vehicles every month of the year for the past three years without incident, in no way could it accommodate large scale vehicular traffic. This has always been the only road access to the property, and although passenger and even small scale construction vehicles can manage the road, as they have for decades, it is without question a primitive roadway. We understand this limitation and the added responsibilities that come with living off the grid in an isolated location.

While we are not in a position to upgrade the nine miles of Old Buckman Road to County standards or the 2.5 miles of historic Kalitaya Way, which is a public road on BLM land, we are seriously interested in doing all that we can to build responsibly. After consulting with members of the Land Use staff and Captain Patty, we understand that there are certain things we can incorporate into our building program to substantially enhance the protection against fire danger.

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These include:

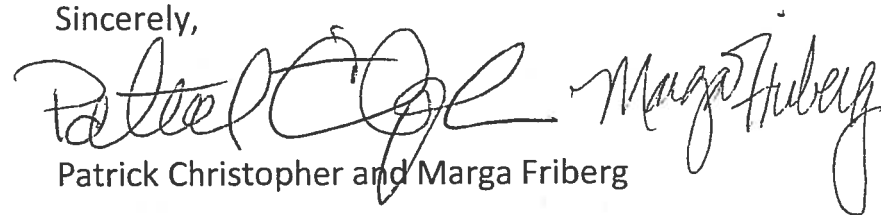
- 1) Building with fire retardant materials throughout.
- 2) Maintaining a water storage tank of at least 10,000 gallons on site.
- 3) Installing a fire-suppression system in the home.
- 4) Providing additional exit doors from the house.
- 5) Creating a bi-annual road maintenance agreement with a road builder to keep Kalitaya Way passable for vehicular traffic the year around.
- 6) Keeping brush and flammable plant material away from all structures.

In addition, if it might be helpful, we are willing to sign an agreement with Santa Fe County accepting limited emergency response services due to the remoteness of the property.

We hope that the Commission will grant us the opportunity to proceed with our home construction on our property knowing that we will work closely with the Land Use Development staff to create the safest buildings possible.

Thank you all.

Sincerely,

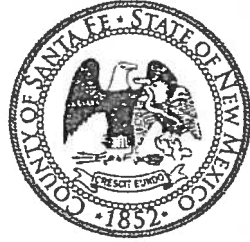
  
Patrick Christopher and Marga Friberg

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Daniel "Danny" Mayfield  
Commissioner, District 1

Virgina Vigil  
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:** March 5, 2013

**TO:** Wayne Dalton, Building and Development Services Supervisor

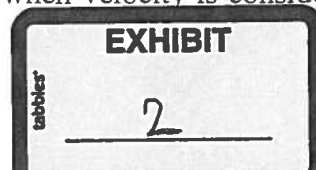
**FROM:** Vicki Lucero, CFM, Building and Development Services Department Manager,  
Floodplain Administrator *V*

**REF.:** CDRC Case # V 13-5050 Patrick Christopher & Marga Friberg Variance

The Applicant is requesting approval to allow the construction of a residence on 15.3 acres. The residence will not be benefited by all weather access as required by Code. This application has been reviewed specifically for compliance to Ordinance 2008-10 (Flood Damage Prevention and Stormwater Management Ordinance).

Article 4, Section 4.2 states: "At no time shall a Floodplain Development Permit be issued for a new dwelling unit, site, lot, parcel or tract of land intended for placement of a habitable structure including single family homes, residential subdivisions, etc, when ... the site is absent all weather access. A Floodplain Development Permit will not be issued based upon the following:

1. Old Buckman Road and Kalitaya Way, used to access the subject parcel, are within federally mapped Special Flood Hazard Area, Zone A. The Zone A designation indicates these areas will be inundated by floodwater during the 1% recurrence interval storm event, or 100-year storm. This area is unstudied by FEMA and depth, velocity and duration of inundation are not provided.
2. A portion of Old Buckman Road which provides access to the site, lies within the 100-year floodplain. In addition, the access crosses several arroyos and floodplains along Old Buckman Road and Kalitaya Way, which does not provide dry access for emergency vehicles during storm events.
3. Section 5.11 (Basis for Approval or Denial) (E) states: "Approval or Denial of a Stormwater Management Analysis (none provided by applicant), that approval may not be given when certain relevant factors are present", including "The safety of access to the property in times of flood for ordinary and emergency vehicles"
  - a. The applicant has not provided a Stormwater Analysis which identifies the quantity, depth, and velocity of the flow present in the arroyo crossings. This information would be needed to assess the potential danger of these crossings. Note that flow depths of as little as 12", when velocity is considered, are enough to wash away or



