

PLANNING & ZONING LAND USE APPLICATION

Please check appropriate box

(Fees are listed on the back)

Administrative Permit	Plan	Subdivision	Zoning
<input type="checkbox"/> Community Residential Care Facility	<input type="checkbox"/> Comprehensive Plan Amendment	<input type="checkbox"/> Final Plat	<input type="checkbox"/> Annexation
<input type="checkbox"/> Development Review Committee (DRC)	<input type="checkbox"/> Corridor Plan Amendment	<input checked="" type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Appeal
<input type="checkbox"/> Home Occupation	<input type="checkbox"/> Master Plan	<input type="checkbox"/> Summary Plat	<input type="checkbox"/> Conditional Use Permit
<input type="checkbox"/> Model Home / Sales Office	<input type="checkbox"/> Master Plan Amendment	<input type="checkbox"/> Vacation of Plat	<input type="checkbox"/> Master Sign Plan
<input type="checkbox"/> Residential Child Care Facility 6 or <	<input type="checkbox"/> Specific Area Plan Amendment	<input type="checkbox"/> Street Name Change	<input type="checkbox"/> Site Plan
<input type="checkbox"/> Sign Permit	<input type="checkbox"/> Text Amendment	<input type="checkbox"/> Subdivision Interpretation	<input type="checkbox"/> Special Exception
<input type="checkbox"/> Other		<input type="checkbox"/> Subdivision Variance	<input type="checkbox"/> Variance
			<input type="checkbox"/> Zone Map Amendment
			<input type="checkbox"/> Zoning Certification
			<input type="checkbox"/> Zoning Interpretation

Please Print In Ink Only or Type

Application must be complete. Please attach the appropriate checklist for the action you are requesting, if applicable.

APPLICANT/AGENT INFORMATION

Applicant Name: SOL OESTE, LLC		Phone: 505-892-9200	
Address: 333 RIO RANCHO DRIVE NE, SUITE 202		E-Mail: JARRODL@ASWINC.COM	
City: RIO RANCHO	State: NM	Zip: 87124	
Proprietary Interest: 100%		List Owners:	
Deed or Ownership Verification Provided: (Initials)		Letter of Authorization Provided: (Initials)	

Agent Name: HUITT-ZOLLARS, INC.		Phone: 505-892-5141	
Address: 333 RIO RANCHO DRIVE NE, SUITE 101		E-Mail: seddings@huitt-zollars.com	
City: RIO RANCHO	State: NM	ZIP Code: 87124	

DESCRIPTION OF REQUEST: (PLEASE ADD ADDITIONAL SHEET(S) IF NECESSARY)

Preliminary Plat for Vista Entrada

SITE INFORMATION: (PLEASE PROVIDE ACCURATE LEGAL DESCRIPTION)

Subdivision/Unit: Rio Rancho Estates Unit 20	Block(s): 99	Lot(s): 24-29
Existing Zoning: R-1	Proposed Zoning: R-1	
No. of existing lots: 6	No. of proposed lots: 12	Total area of site (acres) 3.1

ACKNOWLEDGEMENT

I hereby acknowledge that I have read this entire application and affirm that all information provided is correct. I agree to comply with the requirements of the City of Rio Rancho as outlined in all applicable laws, ordinances and regulations.

Print Name: Nina Villa for Scott Eddings	Applicant:	Agent: HUITT-ZOLLARS, INC.
Signature:		Date:

FOR OFFICIAL USE ONLY

H.T.E. PROJECT #	FEE	RECEIPT #

APPLICATION ACCEPTED BY: _____ **DATE:** _____

June 3, 2020

City of Rio Rancho
Development Services Engineering Division
Attn: David Serrano, P.E.
3200 Civic Center Circle NE
Rio Rancho, NM 87144

**RE: Vista Entrada Subdivision Preliminary Plat Submittal
Huitt-Zollars Project No. R311293.01**

Dear Mr. Serrano,

We are submitting a revised preliminary plat application of the proposed Vista Entrada Subdivision. The following information is attached:

1. Preliminary Plat Application
2. Letter of Authorization
3. 3 copies of the Preliminary Plat
4. Traffic Impact Analysis
5. Water and Wastewater Availability Statement
6. Disclosure Statement
7. Application Fee Check

The original application for this project was submitted in January and presented to the Planning and Zoning Board on March 10th. After denial of this project and receiving comments from City of Rio Rancho, the layout has been revised to include a cul-de-sac on Kalgan Court and provide a realignment of Kalgan Road.

The following items are the additional written explanations required for elements of the preliminary plat application.

Preliminary Plat

Vista Entrada is currently zoned R-1 and will maintain the current zoning. As shown on the proposed preliminary plat, Vista Entrada is currently comprised of six lots to be divided into twelve lots. The proposed layout provides a transition of Kalgan Road as it crosses Chayote Road. The proposed plat also creates one public roadway (Kalgan Court) to service six southern lots.

Subdivision Data

Vista Entrada is proposed as a residential single-family development with twelve lots on approximately 3.1 acres. One new roadway within the project will be dedicated to the City of Rio Rancho. The existing roadways of Chayote Road, Ilford Road, and Kalgan Road will serve as access for Vista Entrada.

Proposed Construction Plans

A set of construction plans for onsite improvements was included with the original submittal. Upon approval of the revised layout by the Planning and Zoning Board, the construction plans will be updated to reflect the revised preliminary plat. On Kalgan Road, new water and sewer lines will be installed from Chayote Road up to the western boundary of Vista Entrada. Proposed roadway improvements to include pavement, curb and gutter, and sidewalk will be installed on Kalgan Court and on Kalgan Road from Chayote Road to the western boundary of Vista Entrada.

Drainage Study

Vista Entrada generally drains toward the southeast into Idalia Road. The bulk of developed flow will drain towards the existing roadways of Ilford Road and Kalgan Road and Chayote Road. Existing inlets in Chayote Road are designed to capture this flow and direct it into the Idalia Road storm drain.

Copies of the drainage study for Vista Entrada were included with the original submittal. The drainage study will be revised upon City of Rio Rancho approval of the revised layout.

Traffic Impact Analysis

A trip generation report has been completed for Vista Entrada and is included with this submittal. Due to the low number of peak hour trips generated by this development, Vista Entrada will have minimal traffic impact on the surrounding area and additional traffic improvements are not required.

Water and Wastewater Availability Statement

A site specific availability statement has been submitted to the utilities department. A copy of the letter is included.

Disclosure Statement

A disclosure statement regarding the employment of a City Council member is included with this submittal.

We are requesting that this project be scheduled for the next available City of Rio Rancho Planning and Zoning Board meeting. If you have any questions or require any additional information, please contact me or Nina Villa at your convenience.

Sincerely,


Scott Eddings, P.E.

City of Rio Rancho
c/o Peter Wells
3200 Civic Center Circle
Rio Rancho, New Mexico 87144
Via Hand Delivery, only

May 28, 2020

Dear Mr. Wells,

Sol Oeste LLC, a New Mexico limited liability company (the "Subdivider"), is the owner of six lots, known as Lots 24 through 29 of Block 99 within the Vista Entrada Subdivision (the "Property") in the City of Rio Rancho (the "City"). The Property consists of approximately three (3) acres of land that the Subdivider seeks to plat into twelve (12) residential lots (the "Plat") ranging in size from 7,052 square feet to 12,110 square feet, as depicted in Exhibit A, attached. Additionally, the Subdivider will install roadway improvements, sanitary sewer, potable water, sidewalks and a stormwater management system to serve the Property. Portions of the roadway improvements will also serve the greater Vista Entrada subdivision.

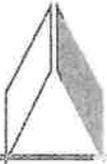
Please accept this letter as Subdivider's position regarding the Plat and reasons for approval by the City.

I. INTRODUCTION.

In an initial consultation with the staff of the departments of development services and planning and zoning of the City ("City Staff"), it was specifically stated that the Plat appears to comply with zoning requirements, right-of-way-width, cul-de-sac length, and radius requirements; however, other matters will need to be addressed, such as R.O. 2003 § 155.45, which states in pertinent part as follows:

"The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites properly related to topography and the character of adjacent development."

The purpose of this paper is to discuss and address the matters raised in R.O. 2003 § 155.45, which was the only ordinance or concern called out by City Staff in their email dated April 29, 2020 (attached as Exhibit B). City Staff's reliance on R.O. 2003 § 155.45 results directly from an acquiescence to complaints from a small portion of vocal residents within the Vista Entrada subdivision regarding the reduction in lot size from the current size of approximately 21,780 square feet. The complaints from the residents can be generally summarized as follows: if the lot sizes are reduced as requested in the Plat, then the character of the Vista Entrada community will be diminished. For the reasons discussed in greater detail below, Subdivider's plans are consistent with the character of the existing homes. In fact, the homes to be built on the lots depicted on the Plat will appear to be substantially similar to the other homes in the Vista Entrada community.



As a general observation, it should be noted that lot size is not a delineated consideration in R.O. 2003 § 155.45. Lot size is not relevant when determining the character of a development. In addition to complying with zoning and other requirements, Subdivider's plans clearly meet the requirements of R.O. 2003 § 155.45. Accordingly, the Plat should be approved.

