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Post Office Box 100  
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New Mexico 87525

(575) 776-8220

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Web Site: [www.vtsv.org](http://www.vtsv.org)

**PLANNING & ZONING  
COMMISSION:**

Thomas P. Wittman, Chair  
Henry Caldwell  
Richard Duffy  
Yvette Klinkmann  
Susan Nichols  
J. Christopher Stagg  
Jim Woodard

**VILLAGE ADMINISTRATOR:**  
John Avila

**DIRECTOR OF PLANNING &  
COMMUNITY DEVELOPMENT:**  
Patrick Nicholson

**VILLAGE CLERK:**  
Ann Marie Wooldridge

## PLANNING & ZONING COMMISSION REGULAR MEETING AGENDA

Monday, November 14, 2022 1:00 P.M.

Via Zoom TeleConference

See [www.vtsv.org](http://www.vtsv.org) for information to attend the meeting  
TAOS SKI VALLEY, NEW MEXICO

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### AGENDA

- I. **CALL TO ORDER & ROLL CALL**
- II. **APPROVAL OF THE AGENDA**
- III. **APPROVAL OF THE MINUTES OF THE JULY 11, 2022 P&Z COMMISSION MEETING**
- IV. **APPROVAL OF THE RECORD OF DECISION FOR A CONDITIONAL USE PERMIT AT 3 COYOTE LANE**
- V. **OLD BUSINESS**
- VI. **NEW BUSINESS**
  - A. **ACTION:** Consideration to Approve under NMSA Section 3-19-11 a request to dispose and remove from the Village Parks & Open Space program, 4.43 acres of Village Open Space, identified as Kachina Subdivision Block O Parcel 3
  - B. **ACTION:** Consideration to Recommend under NMSA Section 3-54-1 through 3-54-3 to offer for private sale, 4.43 acres of Village Open Space, identified as Kachina Subdivision Block O Parcel 3
  - C. **PUBLIC HEARING:** Consideration to Approve a Variance on roofing material and color at a new residence located at 6 Porcupine Road
- VII. **MISCELLANEOUS**
  - Hotel Saint Bernard Conditional Use Permit Review Process
- VIII. **ANNOUNCEMENT OF THE DATE, TIME, AND PLACE OF THE NEXT MEETING**
- VIII. **ADJOURNMENT**



## PLANNING & ZONING COMMISSION

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### RECORD OF DECISION

IN THE MATTER OF THE APPLICATION FOR A CONDITIONAL USE PERMIT FOR A CHANGE IN USE OF A SINGLE FAMILY RESIDENCE TO A TWO UNIT MULTI-FAMILY DWELLING AT 3 COYOTE LANE.

This matter came before the Planning and Zoning Commission for public hearing on July 11, 2022 to consider the application to formally change the use of an existing two-story residence at 3 Coyote Lane into a multi-family residence. A multi-family dwelling is a permitted conditional use within a Residential Zone, upon Planning Commission approval.

The Commission, having heard and viewed applicant's presentation, having reviewed the materials submitted by applicant, having considered the Village Staff Report, and having heard the testimony of citizens offered during the public hearing, finds and grants the Conditional Use Permit (CUP) with the following conditions:

1. Strict compliance with all existing property and building regulations, including Dark Skies, noise, parking, and occupancy limits. All violations will be documented and retained by Village staff.
2. Per Section 26 Conditional Use Permit: Part 5 Expiration, the CUP shall be granted for a period of two (2) years, after which, an application for renewal shall be submitted. At that time, the CUP shall be reviewed for adherence to the Conditions of Approval.

By: \_\_\_\_\_  
Tom Wittman, Chair  
VTSV Planning and Zoning Commission

Date: \_\_\_\_\_

Attest: \_\_\_\_\_  
Anne Marie Wooldridge, Village Clerk

Date: \_\_\_\_\_



## Planning & Zoning Commission

Thomas P. Wittman, Chair  
Henry Caldwell  
Richard Duffy  
Yvette Klinkmann  
Susan Nichols  
J. Christopher Stagg  
Jim Woodard

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### Staff Report

#### **Kachina Subdivision Block O Parcel 3**

##### **Background**

The Village of TSV was approached recently to sell, through private sale, Block O Parcel 3 within the Kachina Subdivision by the ski corporation, TSVI. This parcel, along with four others within the Kachina Area, was donated by the Kachina Property Owners Association and accepted by the Village during the summer of 2019. The spirit and expressed intent of the dedication and as stipulated on the deed restrictions require the property to remain as Open Space with trails and/or other recreational uses and further provided that the property shall never be used for any access or utility easements (see pg. 50 of the Whitney Appraisal – Special Warranty Deed).

It is understood that TSVI wishes to locate supporting towers for a proposed new gondola, which would transport passengers from the Base Area to Kachina Basin. It is unknown whether the granting of an easement for the tower structures and the gondola would suffice for the expressed purpose. Regardless, at the time of submission of a development proposal for the gondola, the applicant would be required to petition the Commission for a Conditional Use Permit under existing zoning regulations.

The Planning Commission is asked to consider two actions at this time. First, the advisability to remove this parcel from the Village Open Space and Trails Program. Currently, the Village Comprehensive Plan, Capital Improvement Plan, Village Trails Master Plan, and other planning documents identify Parcel 3 as a key linkage for trail development and permanent open space. Additionally, the Village last month was awarded as a sub-recipient, \$225,000 from the State of New Mexico's Outdoor Recreation Division to build-out several Village trails segments, including Parcel 3, beginning early summer 2023. (see Exhibit B - VTSV Connector Trails Map).

A Motion to Approve the disposal and removal of this asset from the Village Parks & Open Space Program is required under NMSA Section 3-19-11.

Second, the Commission is asked to advise the Village Council whether to accept the offer for private sale under NMSA Section 3-54-1 through 3-54-3 and provide any conditions on such sale (see Exhibit D TSVI-VTSV Real Estate Purchase Agreement).

### **Recommendation:**

1. If legally permissibly given the deed restrictions in effect, staff recommends retaining Village ownership of Parcel 3 and granting an easement to the ski corporation for the construction of supporting towers and gondola, acknowledging the public benefit of an alternative transportation link to the Kachina basin.

2. Alternatively, and again if legally permissible, Staff recommends a motion to **Approve** the disposal and removal from the Village Parks & Open Space program, 4.43 acres of Village Open Space, identified as Kachina Subdivision Block O Parcel 3 with the following

#### **Conditions of Approval:**

- a) The property is maintained as fully accessible public open space in perpetuity;
- b) Public trails, which transverse the parcel, are built and fully funded by TSVI to the specifications and acceptance of the Village of Taos Ski Valley. All trail work shall be completed within two years. Public assess easements shall be recorded indicating the locations of the public trails. No Development Impact Fee credits shall be requested nor allowed for trail development and construction costs nor associated expenses.
- c) A reversionary clause shall be included in the purchase agreement stating that if TSVI fails to adhere to all of the conditions stated above, the property reverts to the Village of Taos Ski Valley.

3. Staff advises a motion to **Recommend Approval to the Village Council** under NMSA Section 3-54-1 through 3-54-3 to offer for private sale, 4.43 acres of Village Open Space, identified as Kachina Subdivision Block O Parcel 3 with the same **Conditions Attached** as listed above.

### **Attachments**

- A. Administrator's Narrative
- B. VTSV Connector Trails Map
- C. PARC Recommendations
- D. TSVI-VTSV Real Estate Purchase Agreement
- E. Appraisal (TSVI) Kachina Open Space
- F. VTSV Appraisal



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**MAYOR PRO TEM:**  
Thomas P. Wittman

**COUNCIL:**  
Henry Caldwell  
Brent Knox  
J. Christopher Stagg  
Thomas P. Wittman

**VILLAGE  
ADMINISTRATOR:**  
John Avila

**CLERK:**  
Ann M. Wooldridge

**FINANCE OFFICER:**  
Carroll Griesedieck

Date: October 25, 2022

To: Village of Taos Ski Valley Planning and Zoning Commission.  
Re: Review and Recommendation regarding disposal of public property.  
From: Village of Taos Ski Valley Administration

Dear Commissioners,

The Village has received an offer of purchase for Village property (Kachina Acres). It is described as Kachina Open Space parcel (4.434 acres Southwest Open Space Tract, Parcel 3, Kachina Subdivision Block O). This property was donated to the Village by the Kachina Home Owners Association for use as open space.

The disposal of public property should have an independent review and recommendation to the Council. The Planning and Zoning Commission under (NMSA 3-19-11) can be asked to review the status of the property/proposed change of status with recommendation for disposition of the property.