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create buoyancy of an average vehicle. Additional danger arises when motorists are unable to view the driving surface and enter inundated areas. Injury or death can occur if the driving surface has been scoured away by high velocity floodwater, and unknowing motorists often attempt to cross these inundated areas without regard for the surface of the road.. Notably, death during flash flood events are surpassed only by hurricane fatalities, and more deaths occur nationwide from flood related deaths than any other natural disaster. This is a dangerous and sometimes deadly situation.

- b. As a minimum, the applicant should be required to provide an analysis of the depth and velocity of flooding expected at these crossings using the methodology and techniques presented in Ordinance 2008-10, and place a culvert or other conveyance as needed based on the report to provide dry access for emergency vehicles.
4. Ordinance 2008-10 contains specific criterion that recommending and approval bodies must consider. These are copied below:
- A. *The Board of County Commissioners (Board) after recommendation by the County Development Review Committee (CDRC) shall hear and render judgment on a request for variance from the requirements of this Ordinance.*
  - B. *The CDRC may recommend and the Board take action on an appeal of the Floodplain Administrator's decision only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Ordinance.*
  - C. *Any person or persons aggrieved by the decision of the Board may appeal such decision to a court of competent jurisdiction within thirty days of the Board's decision.*
  - D. *The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.*
  - E. *Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Ordinance.*
  - F. *Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2) of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.*
  - G. *Upon consideration of the factors noted above and the intent of this Ordinance, the Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Ordinance (Article 1, Section C).*
  - H. *Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.*
  - I. *Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's*

*continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.*

*J. Prerequisites for granting variances:*

- 1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.*
- 2. Variances shall only be issued upon, (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, the creation of a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.*
- 3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.*
- 4. Variances may be issued by the Board for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Article 4, Section D(1)-(9) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.*

**Finding:**

This application does not meet the standards required for placement of a residence as described in the Code and Ordinance 2008-10, and in considering the criteria for variance issuance as noted above does not meet these criteria, therefore as Santa Fe County Floodplain Administrator, **it is recommended that this variance be denied based on the lack of all weather access to the proposed home.**

Be advised that should the BCC recommend approval of this variance, as noted in the federally mandated conditions for variance, FEMA must be notified of this decision as required by Federal Code of Regulations.

Should the BCC approve this case the following note should be placed on the Plat:

**The access to this property does not meet minimum standards set forth by County Ordinance and Code. Site access, including access by Emergency vehicles, may not be possible at all times.**

submittal list and explanation with the development permit application form.

2. Reviews

(a) Lot Size Requirement Review

The Code Administrator shall review the application for compliance with the lot size requirements of the Code.

→ (b) Access

- (i) All development sites created under this Section shall demonstrate that access for ingress and egress, utility service, and fire protection whether by public access and utility easement or direct access to a public right-of-way can be provided and meet the requirements of this Code.
- (ii) Installation of culverts, where applicable, shall be required at intersections of driveways with County roads.
- (iii) Road Construction and/or Road Cut Permits must be obtained prior to road or driveways construction. The applicant must provide submittals for new construction pursuant to this Section 2.4.1 and meet standards as applicable and as required in Article V, Section 8, Subdivision Design Standards, and Article VII, Section 3, Terrain Management. Notification of all affected property owners and posting of notice will be required for roads and driveways accessing more than one property.

(c) Special District Review

The Code Administrator shall check the location of the proposed dwelling, and if the location of the proposed dwelling is within a Special Review District as described in Article VI, the Code Administrator shall inform the applicant of any additional submittals or reviews required, if any, and make the applicable review.

(d) Environmental Review

The Code Administrator shall inform the applicant of any additional submittals and make the reviews required under Article VII - Environmental Requirements.

