

AMENDED DISCLOSURE STATEMENT

PIÑON BLUFF SUBDIVISION

DATE: AUGUST 20, 2008

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

This disclosure statement is intended to provide you with enough information to permit you to make an informed decision on the purchase, lease, acquisition of property described in this statement. You should read carefully all of the information contained in this statement before you decide to buy, 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. Summaries of these opinions are contained in the 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 subdivider can fulfill what the subdivider 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 statement is not a recommendation or endorsement of the subdivision by either the County or the State. It is informative only.

The Board of County Commissioners recommends that you inspect the property before buying, leasing 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 personally inspect the property. After inspecting the parcel within the six (6) month period, you have three (3) days to rescind the transaction and receive all your money back from the subdivider when merchantable title is revested in the subdivider. To rescind the transaction you must give the subdivider written notice of your intent to rescind within three (3) days after the date 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 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 requirements for construction of additional improvements before you occupy the property.

2009033509 11/20/2009 09:20:50 AM B: 412 P: 33509

AMENDMENT Pg. 1 of 26
Sally G. Padilla, Sandoval County Clerk



Amended 8/20/08

1. NAME OF SUBDIVISION

Piñon Bluff Subdivision

2. NAME AND ADDRESS OF SUBDIVIDER

Homes by Hostetler, inc.

01 Ridge Court, Placitas, NM 87043

3. NAME AND ADDRESS OF PERSON IN CHARGE OF SALES, LEASING OR OTHER CONVEYANCES

Jack Hostetler

01 Ridge Court

Placitas, NM 87043

4. SIZE OF SUBDIVISION BOTH PRESENT AND ANTICIPATED

Present

Anticipated

PARCELS: Two

PARCELS: 9 including Lot 3-A

ACRES: 11,8107 Total

ACRES: 11,8107

5. SIZE OF LARGEST PARCEL OFFERED FOR SALE, LEASE OR CONVEYANCE WITHIN THE SUBDIVISION

2.0401 gross acres (Lot 9)

6. SIZE OF SMALLEST PARCEL OFFERED FOR SALE, LEASE OR CONVEYANCE WITHIN THE SUBDIVISION

1.0267 gross acres (Lot 2)

7. PROPOSED RANGE OF PRICES FOR SALES, LEASES OR OTHER CONVEYANCES

\$119,500.00	1.2837 acres +/-
Lowest Amount	Size of Parcel Sold or Leased
\$139,500.00	1.1353 acres +/-
Highest Amount	Size of Parcel Sold or Leased

8. FINANCING TERMS

Cash at closing _____

Interest _____

N/A _____

Time Price Differential _____

None _____

Amount Paid as a Discount _____

None _____

Service Charges _____

None _____

Closing Costs _____

Purchaser is responsible for the following costs upon the closing of the purchase of a lot in the subdivision: (1) Property taxes, which vary in amount with the property purchased and which are prorated from the date of closing through the end of the year, (2) Recording fees for Deed at the County Clerk's office currently at the approximate rate of \$9.00 for the first page and \$2.00 thereafter, (3) Settlement or closing fee payable to the Title Company, currently in the approximate amount of \$100.00, plus tax on the settlement or closing fee, (4) Title insurance binder, currently in the approximate amount of \$25.00 plus tax, (5) Contract purchaser's or owners Title insurance policy at rates prescribed in state regulations and which vary depending upon the amount of insurance, (6) Property survey, currently in the approximate amount of \$185.00 plus tax, (7) Attorney's fees for standard legal document preparation, currently in the approximate amount of \$30.00 plus tax for a cash purchase.

9. NAME AND ADDRESS OF HOLDER OF LEGAL TITLE

Homes By Hostetler, inc., A New Mexico Corporation

01 Ridge Court, Placitas, NM 87043

10. NAME AND ADDRESS OF PERSONS HAVING EQUITABLE TITLE

Homes By Hostetler, inc.

01 Ridge Court, Placitas, NM 87043

John E. (Jack) and Margaret Ann Hostetler

6 Pinon Ridge Drive, Placitas, NM 87043

**NOTE: IF ANY OF THE HOLDERS OF EQUITABLE TITLE NAMED ABOVE
IS A CORPORATION, LIST THE NAMES AND ADDRESSES OF ALL
OFFICERS OF THAT CORPORATION.**

11. CONDITION OF TITLE

Title of land is held in fee simple by the parties identified in Paragraph 9 above,
subject to the Mortgage.