II. THE ZONING CATEGORY IS R-1; A HIGHER ZONING DENSITY CATEGORY WAS NEVER ADOPTED.

The prevailing issue with approval of the Plat is that the residents of the Vista Entrada community want to unilaterally impose a requirement that all lots in the adjacent areas be lots with a minimum size of one-half acre, despite the fact that the zoning for the Property is R-1 requiring a minimum lot area of 7,000 square feet. In an effort to impose the resident's desires, City Staff is improperly relying on a portion of R.O. 2003 § 155.45 stating that the Plat violates the "character" of the adjacent community. First, it's important to address the hidden issue head-on by unequivocally stating that the "character" of the community has no bearing on the size of the lots being half acre lots. The E-1 zoning category would comply with the half acre lot desires by requiring all lots within the E-1 zone to be a minimum of a half acre, but the Property is not zoned E-1. The zone map was implemented after the Property was platted into half-acre lots and was not zoned E-1. There has not been any current or historical effort by City Staff or the residents of the Vista Entrada community to change the zoning category to E-1. The zone map was adopted in 1994 and since then, at no point in time was the Property zoned E-1 (commonly referred to as an estate lot). If large, estate tracts of a minimum of half acre lots was an integral part of the character of Vista Entrada community, then either City Staff or the residents would have had a duty and obligation to make an effort to have the applicable zoning category reflect that "character", rather than trying to circumvent the R-1 zoning that is currently in place by trying to rely on a provision in the ordinance (R.O. 2003 § 155.45) that has no relevance to lot size. A requirement to increase the required size of the lots to half an acre at this point would be an impermissible de facto zone change or an impermissible de facto spot zoning.

III. LOT SIZE IS DICTATED BY THE ZONING ORDINANCE.

As an initial matter, it is crucial to make the distinction between the size of the lot versus other attributes and considerations of a lot upon subdivision, such as the shape of a lot or placement of a lot. The City's ordinances clearly make this distinction, with size of the lot determined in accordance with the zoning ordinance at R.O. 2003 § 154 (the "**Zoning Ordinance**") and with attributes and considerations of a lot upon subdivision, such as the shape of a lot or placement of a lot, determined in accordance with the subdivision ordinance at R.O. 2003 § 155 (the "**Subdivision Ordinance**").

Under the Zoning Ordinance, a lot's size is often expressed as lot density, square footage or land mass - all of which have the same practical effect of determining the size of a lot. The Property is zoned as R-1. R-1 zoning is low-density zoning¹, which results in a lot with a relatively high square footage (land

¹ See R.O. 2003 § 154.08(A)



mass) requirement. The minimum square footage requirement of a lot within R-1 zoning is 7,000 square feet.

The size of a lot as required to be determined in accordance with the Zoning Ordinance is wholly unrelated to attributes and considerations of a lot upon subdivision as required to be determined in accordance with the Subdivision Ordinance. The Subdivision Ordinance determines the shape of a lot, the method in which those lot shapes are arranged within a plat and the building site within the lot. A lot can comply with the density/square footage/land mass requirements of the Zoning Ordinance by being a rectangle, being an octagon or extremes of both (e.g., a very narrow and very long rectangle). For example, in the case of the Property, the lots comprising the Property can comply with the R-1 zoning ordinance by being a 7,000 square foot rectangle or a 7,000 square foot octagon. Thankfully, we do not see many octagon shaped lots because the Subdivision Ordinance is the tool used to control the non-zoning related properties of a lot (e.g., shapes that are not conducive to development, designs that are impractical, etc.). To be clear, the Zoning Ordinance is the sole mechanism to control the density/square footage/land mass requirements of a lot.

Due to the fact that the zoning of property within the City is wholly dealt with in the Zoning Ordinance (i.e., the Planning and Zoning Chapter of the City Ordinances at R.O. 2003 § 154), the Subdivision Ordinance does not even deal with the size of a lot. As a matter of logic and good ordinance drafting, ordinances should generally not have requirements covering the same topic in different locations/chapters – the City’s ordinances accomplish exactly that with respect to regulating the size of a lot by solely addressing the permissible size of a lot in the Zoning Ordinance. Considerations within the Subdivision Ordinance (i.e., the Subdivisions Chapter of the City Ordinances at R.O. 2003 § 155) do not pertain to the size of a lot and the size of the lot is immaterial to the considerations in Subdivision Ordinance.

As a reminder from the beginning of this paper, City Staff has identified R.O. 2003 § 155.45 (“*The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites properly related to topography and the character of adjacent development.*”) as the main area of concern of their preliminary review of the Plat. As described above, R.O. 2003 § 155.45 falls with the Subdivision Ordinance and cannot dictate or take into consideration the size of the lot as part of the analysis of whether the Property complies with its provisions.

Sections IV, V and VI below analyze the specific requirements of the provisions of Subdivision Ordinance R.O. 2003 § 155.45, including its scope and limitations

IV. PLACEMENT AND SHAPE OF THE LOTS MUST PRODUCE A USEABLE BUILDING SITE WITHIN THE LOT.

The first portion of Subdivision Ordinance R.O. 2003 § 155.45 states that “[t]he lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites...”.



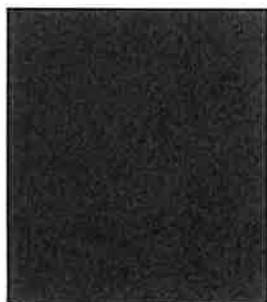
This portion of the ordinance focuses on the “building site”, where the “arrangement and design” of the lot (without any statement or inference relating to size of the lot) be placed (arranged) and shaped (designed) such that the building site on the lot is useable, both in an actual (satisfactory) and practical (desirable) sense.

As previously discussed, the size of the lot is determined by the zoning category from the Zoning Ordinance assigned to a lot. Once the size of a lot is determined by the Zoning Ordinance, a piece of land can take on various shapes and those various shapes can be arranged in a myriad of ways. The focus of this first portion of the Subdivision Ordinance R.O. 2003 § 155.45 is that the shape of the lots and the arrangement of those shapes within a plat should produce and establish a building site. The building site produced by the arrangement and shape of the lots should be satisfactory for constructing a building. Further, the building site should be desirable for the construction of a home (in the case of residential zoning), meaning that the shape of the building site within the lot should not merely conform with the strict letter of the Zoning Ordinance, but should produce a site that is useable by the owner.

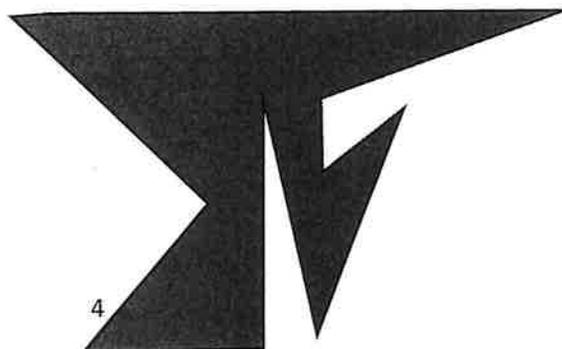
Without the Subdivision Ordinance, the Zoning Ordinance could allow a lot to take on a nondescript shape that conforms with the land mass and set back requirements of the Zoning Ordinance, but produces a building site that is not valuable for any legitimate purpose. *See* Example 2, below. This first portion of Subdivision Ordinance R.O. 2003 § 155.45 provides the safeguard to avoid producing a building site that is not valuable for any legitimate purpose and that would be functionally worthless to its owner and to the City.

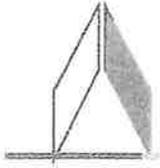
While not drawn to scale, the below gives an example of the concept being conveyed in this first portion of Subdivision Ordinance R.O. 2003 § 155.45. The two shapes below may have the same square footage, but the building site in Example 1 is useful, satisfactory and desirable, while the building site resulting from Example 2 is useless, not satisfactory and not desirable. Stated another way, the *design* of the lot in Example 2 is bad. In this situation, R.O. 2003 § 155.45 may be used to control or prevent the subdivision of a lot in accordance with Example 2.

Example 1:



Example 2:





In the case at hand, the Plat proposes a configuration of 12 lots, all in excess of 7,000 square feet, in compliance with the R-1 zoning requirements as depicted in Exhibit A. The lot configuration is consistent with the vast majority of lot configurations throughout the City that are zoned R-1. The size requirements of the Zoning Ordinance have been met by the Plat. Once the size has been established and complies with the Zoning Ordinance, we look to the “arrangement and design” of those lots as required by the Subdivision Ordinance to make sure that they “provide satisfactory and desirable building sites.” The design of the lots and the arrangement of those lots within the Plat reflects generally rectangular shapes that provide for a building site that is in conformity with setback requirements, resulting in a good, useful, desirable and compatible building site within the lot. The Plat is in conformity with this first portion of Subdivision Ordinance R.O. 2003 § 155.45.

V. THE BUILDING SITE SHOULD BE PROPERLY RELATED TO THE TOPOGRAPHY AND CHARACTER OF THE ADJACENT DEVELOPMENT.

The plain language of Subdivision Ordinance R.O. 2003 § 155.45 (“*The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites properly related to topography and the character of adjacent development.*”) is clear that the only consideration pertaining to the lot as a whole is with regard to the lot’s arrangement and design, discussed above in Section IV. Once the arrangement and design of the lots are established, then the building site – and not the lot itself – should undergo an additional analysis related to the topography and character of the adjacent development. The text of the second portion of Subdivision Ordinance R.O. 2003 § 155.45 requires that lots produce “building sites properly related to topography and the character of adjacent development.”

A. The building sites are properly related to the topography.

Topography generally refers to the physical features of the land, itself. The topography of the Property is gently sloping. The building site resulting from the Plat in relation to the topography provides for rectangular shaped building sites and a generally level terrain that do not result in a steep incline or decline into an arroyo. Further, the building sites produced by the Plat are identical to the surrounding development and that are satisfactory and desirable for construction of residential dwellings.

