Case #SD17-002: Submitted by Randy McMillan in conjunction with the Las Cruces Community Farms LLP Master Plan, a Type II Subdivision to be named Las Flores Subdivision to create 63 lots on 16.500 acres ranging in size from 0.138 acres to 0.657 acres. The property is the former McNally Farm in Berino and is located within Section 3, Township 23 South, Range 3 East. The deeds were recorded in the Office of the Doña Ana County Clerk on March 9, 2016 with Instrument #1605003 and can be further identified by Parcel ID #R1705141.
SURROUNDING ZONING / LAND USES

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BACKGROUND
Exiting Conditions:

The Proposed Preliminary Plat for Las Flores Subdivision is part of the 79 acre Master Plan to be known as Las Cruces Community Farms LLP Master Plan. The Master Plan proposes a Three Phase mixed use development of: 65 residential lots on 16.500 acres for Phase 1, and 32 lots on 6.080 acres for Phase 2, and a Collector Roadway of 3.373 acres for Phase 3, the remainder 53.45 acres is mixed use for agriculture and nurseries. The Las Flores Subdivision is located on the northern edge of the Berino Town Site, a recognized Colonia. The 16.634 acres for Phase 1 is vacant, sewer and water is available to the site. Access is proposed by means of 3 roads; Vargas St, Vista St, and Otero St. Pillar Engineering and Las Cruces Community Farms hosted a Community Meeting to present the Cruces Community Farms LLP Master Plan and Phase 1 of the Las Flores Subdivision. The community meeting was held at the Immaculate Conception Parish Hall located at 205 San Benito Street in Berino, NM at 6:00 p.m. on Thursday, August 31, 2017. Changes to the proposal of the Master Plan and Phase 1 are reflected in this submittal.

The request: An application for the approval of a Type II Subdivision submitted by Pillar Engineering LLC. The applicant is proposing 65 lots on 16.500 acres that range in size from 0.657 acres to 0.138 acres.

APPLICABLE PLANS, POLICIES, AND CRITERIA FOR APPROVAL

Chapter 350 Unified Development Code Article IV Subdivisions
§ 350-104.C.9 Duties of the Planning and Zoning Commission
§ 350-212 Subdivision Procedures:
§ 350-212.A General Rule
§ 350-212.B Pre-application Conference
§ 350-212.C Pre-engineering Conference
§ 350-212.D Agency Review
§ 350-212.E General Notice Requirements
§ 350-212.G Preliminary Plat Review
§ 350-212.I(1) Final Plat Review and BOCC Action
Article IV Subdivisions
§ 350-401 P&Z Review
§ 350-402 Development Review Committee
§ 350-407 Subdivision Data Requirements

AGENCY COMMENTS:

Community Development Department: Staff recommends all outstanding comments from the reviewing agencies will be satisfied prior to Final Plat APPROVAL submittal as a Condition for Approval.

Development Review Committee: On October 5, 2018, the DRC recommended approval of the Las Cruces Community Farms LLP Master Plan and Phase 1 of the Las Flores Subdivision.

County Fire Administration: Satisfactory recommendation is given for the Master Plan and Phase 1.

County Engineering Department: The applicant is addressing minor details to the plat that will be finalized prior to the Final Plat. A variance is being required for road design (construction drawings) to street capacity collected flows that do not affect the Plat.

County Flood Commission: The applicant is addressing minor details to the plat that will be finalized prior to the Final Plat. A variance is being required for road design (construction drawings) to street capacity collected flows that do not affect the Plat.

Mesilla Valley Metropolitan Organization: Yes, McNally and Thomson are both local roads.

Office of State Engineer: A positive opinion is issued.

NMED, Santa Fe: A positive opinion is issued.

NMDOT, Santa Fe: A positive opinion is issued. When the area develops north of the subdivision a new traffic analysis will be required.

SHPO, Santa Fe: SHPO reports no concerns.

Doña Ana S&WCD: The applicant is finalizing comments, staff is making this a condition prior to BOCC hearing.

GISD: A positive opinion is issued.

PUBLIC NOTICE / NOTIFICATION

- Seventy three (73) letters of notification were mailed to the property owners within the area of notice on October 16, 2018.
- Legal Ads were placed in the Las Cruces Sun-News on October 17, 2018.
• Signs were placed on the property in a timely manner.
• Agenda was posted on the County Web site.

STAFF ANALYSIS

The proposed Phase 1 Preliminary Plat for Las Flores Subdivision is a development of 65 residential lots on 16,500 acres. It is part of the three phase 79 acre Master Plan to be known as Las Cruces Community Farms LLP Master Plan. All the lots meet the zoning requirements for T3 (Neighborhood Edge) Zone consists of low-density single-family residential dwelling areas, with some mix of uses, home occupations and outbuildings. The General Notice Requirements for Public Hearings on Preliminary Plats have been met. The Data Requirements were reviewed by the appropriate agencies, any remaining outstanding comments from the reviewing agencies will be addressed prior to the submittal of the Final Plat. All infrastructure improvements such as drainage, ponding and roadways will be inspected to insure County standards. Water is provided by the Lower Rio Grande Public Works Authority. The Preliminary Plat Application is consistent with the UDC standards of Chapter 350 of the Unified Development Code, Article IV Subdivisions.

FINDINGS:

1. Pursuant to UDC §350-401”[t]he Planning and Zoning Commission is authorized to… review and make recommendations for approval, approval with conditions or denial of preliminary plats to the Board of County Commissioners.”. The property is located outside of any incorporated municipal zoning authority and is within Doña Ana County.

2. Pursuant to § 350-407 Subdivision Data Requirement: Approval of Phase 1 for the Las Flores Subdivision ensures the following:
   a. Water quantity is sufficient to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses, per the Office of the State Engineer.
   b. Water is of an acceptable quality for human consumption and measures are taken to protect the water supply from contamination, per NMED requirements.
   c. There is a means of liquid waste disposal for the subdivision, per NMED requirements.
   d. There is a means of solid waste disposal for the subdivision, per NMED requirements.
   e. There are satisfactory roads to each parcel, including entry and exit for emergency vehicles, and there are appropriate utility easements to each parcel, per DAC Fire Marshal’s Office and DAC Engineering.
   f. Terrain management protects against flooding, inadequate drainage, erosion and meets the requirements of the Article 6 Development Construction Standards, per DAC Flood Commission and the Doña Ana Soil and Water Conservation District.
   g. There are protections for cultural properties, archaeological sites and unmarked burials that may be directly affected by the subdivision, as required by the Cultural Properties Act, per New Mexico SHPO.
   h. The subdivider can fulfill the proposals contained in the disclosure statement for the subdivision.
   i. The subdivision will conform to the New Mexico Subdivision Act and the UDC.

3. The Preliminary Plat Application is consistent with the UDC:
Chapter 350 Unified Development Code Article IV Subdivisions
Chapter 350 Unified Development Code Article IV Subdivisions
§ 350-104.C.9 Duties of the Planning and Zoning Commission
§ 350-212 Subdivision Procedures:
§ 350-212.A General Rule
§ 350-212.B Preapplication Conference
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§ 350-212.I(1) Final Plat Review and BOCC Action
Article IV Subdivisions
§ 350-401 P&Z Review
§ 350-402 Development Review Committee
§ 350-407 Subdivision Data Requirements

**STAFF RECOMMENDATION**
Staff recommends all outstanding comments from the reviewing agencies will be satisfied prior to Final Plat Approval submittal as a condition for approval for Case # SD17-002, the Preliminary plat for Phase 1 of the Las Flores subdivision.
PRELIMINARY PLAT

LAS FLORES SUBDIVISION
A SUBDIVISION LOCATED PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 26 SOUTH, RANGE 2 EAST, SURVEY OF THE U.S.G.S., SHELBY, DELAWARE COUNTY, OKLAHOMA.

DATE OF SURVEY: NOVEMBER 9, 2018

EXHIBITED:
THIS PLAT HAS BEEN APPROVED FOR CURRENT PURPOSES, THE DRAWING OF THE SURVEYING FEATURES, AND THE DESCRIPTION OF THE SUBDIVISION AS SHOWN HEREIN.

PREPARED BY:

PLANNING AND ZONING COMMISSION
SD17-002 * 11/9/18
SURROUNDING LAND USES
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NOTIFICATION LIST

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<td>61</td>
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<td>LUCERO MIRIAM</td>
<td>809 GEORGIA</td>
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<td>TX</td>
<td>79835</td>
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<tr>
<td>62</td>
<td>R1718782</td>
<td>ROSALES MARCO A</td>
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<td>NM</td>
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<tr>
<td>63</td>
<td>R1714631</td>
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<td>735 FOURTH ST</td>
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<td>MARTINEZ JOSE E HERNANDEZ &amp; DIANA JOSEPH</td>
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<tr>
<td>68</td>
<td>R1705216</td>
<td>GARCIA FRANCISCO O &amp; BEATRICE MIRANDA</td>
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<td>69</td>
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<td>BARRON FRANCISCO PEREZ &amp; JUANA</td>
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<td>88048</td>
</tr>
<tr>
<td>70</td>
<td>R1719520</td>
<td>PEREZ MARCOS</td>
<td>800 MCANALLY DR</td>
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<tr>
<td>71</td>
<td>R1705142</td>
<td>LAS CRUCES COMMUNITY FARMS PLLC</td>
<td>1155 S TELSHOR STE B</td>
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<td>NM</td>
<td>88011</td>
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<tr>
<td>72</td>
<td>R1901420</td>
<td>BYRD JOHN W</td>
<td>401 N 17TH NO 11</td>
<td>LAS CRUCES</td>
<td>NM</td>
<td>88005</td>
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<tr>
<td>73</td>
<td>DAC ROAD DEPT.</td>
<td>2025 E GRIGGS</td>
<td>LAS CRUCES</td>
<td>NM</td>
<td>88001</td>
<td></td>
</tr>
</tbody>
</table>
DISCLOSURE STATEMENT

For

LAS FLORES SUBDIVISION

Located near Berino
In Dona Ana County, New Mexico

August 2018

Prepared by:

Pillar Engineering, LLC

280 E. Foster Suite B
Las Cruces, New Mexico 88005
575-547-1927
Disclosure Statement for Subdivisions Containing Six (6) Parcels or More

YOU SHOULD 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 make an informed decision on the purchase, lease or acquisition of the property described in this statement. You should read carefully all of the information contained in this disclosure 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 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 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.
1. NAME OF SUBDIVISION
   Las Flores Subdivision Phase 1

2. NAME AND ADDRESS OF SUBDIVIDER
   Las Cruces Community Farms, LL LLP
   Randy McMillan
   1155 S. Telshor Suite 100
   Las Cruces, New Mexico 88011

3. NAME AND ADDRESS OF PERSON IN CHARGE OF SALES, LEASING OR OTHER
   CONVEYANCE IN NEW MEXICO
   Las Cruces Community Farms, LL LLP
   Randy McMillan
   1155 S. Telshor Suite 100
   Las Cruces, New Mexico 88011
   (575) 521-1535

4. SIZE OF SUBDIVISION BOTH PRESENT AND ANTICIPATED
<table>
<thead>
<tr>
<th>Present</th>
<th>Anticipated</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 parcel</td>
<td>65 lots</td>
</tr>
<tr>
<td>16.500 acres</td>
<td>16.500 acres</td>
</tr>
</tbody>
</table>

5. SIZE OF LARGEST PARCEL OFFERED FOR SALE, LEASE OR
   CONVEYANCE WITHIN THE SUBDIVISION
   The size of the largest parcel is 0.657 acres.