Number of Mortgages:

One

Name of Each Mortgage:

1.) James & Virginia Jellison Trust

Balance owing on each Mortgage:

1.) \$170,000.00 +/-

Automatic Release

Summary of the release provisions in each mortgage:

\$20,797.96 per acre release

Number of all real estate contracts on the subdivision land for which the subdivider is
making payments as a purchaser:

None

Balance due on each real estate contract:

Not applicable

Summary of the release provisions in each real estate contract:

None

State of any other encumbrances on the land:

There are no other conditions relevant to the Title

12. STATEMENT OF ALL RESTRICTIONS OR RESERVATIONS OF RECORD THAT SUBJECT THE SUBDIVIDED LAND TO ANY CONDITIONS AFFECTING ITS USE OR OCCUPANCY

The property is subject to those certain restrictions, conditions and easements contained in the "Declaration of Covenant, Conditions and Restrictions for Piñon Bluff Subdivision, dated _____, 2007 recorded in Book _____ records of Sandoval County, New Mexico, a copy of which is contained in "Appendix A" hereto.

13. ESCROW AGENT

Fidelity National Title Company/Teresa Jardis, Agent

8500 Menaul, NE., Suite B-150, Albuquerque, NM 87112

Statement about whether or not the subdivider has any interest of financial ties with the escrow agent:

None

Homes by Hostetler, inc., reserves the right to change escrow agents without purchaser's consent or approval but with 30 days advance written notice to purchasers.

14. UTILITIES

Name of entity providing phone service, if available estimated cost:

Qwest

Name of entity providing electrical service, if available estimated cost:

Public Service Company of New Mexico

Name of entity providing gas service, if available estimated cost:

None available

Name of entity providing water, if available estimated cost:

Developer proposes to provide water to the lots within the subdivision by means of shared wells under well share agreements between two, three or four lot owners. Lots will share wells according the final plat as approved by the State of New Mexico Engineer and Sandoval County. Drilling will be the responsibility of the first owner of the shared well to initiate construction. The pro rata cost of drilling will be reimbursed upon initiation of construction by the Developer. Each purchaser should make arrangements with his or her general contractor and the utility regarding installation of the water lines into the lot to the dwelling.

15. INSTALLATION OF UTILITIES

INCLUDE HERE THE DATE OF EACH UTILITY WILL BE AVAILABLE FOR USE BY THE OWNER OF THE SUBDIVIDER IS PROVIDING FOR UTILITIES.

Telephone service, Cable TV, and Electric service will be provided to each lot at the lot line prior to the closing of the sale of that lot. Purchaser is responsible for extending utility service from purchaser's lot line to the house. Each of the on-site utilities serving the subdivision will be located underground.

16. WATER AVAILABILITY

A. Maximum Annual Water Requirement

The maxium annual water usage per household will be limited to .40 acre feet per household per year or 130,400 gallons. This equates to an average usage of 10,687 gallons per 30-day month.

B. Water Sources

The source of the water supply is from the upper Santa Fe Group Aquifer and between 300 and 700 feet deep.

C. Means of Water Delivery

The water will be delivered by means of shared wells. Lots will share wells according to the final plat as approved by the State of New Mexico Engineer and Sandoval County. Drilling will be the responsibility of the first owner to initiate construction. The pro rata cost of drilling will be reimbursed upon initiation of construction by the Developer. Wells shall be shared pursuant to agreements drawn by the Developer. Each well will be metered, the meter must be installed in an exterior location. A permanent and perpetual easement is granted to the State Engineer to monitor well water usage. Maximum water rights granted to each Lot (including outdoor use) is 0.4 acre feet of water (130,400gallons) annually.

D. Limitations on water use / water conservation

Water consumption for each lot shall be limited to 130,400 gallons per year per single-family residential unit, as such term defined in the comprehensive declaration of covenants, conditions and restrictions. All wells will be metered. The only water uses permitted are:

- ⇒ For domestic uses normally associated with a residence;
- ⇒ For home occupations if conducted in compliance with the CC & Rs; or
- ⇒ Fire protection.

The CC & Rs Water conservation measures and landscape and water use standards require among other things the use of low water plumbing fixtures and appliances and limitations on landscaping to monitor water consumption. A meter will be placed on each lot to ensure compliance.

The CC & Rs discourage and limit exterior landscaping, fountains, ponds and waterfalls and encourage the use of a xeriscape garden, drip irrigation, water harvesting from rooftops into courtyards and underground cisterns to be used for irrigation purposes (see state regulations regarding cisterns). The CC & Rs also limit areas of planting to areas adjacent to the house. Hot tubs and spas are allowed but should have covers to minimize loss by evaporation. Swimming pools are not permitted. Landscaping shall be restricted to 600 square feet of turf, 600 square feet of garden and 1200 square feet of trees and shrubs.

17. LIFE EXPECTANCY OF WATER SUPPLY

As indicated in the Water Availability Assessment for Pinon Bluff Subdivision prepared by John Shoemaker & Associates dated October 2006, Subdivider anticipates that if the lot owners limit their use as will be required by the CC & Rs, the life expectancy of the water supply is in excess of 100 years.