B. The building sites are substantially identical to the character of the adjacent development.

The building sites of the lots on the Plat are categorically identical to the building footprints within the Vista Entrada community and the other surrounding developments, generally providing for the same structures, styles and size of homes. The building footprint of many of the homes within the surrounding subdivisions could fit within the building sites to be created by the Plat with no changes – they are functionally identical. For example, as shown on the market comparable attached hereto as Exhibit C, homes sold within the last year in the vicinity of the Property ranged in size from 1,800 square feet to 3,896 square feet with an average of 2,583 square feet and a median of 2,429 square feet. The homes being built at the Property will range in square footage between 2,100 and 2,515 square feet.



Further, the building sites to be created by the Plat are consistent and aligns with the current character of the Vista Entrada community and the other surrounding developments. A person driving or walking along the Property following its development would not be able to distinguish the building sites within the Property versus the building sites within the Vista Entrada community and the other surrounding developments. The building sites to be created by the Plat look no different – and are in fact no different – from the Vista Entrada community and the other surrounding developments.

VI. ESTABLISHING CHARACTER.

To be clear, the factor of “character” within Subdivision Ordinance R.O. 2003 § 155.45 relates specifically to the building site within the lot and not the size of the lot itself. That being said, the specific factor of “character” has been widely cited by the small portion of vocal residents within the Vista Entrada subdivision that oppose the Plat. For this reason, this Section VI explores the Subdivision Ordinance to determine how to establish character.

Subdivision Ordinance R.O. 2003 § 155.28(A) provides guidance as to the lens under which “character” should be viewed and in no case does the concept of character incorporate the size of a lot. Specifically entitled “Character of Development; Modifications and Exceptions”, Subdivision Ordinance R.O. 2003 § 155.28 gives the most specific and precise direction as to what is encompassed in the concept of “character.” By deconstructing the “Character of Development” ordinance, the following specific factors are used to determine the general character of a development: (a) value,² (b) type,³ (c) use,⁴ (d) height,⁵ (e) area⁴ and (f) bulk⁴. In all situations the lot size, density, land mass or square footage of a lot is not considered when weighing the character of a development (because that consideration has been fully dealt with in the Zoning Ordinance).

A. The factors of value, type and use; a consideration of Subdivision Ordinance R.O. 2003 § 155.28(A)(1)

Subdivision Ordinance R.O. 2003 § 155.28(A)(1) reads as follows:

“(1) The Planning Board shall confer with the subdivider regarding the type and character of development that will be permitted in the subdivision, and may agree with the subdivider as to certain minimum restrictions to be placed upon the property:

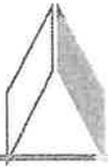
(a) To prevent the construction of substandard buildings; and

² Ordinance 155.28(A)(1)(a)

³ Ordinance 155.28(A)(1)(a); Ordinance 155.28(A)(1)(b)

⁴ Ordinance 155.28(A)(1)(b); Ordinance 155.28(A)(2)

⁵ Ordinance 155.28(A)(2)



(b) To control the type and use of structures and the use of lots which, unless so controlled, would *clearly* depreciate the character and value of the proposed subdivision and of adjoining property” (Emphasis added.)

The first portion of the “*Character of Development*” Ordinance, located at Subdivision Ordinance R.O. 2003 § 155.28(A)(1), focuses on controlling construction to prevent both substandard buildings and the clear depreciation of adjoining property. These concepts relate directly to the factors of value, type and use, described above. To be clear, none of these three (3) dimensional standards are the same thing as lot size, density, land mass or square footage of a lot (with lot size, density, land mass or square footage already having been fully dealt with in the Zoning Ordinance).

Subdivision Ordinance R.O. 2003 § 155.28(a)(1)(a). There have been no claims or concerns stated by City Staff or the small portion of vocal residents within the Vista Entrada subdivision that oppose the Plat regarding the construction of substandard buildings; therefore, Subdivision Ordinance R.O. 2003 § 155.28(a)(1)(a) will be disregarded for this analysis.

Subdivision Ordinance R.O. 2003 § 155.28(A)(1)(b). Given below is an extensive analysis of the Property in relation to Subdivision Ordinance R.O. 2003 § 155.28(A)(1)(b) regarding “the type and use of structures and the use of lots which ... would clearly depreciate the character and value ... of the adjoining property.”

1. There is no depreciation of character to the surrounding development.

Subdivision Ordinance R.O. 2003 § 155.28(A)(1)(b) provides three considerations related to the depreciation of “the character of the adjoining property” – (a) the *type* of structure, (b) the *use* of a structure, and (c) the *use* of the lot. Again, there is no consideration as to the lot size as it relates to the depreciation of character.

Type of structure. The homes expected to be built on the Property are new residential constructions, which is identical to the Vista Entrada community and the other surrounding developments. Although not falling within the definition of “type of structure”, the *size* of the homes are expected to be of similar size to the Vista Entrada community and the other surrounding developments.

Use of a structure. The homes expected to be built on the Property are expected to be used by a single family to call home, which is identical to the Vista Entrada community and the other surrounding developments.

Use of the lot. The lots to be created by the Plat are expected to be used to build new residential homes, which is identical to the Vista Entrada community and the other surrounding developments



As a categorical statement, all of the homes in the Vista Entrada community and the other surrounding developments are single family residential homes of similar size, meaning that, with respect to the Property and the lots to be created by the Plat, the (a) the *type* of structures, and (b) the *use* of the structures, and (c) the *use* of the lots are identical to that of the surrounding developments, causing no depreciation of the “adjoining property”. There are no differences with respect to the Property and the lots to be created by the Plat between the type of home being built, the use of the home being built or the use of the lot in which the home is built to that of the Vista Entrada community and the other surrounding developments – therefore, the character of the “adjoining property” cannot be said to be depreciated.

2. There is no clear depreciation.

As described in the prior subsection, there is no clear depreciation as to the character (as provided in Subdivision Ordinance R.O. 2003 § 155.28(A)(1)) of the Vista Entrada community and the other surrounding developments by virtue of the lots to be created by the Plat. While the Subdivider categorically believes that there is no depreciation in such character, whatsoever, to the extent that any depreciation could be raised in a complaint, such complaints would be anecdotal and fail to rise to the level of a clear depreciation of the character of the adjoining property. “Clearly depreciate” is not a defined term within the code of ordinances; however, the plain use of the terms indicates that the character would need to be highly and substantially more likely to be depreciated than not and that such depreciation of character would need to be highly probable. To be clear – this is a high standard and there has not been any allegation of depreciation that would rise to this level. Additionally, even if a “clear depreciation” could be established, the only items that could be controlled (if agreed to by the Subdivider pursuant to Subdivision Ordinance R.O. 2003 § 155.28(A)(1)) would be the (a) the *type* of structure, (b) the *use* of the structure, and (c) the *use* of the lot, all of which are identical to the surrounding developments and have no bearing as to the size of the lot.

3. There is no depreciation of value to the surrounding development.

The final consideration within Subdivision Ordinance R.O. 2003 § 155.28(A)(1)(b) relates to the clear depreciation of value of adjoining property. The anticipated value of the homes expected to be built on the Property will be approximately \$375,000.00 to \$500,000.00. As of May 21, 2020, the average sales price of homes sold within the surrounding communities within the preceding year was \$392,092, with a median of \$383,000.00. See page 2 of the Residential CMA attached hereto as Exhibit C. In addition, the market comparables reflect a low sales price of \$265,000.00 and a high sales price of \$715,000.00. More than approximately forty percent (40%) of the properties in the surrounding area sold for less than the lowest cost offering planned for the homes to be built on the Property.

There would be no depreciation to the value of the surrounding development as a result of type and character of development of the lots to be created by the Plat. In fact, the opposite is most



likely – that the infrastructure improvements constructed with respect to the lots to be created by the Plat combined with the increased comparable market sales resulting from the homes expected to be built on the Property will cause the value of the adjoining property to increase from its current levels. Furthermore, to the extent that an argument could be articulated regarding *depreciation of value to the surrounding development*, it would fail to rise to the level of a clear depreciation as provided in the guidance as to the lens under which “character” should be viewed in Subdivision Ordinance R.O. 2003 § 155.28(A)(1).

B. The factors of use, height, area, and bulk; A consideration of R.O. 2003 § 155.28(A)(2)

The relevant portions of Subdivision Ordinance R.O. 2003 § 155.28(A)(2) provides as follows:

“The Planning Board shall have power to agree with the subdivider upon the *use, height, area or bulk restrictions governing building and premises...*” (Emphasis added.)

The second portion of the “*Character of Development*” Ordinance, located at R.O. 2003 § 155.28 (A)(1)(b), focuses on the use, height, area or bulk restrictions of the building and premises.

To be clear, none of these four (4) dimensional standards are the same thing as lot size, density, land mass or square footage of a lot (with lot size, density, land mass or square footage already having been fully dealt with in the Zoning Ordinance). In the City’s Development Process Manual⁶ Vol. I.6, this distinction is made with specificity in the introductory paragraphs regarding zoning. The issue of a lot’s “intensity of use expressed as density” is categorically and unequivocally different and distinct from that of “height, bulk, and other dimensional standards”. See Development Process Manual, Section I.6.

The Development Process Manual specially states that height, area and bulk are the standards that “define, in three dimensions, what portion of a lot can be occupied by buildings”. Height, area and bulk, which are the final three (3) factors that can be extrapolated from the “*Character of Development*” Ordinance, located at R.O. 2003 § 155.28 (A), relate specifically to the building site within the lot and not to the size, square footage, land mass or density of the lot itself. As discussed above, the homes will be new residential constructions of comparable square-footage, value and design as currently exists in the Vista Entrada community and the other surrounding developments.