6. SIZE OF SMALLEST PARCEL OFFERED FOR SALE, LEASE OR
   CONVEYANCE WITHIN THE SUBDIVISION
   The size of the smallest parcel is 0.138 acres.

7. PROPOSED RANGE OF PRICES FOR SALES, LEASES OR OTHER CONVEYANCES
   Lowest Amount: $30,000 for a 0.138 acre parcel
   Highest Amount: $35,000 for a 0.206 acre parcel
8. FINANCING TERMS

N/A

9. NAME AND ADDRESS OF HOLDER OF LEGAL TITLE

Las Cruces Community Farms, LLLP
1155 S. Telshor Suite 100
Las Cruces, New Mexico 88011

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

10. NAME AND ADDRESS OF PERSON HAVING EQUITABLE TITLE

Las Cruces Community Farms, LLLP
1155 S. Telshor Suite 100
Las Cruces, New Mexico 88011

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

Mortgage 1:
AG New Mexico Farm Credit Services
1310 Picacho Hills Dr. Suite #1
Las Cruces, New Mexico 88007

Amount Owed on Mortgage #1 = $1,214,110 – due October 1, 2030

There are no real estate contracts on the subdivided land for which the subdivider is making payments as a purchaser.

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

There are no known restrictions or reservations of record other than those shown on the subdivision plat for this development and the Restrictive Covenants for Residential Lots Las Flores subdivision below.
RESTRICTIVE COVENANTS FOR RESIDENTIAL LOTS
LAS FLORES SUBDIVISION

I. PREAMBLE

A. Property

There are hereby imposed upon the following described tract of land which are covenants running with the land and consistent with that area, that private land in the Las Flores Subdivision, located north of McAnally Road, at the northern extension of Otero Street and Vargas Street in Berino, New Mexico, owned by Las Cruces Community Farms, LLLP.

B. Term Section

These covenants supersede all previously filed documents and shall run with the land for a period of ten (10) years from the date hereof. These covenants shall be automatically extended for additional ten-year periods of time after the expiration, as above provided, unless amended or modified as hereafter provided.

C. Purpose

The purpose of these restrictive covenants is to maintain a high standard of living conditions on this land and make it a desirable residential area.

D. Administrative Control Committee

To allow some flexibility in these covenants the Administrative Control Committee is hereby designated as Las Cruces Community Farms, the Board of Directors of Tierra Del Sol Housing Corporation, with a third party appointed by the other two.

II. COVENANTS

A. Land Use and Building Type

1. Site-built homes shall not be less than two (2) bedrooms and shall contain a minimum of 1,000 square feet of living area. Construction to be performed by currently licensed New Mexico contractor or homeowner and shall be substantially completed within twelve (12) months after obtaining a building permit to locate on lot. Dona Ana County will decide what is substantially complete.

2. Building setbacks from front, rear and side property lines, shall conform to Dona Ana County regulations.

3. There shall not be located on any parcel more than one site-built, single family residential dwelling, together with a garage and such outbuilding as may be approved by Dona Ana County regulations and the Administrative Control Committee. Any approved outbuilding must be of the same architectural design as the family dwelling.

4. Individual lots may not be further divided.

B. Dwelling Quality and Size
1. A two-story house, where allowed, shall be a minimum of 1,200 square feet of living area. Any accessory building shall not exceed 50% of the size of the principle dwelling. Accessory buildings shall obtain a building permit from Dona Ana County, if required, due to size of the structure. The term "living area floor space" is exclusive of floor space in non-heated areas such as porches, garages, carports and similar unheated areas.

2. All buildings shall be constructed in compliance with the applicable building codes and other codes pertaining to the building, heating, plumbing, electrical work and which codes are those codes in effect that cover the above described property at the time construction commences; provided further, however, that all exterior walls of all dwellings, buildings or improvements on the property shall be of stucco, brick or adobe and be of earth tone colors. The roof of the main entrance or dwelling unit shall be surfaced with tile, gravel or shingles or other permanent type construction but shall not have reflective surfaces.

3. All buildings shall be of ranch style, Spanish style or Southwest motif design and shall be approved by the Administrative Control Committee.

4. Foam sprayed on pitched roofs shall not be allowed. Shingles or roof tiles shall not be painted.

5. On homes with pitched roofs, the air conditioners shall be installed on the rear of the house so that no more than fifty percent (50%) of the units are visible from the front of the dwelling at a line of sight beginning at a point six (6) feet above the curb in front of the dwelling. On flat roofs, HVAC equipment shall be at least twenty (20) percent hidden by perimeter parapet walls from a line of sight beginning at a point six (6) feet above the curb line in front of the residence.

C. Site Construction

All single family residences constructed on the lots shall be site-constructed. It being the intention of the undersigned that no manufactured homes, modular homes, prefabricated houses, trailers, mobile homes, moved houses or other residential structures of any kind or nature shall be moved upon any lot to be used as a single-family residences shall be constructed on the lot without using any pre-built structure.

D. Location of Structure/Timely Construction

1. In connection with each Owner’s construction of a private residence upon each such Owner’s Lot, each such Owner and/or its Contractors shall:
   a) Comply with and observe all governmental authority exercising jurisdiction;
   b) Comply with these Protective Covenants, Conditions, Reservations and Restrictions made applicable to each Lot and/or construction thereon;
   c) Maintain adequate drainage upon each Lot so as not to cause drainage to abutting Lots, or construct adequate drainage facilities to prevent any such damage, except for retaining wall weep holes required by engineering design.
d) Cause any work to be performed so as not to in any way damage, hinder or delay the construction and development activities of others within the Property; and

e) Maintain each such Lot so as not to permit or commit any waste upon each such Lot or impair the value thereof, including, but not limited to, periodically taking such action necessary for weed control and, during construction of private residences, to take such action as may be required to control and remove construction debris, dust and dirt; it being understood and agreed that should any such Owner and/or its contractors fail to properly maintain and police each Lot as herein required, Subdivision Developer may take such action as may be deemed necessary by Subdivision Developer for the proper maintenance thereof as aforesaid, and each such Lot Owner hereby expressly agrees to pay Subdivision Developer, upon demand, any and all disbursements made under the provisions of this section together with interest thereon at the rate of fifteen (15) percent per annum from and after the date of making thereof failing which Subdivision Developer shall and is hereby granted a Lien covering each such Owner’s Lot subject to foreclosure as provided by law.

E. Maintenance of Property

1. Property shall be maintained in such a manner as to ensure property values are not devalued.

2. Grounds and landscaping shall be kept neat and free from weeds at all times.

F. Garbage and Refuse Disposal

No Lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste material shall not be kept on any Lot, except sanitary containers, screened from view from all streets and other Lots within the property. Refuse placed on the curb or sidewalk shall not be placed in open view more than twenty-four (24) hours before the scheduled pickup time.

G. Animals

No noxious or offensive activity shall be carried on or upon any Lot, nor shall anything be done therein which may be or may become an annoyance or nuisance to any Owner of a Lot within the property. No more than two (2) dogs and/or two (2) cats shall be permanently kept on any Lot. Excessively barking dogs shall be considered a noxious and offensive activity. No animals, livestock or poultry of any kind shall be raised, bred or kept on any Lot, except that dogs, cats or other household pets may be kept on any Lot, providing that they are not kept, bred or maintained for any commercial purpose. When allowed to be kept, all pets must be kept within a fenced or bounded area upon the Owner’s Lot or must be on a leash and within the direct control of a responsible person when outside the fenced or bounded area.

H. Walls, Fences and Gates

1. All party walls built on the common property line between two (2) Lots shall be built at the joint and equal expense of the two Builders. In the event a Builder builds at his own expense a party wall between his Lot and unsold Lot, one-half (1/2) of the cost of said wall shall be chargeable to the purchaser of the unsold Lot at the closing of the transaction to purchaser of the unsold Lot from
Subdivision Developer. In the event a Builder builds at his own expense a party wall between his Lot and a sold but un-improved Lot, then the Owner of the unimproved Lot (other than the Subdivision Developer) shall pay one-half (1/2) of the cost of said party wall upon completion of said wall. If the owner (other than the Subdivision Developer) of the unimproved Lot does not reimburse the Builders of the party walls for one-half (1/2) the cost of the party walls within two (2) months of being invoiced, then the unpaid balance, together with interest accruing at a rate of fifteen (15) percent annum shall become a lien against the Lot until paid. A Lot Owner shall not allow water to pond against a retaining or party wall.

2. All gates shall be made of wrought iron or wood. Chain link fences and gates are specifically prohibited.

3. Front yards shall not have any fencing other than a garden wall not to exceed 14 inches in height of approved material.

I. Landscaping

1. Landscaping in front yards and in side yards facing streets on corner lots shall be established within ninety (90) days of completion of a residential building on each Lot. The intent here is to provide for the enhancement, protection, and preservation of individual property values and to ensure the overall attractiveness of the subdivision.