Ground water pumping by other local and regional users, aquifer recharge, weather, natural and manmade contaminants and other conditions, all of which are beyond the control of the Subdivider can affect and deplete the water supply prior to 100 years. Subdivider has no control over these variables.

18. SURFACE WATER

The subdivision will not use surface water as its water supply.

19. NEW MEXICO STATE ENGINEER'S OPINION ON WATER AVAILABILITY

Refer to Letter dated May 23, 2007 issued by the Office of the State Engineer.

20. WATER QUALITY

Samples were collected from well RG-86696 located on Lot 3 for water-quality analysis about 2 hours before the end of the 1,440-minute constant-rate pumping test on September 13, 2006. Samples were submitted to Hall Environmental Analysis Laboratory of Albuquerque, New Mexico. The sample to be analyzed for dissolved metal concentrations was filtered in the field with a 0.45 micron filter. Concentrations of all water-quality are below the New Mexico Environment Department Drinking Water Bureau (NMED/DWB) standards and below the maximum contaminant levels as published in the Sandoval County Regulations.

21. NEW MEXICO ENVIRONMENT DEPARTMENT'S OPINION ON WATER QUALITY

Refer to Letter dated March 16, 2007 issued by the State Environmental Department.

22. LIQUID WASTE DISPOSAL

Individual septic tank with leach field will be the responsibility of the individual lot owner.

23. NEW MEXICO ENVIRONMENT DEPARTMENTS' OPINION ON LIQUID WASTE DISPOSAL

Refer to Letter dated March 16, 2007 issued by the State Environmental Department.

24. SOLID WASTE DISPOSAL

Each lot owner will be responsible for placing solid waste in approved containers and contracting with an independent trash removal service or taking the waste to the Sandoval County Land Fill Site. Placitas is currently being served by three independent trash removal services.

25. NEW MEXICO ENVIRONMENT DEPARTMENT'S OPINION ON SOLID WASTE DISPOSAL

Refer to Letter dated March 16, 2007 issued by the State Environmental Department.

26. TERRAIN MANAGEMENT

SEE ATTACHED EXHIBIT "A" (Terrain Management Plan)

27. CORONADO SOIL AND WATER CONSERVATION DISTRICT'S OPINION ON TERRAIN MANAGEMENT

Refer to Report dated April 15, 2007

28. SUBDIVISION ACCESS

Exit I-25 East on Highway 165 to Camino de las Huertas, an estimated 6.5 miles.
Then north 2.5 miles Windmill Trail.

29. MAINTENANCE

The Developer intends to dedicate Windmill Trail South and related drainage facilities associated with the road to Sandoval County. Until their acceptance maintenance costs will be shared by the lot owners. Creekside Court will remain a private road and shall be maintained pro-rata by the owners fronting said road.

The Lot owner is responsible for on-lot construction and maintenance and for all utility line extensions inside the lot. If the lot owner is hiring a general contractor, the Purchaser should insure that the general contractor is including the extension of utilities in his or her bid.

30. STATE HIGHWAY DEPARTMENT'S OPINION ON ACCESS

Refer to Letter dated March 21, 2007 issued by the New Mexico Department of Transportation.

31. CONSTRUCTION GUARANTEES

The Developer intends to complete all public improvements at one time. All such improvements are estimated to be completed within five months following all required approvals.

32. ADVERSE CONDITIONS

The future value of land is uncertain and dependent upon many factors. Do not expect all land to increase in value.

Any Subdivision will have an impact on the surrounding environment. Whether or not the impact is adverse and the degree of impact will depend on the location, size, planning and extent of development. Subdivisions which adversely affect the environment may cause governmental agencies to impose restrictions on the use of the land. Changes in plant and animal life, air and water quality and noise levels may affect your use and enjoyment of your lot and your ability to sell it. In the purchase of real estate, many requirements must be met to assure that you receive proper title. Since this purchase involves a major expenditure of money, it is recommended that you seek professional advice before you obligate yourself.

33. RECREATIONAL FACILITIES

None

34. FIRE PROTECTION

The Placitas Volunteer Fire Brigade will provide Fire protection. The Fire station is located directly on Highway 165 and is 5 miles distance from the development. Bernalillo Fire Department is an estimated 11 miles from the development. In addition the Developer shall install storage water tanks with a capacity of 30,000 gallons and a pumping capacity of 750 GPM. All connected by a 6" water main and three fire hydrants. (Refer to Sandoval County Fire Department letter dated February 19, 2007.)

35. POLICE PROTECTION

The Sandoval County Sheriff's Department will provide police protection.

36. PUBLIC SCHOOLS

Piñon Bluff Subdivision is located in the Bernalillo Public School District. Students could attend elementary school in either Bernalillo or Placitas, then Bernalillo

Middle School, and Bernalillo High School. The Bernalillo schools are located within the town of Bernalillo, approximately 10 miles from the subdivision. Placitas Elementary School is in the village of Placitas, and is approximately 3 miles from the subdivision.