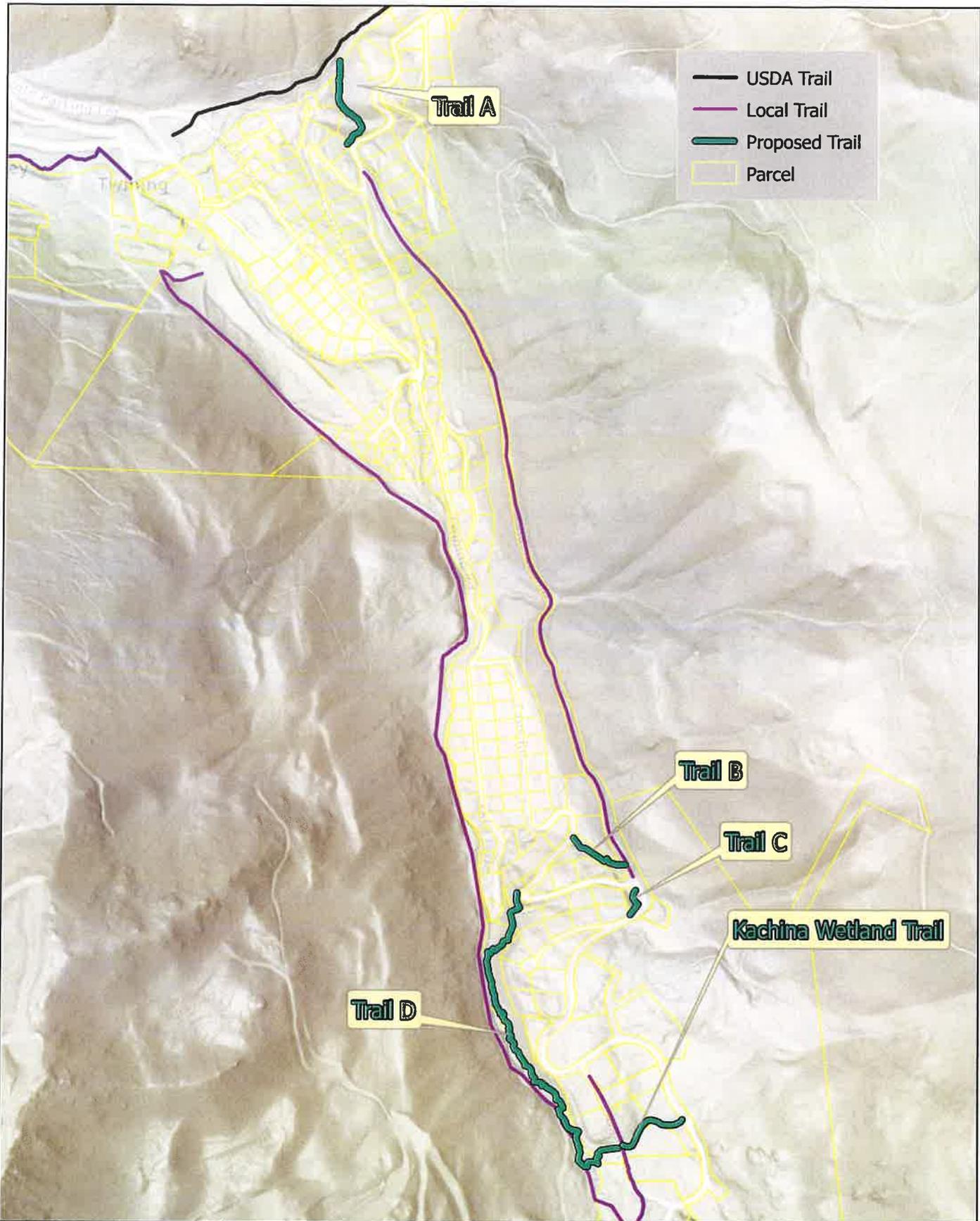
Review considerations are as follows: Analyze said property and make a recommendation regarding whether the property is essential for a municipal purpose, consider the adopted Village Comprehensive Plan, related master plans, other controlling document and future community needs as a basis for their recommendation. Then transmit a written analysis of Commission with their recommendation to Mayor and Council. Some other items to consider are; the intended plans for the property, intent of the donation to VTSV as public property, Plans and recommendation of the Park and Recreation Committee, commitments in place (Trail grant, NFL grant, VTSV Resolution 2021-475- support TSVI plan, easements, etc.). Attached

The after review and analysis the Commission is asked to make a recommendation to Council for Resolution approval to make the property available for sale. Or determine the need for the Village to maintain the property as a public facility. The documents show community supports; maintaining the property as Open Space, developing Kachina trail, building a Gondola

Once Council Approves the property for sale, the sale of the property will be conducted through Ordinance under (NMSA 1-5-23).

Sincerely,

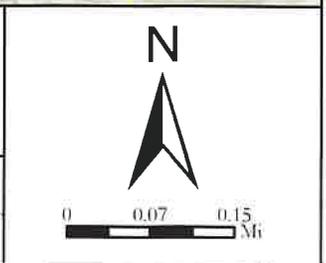
John Avila  
Village Administrator



2022

# VTSV Connector Trails

USGS: The National Map, National Boundaries Dataset, 3DHP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; US Census Bureau TIGER/Lite data; USFS Road Data; Natural Earth Data; US Department of State Humanitarian Information Unit; and NOAA National Centers for Environmental Information, US Coastal Relief Model Data (refreshed August, 2021). Esri, NASA, NGA, USGS, FEMA, Esri Community Maps Contributors, Next Map State University, Esri, HERE, Garmin, Swatch, GeoTechnology, Inc., MPTI, NASA, USGS, EPA, NPS, US Census Bureau, USDA



## Patrick Nicholson

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**From:** Katherine Kett <katkett@hotmail.com>  
**Sent:** Friday, November 4, 2022 11:25 AM  
**To:** John Avila; Ann Marie Wooldridge  
**Cc:** Kerrie Pattison; christof Brownell; Patrick Nicholson  
**Subject:** PARC recommendation on 4 acre parcel

Special PARC meeting held on 11/3/22 was held by tele-conference with members:  
Katherine Kett (chair)  
Kerrie Brokaw  
Christof Brownell

Item to be discussed:  
4 acre "open space" parcel to be sold to TSV Corporation for private use.

All three attending members agreed and felt it was necessary for the following items to be considered and contingent for sale of property:

- A. Sale of property must go thru "normal legal due process " and must be sold for at least the quoted formal appraisal value.
- B. Sale of property should be sold with contingency that public access trail or trails would be established.

It is important for Planning and Zoning to realize and take into consideration that PARC has been working on mapping and developing a trail system within the boundaries of the village, particularly within the "gifted" parcels from the Kachina Property Association. The intent has been and still is to create a network of trails within our community so visitors and residents can walk on trails within the village boundaries and keep hikers off public roads as much as possible. It is an attractive and healthy benefit to a community to have walking paths close to visitor's accommodations and resident's domiciles.

All questions can be directed to Katherine Kett committee chair

Thank you for considering our recommendations,

Katherine Kett

Sent from my iPhone

## REAL ESTATE PURCHASE AGREEMENT

**[For TSVI's ("Buyer") Purchase of 4.434 Acre "Southwest Open Space Tract, "Parcel 3", of Kachina Subdivision, Block O ("Property") From the Village of Taos Ski Valley ("Seller")]**

THIS REAL ESTATE PURCHASE AGREEMENT ("Agreement") is made as of the last date written below for the last Party signing this Agreement ("Effective Date") between the **Village of Taos Ski Valley**, a New Mexico municipal corporation ("Seller" or "Village") and **Taos Ski Valley, Inc.**, a New Mexico corporation ("Buyer" or "TSVI") (individually "Party", collectively "Parties").

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the receipt and sufficiency of which are hereby acknowledged, Buyer and Seller hereby agree and contract as follows:

**Section 1. Real Estate / The Property.** Seller agrees to sell and convey to Buyer at closing the following described Southwest Open Space, Parcel 3, being a 4.434 Acre Tract of vacant real property owned by Seller located in the Village of Taos Ski Valley, Taos County, New Mexico, all as further described on Exhibit A hereto ("the Property") including but not limited to all rights appurtenant to the Property, subject to all easements, reservations, covenants, and restrictions of record.

**Section 2. Purchase Price. This is a CASH SALE and the Property is offered and accepted AS IS, subject to all restrictions and covenants of record and conditions on the ground.** The purchase price of the Property is Ninety Thousand Dollars (\$90,000).

- a. Upon Seller's acceptance of this Agreement, Buyer will deliver Five Thousand Dollars (\$5,000) as an earnest money deposit ("Earnest Money") to Matthew D. Height, First New Mexico Title, PO Box 3590, 602 Paseo del Pueblo Sur, Taos, NM 87571 ("Escrow Agent"). The Earnest Money will be applied to the purchase price, and/or closing costs at Closing, released to Buyer upon Buyer's termination of this Agreement as permitted herein, or to Buyer or Seller as set forth in Section 15 hereof upon default of either of the Parties.
- b. At closing, Buyer will either deliver the balance of the purchase price by wire transfer, certified funds or cashier's check to Seller.

**Section 3. Title Insurance Commitment.** Within five (5) business days of the Effective Date, the Seller, at Buyer's expense shall cause the Escrow Agent to provide a preliminary commitment for title insurance to Buyer with copies of all exceptions included in the commitment. The title commitment shall provide for the issuance of an Owner's Policy of Title Insurance to

Buyer following closing. Buyer shall pay for the owner's policy and deletion of exceptions 1-4 from Schedule B-II of the policy if Buyer desires that coverage.

**Section 4. Survey.** A boundary survey of the Property (Exhibit A hereto) has been provided to title company and to Buyer. If title company requires an ILR of the Property in order to insure title or remove Standard Exception 3 (survey exception), Buyer shall order an ILR of the Property prepared by Rob Watt, Red Tail Surveying, Inc., a New Mexico licensed surveyor sufficient to remove Standard Exception 3. The ILR shall comply with the current Minimum Standards for Land Surveying in New Mexico adopted by the New Mexico Board of Registration for Professional Engineers. The ILR shall be satisfactory to the Escrow Agent for the purposes of insuring title and removing Standard Exception 3. All corners shall be clearly flagged, so that Buyer may inspect the points of the Property as they actually lie on the ground. Buyer will pay the cost of the ILR.

**Section 5. The Agreement, the Sale of the Property, and Buyer's Purchase of Property from Village is Subject to, and Contingent Upon, Village / Seller's Compliance With NMSA 1978, § 3-54-1 (Authority to Sell or Lease Municipal Utility Facilities or Real Property; Notice; Referendum).** This Agreement, the sale, and Buyer's purchase of the property from Seller, a New Mexico municipal corporation, is subject to, and contingent upon, full compliance with Article 54, Sale or Lease of Property by a New Mexico Municipality (§ 3-54-1B, NMSA 1978) as a private sale, including requirements of an appraisal and ordinance authorizing sale by Seller/Village to TSVI/Buyer and a referendum election if a petition for a referendum election is timely filed in accordance with § 3-54-1E.

**Section 6. Property Inspection and Stipulation.**

- a. Seller is selling and Buyer is purchasing the Property "As Is" and without any warranties or representations by Quitclaim Deed or other Transfer Deed.
- b. The Buyer understands that its purchase of the Property will be subject to all reservations and restrictions of record as to use and the conditions on the ground "as is".