VII. THE PLAT COMPLIES WITH THE RELEVANT CITY CODES AND SHOULD BE APPROVED.

When reviewing the Subdivision Ordinance, and specifically R.O. 2003 § 155.45 and R.O. 2003 § 155.28 of the Subdivision Ordinance, it becomes obvious that the focus of the subdivision requirements of the Subdivision Ordinance (as opposed to the zoning requirements of the Zoning Ordinance) is on the shape

⁶ <https://rrnm.gov/1438/Development-Process-Manual>

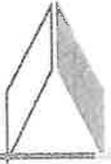


of the lot, the arrangement of the lots within the plat, and a variety of factors associated with the building site within the lot. Stated another way – R.O. 2003 § 155 of the Subdivision Ordinance do not consider the size of a lot. The size, square footage, land mass or density of the lot are dictated and controlled by the Zoning Ordinance alone. City Staff's preliminary comments as conveyed to the Subdivider have always stated that the Plat is compliant with R-1 zoning requirements. Any complaints related to the size of the lots to be created by the Plat are most properly a complaint pertaining to the City's zone map. As a frame of reference, half an acre (equal to 21,780 square feet) is more than three times the current R-1 zoning requirement. A half-acre requirement (which does not exist and has no basis in the Zoning Ordinance or Subdivision Ordinance) so greatly exceeds the City's requirements with respect to the Property as to rise to the level of unduly burdening the Subdivider without any reasonable basis for doing so and would be in contravention to the plain language of the City Code of Ordinances.

After a complete and thoughtful discussion of the referenced ordinances at issue, it is respectfully requested that the members of the Governing Body, the members of the Planning and Zoning Board and City Staff consider the pertinent requirements and DO APPROVE the Plat as requested by the Subdivider. If there exists any questions, comments or concerns regarding the discussion contained herein, we strongly encourage you to reach out to us directly to discuss.

Sincerely yours,

Amber G. Cash
General Counsel, Real Estate
Sol Oeste LLC



SOL OESTE LLC

333 Rio Rancho Dr. NE, Suite 202 Rio Rancho, NM 87124 505-892-9200

Exhibit A

Layout





SOL OESTE LLC

333 Rio Rancho Dr. NE, Suite 202 Rio Rancho, NM 87124 505-892-9200

Exhibit B

Email from City Staff

Jarrood Likar

From: ANTHONY CARAVELLA <ACARAVELLA@RRNM.GOV>
Sent: Wednesday, April 29, 2020 12:53 PM
To: Jarrod Likar
Cc: MATT B. GEISEL; Carey Plant; Rebecca Martinez; AMY RINCON; REBEKAH LONGSTREET
Subject: RE: Vista Entrada Case # 20-280-00001 and # 20-220-00003
Attachments: Vista Entrada (4-22-20 Concept Submittal).pdf

Mr. Likar:

Following consultation with the City Attorney, Development Services staff has reviewed the conceptual "re" design (attached) of the proposed Vista Entrada Subdivision (Case # 20-210-03). Staff review indicates the subdivision design is compliant with lot size and other applicable requirements within an R-1: Single Family Residential District. The design appears to comply with right of way width, and cul-de-sac length and radius requirements of the Subdivision Chapter of the city. Other requirements of the Subdivision Chapter will need to be addressed, including, but not limited to, installation of sanitary sewer, potable water, and sidewalks, and provisions regarding stormwater management. As noted in staff's review of the initial submission, included in the Subdivision Chapter is the requirement (R.O. 2003 §155.45) that "lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites properly related to topography and the character of adjacent development."

Anthony Caravella, AICP
Director, Department of Development Services
City of Rio Rancho, New Mexico
505-896-8785
505-377-0177
acaravella@rrnm.gov
<http://www.rrnm.gov/>



"Leading the way as the best City in the Southwest"

From: Jarrod Likar <jarrodl@aswinc.com>
Sent: Monday, April 27, 2020 4:36 PM
To: AMY RINCON <ARINCON@rrnm.gov>
Cc: ANTHONY CARAVELLA <ACARAVELLA@RRNM.GOV>; MATT B. GEISEL <MGEISEL@RRNM.GOV>; Carey Plant <Careyp@aswinc.com>; Rebecca Martinez <ramartinez@rrnm.gov>
Subject: RE: Vista Entrada Case # 20-280-00001 and # 20-220-00003

Amy,

I would like to request a conference call with all parties in an effort to resolve outstanding issues with the stub street application. We are trying to work with the City to develop a solution on Vista Entrada without the appeal having to be heard. We have presented a solution that we believe addresses the City's concerns with the plat. If this is the case we can move forward with dropping the appeal. Is there something specific in the code that prevents you from looking at the revisions because an appeal has been filed?

 Jarrod Likar, PE
VP Land Development
AMREP SOUTHWEST INC.
505.896.9037 Direct
505.220.1911 Cell
333 Rio Rancho Dr. NE, Ste 202
Rio Rancho, NM 87124

From: AMY RINCON <ARINCON@rrnm.gov>
Sent: Thursday, April 23, 2020 4:38 PM
To: Jarrod Likar <jarrodl@aswinc.com>; REBEKAH LONGSTREET <rlongstreet@rrnm.gov>
Cc: ANTHONY CARAVELLA <ACARAVELLA@RRNM.GOV>; MATT B. GEISEL <MGEISEL@RRNM.GOV>; Carey Plant <Careyp@aswinc.com>; Rebecca Martinez <ramartinez@rrnm.gov>
Subject: RE: Vista Entrada Case # 20-280-00001 and # 20-220-00003

Good afternoon Jarrod,
At this stage I would prefer that staff does not review or give opinions on items that currently under appeal. Once the appeal has been decided we will gladly review the changes.
Thanks,

Amy Rincon, AICP
Planning and Zoning Manager
Development Services Department
City of Rio Rancho
3200 Civic Center Circle NE
Rio Rancho, NM 87144
Phone: (505) 896-8781

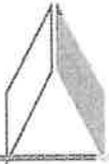
From: Jarrod Likar [<mailto:jarrodl@aswinc.com>]
Sent: Wednesday, April 22, 2020 1:03 PM
To: REBEKAH LONGSTREET <rlongstreet@rrnm.gov>
Cc: ANTHONY CARAVELLA <ACARAVELLA@RRNM.GOV>; AMY RINCON <ARINCON@rrnm.gov>; MATT B. GEISEL <MGEISEL@RRNM.GOV>; Carey Plant <Careyp@aswinc.com>; Rebecca Martinez <ramartinez@rrnm.gov>
Subject: Vista Entrada Case # 20-280-00001 and # 20-220-00003

CAUTION: This email was received from an **EXTERNAL** source, use caution when clicking links or opening attachments.

Rebekah,
As you know we have filed an official appeal with the City Clerk for the cases mentioned above. AMREP has had internal discussions regarding potential changes to our original preliminary plat submittal for this project. We have looked at the recommendations/comments provided in the previous submittal and have made changes. I have attached those proposed changes conceptually for your review. The changes include the realignment of Kalgan Road and the inclusion of a cul-de-sac on the southern portion of the subdivision. We would like to get staff's initial thoughts on the changes and DSD's potential recommendation of a preliminary plat resubmittal with this configuration. If a potential recommendation would be an approval, AMREP would look to withdrawal our appeal. Please let me know if this is

something that DSD would be willing to look at for us and if so what time frame could we be expecting on a response.
Thanks!

 **Jarrold Likar, PE**
VP Land Development
AMREP SOUTHWEST INC.
505.896.9037 Direct
505.220.1911 Cell
333 Rio Rancho Dr. NE, Ste 202
Rio Rancho, NM 87124



SOL OESTE LLC

333 Rio Rancho Dr. NE, Suite 202 Rio Rancho, NM 87124 505-892-9200

Exhibit C

Market Comps

Residential CMA

Listings as of 05/21/20 at 1:24 PM

Property type Residential; Inside the map search Polygon; Status of 'Closed'; Property Sub-Type of 'Detached'; Bank Owned of 'No'; Short Sale of 'No'; Closing Date between '05/21/2019' and '11/04/2029'.