2. Typical desert environment and drought resistant landscaping is encouraged. A sufficiently visible amount of foliage must be present on each Lot to comply with landscape requirements. Bermuda grass shall not exceed 800 square feet and landscaping must comply with irrigation restrictions. The Administrative Review Committee shall be the final authority as to the acceptability of the guidelines for required landscapes.

J. Easement/Utilities/Antennas

1. Utility services will be underground and identified at the property line.

2. Easements for utilities shall be specified in the Las Flores Subdivision plat and shall be specified in plot plan and individual survey plots.

3. No antennas other than commercial TV antennas that provide service for the individual lot shall be allowed.

K. Signs

No signs, advertisements, billboards or other advertising structure of any kind may be erected or maintained in any of the above property nor shall any other unsightly or objectionable object be installed or maintained in the above land except that small conservative signs for the sale or advertisement for sale or rent of the Lot or dwelling may be placed on the subject property. Signs will be allowed during the marketing period no to exceed 32 square feet and per subdivision ordinance.
L. Outbuildings

No outbuilding may be built prior to the approval of the dwelling plans and start of the construction of the house. All equipment and mechanical equipment shall be walled in. Boats, campers, other trailers, recreational vehicles and similar equipment, or vehicles under extensive repair, clothesline, storage piles and construction materials shall be concealed. Outbuilding may be metal. They must be no larger in square footage than the principle dwelling and be the same color as the principle dwelling. No outbuilding may exceed 12’ - 6” in height.

III. CERTIFICATION/ENFORCEMENT

A. Applicability

At the time that each of the extension would go into effect the owners of the above described land by eighty-five (85) percent affirmative vote be amended by said eighty-five (85) percent duly filing an amendment of said covenants in the office of the County Clerk of Dona Ana County, New Mexico.

B. Enforcement

1. Any part of the above described land shall be subject to these restrictive covenants and be subject to the same for the above period of time and subject to the terms and conditions set forth herein and shall be valid and binding upon the respective grantees.

2. Invalidation of one or more of these covenants, by judgement or court order or otherwise, shall in no way affect any other covenants, restrictions and conditions shall continue and remain in full force and effect.

3. Enforcement shall be by proceeding at law or in equity against any person or person violating or attempting to violate any covenants, either to restrain or prevent such violation or proposed violation by an injunction, either prohibitive or mandatory, or obtain any other relief authorized by law.

C. Changes

1. Non liability. Neither the original owner, the Administrative Review Committee or their representative shall incur liability to anyone submitting plans for approval to any owner or owners of land subject to the covenants by reason of mistake in judgement, negligence or nonfeasance of itself, its agents or employees, arising out of or in connection with the approval, or disapproval, or failure to approve any such plans; anyone submitting plans for approval, by submitting of such plans and by acquiring any of the property convert hereby, waives claim for any such damages.
I have read, reviewed and approved the Restrictive Covenants for Las Flores Subdivision.

Effective this __________ day of ____________________, 2018

OWNER:

___________________________

Randy McMillan
Managing Member Las Cruces Community Farms, LLP

STATE OF NEW MEXICO

COUNTY OF DONA ANA

The foregoing instrument was acknowledged before me this __________ day of ____________________, 2018 by Randy McMillan, Managing Member.

___________________________

NOTARY PUBLIC

My Commission expires:
13. ESCROW AGENT

Escrow Agent for the Las Flores Subdivision is Carl Hunter,
Las Cruces Abstract and Title Company
119 S. Campo Street
Las Cruces, New Mexico 88001

The subdivider does not have any interest in or financial ties to the escrow agent.

14. UTILITIES

Individual lot Buyer to make arrangements for service to these utility services; Call for pricing.

Electric service provided by El Paso Electric Company.
Gas Service to be provided by New Mexico Gas Company
Water Service to be provided by Lower Rio Grande Public Water Works Authority.
Telephone Service to be provided by Qwest Corporation, d/b/a/ CenturyLink QC.
Liquid Waste service to be provided by Dona Ana County - South Central Wastewater Utility
Solid Waste to be provided by a private Disposal Company, Chaparral Disposal Services or Southwest Disposal Service

15. INSTALLATION OF UTILITIES

The following utilities will be available for service at completion of the subdivision construction improvements.

Electricity, purchaser to make arrangements for service.
Gas, purchaser to make arrangements for service.
Water, purchaser to make arrangements for service.
Telephone, purchaser to make arrangements for service.
Liquid waste disposal, purchaser to make arrangements for service.
Solid Waste Disposal, purchaser to make arrangements for service.
16. UTILITY LOCATION

All utilities will be available to all Lots in the subdivision. Buyer to make arrangements for service to these utilities.

<table>
<thead>
<tr>
<th>Utility</th>
<th>Above Ground</th>
<th>Below Ground</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electricity</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Gas</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Water</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Telephone</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Liquid Waste Disposal</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Solid Waste Disposal</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

17. WATER AVAILABILITY

Water service is provided by:

Lower Rio Grande Public Water Works Authority,
521 St. Valentine
La Mesa, New Mexico 88044
FAX: 575 233-0050
Office: 575 233-5742

See Appendix 17A for attached Letter of Commitment to Provide Water Service to Las Flores Subdivision Phase 1 from Lower Rio Grande Public Water Works Authority.

The maximum annual water requirement for the 65 lot subdivision is estimated to be 29.4 acre-feet, based on the following water use analysis.

Water delivery within the subdivision is by 8" PVC C900 with ¾" service lines to each lot. The water delivery system will be operated and maintained by Lower Rio Grande Public Water Works Authority. Outdoor water use is limited to 30 gallons per day average.

Water use restrictions shall be outlined in the Lower Rio Grande Public Water Works Authority policies and the following water conservation Measures for Las Flores Subdivision:

**Indoor Plumbing**

1. Toilets are required to use not more than 1.6 gallons per flush.
2. Showerhead shall have a maximum flow rate of 2.5 gallons per minute.
3. Kitchen and bathroom faucets shall have a maximum flow rate of 2.5 gallons per minute.

**Appliances**

1. Low-water use dishwashers are required.
2. Low-water use washing machines are required.
Outdoor Landscaping

1. Typical desert environment and drought resistant landscaping is encouraged. A sufficiently visible amount of foliage must be present on each lot to comply with landscape requirements. Bermuda grass shall not exceed 800 square feet and landscaping must comply with irrigation restrictions. The Administrative Review Committee shall be the final authority as to the acceptability of the guidelines for required landscapes.

*Landscaping will not be provided at the time of subdivision improvements. Landscaping will be the responsibility of the home owner at the time of building permit following the requirements listed above.

Water Use Analysis for Las Flores Subdivision
Based on national averages reported by US-HUD (Brown & Caldwell, 1984)
And OSE Technical Report 48, 1996

Indoor Water Use:

<table>
<thead>
<tr>
<th></th>
<th>GPCD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Toilets</td>
<td>1.6</td>
</tr>
<tr>
<td>Toilet Leaks</td>
<td>0.17</td>
</tr>
<tr>
<td>Showers</td>
<td>2.5</td>
</tr>
<tr>
<td>Baths</td>
<td>50</td>
</tr>
<tr>
<td>Dishwasher</td>
<td>13</td>
</tr>
<tr>
<td>Washing Machine</td>
<td>50</td>
</tr>
<tr>
<td>Faucets</td>
<td>Estimated</td>
</tr>
<tr>
<td>Total Indoor Water Use Per Capita Per Day:</td>
<td>69.2</td>
</tr>
</tbody>
</table>

Estimated Population Equivalent for the development (persons/dwelling)*

W1 = (X persons per dwelling unit)(Total Indoor GPCD)(365 days/yr) = 96,991 gallons/yr

Outdoor Water Use (does not include surface water irrigation use)

Typical Landscape Irrigation Characteristics:

<table>
<thead>
<tr>
<th>Bermuda Grass</th>
<th>800 sf</th>
<th>at</th>
<th>42.52</th>
<th>gallons/yr/sq.ft.</th>
<th>Gallons/Year</th>
<th>34,016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trees and Shrubs</td>
<td>0 sf</td>
<td>at</td>
<td>31.63</td>
<td>gallons/yr/sq.ft.</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Garden Use</td>
<td>0 sf</td>
<td>at</td>
<td>27.88</td>
<td>gallons/yr/sq.ft.</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

W2 = 34,016 gallons/yr

Other Outdoor Use Characteristics:

W3 = 0 gallons/yr

None

Total Maximum Allowable Water per Dwelling Unit

W4 = W1 + W2 + W3 = 131,007 gallons/yr

0.402 AC FT/yr
Total Maximum Allowable Water for All Dwelling Units

Number of Dwelling Units (NDU) = 65

\[ W_5 = \text{NDU} \times W_4 = 8,515,455 \text{ gallons/yr} \]
\[ 26.129 \text{ AC FT/YR} \]

Fire Fighting Water Requirements

Needed Fire Flow 1000 gpm
Duration 120 minutes

\[ W_6 = (NFF)(T) = 120,000 \text{ gallons} \]
\[ 0.368 \text{ AC FT/YR} \]

Maximum Annual Water Requirement for the Subdivision

\[ Ec = 90\% \]

\[ W_7 = \frac{W_5}{Ec} + W_6 = 9,581,617 \text{ gallons} \]
\[ 29,400 \text{ AC FT/YR} \]

18. FOR SUBDIVISIONS WITH COMMUNITY WATER SYSTEMS

Water for subdivision to be provided by:

Lower Rio Grande Public Water Works Authority,
521 St. Valentine
La Mesa, New Mexico 88044
FAX: 575 233-0050
Office: 575 233-5742

The source of water for the subdivision is a community water system which provides water via underground pipes to each lot.

There are no legal restrictions on either indoor or outdoor water usage. See Section 17 above for limitations imposed by this disclosure statement.

19. FOR SUBDIVISIONS WITH INDIVIDUAL DOMESTIC WELLS OR SHARED WELLS

Individual wells are prohibited in the subdivision.

20. LIFE EXPECTANCY OF WATER SUPPLY

The life expectancy of water supply system may be obtained from Lower Rio Grande Public Water Works Authority.