**Section 7. Title Policy.** Upon closing, the Escrow Agent shall issue to the Buyer an Owner's Title Policy on the Property in an amount equal to the purchase price thereof and subject only to the exceptions accepted by Buyer pursuant to Sections 3, 4 and 5 hereof and, if Buyer has requested deletion of exception numbers 1-4 of Schedule B, with them deleted.

**Section 8. Closing.** The closing shall occur on or before thirty (30) days after notice of compliance with § 3-54-1, NMSA 1978 is provided by Seller to Buyer, and Seller shall deliver possession on that date or funding, whichever occurs first. Any extension of the closing date must be by written agreement executed by both Parties. Except as specifically set forth herein Buyer shall pay all the closing costs including by example and not limitation cost of appraisal, ILR, the

title commitment, the title company's fees for closing, owner's policy and recordation of deed. On or before the Closing Date, the Seller shall deliver a Quitclaim Deed or other Transfer Deed to the Property, in a form acceptable to Buyer, duly executed and acknowledged by Seller, conveying good, marketable, and indefeasible fee simple title to the Property to Buyer together with all rights, if any, appurtenant to the Property and subject to all restrictions, covenants, and reservations of record.

**Section 9. Escrow/Proration.** Any instructions as the Escrow Agent may require, not inconsistent with the provisions of this Agreement, shall be signed by the Parties and filed with the Escrow Agent. Property taxes and all sewer, garbage, water and other assessments including Kachina Property Owners Association assessments applicable to the Property shall be prorated as of the date of Closing, and, unless the actual amounts for the year in which Closing occurs are known, shall be based upon the latest known rates applied to the latest known assessed valuation of the Property. Seller shall provide Buyer and Escrow Agent with the latest rates and assessed valuations of the Property provided to Seller by the appropriate governmental authorities.

**Section 10. Captions.** The titles of sections in this Agreement are for convenience of reference only and shall not be taken or construed to define or limit any of the terms or provisions of the Agreement.

**Section 11. Calculation of Days.** For the purpose of calculating times for performance under this Agreement, "days" shall mean business days, which shall exclude Saturdays and Sundays and federally recognized banking holidays.

**Section 12. Notice.** Any notice given or required under this Agreement shall be either delivered by email as follows:

To Seller addressed to:

Village of Taos Ski Valley  
Attn: John Avila, Village Administrator  
P.O. Box 100  
Taos Ski Valley, NM 87525

With Copies to:

\_\_\_\_\_  
Village Attorney

To Buyer addressed to:

Taos Ski Valley, Inc.  
c/o Peter J. Talty, Vice President and  
Chaz Rockey, Treasurer  
116 Sutton Place  
Taos Ski Valley, Inc. 87525

With copies to:

Joseph F. Canepa Rocky  
& Vidal, P.A.  
1660 Old Pecos Trail, Suite A  
Santa Fe, NM 87505  
PO Box 8980  
Santa Fe, NM 87504-8980  
T: 505-982-9229 F: 505-982-8141  
[jfcanepa@newmexico.com](mailto:jfcanepa@newmexico.com)  
(Attorney for Buyer)

**Section 13. Survival.** All representations, warranties, indemnities, and agreements made by Seller or Buyer shall survive closing.

**Section 14. Binding Agreement.** This Agreement shall inure to the benefit of and shall be binding upon the Parties hereto and to their successors, assigns, heirs, and personal representatives.

**Section 15. Default and Specific Performance.**

- a. Default by Buyer. If Buyer defaults in the performance of this Agreement Seller may terminate this Agreement and retain the Earnest Money as liquidated damages or Seller may enforce this Agreement and seek other relief as provided by law or equity.
- b. Default by Seller. If Seller defaults in the performance of this Agreement, or if § 3-54-1 is not fully complied with, Buyer may terminate this Agreement and direct the Earnest Money to be returned promptly, in full, or the Buyer may waive default and enforce performance of this Agreement and seek other relief as may be provided by law.
- c. Attorney's Fees. The successful Party in an action or alternative dispute resolution process to enforce or interpret this Agreement shall be entitled to reasonable attorney's fees and costs.

**Section 16. Dispute Resolution.** The Parties shall confer in good faith in an effort to reach an agreement in order to resolve any contract dispute. If they cannot agree, either Party may submit the issue(s) to mediation with a single mediator chosen by the Parties whose fees shall be shared by the Parties. If the dispute cannot be resolved by mediation, the Parties agree that any dispute shall be then resolved by the District Court, Eighth Judicial District, venue of Taos County, Town of Taos, State New Mexico.

**Section 17. Choice of Law.** In the event of a legal dispute, the laws of the State of New Mexico shall prevail.

**Section 18. Acceptance.** This Agreement (offer of Buyer as contained herein) must be accepted by Seller by 5:00 p.m., \_\_\_\_\_, 2022, or this offer of Buyer is null and void.

**Section 19. Risk of Loss, Possession and Delivery.** Possession of the Property shall be transferred to Buyer at funding, and the risk of loss shall shift to Buyer at that time. Seller shall deliver the Property to Buyer in the same condition as existing at the time of the inspection of the Property by Buyer, reasonable wear and tear accepted. Seller shall be obligated to carry fire and extended coverage insurance on the Property prior to Closing. Seller shall not be responsible for any injury to Buyer that may occur on or about the Property during pre-closing inspections or visits.

**Section 20. Real Estate Commissions.** Neither Party is represented by any realtor and neither Party will owe any commission as a result of this sale.

**Section 21. Execution.** This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument. The email transmission of a signed copy of this Agreement hereof, any counteroffer or other communication to the other Party or its agent, shall constitute delivery of the signed document. The Parties agree to confirm such delivery by mailing or personally delivering a signed copy to the other Party or its agent.

BUYER:

TAOS SKI VALLEY, INC., a New Mexico  
corporation

By: \_\_\_\_\_  
Charles E. Rockey, Jr.  
Its: Treasurer  
Dated: \_\_\_\_\_

OR

By: \_\_\_\_\_

Peter J. Talty  
Its: Vice President  
Dated: \_\_\_\_\_

SELLER:

VILLAGE OF TAOS SKI VALLEY, a New Mexico  
municipal corporation

By: \_\_\_\_\_  
Tom Wittman  
Its: Mayor *Pro Tem*  
Dated: \_\_\_\_\_

Attest:

\_\_\_\_\_  
Anne Marie Wooldridge  
Village Clerk

Approved by Action of  
the Village Council at its meeting held  
\_\_\_\_\_, 2022

**Appraisal Report and Property Analysis  
Kachina Village Southwest Open Space  
Parcel 3-Kachina Subdivision Block 0  
Containing 4.43 acres  
Taos Ski Valley, New Mexico**

**Prepared at the Request of:**

**Mr. Peter Talty  
Taos Ski Valley, Inc.  
116 Sutton Place  
Taos Ski Valley, NM 87525**

**Date of Report: September 21, 2022  
Date of Value: September 9, 2022**

**Whitney Appraisal Associates, Inc.  
204 Bendix Drive Unit H  
Taos, New Mexico 87571  
(575) 737-9760**

**Whitney Appraisal Associates, Inc.**  
**204 Bendix Drive Unit H**  
**Taos, New Mexico 87571**  
**(575) 737-9760**

September 21, 2022

Mr. Peter Talty  
Taos Ski Valley, Inc.  
116 Sutton Place  
Taos Ski Valley, NM 87525

Re: Real Estate Appraisal  
Kachina Village Southwest Open Space, Parcel 3, Block 0, Kachina Village Subdivision  
Taos Ski Valley, New Mexico

Dear Mr. Talty:

I have prepared an appraisal of the above referenced property. The purpose of this analysis is to form an opinion of the "Market Value" of the fee simple estate of the subject property in its "as is" condition. The intended use of this appraisal is for the potential purchase of the subject property. The "as is" date of value is the date of my most recent inspection, September 9, 2022.

The subject is located west side of Kachina Road and east of Lake Fork Stream immediately west of Kachina Village Lots 13-16 in Taos Ski Valley, New Mexico. The subject contains approximately 4.43 acres. Also known as the "Parcel 3" the subject is deed restricted as open space and was donated to the Village of Taos Ski Valley by the Kachina Property Owners Association, Inc. on July 1, 2019.

This report is made following my on-site inspection and an investigation into the recent sales of similar properties in the subject area. Under guidelines passed by the Appraisal Standards Board of the Appraisal Foundation and in compliance with the current Uniform Standards of Professional Appraisal Practice, this opinion of value is the result of an appraisal. My work product is subject to certain Contingent and Limiting Conditions outlined in the addendum of this report. Please read these limitations carefully so you may understand my conclusions clearly.

The concept of market value is based on the property being sold on the open market, not to a specific purchaser. Based upon my investigation and my application of accepted appraisal methods, I have formed the opinion of the Market Value of the fee simple estate in and to the subject property, as of September 9, 2022 to be **\$77,000**.

For a quick reference relative to specific aspects of this analysis, a Summary of Facts and Conclusions can be found on Page 4. Retained in my files are field notes, drawings, maps, and work papers upon which, in part, my opinions were based. Thank you for this opportunity to be of service.

Yours truly,

Whitney Appraisal Associates, Inc.

A handwritten signature in black ink that reads "John W. Whitney". The signature is written in a cursive style with a large, looping 'W' and a long tail on the 'y'.

John W. Whitney, MAI

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**SUMMARY OF SALIENT FACTS**

<b>Property Type:</b>	Vacant Land
<b>Owner Apparent:</b>	The Village of Taos Ski Valley
<b>Land Area:</b>	4.43 acres or 192,971 square feet
<b>Zoning:</b>	Farming and Recreation Zone
<b>Highest and Best Use:</b>	Assemblage with potential for recreation trails
<b>Interest Appraised:</b>	Fee Simple Estate
<b>Date of Value:</b>	September 9, 2022
<b>Market Value (As Vacant):</b>	
<b>Cost Approach:</b>	N/A
<b>Sales Comparison Approach:</b>	\$77,000
<b>Income Approach:</b>	N/A
<b>Value Conclusion:</b>	<b>\$77,000</b>
<b>Estimated Exposure Period</b>	<b>12 to 18 months</b>

## **INTENDED USE AND USERS OF THE APPRAISAL**

This appraisal report is intended to be used by the client, Taos Ski Valley, Inc., for establishing the market value of the subject tract for a potential transaction. The Village of Taos Ski Valley, the State of New Mexico Board of Finance and The New Mexico Taxation and Revenue Department are also intended users of the report. Use of this report, by others, is not intended by the appraiser.