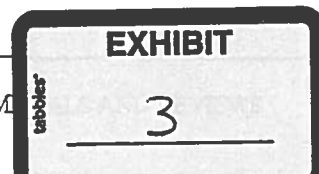
(e) Siting Review

The Code Administrator shall review the application for compliance with the site planning standards. Additional submittals in connection with the siting may be required; site visits to assure compliance with the standards of Section 2.3 of this Article and approval of the Code Administrator will also be required.

(f) Building, Mechanical and Electrical Code Review

The Code Administrator shall cause the submitted plans and specifications to be reviewed for compliance with Article IV - Construction Codes of the Code and for engineering design.

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8.1.2 The Santa Fe County Master Plan For Roads

- a. Pursuant to 3-19-9 N.M.S.A., 1978, the Santa Fe County Master Plan for Roads establishes the general location of existing and proposed highway and arterial roads for the purpose of assuring a coordinated system of roads in Santa Fe County.
- b. The Santa Fe County Master Plan for Roads may be amended by resolution from time to time to accommodate changing or changed conditions.

→ 8.1.3 Legal access shall be provided to each lot and each lot must directly access a road constructed to meet the requirements of Section 8.2 of this Article. Parcels to be accessed via a driveway easement shall have a twenty (20) foot all weather driving surface, grade of not more than 11%, and drainage control as necessary to insure adequate access for emergency vehicles.

8.1.4 Dead end roads may not serve more than thirty (30) dwelling units, except that the Code Administrator with the concurrence of the Fire Marshal may approve the development of more than thirty (30) lots on a dead end road. The Code Administrator may require a second access for any development with fewer than thirty (30) dwelling units where issues of public health, safety and welfare exists.

8.1.5 Coordination of Roads With Surrounding Property

- a. The arrangement of roads in a development shall provide for the continuation or appropriate projection of existing or proposed highway or arterial roads in surrounding areas according to the Santa Fe County Master Plan for Roads, and shall provide reasonable means of ingress and egress to surrounding property.
- b. Where land is subdivided into large tracts or where there is a potential for further subdivision or development of subsequent phases exists, the proposed development shall be designed to provide for a coordinated road system for the entire tract.
- c. Where it is in the public interest to establish a right-of-way or access to property which adjoins a proposed development, the right-of-way shall be extended to the boundary of the property which is the subject of a development application. The right-of-way shall either be dedicated to the County or granted to the Owner's Association, subject to a conditional dedication governed by Article V, Section 8.1.9. Such right-of-way shall be designated on the master or phase development plan and on the plat as a public access.

8.1.6 Access to highways and arterials: buffering requirements

- a. Where a proposed subdivision contains lots abutting or adjacent to an arterial or highway, it shall be planned so as to avoid having lots having frontage on said thoroughfares.
- b. The subdivision shall be laid out to have a minimum number of intersections with arterials or highways, and where appropriate, shall provide at least two separate points of ingress and egress to assure adequate access, and shall be designed for all weather conditions. Driveways from lots shall access local roads and may access collector roads on a limited basis as approved by the County Development Review Committee.
- c. Where the subdivision is traversed by or is adjacent to a state or federal highway, and in addition to these regulations, the subdivision must satisfy the New Mexico State Highway Department Regulations Covering Design and Construction of Driveways on Non-Controlled Access Highways in New Mexico, a copy of which is on file in the office of the Code Administrator for public inspection.
- d. Where a subdivision borders on or contains a railroad right-of-way or a limited access highway right-of-way, a parallel road or frontage road may be required at a distance suitable for the appropriate use of the intervening land. Such distances shall also be

EXHIBIT

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SFC CLERK RECORDED 06/18/2008

**ARTICLE 4**

**FLOODPLAIN DEVELOPMENT PERMIT PROCEDURAL REQUIREMENTS**

**SECTION 4.1 AREAS REQUIRING A FLOODPLAIN DEVELOPMENT PERMIT**

A. For development within a designated SFHA, including lands which are traversed by, bisected by, or directly adjacent to the SFHA designated on the effective FIRM as described in Article 2, §2.2C, Article 3, §3.2 and Article 3, §3.10, a Floodplain Development Permit issued by the Floodplain Administrator in conformity with the provisions of the Ordinance shall be secured pursuant to Article 3, §3.3(B) prior to commencement of construction.