21. SURFACE WATER

No surface water is provided to the subdivision.
22. NEW MEXICO STATE ENGINEER’S OPINION ON WATER AVAILABILITY

A favorable opinion for this subdivision from the Office of the State Engineer (OSE) is attached. The OSE has indicated that the subdivider through the Lower Rio Grande Public Water Works Authority can furnish water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, as well as fulfill the proposals in this disclosure statement concerning water, excepting water quality.

Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico State Engineer regarding:

The Office of the Engineer has issued a favorable opinion, see attached letter.

23. WATER QUALITY

Lab results for regular water quality testing may be obtained from Lower Rio Grande Public Water Works Authority. See Appendix 23A for a copy of the July 2015 lab results for the Lower Rio Grande Public Water Works Authority water system.

NEW MEXICO ENVIRONMENT DEPARTMENT’S OPINION ON WATER QUALITY

Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico Environment Department on:

The New Mexico Environment Department has issued a favorable opinion. See attached letter.

25. LIQUID WASTE DISPOSAL

No individual liquid waste disposal systems will be utilized in this subdivision. All lots will receive liquid waste disposal by connections to the public sewer system provided by Dona Ana County Wastewater Utility System. See Appendix 25A for Wastewater Utility Letter of Intent from Dona Ana County Utilities Department. The sewer system is installed beneath subdivision streets and conveys wastewater from each Lot to a regional treatment plant.

NOTE: NO LIQUID WASTE DISPOSAL SYSTEM MAY BE USED IN THIS SUBDIVISION OTHER THAN A SYSTEM APPROVED FOR USE IN THIS SUBDIVISION BY THE BOARD OF COUNTY COMMISSIONERS. PRIOR TO OCCUPANCY, ALL LOTS MUST HAVE EVIDENCE OF A FUNCTIONING LIQUID WASTE DISPOSAL SYSTEM INSTALLED BY A LICENSED CONTRACTOR OR PLUMBER IN ACCORDANCE WITH PERMITS ISSUED BY THE NEW MEXICO ENVIRONMENT DEPARTMENT, INSPECTED BY THE CONSTRUCTION INDUSTRIES DIVISION, AND VERIFIED BY THE OFFICE OF BUILDING INSPECTION.

26. N.M. ENVIRONMENT DEPARTMENT’S OPINION ON LIQUID WASTE DISPOSAL

Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico Environment Department on:

The New Mexico Environment Department has issued a favorable / non-favorable opinion. See attached letter.
27. SOLID WASTE DISPOSAL

Solid waste disposal can be provided by a private contractor or the individual property owner can dispose of the solid waste at designated convenience station in Dona Ana County. Disposal of solid waste must meet the requirements of Chapter 287 Solid Waste of the Dona Ana County Ordinances.

Private Collectors currently serving the Berino area include Chaparral Disposal Services and Southwest Disposal Service.

NEW MEXICO ENVIRONMENT DEPARTMENT'S OPINION ON SOLID WASTE DISPOSAL

Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico Environment Department on:

The New Mexico Environment Department has issued a favorable / non-favorable opinion. See attached letter.

29. TERRAIN MANAGEMENT

The soils in the subdivision are identified as small amount of Adelino clay loam and Bluepoint loamy sand 0 to 5 percent slopes MLRA 42. The Adelino clay loam is located at the southern end of the subdivision, no residential structures will be constructed within this soil area. The south end of the subdivision will be a retention pond (lowest point of the subdivision). The Bluepoint series can be used for residential construction with the limitations of the soil overcome or minimized by special planning and design during construction. The Bluepoint series is listed as a good road fill material in the Soil Survey of Dona Ana County New Mexico. The developer will implement construction efforts to provide a suitable building pad with the construction of the subdivision improvements. The individual home builder will be responsible to check their building pad to ensure that the proper compaction and water content are maintained in the building pad during construction and final stabilization of the building site to ensure proper drainage away from all building structures.

No parcels in the Las Flores Subdivision are located in an area that has existing or proposed grades that are in excess of 4%. All lots will be graded to provide a minimum slope towards streets of 1%. All lots will drain to a regional ponding area that will accommodate the increased runoff due to development of the site. The proposed retention pond is designed to retain 125% of the increase in storm water runoff due to development of the subdivision for the 100 year storm event. Once the lots, streets and storm water retention ponds are constructed according to the grading and drainage plans, there will be no parcels within the subdivision subject to flooding from a 100 year storm event.

This subdivision is not located in a Special Flood Hazard Area as shown on FEMA Flood Insurance Rate Map FIRM 35103C1550G, map revised July 6, 2016.

30. NATURAL RESOURCE CONSERVATION DISTRICT’S OPINION ON TERRAIN MANAGEMENT

Include here the approved summary of the opinion received by the Board of County Commissioners from the Soil & Water Conservation District on:
1. The subdivider can furnish terrain management sufficient to protect against flooding, inadequate drainage and soil erosion.

2. The subdivider can satisfy the terrain management proposals made in the disclosure statement.

3. The subdivider’s terrain management proposals conform to the County’s regulations on terrain management.

31. SUBDIVISION ACCESS

The Las Flores subdivision is located in Berino, NM.

Otero Street and Vargas Street provide access to the subdivision. Both of these streets are paved and provide year round access by conventional vehicles. Individual lots are accessible from paved streets within the subdivision, which provide year round access by conventional vehicles.

The roads within the subdivision will consist of thirty four (34) feet from back of curb to back of curb roadway with a pavement section of plant mix bituminous material (asphalt pavement) over compacted base course and sub-grade preparation, concrete curb & gutter and a five foot sidewalk on each side of the roadway. The roadway section is located in a dedicated Right-of-Way with a width of fifty (52) feet.

Roads within the subdivision are to be dedicated to Dona Ana County and are designed to comply with Dona Ana County road standards. Upon successful completion of a 1-year warranty of improvements by the developer (UDC 356-407 H1.9)), the internal roads may be accepted for maintenance by Dona Ana County. Acceptance of offers of dedication on a final plat shall not be effective until the plat is filed in the Office of the County Clerk or a resolution of acceptance by the BOCC is filed in that Office. Lot owners will bear no responsibility for road maintenance.

32. MAINTENANCE

The roads within the subdivision will be maintained by Dona Ana County.

Tract A will be maintained by Las Cruces Community Farms LLLP.

Tract B and Tract C will be maintained by Las Cruces Community Farms LLLP.

Tract D and Tract E, The walking paths located between lots 7/8 and 21/22 of Block 2 and lots 7/8 Block 3 will be maintained by DAC.

Tract F, The ponding area will be maintained by Tierra Del Sol Housing.

33. STATE HIGHWAY DEPARTMENT’S OPINION ON ACCESS

Include here the approved summary of the opinion received by the Board of County Commissioners from the State Highway and Transportation Department on:

1. The subdivider can fulfill the state highway access requirements for the subdivision in conformity with state regulations.

2. The subdivider can satisfy the access proposal made in this disclosure statement.

3. The subdivider’s access proposals conform to the County’s regulations on access.
1. The subdivider can furnish terrain management sufficient to protect against flooding, inadequate drainage and soil erosion.

2. The subdivider can satisfy the terrain management proposals made in the disclosure statement.

3. The subdivider's terrain management proposals conform to the County's regulations on terrain management.

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Roads within the subdivision are to be dedicated to Dona Ana County and are designed to comply with Dona Ana County road standards. Upon successful completion of a 1-year warranty of improvements by the developer (UDC 350-407 H.(9)), the internal roads may be accepted for maintenance by Dona Ana County. Acceptance of offers of dedication on a final plat shall not be effective until the plat is filed in the Office of the County Clerk or a resolution of acceptance by the BOCC is filed in that Office. Lot owners will bear no responsibility for road maintenance.

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2. The subdivider can satisfy the access proposal made in this disclosure statement.

3. The subdivider's access proposals conform to the County's regulations on access.
34. CONSTRUCTION GUARANTEES

All subdivision improvements will be installed prior to filing of the subdivision plat. Issuance of individual Lot building permits may occur after filing of the Las Flores Subdivision plat with the Dona Ana County Clerk.

35. ADVERSE OR UNUSUAL CONDITIONS

No wells are permitted within the subdivision. The subdivision is located adjacent to existing agricultural/farming activities. No other adverse or unusual conditions are known to exist within the subdivision boundaries.

Lot 1, Block 1 has a monitoring well located on the lot. This monitoring well shall remain functional and shall not be disturbed by the lot owner.

Lots 15 and 16, Block 1 have capped monitoring wells that are no longer in use. The lot owner shall comply with Environment Department regulations concerning removing or building on top of these capped wells.

36. RECREATIONAL FACILITIES

A proposed recreational park area will be provided in a tract of land within the proposed subdivision along the eastern side of the subdivision.

37. FIRE PROTECTION

The nearest fire station to the subdivision is located on West O’Hara Road, approximately 5.42 miles from the proposed Las Flores subdivision.

The route from the fire station is as follows:
   East on O’Hara road to New Mexico 460
   Then north on New Mexico 460 to Stern Drive
   Then North on Stern Drive to Berino Road
   Then West on Berino Road to either Otero Street or Vargas Street
   Then North on either Otero Street or Vargas Street to the subdivision

This fire department is volunteer operated.

A Dona Ana County Department is located on NM 28 in La Mesa, approximately 7.3 miles from the proposed Las Flores Subdivision.

The route from the fire station is as follows:
   South/East on NM 28 (NM 189) to NM 478
   Then south on NM 478 to Berino Road (NM 226)
   Then East on Berino Road (NM 226) to Otero Street or Vargas Street
   Then North on either Otero Street or Vargas Street to the subdivision

38. POLICE PROTECTION

The Dona Ana County Sheriff’s Office provides police protection to the Las Flores Subdivision, the community of Berino and nearby neighborhoods.
39. PUBLIC SCHOOLS

The nearest elementary school to the subdivision is Berino Elementary School, located at 92 Shrode Road, approximately 2.65 miles away.

The nearest middle school to the subdivision is Gadsden Middle School, located at 1301 W. Washington Street, approximately 7.65 miles away.

The nearest high school to the subdivision is Gadsden High School, located at 6301 Highway 28, approximately 9.25 miles away.

40. HOSPITALS

The nearest hospital to the subdivision is the Memorial Medical Center (286 beds), located at 2450 S. Telshor Blvd, in Las Cruces, NM.