## **PROPERTY RIGHTS APPRAISED**

The market value of the fee simple estate is appraised.

"Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat."

Source: The Dictionary of Real Estate Appraisal, Sixth Edition, Copyright 2015 by the Appraisal Institute

## **DATE OF VALUE**

The date of value is the date of my most recent inspection of the subject property, September 9, 2022.

## **STATEMENT OF THE PROBLEM**

The problem at hand is the valuation of a parcel of land containing 4.43 acres located west of Kachina Road and east of Lake Fork Stream west of Kachina Village Lots 13-16 in Taos Ski Valley, New Mexico. Known as the "Parcel 3" and the "Southwest Open Space", the subject is deed restricted as open space and was donated to the Village of Taos Ski Valley by the Kachina Property Owners Association, Inc. on July 1, 2019.

## **DEFINITION OF MARKET VALUE**

"The most probable price which a property should bring in a competitive and open market; under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- a) buyer and seller are typically motivated.
- b) both parties are well informed or well advised, each acting in what he considers his own best interest.
- c) a reasonable time is allowed for exposure in the open market.
- d) payment is made in terms of cash in U. S. dollars or in terms of financial arrangements comparable thereto, and
- e) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."

Source: The Dictionary of Real Estate Appraisal. Sixth Edition, Copyright 2015 by the Appraisal Institute

## **SCOPE OF THE APPRAISAL**

The scope of the assignment is to prepare an appraisal report supporting an opinion of Market Value. As a part of this appraisal, independent investigations and analyses were made. The investigation and analyses involved the following:

- 1) Review of area demographic and economic information.
- 2) Inspection of the subject and interviews with persons involved directly and indirectly with the subject properties.
- 3) Review of available surveys and deeds.
- 4) Highest and best use analysis as vacant
- 5) Review and analysis of other similar properties in the Taos Ski Valley area.
- 6) Accumulation and confirmation of land sales in the subject area.
- 7) Form a conclusion of the market value of the subject property via the Sales Comparison Approach.

## **Documents and Individuals Consulted**

In preparing this report I have relied in part on information provided by others. A list of my sources follows:

Deed of Gift, Dedication and Acceptance: Kachina Property Owner's Association, Inc. to Village of Taos Ski Valley, recorded July 1, 2019 in Book 1018, Page 825 at the Taos County Courthouse

Special Warranty Deed: Trustees of the Pattison Family Trust to Kachina Property Owner's Association, Inc., recorded October 9, 2007 in Book 623, Page 127 at the Taos County Courthouse

Land Division Survey: entitled "Southern Portion of Block 0 of the Kachina Subdivision, by Red Tail Surveying recorded in CAB E-44B on December 7, 2004 at the Taos County Courthouse

Village of Taos Ski Valley, Ordinance No. 2017-30, Zoning Regulations and Map, Amended July 12, 2016

The Village of Taos Ski Valley Ordinance No. 14-30, Comprehensive Subdivision Regulations for the Village of Taos Ski Valley, New Mexico dated December 3, 2013

### *Individuals*

John Avila-Village of Taos Ski Valley-Manager  
Patrick Nicholson-Village of Taos Ski Valley, Community Development and Planning Director  
Tom Whittman-Village of Taos Ski Valley, Commissioner  
Peter Talty-Taos Ski Valley, Inc., Director  
Kimberly Cope-Taos Ski Valley Inc.-GIS Specialist  
Charles Rockey-Belvedere Property Management, LLC, Director of Business Development  
Roger Pattison-Pattison Family Trust  
Benjamin Cook-Kachina Property Owners Association  
Charles Fox-Kachina Property Owners Association

Area property owners and real estate professionals actively leasing or marketing comparable property

## AREA DESCRIPTION

The subject property is in the Village of Taos Ski Valley, in Taos County. The region is within north-central New Mexico. The Taos community is located 70 miles north of Santa Fe, New Mexico and 45 miles south of the Colorado border. The northern county line is the New Mexico-Colorado State line. Taos, the County seat, rests on a mesa at the foothills of the Sangre de Cristo range at an elevation of 6,950 feet. The Village of Taos Ski Valley is approximately 18 miles northeast of the Town of Taos, in the Rio Hondo Valley of the Sangre de Cristo Mountains.

*Population Trends:* New Mexico increased 2.83% in population between 2010 and 2020. Taos County population increased 9.9% over this same time period. The 2020 census resulted in a Taos County population estimate of 34,489 residents; however, an analysis of utility hook-ups and other sources suggests that the population can be as high as 50,000 if part-time residents are considered. Due to out-of-town visitors (tourists) and part-time residents (second home owners), the economy is much larger than the population figures would indicate.

The July 2021 Taos County population estimate came in at 34,623, an increase of approximately 0.4% since 2020.

*Employment Trends:* The New Mexico Department of Workforce Solutions reports countywide unemployment in July 2022 was 6.3%; lower than the 9.6% rate posted one year ago. The unemployment rate for the State of New Mexico in July of 2022 was 4.5%, down from the 7% rate posted one year earlier. Nationally, the U.S. unemployment was 3.5% in July, an improvement over 5.4% one year ago. July showed New Mexico as having the highest unemployment rate in the country and Taos as the 4<sup>th</sup> highest in the state.

*Housing Price Trends:* Much like the national housing market in the previous decade, the Taos residential market had been accelerating for several years, but cooled off during 2007/08 with the volume of sales decreasing significantly. An analysis of MLS residential sales data for the Taos Valley indicates that the median home price dropped for four straight years beginning in 2008, with the tide turning in 2012.

Year	# of Sales	Median Price	% Change
2021	272	\$462,500	30.7%
2020	276	\$353,800	9.3%
2019	270	\$323,800	4.3%
2018	281	\$310,500	3.5%
2017	284	\$300,000	5.8%
2016	249	\$283,500	9.2%
2015	252	\$259,500	6.4%
2014	223	\$244,000	2.3%
2013	234	\$238,500	1.5%
2012	199	\$235,000	3.8%
2011	150	\$226,300	-20.6%
2010	179	\$285,000	-3.1%
2009	160	\$294,000	-3.0%
2008	185	\$303,000	-6.8%
2007	245	\$325,000	13.6%
2006	330	\$286,000	

The market stabilized in 2012 at prices that were 25% to 35% below the market peak in 2007. Since 2011, the market has been gaining strength each year with strong gains in 2015-2017. The volume of sales and median price is now higher than 2007. Days on market decreased every year for six years until 2019, when it stabilized. Single family homes are by far the largest segment of the Taos market; accounting for 83% of total market transactions and 90% of dollar sales for 2021.

There has been a nationwide surge in rural area homesite demand that is a direct result of the pandemic. There is currently a robust demand for residential properties in Taos with a shortage of adequate inventory. Dollar sales were up an astounding 31% over last year (\$116 million to \$152 million). Days on Market has also decreased. This excessive demand brings a lack of inventory/supply.

*More on Real Estate Trends*

As noted, the residential market gained notable strength over the past three years. The commercial market gained strength in 2015 but has attracted little in the way of new development. The vacant land market is showing significant signs of increasing demand. There were 159 land sales in the Taos Valley for 2021 up 53% from 2020. The total volume was up 105% (\$9.9M in 2020 to \$20M in 2021) with a 32% decline in days on the market over the same period. Over the last year, demand for houses has spurred lot to be purchased by contractors for “spec homes.” Unfortunately, construction costs have stayed high having risen significantly through the pandemic due in part to persistent shortages and difficulties in the supply chain.

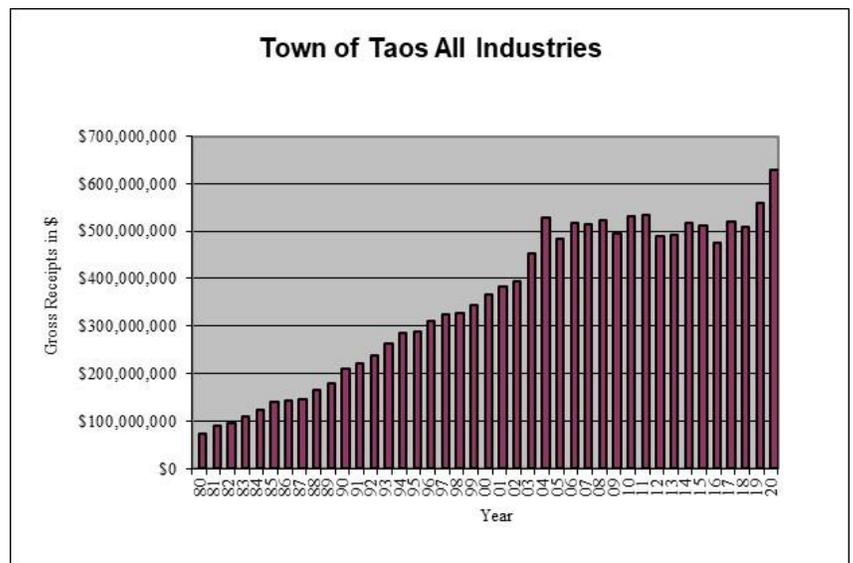
That said, New Mexico was lagging in its recovery compared to adjoining states such as Colorado, Texas and Arizona which have enjoyed robust economies.

Market activity for homes and condos remains intense: multiple offers are common, with buyers often offering above asking price. This sort of market behavior has rarely occurred in Taos, even during the boom years of 2000–2007. Spurred by the work-from-home paradigm that the Covid-19 pandemic created and fueled by low interest rates there was strong demand for homes and condos in Taos.