37. HOSPITALS

The nearest hospital facility is St. Joseph Northeast Heights Hospital in Albuquerque at 4701 Montgomery Blvd., NE, approximately 23 miles from the subdivision by means of NM 165 to I-25 South to Montgomery exit heading east to St. Joseph Northeast Heights Hospital. St. Joseph Northeast Heights Hospital contains 105 beds.

38. SHOPPING FACILITIES

The nearest shopping facilities are located in Placitas on Highway 165 and Tierra Madre Road. There is a grocery store, restaurant, a bank, beauty salon and dry cleaners.

39. PUBLIC TRANSPORTATION

None

40. COMPLETION DATES

Within five months after approval from all necessary agencies.

41. HISTORIC PRESERVATION

Lots 3-A and *Nine* have an archeological site on each lot. Both sites shall be defined on the final map.

Refer to the Letter dated April 20, 2007 issued by the Department of Cultural Affairs, Historic Preservation Division, State of New Mexico.

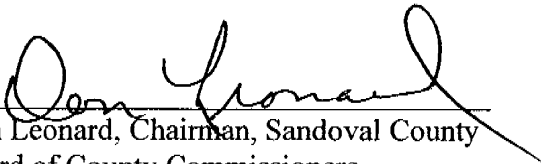
42. RESTRICTIVE BUILDING ENVELOPE

The final plat map shall contain a restrictive building envelope for each lot therein. No structures shall be permitted outside of this envelope.

43. DRAINAGE DETENTION AREAS

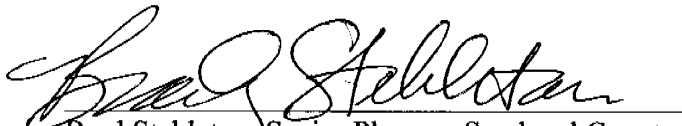
When submitting plans to the County of Sandoval for "site plan" check , a drainage detention plan shall be a part of plan submission. (See Section 3.20 of CC&Rs.

APPROVED:


Don Leonard, Chairman, Sandoval County
Board of County Commissioners

11-19-09
Date

APPROVED:


Brad Stebleton, Senior Planner, Sandoval County
Board of County Commissioners

11-19-09
Date

ATTEST:


Sally G. Padilla, Sandoval County Clerk

11-19-09
Date



STATE OF NEW MEXICO
OFFICE OF THE STATE ENGINEER

John R. D'Antonio, Jr., P.E.
State Engineer

Santa Fe

BATAAN MEMORIAL BUILDING, ROOM 102
SANTA FE, NM 87504-5102
(505) 827-6120
Fax: (505) 827-6682

May 23, 2007

Brad Stebleton
Senior Planner
Sandoval County
P.O. Box 40
Bernalillo, NM 87004

SANDOVAL COUNTY
RECEIVED

MAY 29 2007

P&Z DEPT.

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

Re: Pinion Bluff Subdivision

Dear Mr. Stebleton:

The Water Use & Conservation/Subdivision Review Bureau of the Office of the State Engineer has reviewed the referenced subdivision proposal pursuant to the Sandoval County Subdivision Regulations and the New Mexico Subdivision Act.

Based on the information provided, this office has determined 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 **positive** opinion is issued.

A staff memorandum providing specific comments is attached for your information. If you have any questions, please call Jerry Keller at 505-827-3845.

Sincerely,

A handwritten signature in dark ink, appearing to read "John W. Longworth".

John W. Longworth, P.E.

Water Use & Conservation/Subdivision Review Bureau Chief

Encl.

cc: OSE Water Rights Division, Albuquerque Office

JK:jk



STATE OF NEW MEXICO
DEPARTMENT OF CULTURAL AFFAIRS
HISTORIC PRESERVATION DIVISION

BILL RICHARDSON
Governor

BATAAN MEMORIAL BUILDING
407 GALISTEO STREET, SUITE 236
SANTA FE, NEW MEXICO 87501
PHONE (505) 827-6320 FAX (505) 827-6338

April 20, 2007

SANDOVAL COUNTY
RECEIVED

APR 25 2007

P&Z DEPT.

Brad Stebleton
Senior Planner
Sandoval County Administrative Offices
Sandoval County Courthouse
P.O. Box 40
Bernalillo, NM 87004

Re: Pinon Bluff Subdivision

Dear Mr. Stebleton:

Thank you for sending the additional documentation I requested in my March 16, 2007 letter so that I could complete my review of the cultural resource survey report and an addendum to the report prepared by Hammerstone Archaeological Services (Hammerstone).