The hospital is approximately 18.1 miles from the subdivision measured over the following route:
- From the subdivision south on either Vargas Street or Otero Street to Berino Road (NM 226)
- East on Berino Road (NM 226) to Stern Drive
- North on Stern Drive to NM 227
- East on NM 227 to on-ramp to Interstate 10
- North on Interstate 10 to Interstate 25
- North on Interstate 25 to University Avenue
- East on University Avenue to Telshor Blvd
- North on Telshor Blvd to hospital

41. SHOPPING FACILITIES

The nearest shopping facilities that includes a major supermarket are located in Anthony, Texas. The facilities in the area of the supermarket include a laundry and dry cleaners, video store, ladies clothing, hardware, variety store, furniture store and various restaurants, including fast food.

It is approximately 6.6 miles from the Las Flores Subdivision along the following route:
- From the subdivision south on either Vargas Street or Otero Street to Berino Road (NM 226)
- West on Berino Road (NM 226) to NM 478
- South on NM 478 (NM 460) to shopping in Anthony, Texas

42. PUBLIC TRANSPORTATION

N/A

43. AGRICULTURE

New Mexico law includes statute (NMSA 47-9) cited as the “Right to Farm Act.” According to this law, “any agricultural operation or facility is not, nor shall it become, a private or public nuisance by any changed condition in or about the locality of the operation or facility, if the operation was not a nuisance at the time it began and has been in existence for more than a year.” The Right to Farm Act includes, but is not limited to, operations and facilities within the farm or ranch such as: chemical application, field preparation, irrigation, cultivation, conservation practices, pruning, plowing, planting, roadside market or any other use of the land for the production of plants, crops, trees, forest products, orchard crops, livestock, poultry or fish.
44. CULTURAL AND HISTORIC PROPERTIES PROTECTION

There are not any properties within the boundary of this subdivision that have been entered into the New Mexico Register of Cultural Properties. Any such properties entered in the Register must comply with the requirements of the Cultural Properties Act 18-6-1 through 18-6-17 NMSA 1978 and all applicable laws regarding cultural properties and archaeological sites.

No investigation into unmarked burials has been made. During construction, it is the buyer's responsibility to report any unmarked burials that are discovered to the State Medical Investigator or to the State Historic Preservation Office.

45. CERTIFICATION AND NOTARY

I certify that the information provided by me in this disclosure statement is true and correct.

________________________________________________________________________________________
Signature
________________________________________________________________________________________
Print your name here
________________________________________________________________________________________
Address
________________________________________________________________________________________
City, state and zip code
________________________________________________________________________________________
Telephone number(s)

SUBSCRIBED AND SWORN to before me this ___ day of ____________, 20___.

________________________________________________________________________________________
Notary Public
My commission expires:

________________________________________________________________________________________
State of New Mexico
\ as

County of Doña Ana

20
Appendix 17A

Lower Rio Grande Public Water Works Authority

Letter of Commitment to Provide Water Service to Las Flores Subdivision
April 17, 2018

Mr. Greg McPhie
Managing Member
Las Cruces Community Farms LLLP
1155 S. Telshor Suite B-1
Las Cruces, NM 88011

RE: Letter of Commitment to Provide Water Service to Las Flores Subdivision Phase I: 65 Residential Lots

Dear Mr. McPhie:

The Authority is ready, willing, and able to provide residential water service, as well as fire flows to the residential subdivision as necessary, subject to the following conditions:

1) Applicant shall provide a final plat with easements and a final set of construction drawings to be approved by the Authority’s engineer and operations staff, and only after approval may the water system improvements be installed. The Authority’s engineer and operations staff shall be provided prior to construction, copies of all permits, easements, and other documents required by regulatory agencies, for review by the Authority’s attorney.

2) Applicant shall construct at its own cost all necessary on-site and off-site facilities to connect to the subdivision to the Authority’s existing infrastructure and to upgrade any portion of the Authority’s system to accommodate the water demands of the Applicant’s subdivision, including storage tanks for fire flow protection if required. All valves, fire hydrants, meter yokes assemblies, meters, and other materials utilized shall be of the same quality as those used by the Authority and must be approved by the Authority’s engineer and operations staff prior to installation.

3) Applicant agrees that all related distribution water lines, including services lines, fire hydrants, valves and related fittings, and meter yoke assemblies, excluding meters with the subdivision, hydrant, etc. are to be constructed and installed by a licensed utility contractor, to meet the Authority’s specifications. The meters shall be delivered to the Authority. Any contractor hired by the Applicant is also responsible for coordinating the inspection, pressure test, and microbiological tests with the Authority.
LOWER RIO GRANDE
Public Water Works Authority

4) The Applicant will be responsible for all maintenance or repair on the distribution water lines, including service lines, fire hydrants, valves and related fittings, meter yoke assemblies, and the meters within the distribution system, for a warranty period of one (1) year after acceptance of the water facilities construction by the Authority. During this one year period, the Applicant shall perform all maintenance and repairs promptly on the water facilities and be responsible for insuring against any liability. Should the Authority be required to perform any repairs due to failure of the Applicant to do so within a reasonable time, the Applicant shall be required to reimburse the Authority for any costs incurred for any time, equipment, and materials expended.

5) One (1) calendar year from acceptance by the Authority of the construction of the water facilities, the water distribution infrastructure system, including storage tanks if required, but excluding that portion on the user side of the meter, shall be transferred by the Applicant and become the property of the Authority, at which time maintenance on the water infrastructure up to and including the meter shall become the responsibility of the Authority.

6) Payments under the customer policies of the Authority, such as connections fees, assessments, membership fees, and other charges or impact fees shall be determined at a later date based on the then existing rates, charges, and necessary assessments of the Authority shall include such information in the subdivision’s disclosure statement.

7) Both Applicant and the Authority acknowledge that connecting the subdivision to the Authority’s system to enable the Authority to sell water to the residential lot owners will require the Applicant to construct and/or pay for all off-site improvements, if any, which have not yet been identified.

8) The commitment becomes void six (6) months from the date of this approval, if Count approval for subdivision has not been obtained by Applicant within the six month period.

9) The entitlement of the residential lots to receive domestic water from the Authority shall terminate if there is any attempt to place non-residential uses on the lots or any portion of the subdivision presently identified as open spaces, parks, agriculture, or used for other purposes apart from placement of a residence.

10) Applicant acknowledges and agrees that it shall comply with the Authority’s Water Rights Acquisition Policy, which will require the Applicant to acquire and transfer ownership of groundwater rights sufficient to serve the residential lots, or in whatever amount the Office of State Engineer determines is required to serve the residential subdivision or payment in lieu of water rights transfer. Applicant will meet this requirement at the time of entering into a formal Agreement to Provide Water Service after the subdivision has received County approval. At that time, Applicant agrees it will provide and transfer sufficient water rights to the Authority to comply with the required acre feet of water right per lot. The Applicant has selected the option for payment in lieu of transferred water rights.
11) Upon approval of the Applicant's proposed subdivision by the County and after acquiring all other required governmental approvals, if any, the Authority and Applicant shall enter into a formal Agreement to Provide Water Service.

Regards,

[Signature]

Martin G. Lopez, GM
LHRPWWA
07/11/2018

To: County Fire Marshal's Office.

The Lower Rio Grande PWWA Operations Manager along with the Distribution Crew leader performed a fire flow test at the fire hydrant on 324 McNally Rd hydrant #60. The results are as follows, we recorded a flow of 1203 GPM with an operating pressure of 42 psi, and a static pressure of 76 PSI. We recorded a residual of 50 PSI at 1094 McNally on hydrant #61. The area is served by four water tanks totaling 3.6 Million gallons of water.

Please call me if you need additional information.

Thank you

Michael P. Lopez
Operations Manager
Lower Rio Grande PWWA
(575)635-3921
Appendix 23A
Lower Rio Grande Public Water Works Authority
Copy of CCR 2015
Lower Rio Grande PWWA South Valley
CCR 2015

Spanish (Espanol)

Este informe contiene información muy importante sobre la calidad de su agua beber. Tradúscalo o hable con alguien que lo entienda bien.

Is my water safe?

We are pleased to present this year’s Annual Water Quality Report (Consumer Confidence Report) as required by the Safe Drinking Water Act (SDWA). This report is designed to provide details about where your water comes from, what it contains, and how it compares to standards set by regulatory agencies. This report is a snapshot of last year’s water quality. We are committed to providing you with information because informed customers are our best allies.

Do I need to take special precautions?

Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. EPA/Centers for Disease Control (CDC) guidelines on appropriate means to lessen the risk of infection by Cryptosporidium and other microbial contaminants are available from the Safe Water Drinking Hotline (800-426-4791).

Where does my water come from?

Your ground water comes from eight deep, good producing Wells located in the Lower Rio Grande Basin.

Source water assessment and its availability

Information can be found at www.lrgauthority.org
Why are there contaminants in my drinking water?

Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the Environmental Protection Agency's (EPA) Safe Drinking Water Hotline (800-426-4791). The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity: microbial contaminants, such as viruses and bacteria, that may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife; inorganic contaminants, such as salts and metals, which can be naturally occurring or result from urban stormwater runoff, industrial, or domestic wastewater discharges, oil and gas production, mining, or farming; pesticides and herbicides, which may come from a variety of sources such as agriculture, urban stormwater runoff, and residential uses; organic Chemical Contaminants, including synthetic and volatile organic chemicals, which are by-products of industrial processes and petroleum production, and can also come from gas stations, urban stormwater runoff, and septic systems; and radioactive contaminants, which can be naturally occurring or be the result of oil and gas production and mining activities. In order to ensure that tap water is safe to drink, EPA prescribes regulations that limit the amount of certain contaminants in water provided by public water systems. Food and Drug Administration (FDA) regulations establish limits for contaminants in bottled water which must provide the same protection for public health.

How can I get involved?