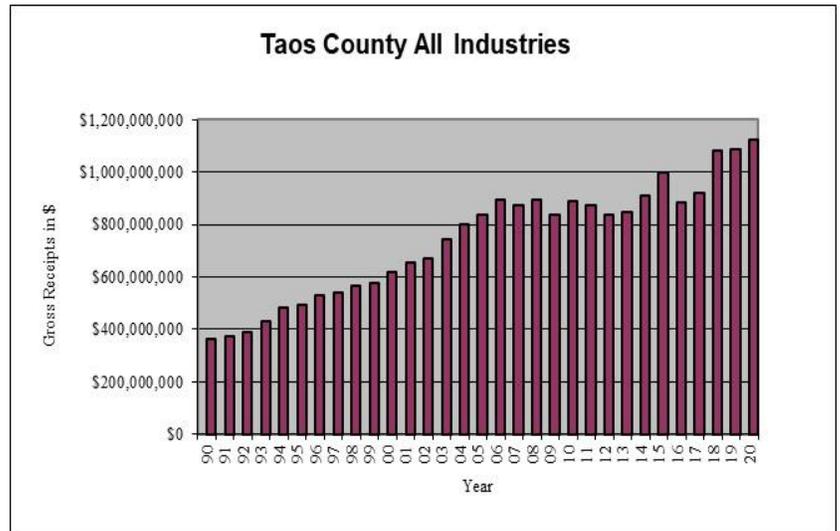
There are recent indications are that the overall US the market has cooled. In Taos, the lack of inventory and extremely long closing time due to severe title company backlogs (3-4 months), are limiting gains in the number of closed sales. It will be interesting to see if the increased interest in Taos homes will decline with rising interest rates and inflation.

*Gross Receipts Trends:* Trends in the amount of gross receipts tax collected is an insightful look at local economic activity. Below are trends for the Town of Taos and Taos County through 2020.

From 1980 to 2005, gross receipts in the Town of Taos were on a steady increase. Since then, gross receipts have been up and down, generally trading water. Gross receipts for 2018 were down 1.98% from 2017, but back up 10% to the highest level to date for 2019, at \$559,718,833. The 2020 data comes in with a 12.5% increase and a total gross receipts of \$629,749,844. This is contrary to popular predictions for the impact of the pandemic. The 2021 data is not yet available.



After a decline in 2016, the Taos County gross receipts have shown an increasing trend through 2019 with a dramatic 17.5% increase in 2018 and another increase in 2020 despite the pandemic.



### Local Government

After years of community meetings and assembling neighborhood plans, the County drafted a new land use plan that went before the Taos County Commissioners in early 2012. But rather than adopt the new code, the Commissioners tabled the issue due to vocal opposition. The plan was revised and on June 10, 2014, the new Commission that took their seats in 2013 passed the long-debated overhaul of its land use regulations. Although neighborhood overlays have been eliminated, the new land use regulations do provide for overlays to be adopted in the future.

### Public Infrastructure

*Town of Taos:* Sidewalk improvements were completed on the SR 68 corridor in 2018 between State Road 518 and La Posta Road, with new paving completed during the 2019 construction season. Over the next several years, improvements on SR 68 from La Posta Road north to Camino de la Placita are planned, including sidewalks, roadway widening, bike lanes, medians, a signal at the Albright intersection and realignment of two major intersections. This project is currently underway and is significantly disrupting traffic flow and business access along portions of Paseo del Pueblo Sur.

The project was significantly delayed due to design changes, bidding issues, and in some cases lawsuits by influenced property owners. The project is known as the NM 68/US 64 reconstruction project, identified as New Mexico Department of Transportation Project No. CN 5100750. The project length is approximately 1.85 miles along Paseo del Pueblo Sur/Norte through the Town of Taos, from just south of La Posta Road to the north end of Camino de La Placita on the north. This project is a continuation of previous improvement of the southernmost stretch of this road. It entails roadway reconstruction and widening; realignment of four major intersections; coordination of traffic signals; construction of new sidewalks/repair of old sidewalks; storm-drain improvements; access management; mid-block crossings; Americans with Disabilities Act (ADA) enhancements; the addition of bicycle lanes and/or bike share lanes; and drainage improvements.

As of the date of value, the construction progress north appears to be stuck in the vicinity of the Smiths grocery store.

*Taos Ski Valley:* The ski area is located 18 miles northeast of the Town of Taos and is one of the major tourist draws in the area, positively influencing the Town and the surrounding area. In December of 2013, the Blake Family announced they were selling the ski resort to hedge fund manager Louis Bacon. Mr. Bacon has the funds necessary to make many needed improvements to the dated ski area and had participated in the design discussions due to his ownership of some key parcels in the core village area. A complete re-development of the base area facilities is planned and is on-going at the time of this writing. Also of note, a chairlift to the summit of Kachina Peak was installed in 2014.

The ski area continues to experience significant change under Bacon's ownership. One of the main structures in the base village was demolished in the Spring of 2015 to make way for an 80-unit hotel (The Blake) that includes plaza level commercial space. The Blake opened for business on February 1, 2017. The 2018 construction season saw the long-awaited replacement of Lift No. 1 with a high-speed quad. In addition, the Bavarian and Phoenix Restaurants were remodeled, new decks were added, and the surrounding site area was re-contoured for easier skier access to the Bavarian. During the 2019 construction season, the construction of the Blake Residences began and is a part of the next phase of redevelopment, with the cited condominiums and commercial space being located along Thunderbird Road. In 2021, the Blake Residences were completed with shops opening on the first floor including a Cids Grocery Store and Le Ski Mastery. TSV, Inc. purchased the Saint Bernard Hotel. Just recently, demolition began and plans for the new hotel have been widely distributed.

#### *Economic Trends*

The Village of Questa, an Enchanted Circle community between Taos and Red River, was dealt an economic blow on June 2, 2014 when Chevron announced they would close the 95-year-old molybdenum mine permanently. Chevron will continue to put \$320k per year for the next eight years into an economic endowment fund for the Village of Questa. As the mine is a designated Superfund Site, clean-up work is expected to continue for another two decades.

On a positive note, there is a good deal of optimism in the local market due to the on-going improvements at Taos Ski Valley. A number of Taos hotels, bed & breakfasts, and restaurants have sold in the past few years, which is partially attributed to enthusiasm associated with the ski area.

The BLM-managed corridor of the Rio Grande gained national monument status in May of 2013, when the Rio Grande del Norte National Monument was established by Presidential Proclamation. This national monument status has brought an economic boost to the area with increased tourism. The BLM has noted a significantly higher level of use of recreational facilities in the Orilla Verde area since gaining national monument status.

In summary, the Taos area is a desirable place to live and work and is a well-established destination for tourists from around the southwest and indeed the entire nation. The area continues to attract and hold residents, including a high ratio of second homeowners and part-time residents. Taos remains a relatively affordable resort community compared to its Rocky Mountain counterparts and Taos Ski Valley continues to be an important economic influence to the county and town.



## **NEIGHBORHOOD**

The subject neighborhood is described as Taos Ski Valley, located at the upper end of the Hondo Canyon as it ascends into the Sangre de Cristo Mountains. Access to the area is via State Road 150 that follows the Rio Hondo to an elevation of approximately 9,200 feet. This is a long-time destination ski resort 18 road miles northeast of the Town of Taos. Ernie Blake began development of the ski area in 1955 with the Village incorporating in 1996. The Village has a current population of just 69 year-round residents, with most people who work in the ski valley choosing to live at a lower elevation in neighborhoods surrounding the Town of Taos.

The Taos Ski Valley area is also known as Twining, the name given to this location during its historic mining days. Amizette was a separate mining community located 1.5 miles west. Little remains of the former mining camps aside from mine prospect tailings. The developed areas are confined to the narrow valley surrounded by steep forested slopes on all sides. The small amount of level land at the base of the ski area is improved with lodges, condominiums, and private homes, leaving little development land.

The first zoning occurred in 1996 when the Village of Taos Ski Valley incorporated. An overview of the Ski Valley commercial areas shows four separate commercial locations: the core area that is within the heavy pedestrian zone immediately around the ski area's main base (subject location); the residential area immediately south of the core area; the Highway 150 frontage in Amizette; and the Kachina Village Subdivision near the Ski Valley's Phoenix Day Lodge.

On December 11, 2013, the Blake Family announced they were selling the ski area to hedge fund manager and conservationist Louis Bacon. At that time TSV was one of the few remaining USA ski areas still owned by the founding family. The purchaser had owned land in Taos Ski Valley for almost 20 years, including some key parcels in the village core he purchased just prior to the ski area acquisition.

Following the purchase of Taos Ski Valley, Inc. by Louis Bacon, a massive redevelopment of the base area began. In addition, a new chairlift to Kachina Peak was installed in 2014 and began operation in February of 2015. The Blake Hotel officially opened February 1, 2017, with 80 luxury rooms, a spa and wellness center, upscale restaurant, ski shop and valet parking. In addition, there are nine luxury penthouse condominium units on the upper level. The Blake Residences (24 units) were completed in 2021. The site will include a new pedestrian walkway to the plaza and this will be the primary skier access to the base area. The site will also include a skating rink/summer event space and ticket office. The plaza level commercial space will include a market, two ski shops and a jewelry store.

In addition to the Kachina Peak Lift, two new beginner's chairs (the Rueggli & Pioneer) and a pulse gondola (the Gondolita) have been built. Chairs 1 and 5 were replaced in 2018 with a high-speed quad. Extensive snowmaking improvements have taken place over the last few years providing more predictable early season openings. A gondola linking the base area with the Kachina Village is in the works and anticipated to begin construction in 2023.

The Ernie Blake Road re-alignment project was completed in 2019. This project served to soften the grade of the hill climbing up to Twining Road as well as making it a two-way road down to the river, as Thunderbird Road transitions to a quasi-pedestrian lane during the winter months. The Village also installed a high-zone water tank above Kachina Village. They have several other large projects planned, including developing the Gunsight Springs water resource, and building a new firehouse near the Children's Center in conjunction with Taos Ski Valley, Inc. A recently completed \$10 million upgrade to the waste water treatment plant will nearly triple its capacity.