CLOSED Properties

MLS #	Address	City	BD Bath	SqFt	Acres	Year Date	\$/SqFt	DOM/CDOM	O-Price	L-Price	S-Price	SP % LP
940817	3210 Oldenburg Road NE	Rio Rancho	3 (2 0 0)	2,000	0.5	2001 05/23/2019	170.00	3/3	\$350,000	350,000	340,000	97.14
937947	6620 Pasilla Road NE	Rio Rancho	3 (2 0 1)	3,300	0.5	2007 05/24/2019	156.97	42/106	\$575,000	518,018	518,000	100.00
942565	3102 Campeche Road NE	Rio Rancho	2 (1 1 0)	2,013	0.5	2003 05/28/2019	163.88	4/4	\$329,900	329,900	329,900	100.00
939627	6800 Vatapa Road NE	Rio Rancho	2 (2 0 0)	1,934	0.5	2006 05/31/2019	170.58	24/24	\$329,900	329,900	329,900	100.00
936633	6409 Nacelle Road NE	Rio Rancho	3 (3 0 0)	3,090	0.48	2018 06/03/2019	154.69	78/201	\$489,900	489,900	478,000	97.57
930068	6813 Nagoya Road NE	Rio Rancho	5 (3 0 2)	3,227	0.52	2004 06/11/2019	119.31	198/198	\$425,000	390,000	385,000	98.72
944625	7016 Shane Court NE	Rio Rancho	2 (2 0 0)	2,030	0.19	2005 06/20/2019	137.19	3/3	\$280,000	280,000	278,500	99.46
941499	2909 Aurora Road NE	Rio Rancho	3 (1 2 0)	3,896	1	2008 07/01/2019	128.34	8/8	\$525,000	525,000	500,000	95.24
942572	6529 Milpa Alta Road NE	Rio Rancho	3 (2 1 0)	3,127	1	2006 07/01/2019	177.49	9/9	\$576,300	576,300	555,000	96.30
945709	3102 Rachel Court NE	Rio Rancho	2 (2 0 0)	2,377	0.5	2005 07/09/2019	170.38	6/6	\$425,000	425,000	405,000	95.29
938150	2436 Tyler Loop NE	Rio Rancho	3 (2 0 1)	2,429	0.2	2005 07/11/2019	135.86	101/101	\$330,000	329,000	330,000	100.30
936375	6301 Pasilla Road NE	Rio Rancho	4 (3 0 1)	3,081	3	2005 07/18/2019	191.50	128/128	\$750,000	649,000	590,000	90.91
945868	6904 Nacelle Road NE	Rio Rancho	3 (2 0 1)	2,705	0.5	2005 07/22/2019	168.21	21/21	\$455,000	455,000	455,000	100.00
935524	6821 Kalgan Road NE	Rio Rancho	3 (2 0 1)	2,663	0.5	07/26/2019	157.34	135/135	\$439,900	424,900	419,000	98.61
945498	3422 Chayote Road NE	Rio Rancho	2 (2 0 0)	2,061	0.5	2016 07/25/2019	155.26	23/90	\$327,700	315,000	320,000	101.59
945348	2605 Saltillo Road NE	Rio Rancho	3 (2 1 0)	2,960	1	2006 07/26/2019	155.41	20/20	\$465,000	465,000	460,000	98.92
949053	6808 Nagoya Road NE	Rio Rancho	2 (2 0 0)	2,112	0.5	2003 08/15/2019	144.09	3/3	\$304,324	304,324	304,324	100.00
947128	3414 Oldenburg Court	Rio Rancho	3 (2 0 1)	3,114	0.57	2001 08/08/2019	122.99	14/14	\$390,000	390,000	383,000	98.21
946747	6501 Milpa Alta Road NE	Rio Rancho	3 (1 2 0)	3,815	1.5	2005 08/21/2019	187.42	6/6	\$715,000	715,000	715,000	100.00
946316	3313 Nativitas Road NE	Rio Rancho	4 (3 0 1)	3,358	0.5	2005 08/29/2019	121.80	26/26	\$425,000	409,000	409,000	100.00
948135	3312 Fennel Road NE	Rio Rancho	2 (2 0 0)	1,800	0.5	2015 09/04/2019	186.11	13/104	\$334,900	334,900	335,000	100.03
920586	3110 Octavia Court NE	Rio Rancho	3 (2 0 1)	2,387	0.5	2004 09/11/2019	146.42	294/294	\$389,500	349,500	349,500	100.00
928050	2316 Monterrey Road NE	Rio Rancho	3 (2 0 1)	2,287	0.5	2000 09/12/2019	125.05	323/323	\$305,000	289,000	286,000	98.96
949875	6722 Oersted Road NE	Rio Rancho	3 (2 0 1)	2,692	0.52	2003 09/17/2019	175.71	33/33	\$485,000	475,000	473,000	99.58
952539	6829 Kalgan Road NE	Rio Rancho	2 (2 0 0)	2,271	0.5	2014 09/20/2019	176.06	0/0	\$399,999	399,999	399,999	100.00
943428	6325 Hadley Court NE	Rio Rancho	2 (1 1 0)	1,978	0.5	2019 09/23/2019	152.68	112/112	\$319,900	304,900	302,000	99.05
951357	6801 Nacelle Road NE	Rio Rancho	3 (1 1 1)	2,211	0.48	2019 09/27/2019	146.99	8/8	\$330,000	330,000	325,000	98.48
952306	6317 Hadley Ct Court NE	Rio Rancho	3 (1 1 1)	2,211	0.5	2019 09/30/2019	146.54	0/0	\$330,000	330,000	324,000	98.18
951049	6810 Japura Court NE	Rio Rancho	3 (2 0 1)	3,000	0.77	2005 09/27/2019	141.67	1/1	\$425,000	425,000	425,000	100.00
950148	3105 Campeche Road NE	Rio Rancho	3 (1 0 2)	2,343	0.5	2005 09/26/2019	159.62	16/16	\$379,900	377,000	374,000	99.20
955227	7028 Oersted Road NE	Rio Rancho	2 (2 0 0)	2,501	0.5	2004 10/30/2019	159.94	3/3	\$399,900	399,900	400,000	100.03
950768	2620 Saltillo Road NE	Rio Rancho	3 (2 1 0)	2,935	0.5	2006 10/30/2019	143.10	53/53	\$434,900	434,900	420,000	96.57
953363	6367 Pasilla Road NE	Rio Rancho	3 (2 1 0)	3,637	0.56	2008 11/07/2019	123.73	17/216	\$450,000	450,000	450,000	100.00
945696	6820 Nagoya Road NE	Rio Rancho	3 (2 0 1)	2,530	0.5	2004 11/08/2019	149.80	77/77	\$385,000	385,000	379,000	98.44
952495	2202 Sonora Road NE	Rio Rancho	2 (2 0 0)	1,901	0.5	2000 11/20/2019	139.40	40/40	\$306,000	265,000	265,000	100.00
955312	3110 RACHEL Court NE	Rio Rancho	4 (2 2 0)	3,332	0.5	2005 11/26/2019	145.26	5/113	\$493,000	493,000	484,000	98.17
957534	3217 NATIVITAS Road NE	Rio Rancho	2 (2 0 0)	2,100	0.5	2006 12/05/2019	174.76	5/5	\$374,900	374,900	367,000	97.89
952725	2940 Chayote Road NE	Rio Rancho	3 (2 1 0)	2,771	0.62	2008 12/17/2019	155.18	55/55	\$450,000	450,000	430,000	95.56
955909	3117 PALADIN Court NE	Rio Rancho	3 (2 1 0)	3,304	0.78	2006 12/30/2019	99.88	58/58	\$385,000	350,000	330,000	94.29
955699	2945 LERMA Road NE	Rio Rancho	2 (2 0 0)	2,017	0.31	2017 01/03/2020	148.74	40/40	\$319,000	300,000	300,000	100.00
953025	6500 Kalgan Road NE	Rio Rancho	3 (2 1 0)	2,367	0.5	2019 01/10/2020	179.55	98/98	\$424,900	424,900	425,000	100.02
957127	3114 DEMAVEND Road NE	Rio Rancho	3 (2 0 1)	2,220	0.64	2003 01/17/2020	137.39	42/42	\$320,000	310,000	305,000	98.39
957765	6305 Nacelle Road NE	Rio Rancho	3 (1 1 1)	2,211	0.49	2019 02/14/2020	147.44	24/24	\$330,000	330,000	326,000	98.79
960341	6817 Nagoya Road NE	Rio Rancho	2 (2 0 0)	2,563	0.52	2004 02/21/2020	161.92	7/7	\$425,000	425,000	415,000	97.65
961248	6705 NAGOYA Road NE	Rio Rancho	4 (3 0 1)	2,487	0.52	2004 02/28/2020	146.76	-1/-1	\$370,000	370,000	365,000	98.65
959141	6813 KALGAN Road NE	Rio Rancho	2 (2 0 0)	1,871	0.5	2019 03/12/2020	144.31	42/42	\$270,000	270,000	270,000	100.00
952977	3113 Campeche Road NE	Rio Rancho	3 (2 0 1)	2,716	0.5	2005 03/16/2020	187.78	151/151	\$535,000	535,000	510,000	95.33
958036	6637 NAGOYA Road NE	Rio Rancho	4 (1 1 2)	3,300	0.51	2004 04/08/2020	117.88	85/85	\$399,900	389,900	389,000	99.77
963855	6826 OERSTED Road NE	Rio Rancho	3 (3 0 0)	3,104	0.5	2004 04/09/2020	153.03	0/0	\$475,000	475,000	475,000	100.00
963444	6605 KALGAN Road NE	Rio Rancho	3 (2 1 0)	2,405	0.5	2006 04/16/2020	166.32	6/6	\$399,997	399,997	399,997	100.00
964291	3305 Fennel Rd Road NE	Rio Rancho	3 (1 1 1)	2,211	0.5	2020 04/30/2020	149.25	1/1	\$335,000	335,000	330,000	98.51
957922	2717 LERMA Road NE	Rio Rancho	3 (2 0 1)	2,100	0.31	05/01/2020	158.46	125/125	\$346,000	346,000	332,760	96.17
961113	2509 MONTERREY Road NE	Rio Rancho	2 (2 0 0)	1,853	0.5	2019 05/20/2020	169.99	42/160	\$320,000	320,000	315,000	98.44

Listing Count 53. **Averages** Sqft: 2,583 **\$/Sqft:** 152.93 **DOM/CDOM:** 49/64 **O-Price:** 406,710 **L-Price:** 398,472 **S-Price:** 392,092 **SP % LP:** 98.57
Price High: 715,000 **Low:** 265,000 **Median:** 383,000

Property Type Count 53

Averages Sqft: 2,583 \$/Sqft: 152.93 DOM/CDOM: 49/64 O-Price: 406,710 L-Price: 398,472 S-Price: 392,092

* Price statistics for closed listings based on sold price. All other statuses and Totals based on current list price.