The cultural resource survey report documents three archaeological sites (LA 44534, LA 44538, and LA 109146) within the proposed subdivision. Hammerstone conducted shovel tests across LA 109146 in order to determine if any subsurface cultural deposits exist on the site that would contribute significant information to our knowledge of the site. All 108 shovel tests were negative and Hammerstone recommends the site as not significant. The Historic Preservation Division (HPD) agrees and this site does not need protection from construction activities.

LA 44534, also called Casa Acequia, is an extremely significant site. It was listed to the State Register of Cultural Properties in 1986 as an individual site (SR # 1238) and is included in a multiple property listing called Rio Medio Archaeological Thematic Group (SR # 1720). Although it is eligible for listing and was recorded at the same time as LA 44534, LA 44538, or La Cascada, is not listed on the State Register.

From my review of the preliminary plat, it appears that LA 44534 and LA 44538 will be avoided by construction of residences. LA 44534 is located within Lot 10 and LA 44538 is located within the drainage easement in Tract 3-A. Both sites should be marked on the final plat as non-disturbance easements to ensure protection of the sites from any ground disturbing activities. In addition, the future owners of LA 44534 and LA 44538 should be advised of the importance of these sites. The owners can contact this office for more information on the sites and information on tax credits that are available to help preserve and protect the sites. If these sites cannot be avoided and protected, we encourage the landowners to contact this office for any assistance we may be able to provide.

As a financial incentive to landowners and corporations, the New Mexico Stabilization and Tax Credit Program was established for cultural resources listed on the State Register of Cultural

Properties. Preservation of a registered site through fencing, revegetation, or any number of activities could result in up to a \$25,000 credit to the owners for money spent to stabilize or otherwise protect the site. LA 44534 qualifies for this program and LA 44538 may qualify for this program if the owners of the site wish to pursue nomination of the site to the State Register. Our office can provide assistance with preparing the nomination form.

The Cultural Properties Preservation Easement Act allows New Mexico landowners to obtain deductions from their federal income tax assessment by covering archaeological sites on their land with conservation easements. Unlike the State program, the archaeological site does not have to be listed in the Register; the federal tax code requires only that an archaeological site be determined eligible for inclusion in the National Register of Historic Places. Both LA 44534 and LA 44538 qualify for this program.

The third tax credit act, the Land Conservation Incentive Act, was passed by the New Mexico legislature in 2003. This Act allows for a New Mexico state tax credit for landowners who donate (in easement or fee) New Mexico properties that contain important habitat areas or contain significant natural, open space and historic resources to qualified non-profit organizations. LA 44534 and LA 44538 could also qualify for this program.

For more details on the tax credit programs summarized above, please call Dr. Glenna Dean, State Archaeologist, at (505) 827-3989. If you have any other questions concerning comments in this letter, please do not hesitate to contact me. I can be reached by telephone at (505) 827-4064 or by email at michelle.ensey@state.nm.us.

Sincerely,



Michelle M. Ensey
Archaeologist

Log: 81027

Cc: Richard Burleson, Hammerstone Archaeological Services, 7016 Tampico Road, NE, Rio Rancho, NM 87144



BILL RICHARDSON
Governor

State of New Mexico
ENVIRONMENT DEPARTMENT

Environmental Health Division

District I - Albuquerque Office

5500 San Antonia Drive, NE

Albuquerque, New Mexico 87109

Telephone (505) 222-9500

Fax (505) 222-9510



RON CURRY
Secretary

CINDY PADILA
Deputy Secretary

ANA MARIE ORTIZ
Director

March 16, 2007

SANDOVAL COUNTY
RECEIVED

MAR 20 2007

PAZDEPT.

Brad Stebleton
Sandoval County Planning & Zoning
P.O. Box 40
Bernalillo, New Mexico 87004

Re: Piñon Bluff Subdivision

Dear Mr. Stebleton:

The completed proposed package on the referenced development and your request for review and comment was received in this office of the New Mexico Environment Department (NMED).

Description

Piñon Bluff Subdivision is located in Tract Three (3) of the Las Huertas Subdivision, within Section 30, Township 13 North, Range 5 East, NMPM, Sandoval County, New Mexico. Approximately 11.8107 acres will be subdivided into approximately ten (10) residential lots. The lots will range from 1.0251 to 1.5646 acres.

Water Quality

Piñon Bluff Subdivision is proposing to utilize a private domestic water distribution system. A total of approximately three (3) wells are proposed. Based on 2005 United States Census data, the average household size for Sandoval County is 2.75 people per home. Your proposal was evaluated according to the criteria contained in Section 20.7.10.100 NMAC (incorporating 40 CFR Section 141.2 & 141.3). Based on the information provided in your submittal it has been determined that Piñon Bluff Subdivision does not qualify as a Public Water System and does not need to comply with the Safe Drinking Water Act and the New Mexico Drinking Water Regulations (20.7.10 NMAC).