The Lodge & Resort at Taos Ski Valley had planned development in the Kachina Village area, with plans to add 96 rooms to the market in two different lodging facilities. In addition to their two hotel/lodge facilities, The Lodge & Resort at Taos Ski Valley had planned for development of 60 Villas. After difficulties achieving Village approvals, the Lodge & Resort at Taos Ski Valley has abandoned their plans and sold off their property.

The real estate market in the Village of Taos Ski Valley slowed considerably following the economic crisis in the fall of 2008. However, there was a small land rush within the village core in which several key parcels were acquired by well-capitalized individuals. Much of the village area is located within the O.E. Pattison Subdivision, platted in 1963.

Within the O. E. Pattison Subdivision, which is approximately 40%-50% built-up, residential lot sales since 2015 have ranged from \$107,500 to \$850,000. According to the MLS, 24 land sales have occurred since 2015 at an average rate of three sales per year.

There have been 141 condominium sales over the same period that produced a price range from \$42,500 to \$1,175,000, with a median sale price of \$330,000. Note the sales exclude transactions in the Blake Residences and Blake Hotel, which are not listed in the local MLS.

The 28 single family residence sales since 2015 have generated sale prices of from \$150,000 to \$1,725,000, with a median price of \$670,000. Most of the structures are of chalet or modified "A Frame" design. The older cabins create less than average property compatibility in some areas. However, the rising cost of land has begun to create "zoning by price" and most new homes are quality construction and often luxurious. To date in 2022, there have been 13 residential sales (condos and single-family homes). There were 20 in 2019, 20 in 2020 and 26 in 2021. 2022 may yet achieve a similar level as the three previous years.

It is clear the residential condominium market is the largest and most active component of Taos Ski Valley real estate. Condominium sales data is summarized in the adjacent chart and demonstrates the rise and fall of this market. Sales of 40 to 60 units per year occurred in 2005/06, with a few new projects selling units during this era, including Wheeler Peak, Snake Dance, and Edelweiss. Sales began decreasing in 2007, stabilizing at between 9 and 10 units per year between 2010 and 2012. The market has gained some strength with sales of 16 to 20 units per year since 2013.

The dip back to 9-11 units in 2016-2017 can be related to a lack of new inventory, construction in the village core, and a poor ski season in 2017/18.

<b>Taos Ski Valley Condominium Sales Data</b>					
<b>Year</b>	<b># of Sales</b>	<b>Low Price</b>	<b>High Price</b>	<b>Median Sale Price</b>	<b>Average Sale Price</b>
2005	41	\$109,000	\$399,000	\$225,500	\$232,600
2006	57	\$109,800	\$727,500	\$279,000	\$276,134
2007	27	\$190,000	\$815,000	\$302,430	\$348,661
2008	19	\$145,000	\$465,000	\$242,000	\$262,531
2009	16	\$115,000	\$1,090,000	\$290,000	\$472,833
2010	10	\$113,000	\$1,100,000	\$302,500	\$497,010
2011	9	\$93,500	\$580,000	\$145,000	\$195,444
2012	9	\$67,500	\$363,000	\$178,000	\$185,899
2013	17	\$48,000	\$225,000	\$164,000	\$147,970
2014	20	\$80,500	\$765,000	\$260,000	\$315,620
2015	18	\$42,500	\$727,500	\$250,500	\$315,333
2016	10	\$47,500	\$932,500	\$220,000	\$273,550
2017	9	\$105,000	\$700,000	\$351,000	\$356,375
2018	18	\$124,900	\$1,030,000	\$334,778	\$347,108
2019	16	\$163,000	\$810,000	\$323,250	\$337,906
2020	24	\$150,000	\$620,000	\$352,500	\$348,052
2021	28	\$124,900	\$1,030,000	\$342,000	\$358,161
348					

Source: MLS (2005 does not include the original Edelweiss Sales)  
Note: Sales do not include the Blake Penthouse Units or the Blake Residences

After sales bumped back up to a modest level of 16-18 units in 2018-19, the jumped again in 2020-2021 to 24 & 28 units. For the past two years, the median sale price has been around \$350,000; the highest median sales prices posted in TSV history.

The Blake Residences were completed on Thunderbird Road which spurred sales starting in 2020. This is a TSV Inc. project with 24 residential units combined with plaza level commercial space. As of this writing, only 4 units remain with one under contract and two being held by the developer. Prices ranged from \$1.2 to \$3 million, reflecting square foot prices of about \$1,100 to \$1,600 per square foot.

*2021 Gross Receipts and Lodgers Tax Income*

The Village receipts from gross receipts tax is another indication of the economic health of the community of Taos Ski Valley. In the adjacent chart I have summarized the gross receipts tax income distributed to the Village for all industries and hospitality accommodation beginning in 2010. Following a dip in 2011, good snow conditions and the allowance of snowboarding at the ski area have proven favorable. The large increase in 2015 reflects the base area construction efforts of TSV, Inc. including the Blake Hotel. Similarly, the large increase in 2019 likely results for the Blake Residence construction and other TSV Inc. projects. Note the gross receipts tax receipts are based on are net of TIDD and NMFA payments, but the trend should be meaningful. The more recent gross receipts tax income results from a 2.46395% tax allocation to the Village.

<b>Gross-Receipts Tax Earned Village of Taos Ski Valley</b>				
<b>Year</b>	<b>All Industries</b>	<b>Percent Change</b>	<b>Lodger's Tax</b>	<b>Percent Change</b>
2010	\$1,197,022	----	\$285,227	----
2011	\$966,721	-19.24%	\$223,867	-21.51%
2012	\$1,092,858	13.05%	\$312,311	39.51%
2013	\$1,030,528	-5.70%	\$270,344	-13.44%
2014	\$1,012,094	-1.79%	\$301,860	11.66%
2015	\$1,369,945	35.36%	\$312,387	3.49%
2016	\$1,390,383	1.49%	\$334,131	6.96%
2017	\$1,581,674	13.76%	\$316,899	-5.16%
2018	\$1,558,720	-1.45%	\$349,519	10.29%
2019	\$1,933,642	24.05%	\$524,738	50.13%
2020	\$1,771,473	-8.39%	\$465,703	-11.25%
2021	\$1,696,846	-4.21%	\$449,241	-3.53%

The snowfall over the 2017/2018 season was one of the worst on record but the gross receipts only indicate a small decline. Gross receipts are clearly bolstered by the extensive TSV, Inc. construction projects, enhancement to snow-making facilities, and are currently less tied to snowfall than in previous years. After a big year in 2019, 2020 and 2021 showed pandemic driven declines.

Lodger’s tax receipts by the Village of Taos Ski Valley have generally increased since 2010 with 2019 having the largest collection in this period. As with gross receipts, lodger’s tax receipts increase in good snow years, and this is strongly illustrated in 2019, with exceptional snow and the likely influence of the Blake Hotel. Additionally, the Village of Taos Ski Valley as well as the Town of Taos and Taos County have become more aggressive in collecting taxes on vacation rentals through companies such as VRBO and Air-BnB.

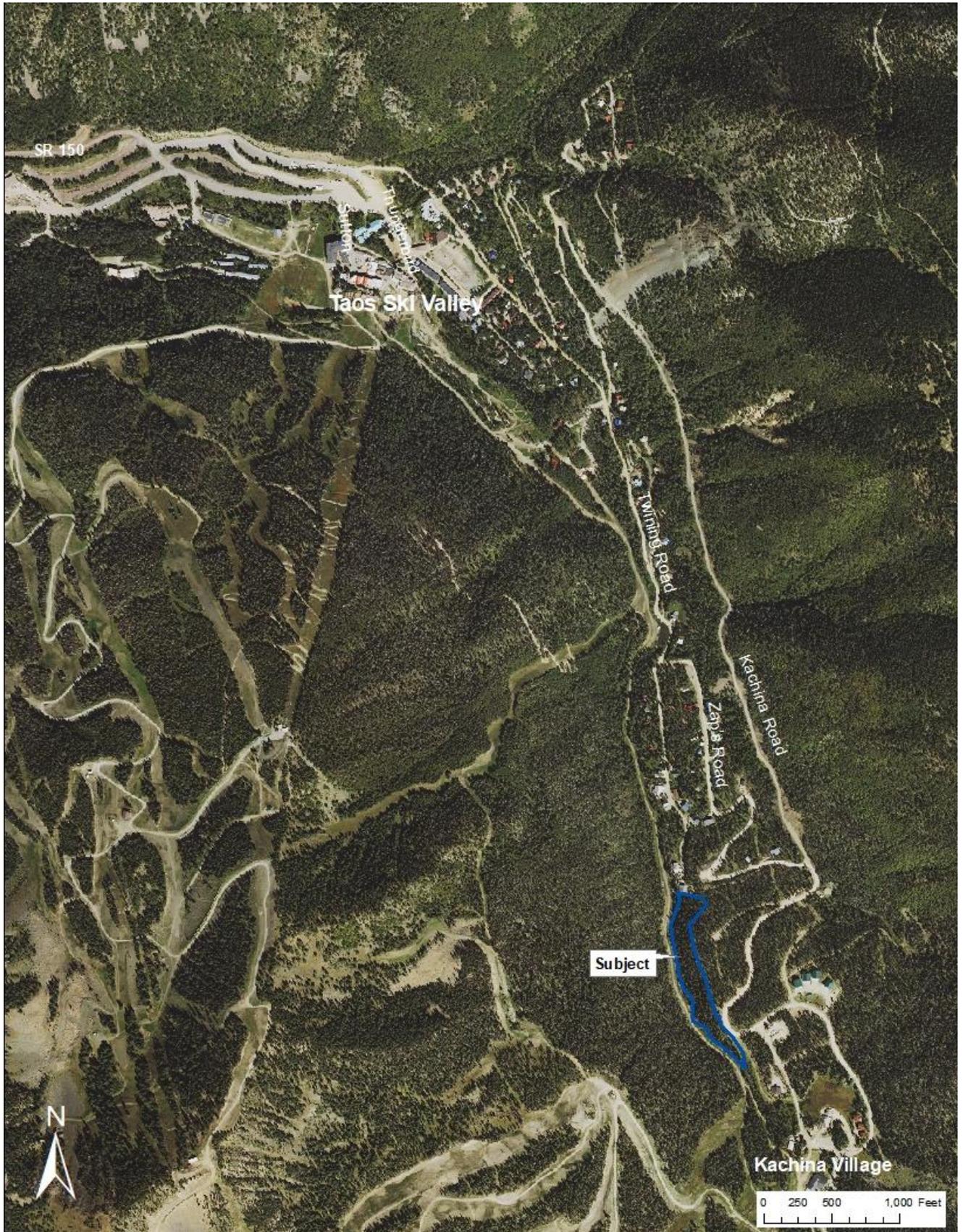
In the chart below, skier days for Taos Ski Valley over the past thirty-two ski seasons is presented. In the 1994/95 ski season Taos Ski Valley posted its highest skier day numbers ever (364,000). It is noted this was a season with exceptional snow-fall. Taos Ski Valley is the premier ski area in the State and posts significantly more skier days than any other resorts in the State of New Mexico.