The Lower Rio Grande PWWA Board meets every third Wednesday of every month. Either at the La Mesa or the Buttefield Park Offices. Information can be found at www.lrgauthority.org

Water Conservation Tips

Did you know that the average U.S. household uses approximately 400 gallons of water per day or 100 gallons per person per day? Luckily, there are many low-cost and no-cost ways to conserve water. Small changes can make a big difference - try one today and soon it will become second nature.
• Take short showers – a 5 minute shower uses 4 to 5 gallons of water compared to up to 50 gallons for a bath.
• Shut off water while brushing your teeth, washing your hair and shaving and save up to 500 gallons a month.
• Use a water-efficient showerhead. They're inexpensive, easy to install, and can save you up to 750 gallons a month.
• Run your clothes washer and dishwasher only when they are full. You can save up to 1,000 gallons a month.
• Water plants only when necessary.
• Fix leaky toilets and faucets. Faucet washers are inexpensive and take only a few minutes to replace. To check your toilet for a leak, place a few drops of food coloring in the tank and wait. If it seeps into the toilet bowl without flushing, you have a leak. Fixing it or replacing it with a new, more efficient model can save up to 1,000 gallons a month.
• Adjust sprinklers so only your lawn is watered. Apply water only as fast as the soil can absorb it and during the cooler parts of the day to reduce evaporation.
• Teach your kids about water conservation to ensure a future generation that uses water wisely. Make it a family effort to reduce next month's water bill!
• Visit www.epa.gov/watereuse for more information.

Cross Connection Control Survey

The purpose of this survey is to determine whether a cross-connection may exist at your home or business. A cross-connection is an unprotected or improper connection to a public water distribution system that may cause contamination or pollution to enter the system. We are responsible for enforcing cross-connection control regulations and insuring that no contaminants can, under any flow conditions, enter the distribution system. If you have any of the devices listed below please contact us so that we can discuss the issue, and if needed, survey your connection and assist you in isolating it if that is necessary.

• Boiler/ Radiant heater (water heaters not included)
• Underground lawn sprinkler system
• Pool or hot tub (whirlpool tubs not included)
• Additional source(s) of water on the property
• Decorative pond
• Watering trough

Source Water Protection Tips
Protection of drinking water is everyone's responsibility. You can help protect your community's drinking water source in several ways:

- Eliminate excess use of lawn and garden fertilizers and pesticides - they contain hazardous chemicals that can reach your drinking water source.
- Pick up after your pets.
- If you have your own septic system, properly maintain your system to reduce leaching to water sources or consider connecting to a public water system.
- Dispose of chemicals properly; take used motor oil to a recycling center.
- Volunteer in your community. Find a watershed or wellhead protection organization in your community and volunteer to help. If there are no active groups, consider starting one. Use EPA's Adopt Your Watershed to locate groups in your community, or visit the Watershed Information Network's How to Start a Watershed Team.
- Organize a storm drain stencilling project with your local government or water supplier. Stencil a message next to the street drain reminding people "Dump No Waste - Drains to River" or "Protect Your Water." Produce and distribute a flyer for households to remind residents that storm drains dump directly into your local water body.

Additional Information for Lead

If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. Lower Rio Grande PWWA South Valley is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline or at http://www.epa.gov/safewater/lead.

Additional Information for Arsenic

While your drinking water meets EPA's standard for arsenic, it does contain low levels of arsenic. EPA's standard balances the current understanding of arsenic's possible health effects against the costs of removing arsenic from drinking water. EPA continues to research the health effects of low levels of arsenic which is a mineral known to cause cancer in humans at high concentrations and is linked to other health effects such as skin damage and circulatory problems.
### Water Quality Data Table

In order to ensure that tap water is safe to drink, EPA prescribes regulations which limit the amount of contaminants in water provided by public water systems. The table below lists all of the drinking water contaminants that we detected during the calendar year of this report. Although many more contaminants were tested, only those substances listed below were found in your water. All sources of drinking water contain some naturally occurring contaminants. At low levels, these substances are generally not harmful in our drinking water. Removing all contaminants would be extremely expensive, and in most cases, would not provide increased protection of public health. A few naturally occurring minerals may actually improve the taste of drinking water and have nutritional value at low levels. Unless otherwise noted, the data presented in this table is from testing done in the calendar year of the report. The EPA or the State requires us to monitor for certain contaminants less than once per year because the concentrations of these contaminants do not vary significantly from year to year, or the system is not considered vulnerable to this type of contamination. As such, some of our data, though representative, may be more than one year old. In this table you will find terms and abbreviations that might not be familiar to you. To help you better understand these terms, we have provided the definitions below the table.

<table>
<thead>
<tr>
<th>Contaminants</th>
<th>MCLG</th>
<th>MCL</th>
<th>Year Low</th>
<th>Year High</th>
<th>Sample Date</th>
<th>Violation</th>
<th>Typical Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chlorine (as Cl₂) (ppm)</td>
<td>4</td>
<td>4</td>
<td>.78</td>
<td>.87</td>
<td>.78</td>
<td>2015</td>
<td>No</td>
</tr>
<tr>
<td>Haloacetic Acids (HAA5) (ppb)</td>
<td>NA</td>
<td>60</td>
<td>11</td>
<td>11</td>
<td>2015</td>
<td>No</td>
<td>By-product of drinking water chlorination</td>
</tr>
<tr>
<td>TTHMs (Total Trihalomethanes) (ppb)</td>
<td>NA</td>
<td>80</td>
<td>51</td>
<td>51</td>
<td>2015</td>
<td>No</td>
<td>By-product of drinking water disinfection</td>
</tr>
</tbody>
</table>

#### Inorganic Contaminants

<table>
<thead>
<tr>
<th>Contaminants</th>
<th>Year Low</th>
<th>Year High</th>
<th>2015</th>
<th>MCLG</th>
<th>MCL</th>
<th>Sample Date</th>
<th>Typical Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic (ppb)</td>
<td>0</td>
<td>10</td>
<td>7.6</td>
<td>6.4</td>
<td>7.6</td>
<td>No</td>
<td>Erosion of natural deposits; Runoff from orchards; Runoff from glass and electronics production wastes</td>
</tr>
<tr>
<td>Barium (ppm)</td>
<td>2</td>
<td>2</td>
<td>.055</td>
<td>.04</td>
<td>.35</td>
<td>2014</td>
<td>No</td>
</tr>
<tr>
<td>Fluoride (ppm)</td>
<td>4</td>
<td>4</td>
<td>2.5</td>
<td>2.5</td>
<td>2014</td>
<td>No</td>
<td>Erosion of natural deposits; Water additive which promotes strong teeth; Discharge from fertilizer and aluminum factories</td>
</tr>
<tr>
<td>Nitrate (measured as ppm)</td>
<td>10</td>
<td>10</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>2015</td>
<td>No</td>
</tr>
</tbody>
</table>

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PLANNING AND ZONING COMMISSION
SD17-002 * 11/9/18
<table>
<thead>
<tr>
<th>Contaminants</th>
<th>MCLG or MRDLG</th>
<th>MCL, TT, or MRDL</th>
<th>Year Water</th>
<th>Range Low</th>
<th>Range High</th>
<th>Sample Date</th>
<th>Violation</th>
<th>Typical Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nitrogen (ppm)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Leaching from septic tanks, sewage; Erosion of natural deposits</td>
</tr>
<tr>
<td>Selenium (ppb)</td>
<td>50</td>
<td>50</td>
<td>7.6</td>
<td>0</td>
<td>7.6</td>
<td>2014</td>
<td>No</td>
<td>Discharge from petroleum and naval refineries; Erosion of natural deposits; Discharge from mines</td>
</tr>
<tr>
<td><strong>Microbiological Contaminants</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fecal coliform/E. coli - in the distribution system (positive samples)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>NA</td>
<td>NA</td>
<td>2015</td>
<td>No</td>
<td>Human and animal fecal waste</td>
</tr>
<tr>
<td>A violation occurs when a routine sample and a repeat sample, in any given month, are total coliform positive, and one also is fecal coliform or E. coli positive.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Coliform (positive samples/month)</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>NA</td>
<td>NA</td>
<td>2015</td>
<td>No</td>
<td>Naturally present in the environment</td>
</tr>
<tr>
<td><strong>Radioactive Contaminants</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alpha emitters (pCi/L)</td>
<td>0</td>
<td>15</td>
<td>3.2</td>
<td>NA</td>
<td>3.2</td>
<td>2014</td>
<td>No</td>
<td>Erosion of natural deposits</td>
</tr>
<tr>
<td>Radium (combined 226/228) (pCi/L)</td>
<td>0</td>
<td>5</td>
<td>.5</td>
<td>NA</td>
<td>.5</td>
<td>2014</td>
<td>No</td>
<td>Erosion of natural deposits</td>
</tr>
<tr>
<td>Uranium (ug/L)</td>
<td>0</td>
<td>30</td>
<td>2</td>
<td>NA</td>
<td>2</td>
<td>2014</td>
<td>No</td>
<td>Erosion of natural deposits</td>
</tr>
<tr>
<td><strong>Volatil Organic Contaminants</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Xylene (ppm)</td>
<td>10</td>
<td>10</td>
<td>NA</td>
<td>.0005</td>
<td>.0005</td>
<td>2014</td>
<td>No</td>
<td>Discharge from petroleum factories; Discharge from chemical factories</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contaminants</th>
<th>MCLG or AL</th>
<th>Year Water</th>
<th>Sample Date</th>
<th># Samples Exceeding AL</th>
<th>Exceeds AL</th>
<th>Typical Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inorganic Contaminants</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Copper - action level at consumer taps (ppm)</td>
<td>1.3</td>
<td>1.3</td>
<td>.065</td>
<td>0</td>
<td>No</td>
<td>Corrosion of household plumbing systems; Erosion of natural deposits</td>
</tr>
<tr>
<td>Inorganic Contaminants</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lead - action level at consumer taps (ppm)</td>
<td>0</td>
<td>15</td>
<td>2.4</td>
<td>0</td>
<td>No</td>
<td>Corrosion of household plumbing systems; Erosion of natural deposits</td>
</tr>
</tbody>
</table>

**Undetected Contaminants**

The following contaminants were monitored for, but not detected, in your water.
<table>
<thead>
<tr>
<th>Contaminant</th>
<th>MCLG or MRDLG</th>
<th>MCL or MRDL</th>
<th>Your Water</th>
<th>Violation</th>
<th>Typical Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antimony (ppb)</td>
<td>6</td>
<td>6</td>
<td>ND</td>
<td>No</td>
<td>Discharge from petroleum refineries; fire retardants; ceramics; electronics; solder; test addition.</td>
</tr>
<tr>
<td>Cyanide (ppb)</td>
<td>200</td>
<td>200</td>
<td>ND</td>
<td>No</td>
<td>Discharge from plastic and fertilizer factories; Discharge from steel/metal factories</td>
</tr>
</tbody>
</table>