Information is deemed to be reliable, but is not guaranteed. © 2020 SWMLS and FBS. Prepared by Jeremy Griego on Thursday, May 21, 2020 1:24 PM. Please be advised audio or video surveillance equipment may be in use.

June 4, 2020

Ms. Amy Rincon
Planning and Zoning Manager
Development Services Dept.
City of Rio Rancho
3200 Civic Center Circle NE
Rio Rancho, NM 87144

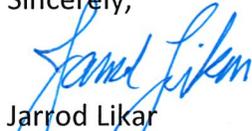
Dear Amy:

Please accept this letter as our authorization to have Huitt-Zollars act as our agent for the following properties.

Unit 20, Block 99, Lots 24, 25, 27, 28 & 29

If you have any questions regarding the request please feel free to contact me at 505-896-9037.

Sincerely,



Jarrod Likar
Sol Oeste, LLC

DISCLOSURE

For the purposes of Chapter 39 of the Revised Ordinances (the “Code”) of the City of Rio Rancho (the “City”), the applicant discloses the following: (i) the applicant is an affiliate of AMREP Southwest Inc., a New Mexico corporation (“Amrep”); and (ii) Mr. Paul Wymer, a Member of the City’s Governing Body, is an employee of Amrep. To the extent that Chapter 39 of the Code requires disclosure of the above facts, this Disclosure is intended to fulfill such requirements.

Memorandum

DATE: June 3, 2020

TO: David Serrano, Engineering Division Manager

FROM: Scott Eddings, Project Manager

SUBJECT: Vista Entrada Trip Generation Report

The purpose of this memorandum is to summarize the traffic generated from Vista Entrada Subdivision. The proposed site is located near Idalia Road and Chayote Road. Trip generations for the development were determined using Trip Generation Rates from the Institute of Transportation Engineers Trip Generation Manual, 9th Edition. The results are as follows:

Development Description	ITE Land Use	Unit of Measure	Independent Variable	Daily Trips	AM Peak Trips	PM Peak Trips
Vista Entrada Subdivision	Single-Family Detached Housing Land Use: 210	Dwelling Units	12 Units	120	8	12

Due to the low number of peak hour trips generated by this development, Vista Entrada Subdivision will have minimal traffic impact on the surrounding area and additional traffic improvements are not required.

June 1, 2020

City of Rio Rancho
Public Works Department - Utilities
Attn: Steve Gallegos
3200 Civic Circle NE
Rio Rancho, NM 87144

**RE: Vista Entrada Subdivision
Water and Wastewater Availability Request**

Dear Mr. Gallegos,

We are requesting a Water and Wastewater Availability Statement for a proposed subdivision in Rio Rancho Estates Unit 20. The property is legally described as Block 99, Lots 24-26, and Lots 27A-29A. This request is in support of a preliminary plat submittal for Vista Entrada. Attached for your reference is a copy of the proposed preliminary plat.

Proposed Development:

Approximately 3.1 acres to be developed into 12 single family residential lots.

Water:

12 single family residential lots

Peak Demand = Average Day Water Demand is 300 gal. per ESFDU x 2.167 peaking factor x 12 lots = 7801 gpd

Annual Water use = 300 gal/ESFDU x 12 ESFDU x 365 / 325,851 gal./AF = 4.0 AF

Total Peak Water Demand = 7801 gpd

Total Annual Water Use = 4.0 AF

Wastewater:

12 single family residential lots

Average Day Demand = 175 gal. per ESFDU x 12 lots = 2100 gpd

Peak Day Demand = 3 x 2100 (Average Flow) = 6300 gpd

Peak Day Demand = 3 x 2100 (Average Flow) / 1440 min./day = 4.4 gpm

Total Average Wastewater Demand = 2100 gpd

Total Peak Day Wastewater Demand = 6300 gpd = 4.4 gpm

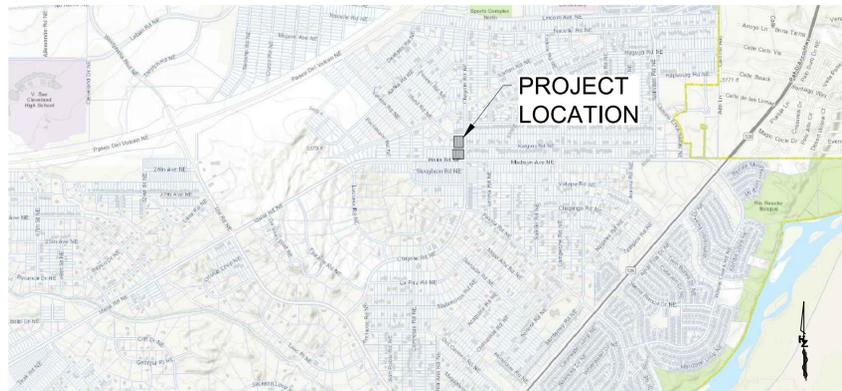
Water and sewer lines shall be extended through the site from Chayote Road.

If you have any questions or need additional information, please contact me at your convenience.

Sincerely,



Nina Leung-Villa, P.E.
Project Engineer



PROJECT LOCATION

VICINITY MAP
NOT TO SCALE

SUBDIVIDER:
SOL OESTE, L.L.C.
333 RIO RANCHO DRIVE N.E., SUITE 202
RIO RANCHO, NM 87124
BRIAN EARNEST, PHONE NO. (505) 892-9200

AGENT/ENGINEER:
HUITT-ZOLLARS, INC.
333 RIO RANCHO DRIVE N.E., SUITE 101
RIO RANCHO, NEW MEXICO 87124
SCOTT EDDINGS, PHONE NO. (505) 892-5141

EASEMENTS

- EXISTING 5' WIDE P.U.E. ALONG ALL SIDES OF ALL LOTS, AS SHOWN ON SUBDIVISION PLAT OF RIO RANCHO ESTATES, UNIT TWENTY, RECORDED ON MAY 03, 1972, IN R.R.E. PLAT BOOK 26, PAGE 99. (ALL TO BE VACATED BY THIS PLAT)
- EXISTING LOT LINES, (LOTS 24, 25 AND 26, BLOCK 99) AS SHOWN ON SUBDIVISION PLAT OF RIO RANCHO ESTATES, UNIT TWENTY, RECORDED ON MAY 03, 1972, IN R.R.E. PLAT BOOK 2, PAGE 40 AND (LOTS 27A THRU 29A, BLOCK 99) AS SHOWN ON FINAL PLAT CITY OF RIO RANCHO RIGHT-OF-WAY PARCELS 13-1 THRU 13-12 IN BLOCK 99 RIO RANCHO ESTATES UNIT TWENTY, RECORDED ON MARCH 07, 2017, IN BOOK 3, PAGE 4064 AS DOCUMENT NO. 2017P01062 (R.R.E. PLAT BOOK 26, PAGE 99). (TO BE ELIMINATED BY THIS PLAT)
- EXISTING ADJOINING 5' WIDE P.U.E., AS SHOWN ON SUBDIVISION PLAT OF RIO RANCHO ESTATES, UNIT TWENTY, RECORDED ON MAY 03, 1972, IN R.R.E. PLAT BOOK 26, PAGE 99

PUBLIC UTILITY EASEMENTS

Public Utility Easements shown on this plat are granted for the common and joint use of:

- Public Service Company of New Mexico ("PNM"), a New Mexico corporation, (PNM Electric) for installation, maintenance, and service of overhead and underground electrical lines, transformers, and other equipment and related facilities reasonably necessary to provide electrical services.
- New Mexico Gas Company for installation, maintenance, and service of natural gas lines, valves and other equipment and facilities reasonably necessary to provide natural gas services.
- Qwest Corporation d/b/a Century Link for the installation, maintenance, and service of such lines, cables, and other related equipment and facilities reasonably necessary to provide communication services.
- Sparklight for the installation, maintenance, and service of such lines, cables, and other related equipment and facilities reasonably necessary to provide cable services.
- City of Rio Rancho for installation, maintenance, and service of storm drain lines, manholes and inlets; sanitary sewer lines, manholes and service lines; water lines, valves and other equipment and facilities reasonably necessary to provide storm, sanitary sewer and water services.

Included, is the right to build, rebuild, construct, reconstruct, locate, relocate, change, remove, replace, modify, renew, operate and maintain facilities for purposes described above, together with free access to, from, and over said easements, with the right and privilege of going upon, over and across adjoining lands of the grantor for the purposes set forth herein and with the right to utilize the right of way and easement to extend services to customers of the grantee, including sufficient working area space for electric transformers, with the right and privilege to trim and remove trees, shrubs or bushes which interfere with the purposes set forth herein. No building, sign, pool (aboveground or subsurface), hot tub, concrete or wood pool decking, or other structure shall be erected or constructed on said easements, nor shall any well be drilled or operated thereon. Property owners shall be solely responsible for correcting any violations of national electrical safety code by construction of pools, decking, or any structures adjacent to or near easements shown on this plat.

Easements for electric transformer/switch gears, as installed, shall extend ten (10) feet in front of transformer/switch gear doors and five (5) feet on each side.

Disclaimer
In approving this plat, Public Service Company of New Mexico (PNM), New Mexico Gas Company (NMGC) and Qwest Corporation d/b/a CenturyLink (QWEST) did not conduct a Title Search of the properties shown hereon. Consequently, PNM, NMGC and QWEST do not waive or release any easement or easement rights which may have been granted by prior plat, replat or other document and which are not shown on this plat.