TAOS SKI VALLEY SKIER VISITS 1989-2022									
<b>1990-91</b>	<b>1991-92</b>	<b>1992-93</b>	<b>1993-94</b>	<b>1994-95</b>	<b>1995-96</b>	<b>1996-97</b>	<b>1997-98</b>	<b>1998-99</b>	<b>1999-00</b>
355,350	312,689	314,845	355,020	364,000	223,300	271,862	300,264	282,886	173,031
<b>2000-01</b>	<b>2001-02</b>	<b>2002-03</b>	<b>2003-04</b>	<b>2004-05</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>
248,852	201,113	249,682	224,565	238,000	158,000	208,187	219,000	241,115	256,879
<b>2010-11</b>	<b>2011-12</b>	<b>2012-13</b>	<b>2013-2014</b>	<b>2014-2015</b>	<b>2015-2016</b>	<b>2016-2017</b>	<b>2017-2018</b>	<b>2018-2019</b>	<b>2019-2020*</b>
185,000	225,000	210,000	205,000	225,000	235,000	228,696	150,000	265,520	238,661
<b>2020-2021**</b>	<b>2021-2022</b>	*Closed mid March due to covid							
177,068	249,141	**Lower due to Pandemic Restrictions							

The seasons with the lower skier days correspond directly with below-average snowfall. The 2005/06 and 2017/2018 seasons were the driest in the resort’s history, which resulted in a significant drop in skier days. The economic health of Taos Ski Valley is obviously tied to snowfall. With the introduction of snowboarding, visitor numbers increased. In terms of skier days, the 2019-2020 season was on track to be one of the best in recent years, but the area closed early (March 15, 2020) due to the pandemic. The 2020-2021 season was lower due to the pandemic and with State-wide restrictions on occupancies and skiers. The 2021-2022 season represented a positive return to what is conceived to be more normal skier days for the resort.

In summary, Taos Ski Valley experienced never-before seen economic and logistical challenges due to management of the COVID-19 pandemic. It appears that Taos Ski Valley has generally recovered from the pandemic and are attempting to rise to the challenges of increased visitation.

Neighborhood Map



## PROPERTY DATA

### Owners Apparent

Village of Taos Ski Valley  
PO Box 100  
Taos Ski Valley, NM 87525

### Location

The subject is located west of Kachina Road and east of Lake Fork Stream immediately west of Kachina Village Lots 13-16 in Taos Ski Valley, New Mexico.

### Legal Description

#### PARCEL 3

A tract of land located in Section 10, Township 27 North, Range 14 East, N.M.P.M. and being that certain parcel depicted as "Southwest Open Space" on sheet 3 of 3 of a Final Subdivision Plat entitled "Kachina Subdivision Block 0" prepared by Red Tail Surveying, Inc., Robert A. Watt, NMPS No. 11770, as Job No. 960.01 0, dated February 3, 2004 and filed for record in Cabinet E, Page 44-B in the Office of the County Clerk, County of Taos, State of New Mexico.

Containing 4.762 acres, more or less.

### Less and Except:

A tract of land within the Antoine Leroux Grant in the Village of Taos Ski Valley, Taos County, New Mexico, shown on the Taos County Property ID Maps within Projected Section 10, Township 27 North, Range 14 East, NMPM, described as part of the Southwest Open Space of Block 0 of the Kachina Village Subdivision, and more particularly described as follows:

BEGINNING at a 1/2" rebar found with a cap stamped LS 5213, from whence a monument with an aluminum cap stamped LS 11183 found at the former site of the Taos Ski Valley madevac helipad bears N 49° 54' 58" W, 7,082.38 ft. distant, thence:

S 71° 41' 24" E, 10.63 ft. to a 1/2" rebar found with a cap stamped LS 11183, thence:  
N 03° 54' 54" W, 124.84 ft. to the NW corner of this tract, a 1/2" rebar set with a cap stamped NMPS 11770, thence:  
S 50° 17' 38" E, 11.57 ft. to the NE corner of this tract, a 1/2" rebar found with a cap stamped LS 5213, thence:  
S 17° 30' 48" E, 159.29 ft. to a 1/2" rebar found with a cap stamped LS 5213, thence:  
S 17° 08' 48" E, 118.82 ft. to the SE corner of this tract, a 1/2" rebar set, thence:  
N 74° 59' 11" W, 161.84 ft. to the SW corner of this tract, a 1/2" rebar set, thence:  
N 67° 15' 49" E, 24.94 ft. to a 1/2" rebar set, thence:  
N 29° 50' 49" E, 84.50 ft. to a 1/2" rebar set, thence:  
N 03° 52' 11" W, 24.84 ft. to the POINT OF BEGINNING.

This tract contains 0.328 acres more or less, as shown on Red Tail Surveying, Inc. plat no. 1997.01, entitled Kachina Property Owners Association to Don C. Quast, dated 5 May 2018, prepared by Robert A. Watt, NMPS #11770.

Containing 4.434 acres, more or less

## **History and Current Use of the Subject Property**

The subject was dedicated as open space in the Kachina Village, Block 0 Land Division Survey in 2004. The subject property was deeded by the Pattison family with two other parcels to the Kachina Property Owner’s Association on October 9, 2007. The Special Warranty Deed had the following stipulations: “granted...hereto as long as the Property is used as open space, trails, and/or other recreational used, and further provided that the Property will never be used for access or utility easements, with warranty covenants, subject to all reservations, restrictions and easements of records.”

On July 1, 2019, the Kachina Property Owners Association, Inc. gifted the same three parcels including the subject and an additional Parcel 4 to the Village of Taos Ski Valley. The Deed of Gift Dedication and Acceptance carries all the special warranty covenants, easements, covenants, reservations and restrictions of record from the previous deed.

The subject is not currently listed for sale.

## **Real Estate Tax**

The subject 4.43-acre tract has been assessed as open space in the Kachina Village Subdivision. Being open space and owned by a municipality, it is exempt from real estate tax.

<b>SUBJECT PROPERTY TAX &amp; ASSESSMENT DATA</b>	
<b>Kachina Village Subdivision Block 0, Lot Open Space 4.43 acres</b>	
<b>Owner #78845</b>	<b>2021</b>
Land Assessed Value	\$99
Improvements Assessed Value	\$0
Total Assessed Value	\$99
Total Taxable Value (1/3)	\$33
Total Obligation	\$0.00

## **Zoning and Land Use Control**

In 1996, the Village of Taos Ski Valley was incorporated and adopted a zoning ordinance. Under this ordinance, the subject property is zoned Farming and Recreation. The intent of this zone district is to permit multiple uses of the land for a variety of purposes.

Permissive Uses in the Farming and Recreation Zone include: All permissive uses in the R-Zone (One Single Family Dwelling, One Auxiliary Unit, and accessory buildings, structures); Public recreational purposes for which a fee is not charged such as hiking, fishing, hunting, camping, equestrian activities, and off-road vehicle activities.

Conditional Uses include: fee driven commercial recreational purposes; commercial farming uses; commercial timber harvesting or logging operation and temporary buildings.

Except for recreational trails, the deed restrictions remove the legal permissibility of development on the subject tract.

The VTSV Zoning Ordinance also presents guidelines for open space (see addendum).