**SECTION 4.2 NON-ELIGIBLE NEW DEVELOPMENT OR CONSTRUCTION**

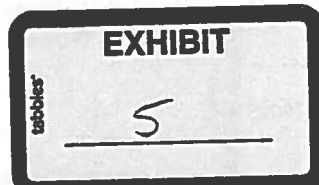
At no time shall a Floodplain Development Permit be issued for a new dwelling unit site, lot, parcel or tract of land intended for placement of a habitable structure including single family homes, residential subdivisions, modular home sites and modular home subdivisions where the site is:

- i. An alternative buildable area located outside the limits of the SFHA is available;
- ii. Unable to be removed from the SFHA through the formal FEMA map revision process described in Article 4, § 4.4;
- iii. Absent all weather access.

**SECTION 4.3 PROCEDURES FOR SUBDIVISION PROPOSALS**

All subdivision proposals which include area traversed by, bisected by, or directly adjacent to SFHA, including manufactured home parks and manufactured home subdivisions shall be required to secure a Floodplain Development Permit per Article 4, §4.4, and:

- A. SFHA may be used in computation of density;
- B. SFHA may be utilized to meet open space criteria;
- C. Primary and secondary subdivision access as required by County Code must be all weather access;
- D. For phased subdivisions, an overall Master Drainage Analysis shall be provided which demonstrates that floodplain management policies and stormwater management criteria will be compliant with this Ordinance and function independently in each phase, or construction of the entire conveyance system will be required in the first phase of construction.



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2.5 Zoning

In connection with the review of an application for a development permit with respect to matters described in the New Mexico Statutes concerning zoning, the procedures concerning zoning matters set forth in the New Mexico Statutes, as amended from time to time, shall apply in addition to the review procedures provided in the Code. The time limits established in this Article II may be extended if required, in order to comply with the procedures concerning zoning matters.

2.6 Subdivisions

In connection with review of an application for a development permit with respect to matters described in the New Mexico Subdivision Act, as it may be amended from time to time, the procedures for review provided for in Article V of the Code and the New Mexico Subdivision Act shall apply in addition to the review procedures provided in this Article II of the Code. The time limits established in this Article II shall be extended if required in order to comply with the procedures concerning subdivision matters.

2.7 Other Requirements

The time limits set forth in this Article II shall be extended in order to comply with other provisions of the Code providing for time limits in connection with reviews and requirements under the Code.

→ SECTION 3 - VARIANCES

3.1 Proposed Development

Where in the case of proposed development, it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted conditions or that these conditions would result in inhibiting the achievement of the purposes of the Code, an applicant may file a written request for a variance. A Development Review Committee may recommend to the Board and the Board may vary, modify or waive the requirements of the Code and upon adequate proof that compliance with Code provision at issue will result in an arbitrary and unreasonable taking or property or exact hardship, and proof that a variance from the Code will not result in conditions injurious to health or safety. In arriving at its determination, the Development Review Committee and the Board shall carefully consider the opinions of any agency requested to review and comment on the variance request. In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified.

3.2 Variation or Modification

In no case shall any variation or modification be more than a minimum easing of the requirements.

3.3 Granting Variances and Modifications

In granting variances, and modifications, the Board may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

3.4 Height Variance in Airport Zones

All height variance requests for land located with approach, Transitional, Horizontal and Conical surfaces as described within Map #31 A, incorporated herein by reference, shall be reviewed for compliance with Federal Aviation Administration Regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the