If any of the wells in the Piñon Bluff Subdivision ever begins serving drinking water to 25 or more persons and/or 15 service connections for sixty days a year, please notify the NMED-Drinking Water Bureau (DWB) in Albuquerque. At that time that particular well-share will be activated as a public water supply system and will have to meet the requirements of the NMED Drinking Water Regulations.

Liquid Waste Disposal

The subdivider is proposing the use of individual liquid waste systems (septic tank systems) provided by the lot purchaser. Soils, topographic, and drainage information has been submitted to show the suitability

of the site for the installation and functioning of septic tank systems (septic tank/absorption field). Based on this information the subdivider's proposal concerning liquid waste disposal facilities can be fulfilled by the lot purchaser. Although it is not a requirement of the Liquid Waste Disposal and Treatment Regulations (20.7.3 NMAC) the NMED would prefer if the planned subdivision would provide a comprehensive management plan for operation and maintenance of the on-site treatment systems to assure the long-term efficiency of these systems.

Installation of on-site liquid waste systems permitted pursuant to the Environmental Improvement Board's Liquid Waste Disposal and Treatment Regulations (20.7.3 NMAC) in areas with steep slopes, bedrock, unsuitable soils, or fast percolating soils may require site modification and/or the use of alternative systems designed by a professional engineer.

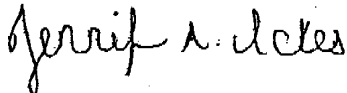
Solid Waste Disposal

The subdivider is proposing the individual lot owners in the Piñon Bluff Subdivision will contract with a solid waste collection company for offsite disposal of solid wastes. Use of a private refuse collection/disposal service by the lot purchaser is sufficient to fulfill the solid waste disposal requirements of the subdivision. Documentation of the availability of refuse collection/disposal by Roadrunner Waste has been submitted.

The preceding comments and opinions on the water quality, liquid waste disposal, and solid waste disposal proposals for the proposed Piñon Bluff Subdivision were made in response to a request by the County of Sandoval as provided for in the New Mexico Subdivision Act. The comments and opinions are not a recommendation for or an endorsement of the proposed subdivision by the NMED.

If I can be of further assistance in this matter, please do not hesitate to contact me.

Sincerely,



Jennifer A. Ickes
General Manager, District 1
Environmental Health Division
New Mexico Environment Department

Cc: Drinking Water Bureau
Solid Waste Bureau
District 1 File

PIÑON BLUFF SUBDIVISION

**REVIEW OF TERRAIN MANAGEMENT SUFFICIENT TO
PROTECT AGAINST FLOODING, INADEQUATE DRAINAGE
OR EROSION; FOR AND DURING THE DEVELOPMENT OF
A PROPOSED SUBDIVISION ON 11.8107 ACRES,
TRACT THREE (3) OF THE LAS HUERTAS SUBDIVISION
LOCATED WITHIN SECTION 30,
TOWNSHIP 13 NORTH, RANGE 5 EAST,
SANDOVAL COUNTY, NEW MEXICO.**

Prepared by

Gregory Smestad

SANDOVAL COUNTY
RECEIVED

MAY 23 2007

F&Z DEPT.

Prepared For

***Coronado Soil & Water Conservation District
P.O. Box 69
Bernalillo, New Mexico 87004***

April 15, 2007

Brad Stebleton, Senior Planner
Sandoval County Planning and Zoning
P.O. Box 40
Bernalillo, NM 87004

The Coronado Soil and Water Conservation District has reviewed the subdivision submittal for Piñon Bluff Subdivision. The proposal is for a 10 lot subdivision on 11.8107 acres located within Section 30, Township 13 North, Range 5 East, Tract (3) of the Las Huertas Subdivision, Sandoval County, New Mexico. Our comments and opinions are based on both field checks and review of submittal.

The subdivider proposes developing the land into 10 single-family lots. Lot size ranges from .1.02515 to 1.5646 acres. The subdivision is accessed from Windmill Trail, an unpaved road that intersects with Camino de las Huertas a paved road. The subdivider proposes two new paved roads to be built with in the 11 .8 acre subdivision.

Coronado Soil and Water Conservation District's opinion is that this proposal does not provide terrain management plans sufficient to protect against flooding, inadequate drainage, or erosion for and during the development of Piñon Bluff Subdivision.

The District is concerned with several issues with the Piñon Bluff Subdivision submittal. They are listed as follows:

1. Las Huertas Creek and FEMA flood Plain
2. Non Compliance: Flood Damage Prevention Ordinance, Sandoval County
3. No drainage easement designated on plat
4. Post Development Stormwater mitigation Via Las Huertas Creek?

The first three concerns pertain primarily to lots 8,9, and 10, while the fourth concern is applied to the entire proposed subdivision.