The Utility Company signatures shown hereon are by authorized Utility Company Representatives

City of Rio Rancho	Date
PNM Electric Services	Date
NM Gas Company	Date
Qwest d/b/a CenturyLink QC	Date
Sparklight	Date

SURVEYOR'S CERTIFICATE

I, Kim C. Stelzer, New Mexico Registered Land Surveyor No. 7482, do hereby certify that the plat shown hereon was prepared under my supervision, and that the same is true and correct to the best of my knowledge and belief. This survey conforms to the Land Surveying Standards as adopted by the New Mexico State Board of Registration for Professional Engineers and Land Surveyors and the City of Rio Rancho Subdivision Ordinance.



Kim C. Stelzer, NMPS No. 7482 Date

JURISDICTIONAL AFFIDAVIT

I, Kim C. Stelzer, New Mexico Registered Land Surveyor No. 7482, do hereby affirm that the property described does lie within the platting and extra-territorial subdivision jurisdiction of the City of Rio Rancho.

Kim C. Stelzer, NMPS No. 7482 Date

HUITT-ZOLLARS
333 RIO RANCHO DR. N.E., STE. 101
RIO RANCHO, N.M. 87124
(505) 892-5141



DEDICATION

THE SUBDIVISION PLAT HEREON DESCRIBED IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER THEREOF. SAID OWNER HEREBY CONSENTS TO THE VACATION OF ALL THE EXISTING 5' WIDE PUBLIC UTILITY EASEMENTS (P.U.E.) AND THE ELIMINATION OF EXISTING LOTS 24, 25 AND 26 AND EXISTING LOTS 27A THROUGH 29A, BLOCK 99 AND THE ASSOCIATED LOT LINES AS SHOWN HEREON. SAID OWNER HEREBY CONSENTS TO SUBDIVIDE THE FORMER LOTS 24, 25 AND 26 AND FORMER LOTS 27A THRU 29A, BLOCK 99 INTO 12 R-4 SINGLE FAMILY RESIDENTIAL LOTS AND 2 PARCELS, ALSO TO THE GRANTING OF INTERIOR LOT PUBLIC UTILITY EASEMENTS AND NO VEHICULAR ACCESS EASEMENTS AS NOTED AND SHOWN HEREON. SAID OWNER HEREBY CONSENTS TO THE CREATION OF PARCELS A AND B AS SHOWN HEREON, SAID PARCELS ARE HEREBY DEDICATED TO THE CITY OF RIO RANCHO AS ROADWAY RIGHT-OF-WAY FOR PUBLIC USE AS SHOWN HEREON. SAID OWNER OF SUCH REAL ESTATE HEREBY GRANTS ANY AND ALL EASEMENTS SHOWN OR NOTED ON THE PLAT INCLUDING THE RIGHT OF INGRESS AND EGRESS. SAID OWNER HEREBY CONSENTS TO ALL THE FOREGOING AND HEREBY CERTIFIES THAT THIS SUBDIVISION IS THEIR FREE ACT AND DEED. SAID OWNER WARRANT THAT THEY HAD AMONG THEM COMPLETE AND INDEFEASIBLE TITLE IN FEE SIMPLE TO THE PROPERTY SUBDIVIDED HEREON.

STATE OF _____) SS
COUNTY OF _____)

On this _____ day of _____, 20____, before me the undersigned Notary Public in and for said County and State, personally appeared Carey A. Plant, who being by me duly sworn, did say that she is the Vice President of Sol Oeste, L.L.C., a New Mexico Corporation organized under the laws of the State of New Mexico and that she signed this instrument on behalf of said corporation as the free act and deed of said corporation.

Carey A. Plant, Vice President

Notary Public
My Commission Expires

BOUNDARY EVIDENCE:
UNLESS OTHERWISE INDICATED:

- Found Rebar w/Cap stamped BATHY CARTESIAN PLS14271
- Found #4 Rebar - No Cap
- Found #3 Rebar - No Cap
- Found 'X' on Transformer pad

LEGEND

- Right of Way Dedicated by this Plat
- Right of Way Vacated by this Plat

(N89°42'53"W) / (222.15') Bearings/Distances in Parentheses are Record



FOUND NMNSHC MONUMENT "NM-44-R1B"
N.M. STATE PLANE COORDINATES CENTRAL
ZONE NAD 1983
X=1,535,877.00 Y=1,582,283.16
DELTA ALPHA = -00°12'09.5"
GRID TO GROUND = -99665937906 (Project)
ELEV. = 5,676 (NAVD89)

CURVE TABLE

CURVE NO.	DELTA	RADIUS	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C1	90°00'00"	25.00'	N44°43'18"W	35.36'	39.27'
C2	26°33'54"	125.00'	N76°59'45"E	57.44'	57.96'
C3	26°33'54"	175.00'	S76°59'45"W	80.41'	81.14'
C4	21°30'47"	175.00'	S74°28'12"W	65.32'	65.71'
C5	5°03'07"	175.00'	S87°45'09"W	15.43'	15.43'
C6	90°00'00"	25.00'	N45°16'42"E	35.36'	39.27'
C7	15°30'24"	175.00'	N82°31'30"E	47.22'	47.36'
C8	105°30'24"	25.00'	N52°28'30"W	39.80'	46.04'
C9	80°00'30"	25.00'	S40°16'58"W	32.14'	34.91'
C10	9°59'30"	125.00'	S85°16'58"W	21.77'	21.80'
C11	90°00'00"	25.00'	N44°43'18"W	35.36'	39.27'
C12	26°33'54"	150.00'	N76°59'45"E	68.93'	69.55'
C13	26°33'54"	150.00'	S76°59'45"W	68.93'	69.55'
C14	41°41'51"	25.00'	N21°07'38"E	17.80'	18.19'
C15	19°01'01"	25.00'	N32°28'03"E	8.26'	8.30'
C16	22°40'50"	25.00'	N11°37'07"E	9.83'	9.90'
C17	275°46'36"	50.00'	N84°05'15"E	67.06'	240.66'
C18	131°41'51"	50.00'	S23°52'22"E	91.25'	114.93'
C19	144°04'45"	50.00'	N18°14'20"E	95.13'	125.73'
C20	54°04'45"	25.00'	S26°45'40"E	22.73'	23.60'

PRELIMINARY PLAT
OF
VISTA ENTRADA SUBDIVISION
BEING LOTS 27A THRU 29A, BLOCK 99,
FINAL PLAT OF CITY OF RIO RANCHO RIGHT-OF-WAY PARCELS 13-1 THRU 13-12, BLOCK 99, RIO RANCHO ESTATES UNIT TWENTY
FILED MARCH 07, 2017, IN BOOK 3, PAGE 4064, AS DOCUMENT NUMBER 2017P01062
(R.R.E. PLAT BOOK 26, PAGE 99)

AND
BEING LOTS 24 AND 25, BLOCK 99, RIO RANCHO ESTATES UNIT TWENTY
FILED MAY 03, 1972, IN R.R.E. PLAT BOOK 2, PAGE 40,
WITHIN PROJECTED SECTION 34 & 35, T. 13 N., R. 3 E., N.M.P.M.
CITY OF ALAMEDA GRANT
CITY OF RIO RANCHO
SANDOVAL COUNTY, NEW MEXICO

SHEET 1 OF 1

NOVEMBER 2019

LEGAL DESCRIPTION:

A Tract of land being all of Lots 27A thru 29A, Block 99, Final Plat of City of Rio Rancho Right-of-Way Parcels 13-1 thru 13-12, recorded on March 07, 2017 in Book 3, Page 4064, as Document Number 2017P01062 (Rio Rancho Estates Plat Book 26, Page 99); and being Lots 24, 25 and 26, Block 99, Rio Rancho Estates, Unit Twenty, recorded on May 03, 1972 in Rio Rancho Estates Plat Book 2, Page 40, being located within projected Sections 34 and 35, Township 13 North, Range 3 East, New Mexico Principal Meridian, Town of Alameda Grant, City of Rio Rancho, Sandoval County, New Mexico.

Beginning at the Northeast corner of the Tract herein described, said point being the intersection of the South Right of Way line of Ilford Road N.E. and the West Right of Way line of Chayote Road N.E. from whence New Mexico Highway Commission Brass Cap NM-44-R1B Bears N06°50'29"E 14,575.48 feet; thence, S00°16'42"W, along the West Right of Way of Chayote Road N.E., 544.50 feet to a point, being the intersection of the West Right of Way line of Chayote Road N.E. and the North Right of Way line of Idalia Road N.E.; thence, N89°43'18"W, along the North Right of Way line of Idalia Road N.E., 263.88 feet; thence, N00°16'42"E, along the West line of said Lot 29A, 222.25 feet to a point on the South Right of Way line of Kalgan Road N.E.; thence, N25°48'27"E 55.41 feet to a point on the North Right of Way line of Kalgan Road N.E.; thence, N00°16'42"E, along the West line of said Lot 24, 272.25 feet to a point on the South Right of Way line of Ilford Road N.E.; thence, S89°43'18"E, along the South Right of Way line of Ilford Road N.E., 240.00 feet to the Point of Beginning of the Tract herein described.

Said Tract contains 3.1355 acres, more or less (12) Lots, (2) Parcels.