EXHIBIT

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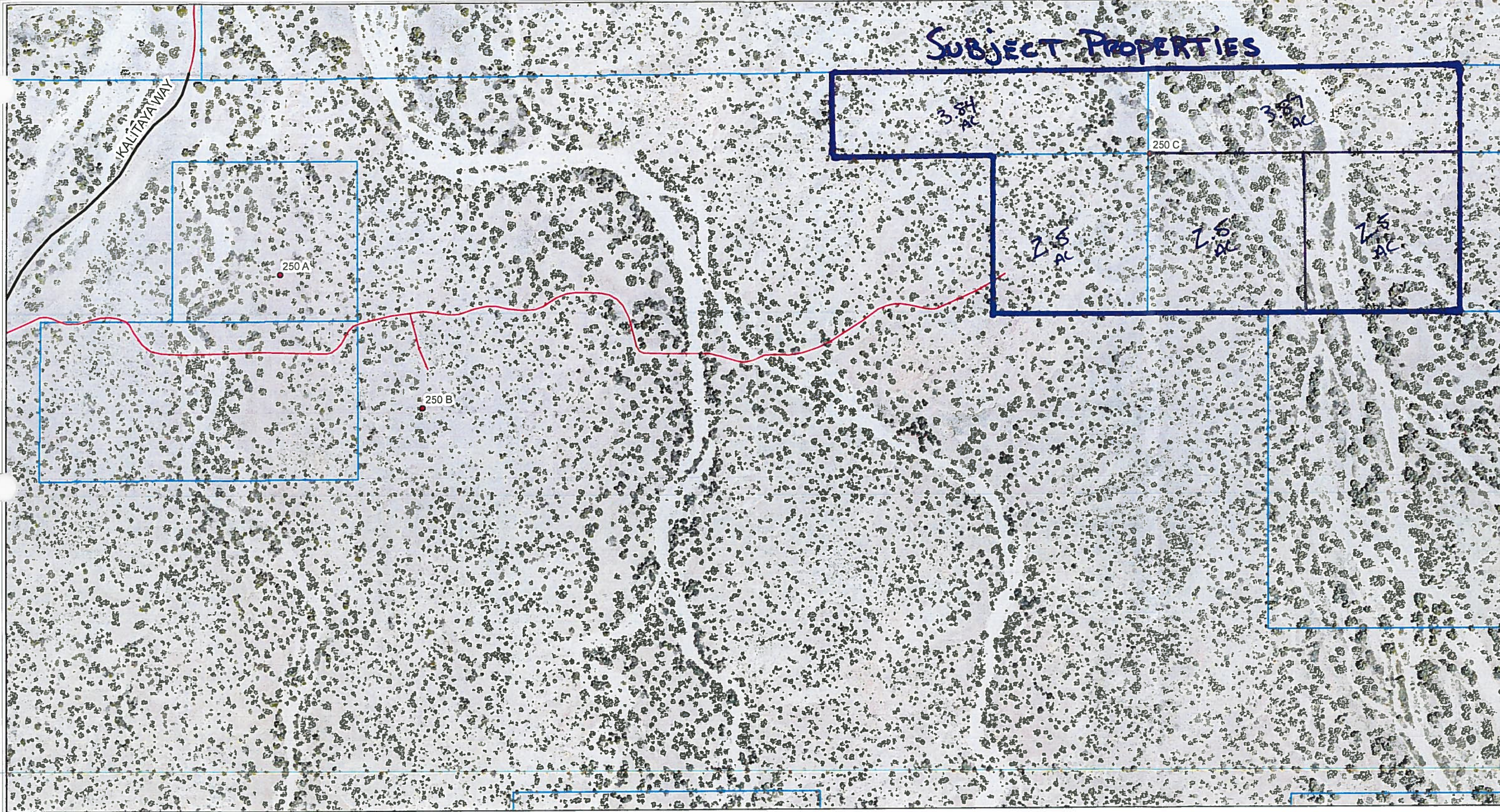
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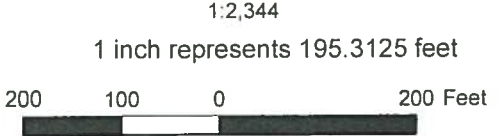