1. LAS HUERTAS CREEK AND FEMA FLOOD PLAIN

Las Huertas Creek begins at the top of the Sandia Mountains just north of the Sandia Peak Ski Area and drains an area of more than 25 square miles before it flows past the proposed Piñon Bluff subdivision. Peak flows resulting from a 100 year storm are calculated at between 6,000 and 7,000 Cubic Feet per Second flowing at a speed of about 20 feet per second. That is between 2.5 and 3 million gallons per minute flowing at about 13 miles per hour. For perspective the Rio Grande flowing through Albuquerque during spring run-off flows at about 1,400 Cubic Feet per Second through a channel about 10 times wider than Las Huertas Creek.

Presently Las Huertas Creek is in an extremely degraded condition. Few native species of riparian plants are present along the reach adjacent to the proposed Piñon Bluff Subdivision. Human activities including logging, catastrophic fire, over-grazing with sheep and cattle and farming, between the mid 1800's and the mid 1900's over the entire watershed, have caused accelerated erosion and flooding that has contributed to the decline of the native vegetative community and incised the stream-bed. More recently, a C02 pipeline has been built within the flood plain riparian zone of the creek, urban development has spread in the watershed and fire suppression in the forest has resulted in too many trees and a too dense forest canopy. All of these activities and conditions have contributed to the degradation of the stream. The Las Placitas Association is currently undertaking a Las Huertas Creek restoration project and over some time the creek could be restored to a healthier condition.

Proposed home sites on lots 8, 9 and 10 are located within portions of the historic flood plain terrace of Las Huertas Creek. The creek has a bend at this reach allowing the energy of the historic high water level to spill onto the terrace. High water deposits sediments where-by leveling and creating the terrace over time. The terrace is bounded by rock out-crop that prevents widening of the creek beyond the limits of the out-crop. Presently, there is little evidence in the way of a debris line to show that the creek has recently flowed onto the historic flood plain terrace. But, the creek is now incised with a deeper channel then it

had in historic times, allowing more water to pass within the deepened channel. However, many places the streambed is armored with a formation of concretion, a geologic formation of rocks cemented together to form a hard bed-rock like surface, and will not erode as rapidly as the surrounding material. Therefore, the creek is unlikely to incise deeper within this reach. If Las Huertas Creek is restored, the stream bed will eventually fill back up with soil, sediment and native vegetation. When this happens the stream will once again be able to easily spill upon its historic flood plain terrace. If any development is present on the terrace it will flood out!

FEMA, Federal Emergency Management Agency, has designated a Zone A flood plain along Las Huertas Creek. In the drawing of the map, FEMA uses a somewhat small scale base map resulting in an inaccurate flood plain designation when applied to a larger scale map such as the Piñon Creek Subdivision plan. This is a common fault of FEMA maps along small western streams where the topology is varied. The District believes this is the case with the flood plain designated by FEMA along the portion of Las Huertas Creek flowing through Piñon Bluff Subdivision. The inaccuracy is clear simply by examining the Terrain Management Plan map included in the Piñon Bluff Subdivision submittal. This position is supported by the fact that the FEMA Flood Plain line cuts across contours on a topography map with 2 foot contours. If the FEMA Flood Plain Boundary was placed correctly on the map for this reach of Las Huertas Creek, the flood plain boundary line would follow the contour not bi-sect it.

The district recommends that lots 8, 9 and 10 be removed from the proposed Piñon Bluff Subdivision as developable lots. Any buildable area of lots 8, 9 and 10, even areas outside the FEMA Zone A flood plain boundary are inside the historic flood plain terrace of Las Huertas Creek and will flood. People on the terrace could be unaware of a pending flood and even have sunny skies overhead because peak flows and floods could result from storms miles away from Piñon Bluff Subdivision due to the size of the watershed and a difference of about 4,000 feet in elevation where Las Huertas Creek begins at the top of the mountain. Flooding can cause significant damage to liquid waste disposal systems, resulting in raw sewer contamination of Las Huertas Creek and expensive repairs. Flooding can cause structures placed in the Floodway to come apart and materials may be swept onto other lands or cause injury to others. During peak flows of Las Huertas Creek, the volume and speed of the stream would be extremely dangerous to people or animals should they be swept up by floodwater and could result in injury or death.

2. NON COMPLIANCE: FLOOD DAMAGE PREVENTION ORDINANCE, SANDOVAL COUNTY

Sandoval County has a Flood Damage Prevention Ordinance. Portions of proposed lots 3-A, 3, 2, 8, 9 and 10 must comply with this ordinance. All of these proposed lots have floodplain or flood-prone-areas and all have areas of Special Flood Hazard. As such, the subdivider is required to obtain a Development Permit from the Sandoval County Floodplain Administrator, Article 5, Section C, Flood Damage Prevention Ordinance, Sandoval County. Additionally, The subdivider must comply with Article 1, Sections B, C, and D, Article 3, Section C and Article 4, Section C.