LINE TABLE

LINE NO.	BEARING	DISTANCE
L1	N25°48'27"E	55.41'
L2	S89°43'18"E	25.00'
L3	S00°16'42"W	25.00'
L4	N89°43'18"W	4.59'
L5	N63°42'48"E	40.98'
L6	N63°42'48"E	21.81'
L7	N63°42'48"E	19.17'
L8	S89°43'18"E	39.59'
L9	N89°43'18"W	28.47'
L10	S89°43'18"E	39.59'
L11	S89°43'18"E	16.53'
L12	N89°43'18"W	6.00'

PURPOSE OF PLAT

- TO VACATE ALL EXISTING 5' WIDE PUBLIC UTILITY EASEMENTS AS SHOWN HEREON.
- TO ELIMINATE EXISTING LOTS 24, 25 AND 26, AND LOTS 27A THRU 29A, BLOCK 99
- TO DIVIDE LOTS 24, 25 AND 26, AND LOTS 27A THRU 29A, BLOCK 99 INTO 12 R-4 SINGLE FAMILY RESIDENTIAL UNITS AND 2 PARCELS, DEDICATED AS PUBLIC ROW.
- RE-ALIGN KALGAN ROAD N.E. AND DEDICATE NEW RIGHT-OF-WAY AND VACATE EXISTING RIGHT-OF-WAY FOR THIS REALIGNMENT.

CITY CLERKS CERTIFICATE

I, Rebecca Martinez, City Clerk of the City of Rio Rancho, New Mexico do hereby certify that the plat shown hereon was approved administratively by the Rio Rancho Planning and Zoning Board Chairman on the _____ day of _____, 20____.

Rebecca Martinez, City Clerk

RIO RANCHO PLANNING AND ZONING BOARD

Approved at their meeting on this _____ day of _____, 20____.

Paul Wymer, Chairman

RIO RANCHO DEVELOPMENT SERVICES DEPARTMENT

Approved this _____ day of _____, 20____.

Anthony Caravella, Director

TREASURER'S CERTIFICATE

I, Laura M. Montoya, Treasurer of Sandoval County, New Mexico, do hereby certify that the previous ten (10) years property taxes have been paid in full.

Laura M. Montoya, Sandoval County Treasurer Date

COUNTY FILING CERTIFICATION

STATE OF NEW MEXICO)
SS,
COUNTY OF SANDOVAL)
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD AS

DOCUMENT NO. _____

ON THE _____ DAY OF _____, 20____, AT _____

O'CLOCK ____ M. AND DULY RECORDED IN PLAT BOOK _____, PAGES _____

_____, OF THE RECORDS OF SAID COUNTY.

(RIO RANCHO ESTATES BOOK _____, PAGES _____)

COUNTY CLERK _____ DATE _____

NOTES: UNLESS OTHERWISE INDICATED:

Lots 24, 25 & 26 and Lots 27A thru 29A, Block 99 and associated Lot Lines are hereby eliminated by this plat. Existing five (5) foot wide public utility easements along all sides of all lots, as shown on Subdivision Plat of Rio Rancho Estates, Unit Twenty, are all being vacated by this plat.

There is a one (1) foot wide "NO VEHICULAR ACCESS EASEMENT" to prevent vehicle access to Chayote Road N.E. from Block 99, Lots 3, 4, 7, 8 & 9. There is a (1) foot wide "NO VEHICULAR ACCESS EASEMENT" to prevent vehicle access to Idalia Road N.E. from Block 99, Lots 9 and 10. There is a (1) foot wide "NO VEHICULAR ACCESS EASEMENT" to prevent vehicle access to Kalgan Road N.E. from Block 99, Lots 7 and 12.

There is a ten (10) foot wide public utility easement within all new lots and tracts adjacent to road rights-of-way being granted hereon except for corner lots where the easement width adjacent to the side street is only five (5) feet wide. There is also a five (5) foot wide public utility easement within all lots and tracts on all other side and rear property lines.

All property corners are set with a 5/8" x 24" rebar with red or yellow plastic cap stamped LS 7482, or nail with shinner stamped LS7482 (unless otherwise indicated).

Distances are horizontal ground distances in feet. Information in parenthesis () are record where different from actual field survey.

Lot lines are radial or perpendicular to street lines (unless otherwise indicated).

N.V.A.E. - No Vehicle Access Easement

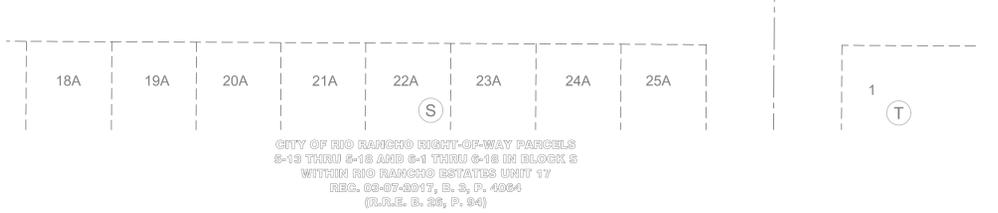
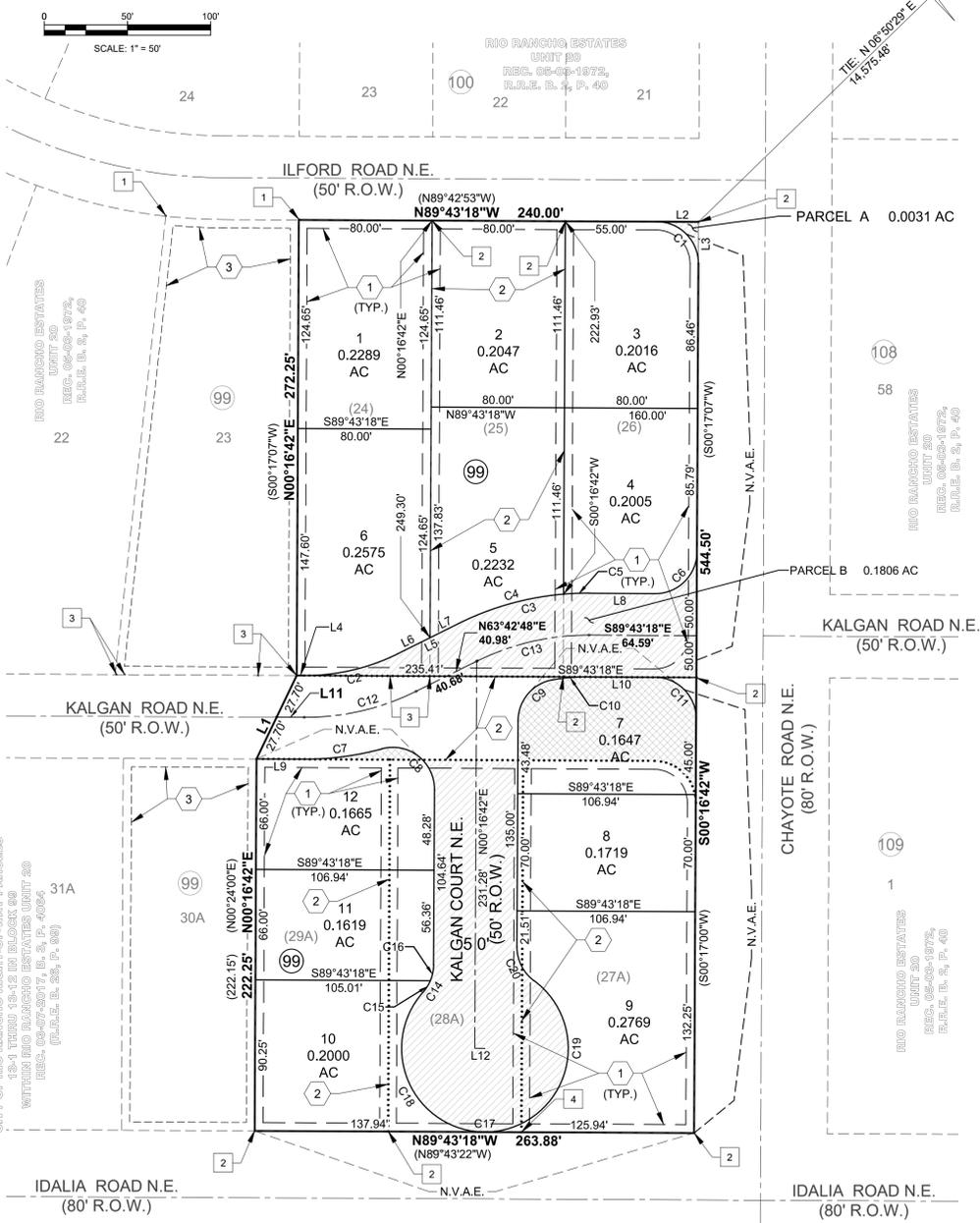
P.U.E. - Public Utility Easement

RAD - Radial bearing

AC - Acres

SUBDIVISION DATA

SUBDIVISION: VISTA ENTRADA SUBDIVISION	PLAT ACRES: 3.1355
NO. OF LOTS: 12	LOT ACRES: 2.4583
NO. OF PARCELS: 2	PARCEL ACRES: 0.1837
NO. OF TRACTS: 0	TRACT ACRES: 0
NO. OF EXIST. LOTS: 5	
ROAD MILES DEDICATED TO THE CITY OF RIO RANCHO:	0.1039
NEW ROAD ACRES DEDICATED TO THE CITY OF RIO RANCHO:	0.6772



CITY OF RIO RANCHO RIGHT-OF-WAY PARCELS
6-13 THRU 6-18 AND 6-1 THRU 6-18 IN BLOCK 5
WITHIN RIO RANCHO ESTATES UNIT 17
REG. 03-07-2017, B. 3, P. 4064
(R.R.E. B. 25, P. 94)