**Unit Descriptions**

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>ug/L</td>
<td>ug/L: Number of micrograms of substance in one liter of water</td>
</tr>
<tr>
<td>ppm</td>
<td>ppm: parts per million, or milligrams per liter (mg/L)</td>
</tr>
<tr>
<td>ppb</td>
<td>ppb: parts per billion, or micrograms per liter (µg/L)</td>
</tr>
<tr>
<td>pCi/L</td>
<td>pCi/L: picocuries per liter (a measure of radioactivity)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>positive samples/month</th>
<th>positive samples/month: Number of samples taken monthly that were found to be positive</th>
</tr>
</thead>
<tbody>
<tr>
<td>NA</td>
<td>NA: not applicable</td>
</tr>
<tr>
<td>ND</td>
<td>ND: Not detected</td>
</tr>
<tr>
<td>NR</td>
<td>NR: Monitoring not required, but recommended.</td>
</tr>
</tbody>
</table>

| positive samples/yr | positive samples/yr: The number of positive samples taken that year |

**Important Drinking Water Definitions**

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>MCLG</td>
<td>MCLG: Maximum Contaminant Level Goal: The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.</td>
</tr>
<tr>
<td>MCL</td>
<td>MCL: Maximum Contaminant Level: The highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.</td>
</tr>
<tr>
<td>TT</td>
<td>TT: Treatment Technique: A required process intended to reduce the level of a contaminant in drinking water.</td>
</tr>
<tr>
<td>AL</td>
<td>AL: Action Level: The concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow.</td>
</tr>
<tr>
<td>Variances and Exemptions</td>
<td>Variances and Exemptions: State or EPA permission not to meet an MCL or a treatment technique under certain conditions.</td>
</tr>
<tr>
<td>MRDLG</td>
<td>MRDLG: Maximum residual disinfectant level goal. The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contaminants.</td>
</tr>
<tr>
<td>MRDL</td>
<td>MRDL: Maximum residual disinfectant level. The highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.</td>
</tr>
<tr>
<td>MNR</td>
<td>MNR: Monitored Not Regulated</td>
</tr>
<tr>
<td>MPL</td>
<td>MPL: State Assigned Maximum Permissible Level</td>
</tr>
</tbody>
</table>
Contact Name: Michael P. Lopez
Address: P.O. Box 2646
Anthony, NM 88021
Phone: (575) 233-5742
Appendix 2.5A

Dona Ana County Utilities Department

Wastewater Utility Letter of Intent
January 26th, 2017

Tierra Del Sol Housing Corp.
Rose Garcia
210 E. Idaho Ave.
Las Cruces, NM 88005
(575) 541-0477

RE: Vado, New Horizon, Phase 1 & Berino, Las Flores Subdivisions
Wastewater Utility Letter of Intent

Dear Ms. Garcia:

At the request of Tierra Del Sol Housing Corp., (TDS) we have reviewed your request for the development of two proposed subdivisions in southern Dona Ana County for the availability of sewer service and any additional impacts the proposed subdivisions may have on the wastewater utility. Based on the information provided by TDS for a 52-unit residential subdivision in Vado, New Horizons Phase 1, the existing Vado Lift Stations #4 and #5 currently have the capacity for the additional flows, however they will be near their maximum capacity upon complete build-out of Phase 1 of the new subdivision. The proposed Las Flores 64-unit residential subdivision in Berino will also have the capacity for the additional flows generated by the proposed subdivision with an undetermined amount of capacity remaining for future development in the area. It should be noted that both of the proposed subdivisions currently discharge to a main lift station located in Vado, Vado Lift Station #7, which will also be at capacity upon complete build out of the two proposed subdivisions consisting of 116 total residential units. Increased operations and maintenance costs are expected for the four pump stations impacted by the proposed developments.

Please regard this correspondence as a Letter of Intent and final approval for connection to the Dona Ana County Wastewater Utility system. This letter only applies to Phase 1 of the Vado, New Mexico proposed 52-Unit subdivision New Horizons and the proposed 64-Unit Berino, New Mexico subdivision Las Flores. I will also be submitting with this letter any comments I may have concerning design of this subdivision. Also all applicable Dona Ana County Utility connection fees, rates and charges will apply for sewer service connections. Thank you for the opportunity to be of assistance in the subdivision process and we look forward to continued growth and success in Dona Ana County. If you have any questions or need further

An Equal Employment Opportunity Agency
assistance with this matter, do not hesitate to contact me at (575) 621-5084 or mireyac@donaanacounty.org.

Sincerely,
Dona Ana County
Utilities Department

Mireya Carnero
Assistant Operations Manager

Cc: Nora Oliver, DAC
    Chuck McMahan, DAC
    Luis Marmolejo, DAC
    Rose Garcia, Tierra Del Sol Housing Corp.
    David Shields, Bohannan Huston, Inc.
April 10, 2017

Luis Marmolejo
Dona Ana County Development Department
845 N. Motel Blvd.
Las Cruces, NM 88007

Re: SD 17-002 Type II Subdivision by Randy McMillan Doña Ana, New Mexico MK049EM

Dear Mr. Marmolejo:

This letter is in response to the above referenced subdivision permit application received at the Historic Preservation Division (HPD) on March 17, 2017. According to the application, the proposed project is within Township 23 South, Range 3 East, Section 3.

I reviewed our records to determine if cemeteries, burial grounds or cultural resources listed on the State Register of Cultural Properties or the National Register of Historic Places exist within or near the permit area. Our records show that there are no cultural resources listed on the National Register or State Register within or near the proposed subdivision area and no known cemeteries or burial grounds.

Although our records show that there are no archaeological sites, a survey of the area has not been conducted. Surveys conducted in adjacent sections of land identified significant archaeological sites, therefore there is a potential for unknown archaeological sites to exist within the permit area. Even though a cultural resources survey is not required, the land owner is encouraged to have a cultural resources survey conducted by a professional archaeologist to ensure that significant archaeological sites are not inadvertently damaged or destroyed.

Please do not hesitate to contact me if you have any questions regarding these comments. I can be reached by telephone at (505) 827-4225 or by email at bob.estes@state.nm.us.

Sincerely,

Bob Estes  Ph.D.
HPD Staff Archaeologist
(HPD log 105474)
REQUEST FOR A SUBDIVISION REVIEW

Please review and return within 30 days from date of receipt.

To: Gadsden School District

From: Marmolejo Luis, luism@donanaaccounty.org, 575-525-6128

Date: May 8, 2017

Case: # SD17-002: A Type II Subdivision submitted by Randy Mc Millan. The applicant is proposing 63 lots on 15.474 acres. The lots range in size from 0.181 acres to 0.227 acres. The property is identified as being in Section 3, Township 23 South, Range 3E, Property Identification Number R1705141.

Attachments: One copy of all pertinent documents for Review #

NOTE: Please specifically address comments required of your particular agency as noted in the Doña Ana County Unified Development Code "The affected school district to review the Plat and state whether a school site is proposed in or adjacent to the subdivision."

Approved as presented (circle one):

YES □ NO □

CONDITIONAL YES □

COMMENTS (Attach additional sheets if necessary):

Signature: Rafael Gallagos Date: 5/9/2018

Printed Name: Rafael Gallagos Title: Executive Director

GADSDEN INDEPENDENT SCHOOL DISTRICT

Rafael "Ralph" Gallagos
Executive Director
Energy Management & Construction

PO Drawer 79
Anthony, NM 88001
Email: rgalagos@rdms.us

Office: (575) 883-6301
Cell: (575) 539-8995
Fax: (575) 883-2599
TOM BLAINE, P.E.
STATE ENGINEER

Luis Marmolejo
Doña Ana County
845 N Motel Blvd.
Las Cruces, NM 88007

Re: Las Flores Subdivision

Dear Mr. Marmolejo:

The Water Use & Conservation/Subdivision Review Bureau of the Office of the State Engineer has reviewed the referenced subdivision proposal pursuant to the Doña Ana County Unified Development Code 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 fulfill the proposals in the disclosure statement. Accordingly, a positive opinion is issued.

A staff memorandum providing specific comments is attached for your information. If you have any questions, please call Matt Nelson at 505-827-6755.

Sincerely,

Molly Magnuson
Molly Magnuson, P.E.
Water Use & Conservation/Subdivision Review Bureau Chief

Encl.

cc: OSE Water Rights Division, Las Cruces Office
REQUEST FOR A SUBDIVISION REVIEW

Please review and return within 30 days from date of receipt

To: New Mexico State Historic Preservation Office

From: Marmolejo Luis, luism@donaanacounty.org, 575-525-6128

Date: February 10, 2017

Case: # SD17-002: A Type II Subdivision submitted by Randy Mc Millan. The applicant is proposing 63 lots on 15.474 acres. The lots range in size from 0.181 acres to 0.227 acres. The property is identified as being in Section 3, Township 23 South, Range 3E, Property Identification Number R1705141.

Attachments: One copy of all pertinent documents for Review # 1

NOTE: Please specifically address comments required of your particular agency as noted in the Article 4 & 6 of the Unified Development Code of Doña Ana County; “State Historic Preservation Division to determine that cultural properties directly affected by the subdivision are identified and protected, as required by the Cultural Properties Act, NMSA § 18-6-8.1.”

Approved as presented (circle one): YES NO CONDITIONAL YES

COMMENTS (Attach additional sheets if necessary):

RECEIVED

HISTORIC PRESERVATION DIVISION

Signature: [Signature] Date: [Date]
Printed Name: [Printed Name] Title: [Title]
April 25, 2018

Louis Marmolejo
Dona Ana County
Community Development Department
845 N. Motel Blvd
Las Cruces, NM 88007
By email to: hmism@donaanacounty.org

Dear Mr. Marmolejo,

The New Mexico Environment Department (NMED) has reviewed the April 5, 2018 scoping letter for the proposed Dona Ana County Las Flores Subdivision Review and offers the following comments:

**NMED Drinking Water Bureau Comments**

Please submit an application as described at [https://www.env.nm.gov/drinking_water/water-system-projects/](https://www.env.nm.gov/drinking_water/water-system-projects/) for construction of new water system facilities. The application must be approved by the New Mexico Environment Department (NMED) Drinking Water Bureau (DWB) prior to construction.