3. NO DRAINAGE EASEMENT DESIGNATED ON THE PLAT

The subdivider must place a drainage easement on the natural channel, floodplain, floodways, and flood fringes of Las Huertas Creek per Sandoval County Subdivision Regulations, 8.8.7 a, number 6.

4. POST DEVELOPMENT STORMWATER MITIGATION VIA LAS HUERTAS CREEK?

All post development stormwater generated by impervious surfaces of development must be held and contained on site, that is on the lot that generated the run-off and run-off directed into a natural outlet may not exceed historic (pre-development) flows, Appendix A, To Land Subdivision Regulations; Development Plan for Placitas Area of Sandoval County, Section 3, I. Furthermore, ...discharges attributable to grading are prohibited...into a water course...or floodplain, Section 4, d, v., Appendix A, To Land Subdivision Regulations; Development Plan for Placitas Area of Sandoval County.

All lots must have catchments sized for developed impervious surfaces associated with development.

The Submittal for Piñon Bluff Subdivision states on an un-numbered page (the sixth page) in the Terrain Management Plan Section: "Free Discharge of individual lot runoff is permitted..." and also states: "Runoff, existing and Developed has/will discharge directly to the Las Huertas Creek..." Both of these statements/instructions are NOT PERMITTED! These are in violation of Federal, State and local regulations!

The submittal does state in the Declaration of Covenants, Conditions and Restrictions, Article III, Section 3.20 that Owners are required to construct properly sized catchments for stormwater runoff.

The Sixth page of the Terrain Management Plan Section, as referred to above, must be removed from the submittal.

This review is provided by the Coronado Soil and Water Conservation District in response to a request by the Sandoval County Commission, as provided for by agreement and state law. The comments and opinions contained herein are only such, and do not constitute endorsement or recommendation for approval or disapproval of the proposed Piñon Bluff Subdivision by the District. We will be pleased to review and comment on any additional materials submitted by the subdivider.

Sincerely,



A. L. (Will) Ouellette, Chairman



SANDOVAL COUNTY

FIRE DEPARTMENT

February 19, 2007

Brad Stebleton
Senior Planner
Sandoval County Planning and Zoning
P.O. Box 40
Bernalillo NM, 87004

Dear Mr. Stebleton,

I have reviewed the plans for the proposed Pinon Bluff Subdivision and offer the following comments:

The fire hydrants shall be spaced no more than 600 feet from any structure. Each hydrant shall have a flow of no less than 750 gallons per minute.

The above water supply is based on a house size that does not exceed 2500 square feet.

All fire protection features such as fire hydrants will be in place tested and approved by the Sandoval County Fire Department prior to the start of any construction.

Each of the roads within the subdivision shall have a 20 foot unobstructed width and a vertical clearance of not less than 13 feet 6 inches in accordance with the International Fire Code Section, 503.2.1.

Each premise shall be provided with numbers that are a minimum of 4 inches high with a stroke width of 0.5 inch in accordance with the International Fire Code Section 505.1

All streets and roads shall be identified with approved signs prior to the commencement of construction in accordance with International Fire Code Section 505.2

It is suggested that each of the lot owners be provided with information about Automatic Fire Sprinkler Systems. Informational packets can be obtained through the Sandoval County Fire Department.

If you have any questions please contact me at 867-0245.

Sincerely,

[Signature]
James Maxon
Fire Marshal
Sandoval County

Post-it® Fax Note	7671	Date	4-9-08	# of pages	1
To	Jack Hostetter	From	Brad Stebleton		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #	867-3102	Fax #			

POST OFFICE BOX 40 • 314 MELISSA ROAD • BERNALILLO, NEW MEXICO 87004 • PHONE: (505) 867-0245 • FAX: (505) 867-6256



NEW MEXICO DEPARTMENT OF
TRANSPORTATION
MOBILITY FOR EVERYONE

R/W Bureau

March 21, 2007

Mr. Brad Stebleton
Sandoval County
P.O. Box 40
Bernalillo, NM 87004

SANDOVAL COUNTY
RECEIVED

MAR 22 2007

PAZDEPT.

RE: **Pinon Bluff Subdivision**

Dear Mr. Stebleton,

The appropriate engineers of the New Mexico Department of Transportation have reviewed the material submitted on the above referenced development and do not have any further comments.

If you have any questions or need further information please contact me at 476-3652 or by e-mail at jeremy.lujan@state.nm.us.

Sincerely,

Jeremy Lujan
Property Management Agent
Right of Way Bureau

XC: File #1620

Bill Richardson
Governor

Rhonda G. Faught P.E.
Cabinet Secretary

Commission

Johnny Cope
Chairman
District 2

David Schutz
Vice Chairman
District 5

Gregory T. Ortiz
Secretary
District 6

Norman Assed
Commissioner
District 3

Jim Franken
Commissioner
District 4

Jon Hummer
Commissioner
District 1