# SUBJECT PROPERTIES



- Legend**
- ROADS
  - DRIVEWAYS
  - Parcels

**EXHIBIT**  
7



2008 Orthophotography  
2 FOOT CONTOURS

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March 13, 2013





Buckman Road



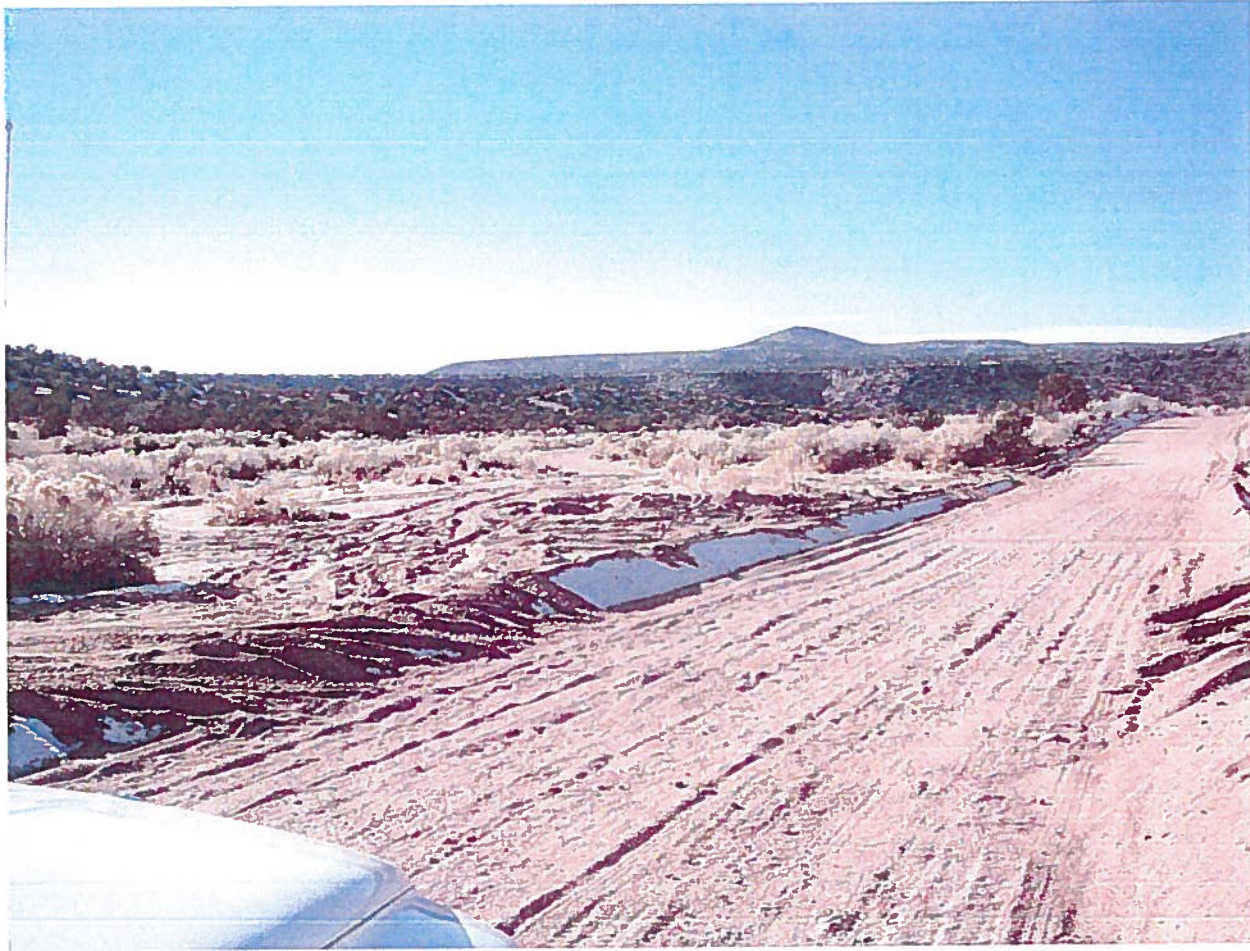
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Buckman Road