Lower Rio Grande Public WWA, NM3502407 (Authority), is a public water system that is regulated by the NMED DWB. On April 19, 2018, the water system had no active violations of any enforceable health-based standard. NMED DWB has determined that the Authority can provide water of an acceptable quality for human consumption. NMED DWB has also determined that the Authority and the subdivider – Las Cruces Community Farms, LLLP – have barriers in place to protect the water supply from contamination. An example of a barrier to protect the water supply from contamination is the prohibition of individual wells in Item 19 of the Subdivision Disclosure Statement. Additionally, the subdivision will be served by central sewer (Doña Ana County Central Wastewater Utility) and waste disposal will be provided by Chaparral Disposal Services or Southwest Disposal Service. The Authority will approve the final plant and construction drawings prior to installation of the facilities. The Authority requires pressure testing and disinfection after installation of facilities.

There may be typographical errors in the entries for barium and xylenes in the 2015 Water Quality Report (Appendix 23A).
The site map included in the Disclosure Statement shows two dams (Price-Woodward and BreedLove) at higher elevations than the elevation of the proposed subdivision. The site map contains the following note: "The two dams located within the 3 mile radius of the proposed Las Flores Subdivision were not designed or built to protect housing or residential areas. They are not maintained to the current standard for that purpose." The actions that the Authority would take in case of flooding would be included in the Authority’s emergency response plan.

NMED Ground Water Quality Bureau Comments
Doña Ana County received an application for the proposed subdivision of a 22.16-acre parcel of land into several lots ranging from 0.657-acres to 0.138-acres. The application proposes the discharge of liquid waste to individual liquid waste systems for disposal.

If domestic wastewater is to be discharged to multiple on-site wastewater disposal systems, depending on the volume of the discharge (i.e., more or less than 5000 gallons per day), the systems would be regulated by either the NMED GWQB or the NMED Liquid Waste Program within the Environmental Health Bureau. If domestic wastewater is to be discharged to a single on-site wastewater disposal system (e.g., a package plant), the system would require a ground water discharge permit issued pursuant to 20.6.2 NMAC. The developer is encouraged to contact NMED’s Liquid Waste Program Hobbs Office at (575) 391-0464 for assistance in determining the appropriate permit for the proposed project. If domestic wastewater is to be delivered offsite to a municipal or regional wastewater treatment system, a permit for the discharge domestic wastewater will not be required.

Implementation of the project may involve the use of heavy equipment leading to a possibility of contaminant releases associated with equipment malfunctions (e.g., fuel, hydraulic fluid, etc.). The GWQB advises all parties involved in the project to be aware of notification requirements for accidental discharges as specified at 20.6.2.1203 NMAC.

NMED Petroleum Storage Tank Bureau Comments
A database search shows three sites where tanks leaked listed in Berino.

Border Cowboy Truckstop’s location, which is not indicated on GoNM, is closest to the proposed subdivision. According to the project manager for this site, Tim Noger, Border Cowboy is east of and across Interstate 10 from the proposed subdivision location. The address we have on record for Border Cowboy is 20201 Las Alturas, Anthony; however, this address is limited use in locating the site. The site’s status is "cleanup, responsible party;” however, the project manager says the site does not pose a threat to the proposed subdivision due to the depth to groundwater, the direction of groundwater flow, and the localization of the contamination. The MCANALLY Enterprises site is the site next closest to the subdivision but has been listed as having a “no further action” status. That means no further action is currently required to clean up or monitor the site. It’s possible but unlikely for further action to be required in the future for any site where tanks have leaked and no further action has been deemed necessary. See map below for approximate location of site.

The Berino Mini Mart is located further South West of the subdivision and is currently a release site. The site is located far enough that it does not pose a direct problem to the subdivision. See map below. A map of the latest groundwater plume is also included below. The Berino Mini Mart had three underground storage tanks; it appears from our records that the three tanks have been manifolded together into one tank. Reports for the Berino Mini Mart can be obtained from the GoNM link; instructions are included at the end of this document.
If you need further information, please contact NMED’s Petroleum Storage Tank Bureau at 505-476-4397.

Four underground storage tanks have been removed from the MCANALLY Enterprises site.
Instructions for Go NM PSTB facility and site map tool:
Go to [https://www.env.nm.gov/ust/lists.html](https://www.env.nm.gov/ust/lists.html). Click on the GoNM link at the bottom left of the page. Documents may download more easily if you use Internet Explorer. When you are in the GoNM Mapper, you can use the zoom slider at the upper left of the map to zoom in. Colored and white shapes represent facilities that have or had tanks and/or have been involved in a release. To find out more about a facility, click on the white inside the blue circle at top of the screen and then click on the shape that represents that facility. When the dialog box pops up, you can click on either the Report or the link under Documents, if any. If it is a leaking site, there will usually be a link under Documents. Many No Further Action letters and other documents are accessible and downloadable this way. If you click on the icon under Report at the left of the dialogue box, there is also quite a bit of information there. If there is a triangle (like a "play" symbol on a media player) at the top right of the dialog box, click on it, and a second page of information will open.

Instructions for other online resources about petroleum storage tanks:
Please review the lists on the webpage, [https://www.env.nm.gov/ust/lists.html](https://www.env.nm.gov/ust/lists.html). Click on the Active Leaking and NFA Sites link. The first document lists NFA sites (sites for which no further action is currently required) by county and city. The third document lists active sites alphabetically by priority (the second and fourth documents are pdfs). Click on the document you need, then click Download for the option you choose in the window that opens. You can search the Active Leaking or NFA Sites spreadsheets (or any other spreadsheet) by holding down the ctrl key on your keyboard and then hitting the F key, or by going to Find & Select (all the way to the right) on the Home tab of the spreadsheet, selecting Find, and entering an address or part of an address, a name, or any information you’d like to search on and then clicking on Find Next repeatedly to find all records that fit your search. You can download the No Further Action letter for many of these records by clicking the link in the last column of the NFA spreadsheet. If the No Further Action letter is not online and you need it or any other information, let us know.

If you are looking for information about the presence of underground or aboveground storage tanks at an address, please download the All Storage Tank list, also at [https://www.env.nm.gov/ust/lists.html](https://www.env.nm.gov/ust/lists.html). This lists all storage tanks in the state that fall or fell under our regulations and have been registered with us, whether they are still present or not. This spreadsheet can be searched the same way as the above ones. If you only need to know about tanks that are currently in use or temporarily out of use, download the Active Storage Tank list.

Please let us know if you need further information.

All owners and operators of petroleum storage tanks (and other tanks that contain regulated substances) must comply with the NM Petroleum Storage Tank regulations. New Mexico is in the process of revising our petroleum storage tank regulations. NM’s current regulations for petroleum storage tanks are at [http://164.64.110.239/nmnet/title20/20C005.htm](http://164.64.110.239/nmnet/title20/20C005.htm). The proposed regulations, which the Environmental Improvement Board is considering, are here: [https://www.env.nm.gov/ust/draftregs.html](https://www.env.nm.gov/ust/draftregs.html). If you have any questions, please contact the bureau at: 505-476-4397 or visit our website at [https://www.env.nm.gov/ust/uststop.html](https://www.env.nm.gov/ust/uststop.html).

**NMED Surface Water Quality Bureau Comments**

The Las Flores Subdivision is approximately 81 acres. Although the lot sizes will be below the 1-acre threshold, because this is a common plan of development, the owner/operator will be required to file a Notice of Intent and follow the requirements of the CGP. CGP coverage includes the following:
A SWPPP should be prepared for the site and that appropriate Best Management Practices (BMPs) be installed and maintained both during and after construction to prevent, to the extent practicable, pollutants (primarily sediment, oil & grease and construction materials from construction sites) in storm water runoff from entering waters of the U.S. This permit also requires that permanent stabilization measures (revegetation, paving, etc.), and permanent storm water management measures (storm water detention/retention structures, velocity dissipation devices, etc.) be implemented post construction to minimize, in the long term, pollutants in storm water runoff from entering these waters. In addition, permittees must ensure that there is no increase in sediment yield and flow velocity from the construction site (both during and after construction) compared to pre-construction, undisturbed conditions (see Subpart 10.C.1.b)

Please be aware that EPA requires that all "operators" (see Appendix A) obtain NPDES permit coverage for construction projects. Generally, this means that at least two parties will require permit coverage. The owner/developer of this construction project who has operational control over project specifications, and the general contractor who has day-to-day operational control of those activities at the site, which are necessary to ensure compliance with the storm water pollution plan and other permit conditions, and possibly other "operators" will require appropriate NPDES permit coverage for this project.

The Construction General Permit can be found at:

Thank you for providing NMED with the opportunity to review and comment on this proposed project.

Sincerely,

Michaeline Kyrala
Director of Policy
New Mexico Environment Department
Office: 505.827.2892
E-mail: michaelene.kyrala@state.nm.us
REQUEST FOR A SUBDIVISION REVIEW
Please review and return within 30 days from date of receipt.

To: Maria Hirojos

From: Manmoleja Luis, luism@dananalncounty.org, 575-525-6126

Date: October 10, 2018

Case: # SD17-002: A Type II Subdivision submitted by Randy Mc Millan. The applicant is proposing 63 lots on 15.474 acres. The lots range in size from 0.181 acres to 0.227 acres. The property is identified as being in Section 3, Township 23 South, Range 3E, Property Identification Number R1705141.

Attachments: Six (6) copies of all pertinent documents for Review #1.

NOTE: Please specifically address comments required of your particular agency as noted in the Article 4 & 6 of the Unified Development Code of Dona Ana County: “New Mexico Department of Transportation to determine whether the subdivision can fulfill the state highway access in conformity with state regulations promulgated pursuant to NMDA § 87-5-10.”

Approved as presented (circle one): YES NO CONDITIONAL YES

COMMENTS (Attach additional sheets if necessary):

The NMDOT has no other issues or concerns. However, as the area develops north of this subdivision a new traffic analysis will be required.

Signature: [Signature]

Printed Name: Maria Hirojos

Date: 10/17/18

Title: [Title]