

will be speaking on Creekside Estates.

Klad Zimmerle with Alamotero Surveys, approached the Board and stated he is presenting J.D.E.A, Inc. a group from Colorado who has invested in property in Otero County. They have asked him to prepare a subdivision. This subdivision consists of twenty five lots and is located between Round Mountain and Tularosa and straddles Tularosa Creek. He said his goal was when he scheduled this with the Otero County Planning Commission was to see what their concerns would be. He said the subdivision consist of a crossing along the creek. They have an engineer working on its structural design of the bridge. It's going to consist of abandoned rail road cars. These types of bridges have been installed in Maryland and Colorado. They are installing with pre-manufactured and they having footings to anchor them. This one allows a twenty five year flood to pass through and other ones to pass over. It will not restrict the flow of the creek. He also stated that most of the soil in Otero County has gypsum and it's not unusual to encounter it. He also dealt with the State Engineer regarding water and this area, which produces very little water. They got samples of water from six wells from that section which produced six gallons a minute which is not a high production of water. What they were looking at is going to greater depths. The deepest well was 330 feet the shallowest was 65 feet. The owners will be recommended to drill 100 feet below the water level. He stated that they have gone through the highway department and had a few issues with drainage, they also have a permit with the department for approval. It has not been approved to have access to the highway yet. They had an archeological survey on the property and there are several significant sites. They had the road designed not to disturb them, there are also Indian ruins which are not native to the area. They will provide a copy of the survey to any of the purchasers of the lots. If anything is un-covered during construction, construction will stop immediately. The Environmental Department reviewed the disclosure about septic systems. Mr. Zimmerle explained that all the setbacks are outlined in the

preliminary plat map and on the disclosures statement. He stated that he felt they were denied due process. Mr. Zimmerle stated that he be allowed due process to address these concerns. They would like to develop a nice subdivision.

Commissioner McGinn asked Mr. Zimmerle if what they need is approval of the bridge design and access to the highway, Mr. Zimmerle stated yes. Commissioner McGinn asked the question if the septic setback is going to be further than the required amount and Mr. Zimmerle stated it would be 200 feet within five miles from the building. Mr. Zimmerle stated that all they want is a fair shot to get this approved.

Jefferson Rhodes, County Attorney, who represents the Village of Tularosa, asked Mr. Zimmerle if he was aware of Chapter 52 of the Tularosa code of ordinance regarding the village's regulations on the water above the tank. Mr. Zimmerle stated he was not. Mr. Rhodes read some of the regulations in Chapter 52. He also asked Mr. Zimmerle if he was aware that in the ordinance it states that it requires any wells or any part of septic treatment plant or system being 200 feet from the banks of Tularosa. Mr. Zimmerle stated to Mr. Rhodes as he stated before, he was not aware of the ordinance from the village.

County Attorney, Dan Bryant, also questioned Mr. Zimmerle about the disclosure. Mr. Bryant stated in the disclosure it states that the lot sizes range from 2.8 acres to over eight (8) acres in size and estimated price range of \$60,000 to \$80,000. Mr. Zimmerle stated that is correct. Mr. Bryant asked if in the restrictive covenants if there are provisions that address the home square footage and outside appearance and things of that nature. Mr. Zimmerle stated there is and discussed some of the restrictive covenants. Mr. Zimmerle stated that there are several projects in Tularosa that are going to have a tremendous economic impact on Tularosa, Ruidoso and Alamogordo

County Manager, Dr. Martin Moore, asked the question about the odd shape lots. Mr. Zimmerle stated they are that way to give frontage view of the creek. Dr. Moore stated there are dead end roads one

way in and out and if there is any consideration about fire safety. Mr. Zimmerle stated they will provide cul-de-sacs for emergency vehicle turn around.

Mr. Hans Steinhoff, Chairman of the Otero County Planning Commission, stated all the issues were already given to Mr. Zimmerle. Mr. Steinhoff stated one major change was that it was indicated by Mr. Zimmerle that the subdivision would be paved, but the preliminary plat stated they would be private roads and maintained by the owners. Mr. Steinhoff also stated that access to the creek is going down the bank on a steep angle and he didn't see any change to that and would be very unsafe. That was not covered on the roads and that is a concern. He also stated he had concerns about the possibility of people stealing the water from the creek and whether it would be the best interest of the county to build lots along the creek. He discussed other concerns the planning commission had.

Julie Winkles, with the Otero County Planning Commission, approached the Board. According to Ms. Winkles she said she had wrote the motion that morning to approve the preliminary plat map of Creekside Estates. She apologized to Mr. Zimmerle if he felt that he was denied due process and that was not her intentions.

Tom McKean, Tularosa Board of Trustee, he stated all these subdivisions up and down the creek are detrimental to the Village of Tularosa because that is the only basic water source. He asked the County Commission to take that into consideration.

Ray Cordova, Mayor of Tularosa, stated that he also had concerns about the water supply. He stated that the banks of the creek are not stable and that in addition to supplying Tularosa, it also supplies water to outside users. He stated Tularosa has problems with people letting their livestock go into the creek.

Mr. Bryant stated during the break he took the liberty to confirm with the County Commission, Planning Commission , Mr. Zimmerle and Mr. Rhodes to propose a process that he believes that

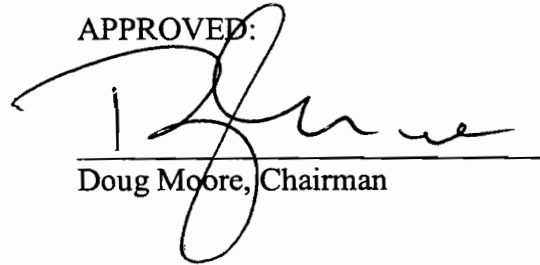
everybody would be prepared to stipulate to. It would be to terminate the hearing and remand the subdivision back to the planners to be considered after the bridge is designed and a complete review of the highway access and permits have been completed.

Commissioner Moore adjourned the public hearing.

Commissioner Nivison made a motion to remand the subdivision back to the planning and zoning and start the planning process again as per agreement between Mr. Zimmerle, who represents J.D.E.A, Inc., and the Otero County Planning and Zoning and the Village of Tularosa. Commissioner Moore, also to be considered is the approval of the bridge, and any authority of ordinances from the Village of Tularosa as well as approved access from the state highway. The motion was seconded by Commissioner McGinn. A vote was taken and the motion passed unanimously.


There being no further business before the Board the Chairman adjourned the meeting at 12:10 p.m.

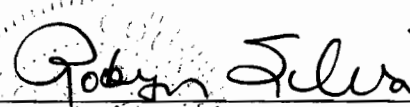
APPROVED:



Doug Moore, Chairman

ATTEST:




Robyn Silva, County Clerk

Special Meeting August 3, 2006