NBC - 17



Buckman Road

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Buckman Road

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Buckman Road

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Buckman Road

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Buckman Road

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Kalitaya Way

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Kalitaya Way

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Kalitaya Way

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Kalitaya Way

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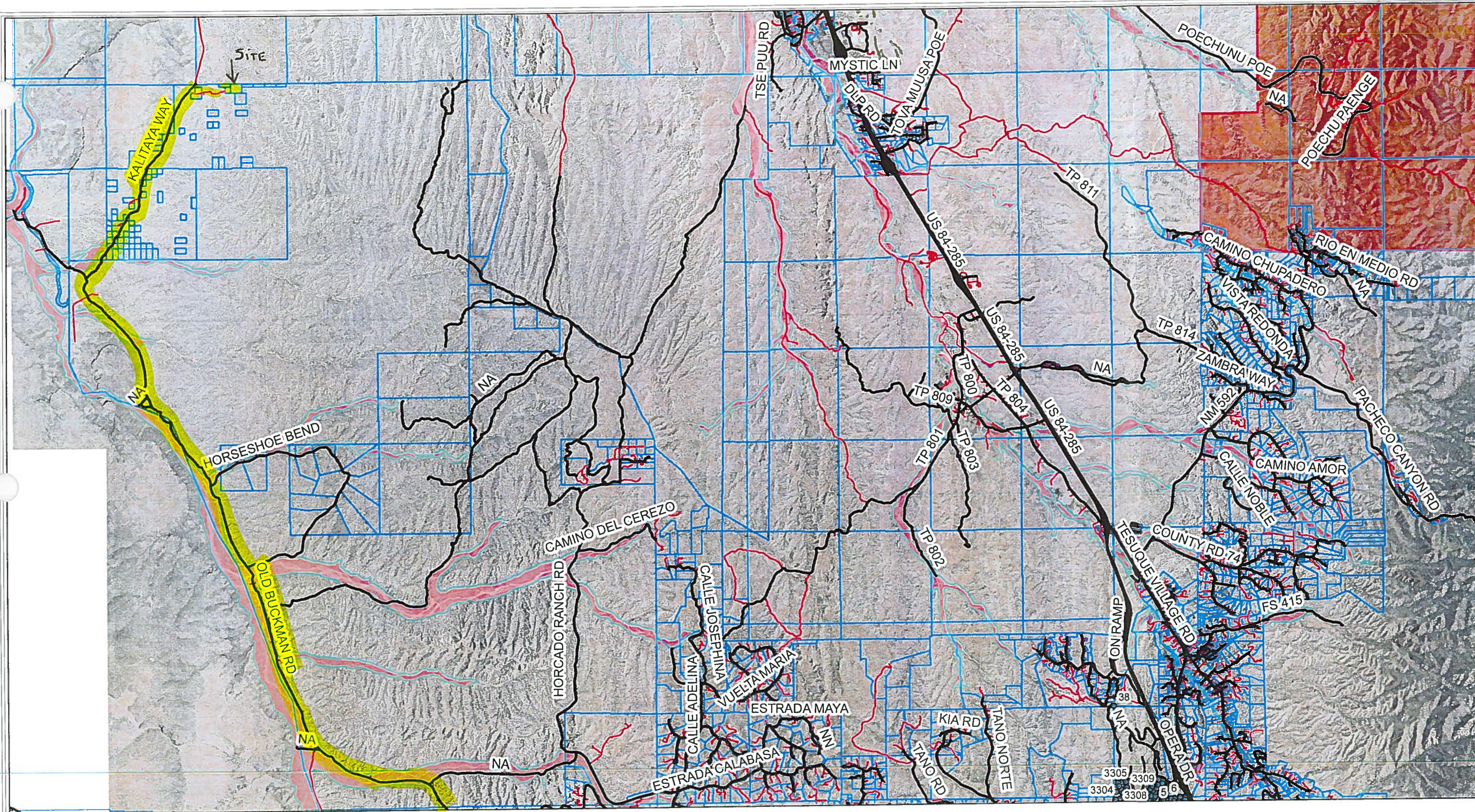
Kalitaya Way

Buildable Site

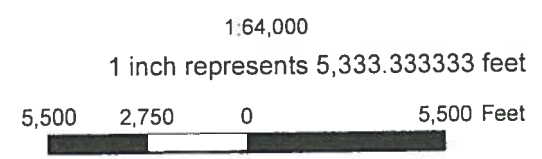
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- Legend**
- ROADS
  - DRIVEWAYS
  - Parcels



2008 Orthophotography  
2 FOOT CONTOURS

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March 13, 2013