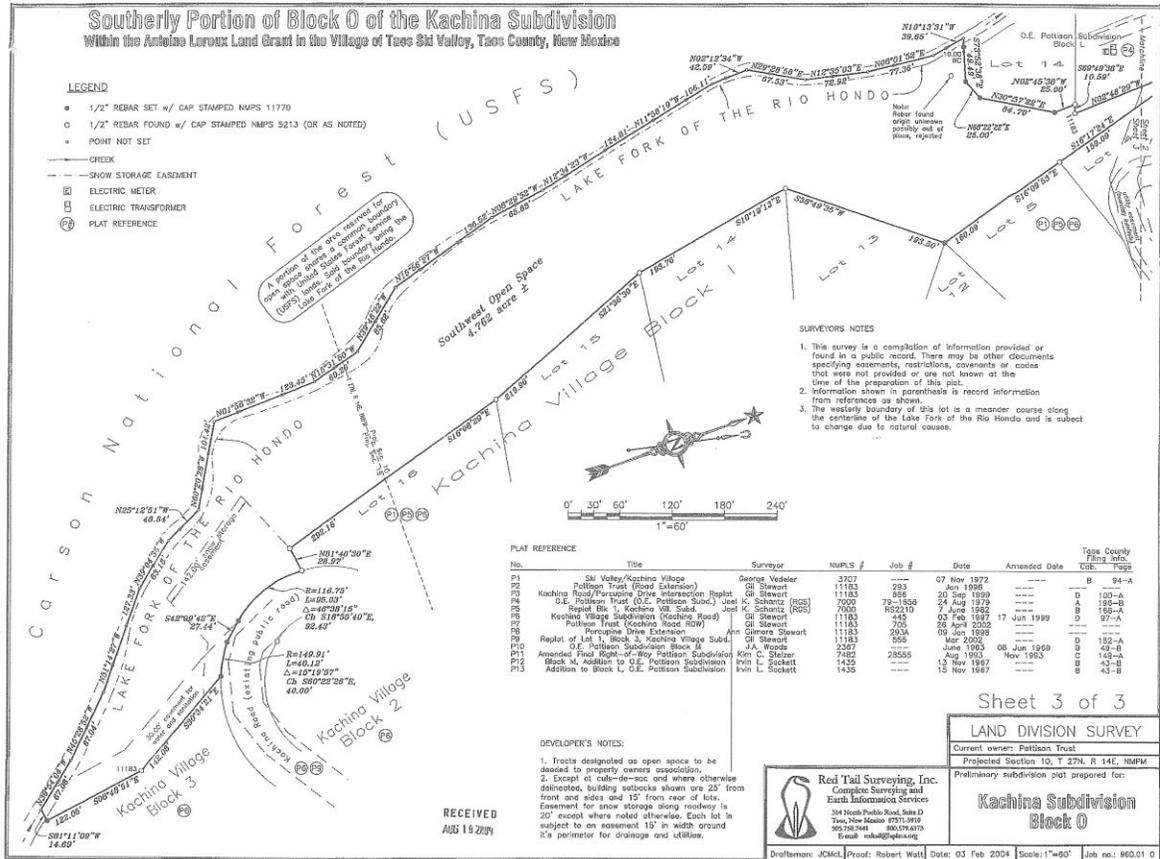
**PHYSICAL DESCRIPTION**

Area Content:	4.43 acres
Shape:	Irregular (see plat)
Frontage:	255 feet on Kachina Road
Topography:	The site is extremely steep at around 10,100 feet in elevation.
Access:	Unrestricted from Kachina Road
On-Site Improvements:	None
Off-site Improvements:	State Road 150 is a two-way, two-lane asphalt surfaced state highway and Village of TSV roads. Utilities include underground Kit Carson Coop electric service, Centurylink telephone and New Mexico Natural Gas.
Easements:	None noted
Encroachments:	None noted
Observed Hazards:	I did not observe any environmental or other hazards.
Flood Zone:	Per FIRM 35055C0675E (effective date 10/6/10), the site is mapped as Zone X, which is not a Special Flood Hazard Area.

**Representative Plats, Floor Plans and Photographs of the Subject Property**

John Whitney took the following photos of the subject property on September 9, 2022.

Plat-Kachina Subdivision, Block 0



LEGEND

- 1/2" REBAR SET w/ CAP STAMPED NMP#S 11770
- 1/2" REBAR FOUND w/ CAP STAMPED NMP#S 5213 (OR AS NOTED)
- POINT NOT SET
- CREEK
- SNOW STORAGE EASEMENT
- ⊠ ELECTRIC METER
- ⊞ ELECTRIC TRANSFORMER
- ⊙ PLAT REFERENCE

SURVEYORS NOTES

1. This survey is a compilation of information provided or found in a public record. There may be other documents specifying easements, restrictions, covenants or cuses that were not provided or are not known at the time of the preparation of this plat.
2. Information shown in parenthesis is record information from references as shown.
3. The westerly boundary of this lot is a meander course along the centerline of the Lake Fork of the Rio Hondo and is subject to change due to natural causes.

PLAT REFERENCE

No.	Title	Surveyor	NMPLS #	Job #	Date	Amended Date	Page	County
P1	Ski Valley/Kachina Village	George Vedeler	3707	---	07 Nov 1972	---	B 94-A	---
P2	Pattison Tract (Road Extension)	Gil Stewart	11183	283	Jan 1986	---	D 100-A	---
P3	Kachina Road/Parsons Drive Intersection Plat	Gil Stewart	11183	288	20 Sep 1999	---	A 180-A	---
P4	O.E. Pattison Tract (O.E. Pattison Subdiv)	R. Schwantz (RCS)	7002	72-1628	24 Aug 1979	---	A 180-B	---
P5	Parcel B1, Kachina Vill. Subd.	Joel K. Schwantz	7000	---	June 1982	---	B 169-A	---
P6	Kachina Village Subdivision (Kachina Road)	Gil Stewart	11183	416	02 Feb 1987	---	D 97-A	---
P7	Pattison Tract (Kachina Road ROW)	Gil Stewart	11183	700	28 Apr 2002	17 Jun 1999	---	---
P8	Parsons Drive Extension	Ann Gilmore Stewart	11183	203A	06 Jun 1999	---	---	---
P9	Parcel of Lot 1, Block 3, Kachina Village Subd.	Gil Stewart	11183	500	Mar 2002	---	B 180-A	---
P10	O.E. Pattison Subdivision Block M	J.A. Woods	3287	---	June 1903	08 Jun 1909	B 49-B	---
P11	Amended Real Right-of-Way Pattison Subdivision	Kim C. Sackett	7422	28558	Aug 1903	Nov 1993	C 149-A	---
P12	Block M Addition to O.E. Pattison Subdivision	Erin L. Sackett	1432	---	13 Nov 1987	---	B 43-B	---
P13	Addition to Block L, O.E. Pattison Subdivision	Erin L. Sackett	1435	---	18 Nov 1987	---	B 43-B	---

DEVELOPER'S NOTES:

1. Tracts designated as open space to be deeded to property owners association.
2. Except at call-in-spot and where otherwise delineated, building setbacks shown are 25' from front and sides and 15' from rear of lots. Easement for snow storage along roadway is 20' except where noted otherwise. Each lot is subject to an easement 15' in width ground it's perimeter for drainage and utilities.

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 AUG 15 2004

**Red Tail Surveying, Inc.**  
 Complete Surveying and  
 Earth Information Services  
 214 North Public Road, Suite D  
 Taos, New Mexico 87375-9810  
 505.284.4441 800.579.6478  
 Email: info@redtail.org

Sheet 3 of 3

**LAND DIVISION SURVEY**

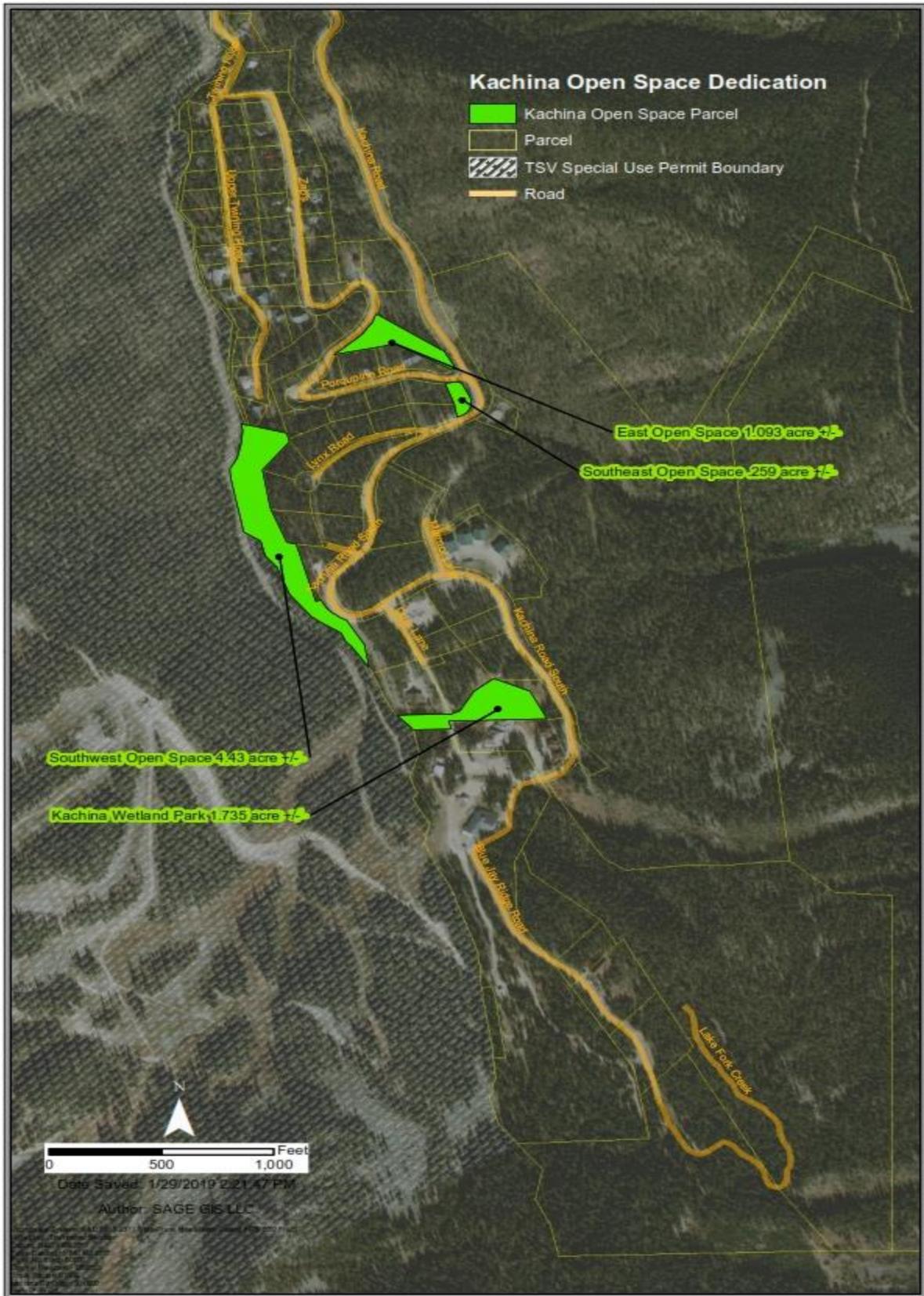
Current owner: Pattison Trust

Projected Section 10, T 27N, R 14E, NMPM

Preliminary subdivision plat prepared for:

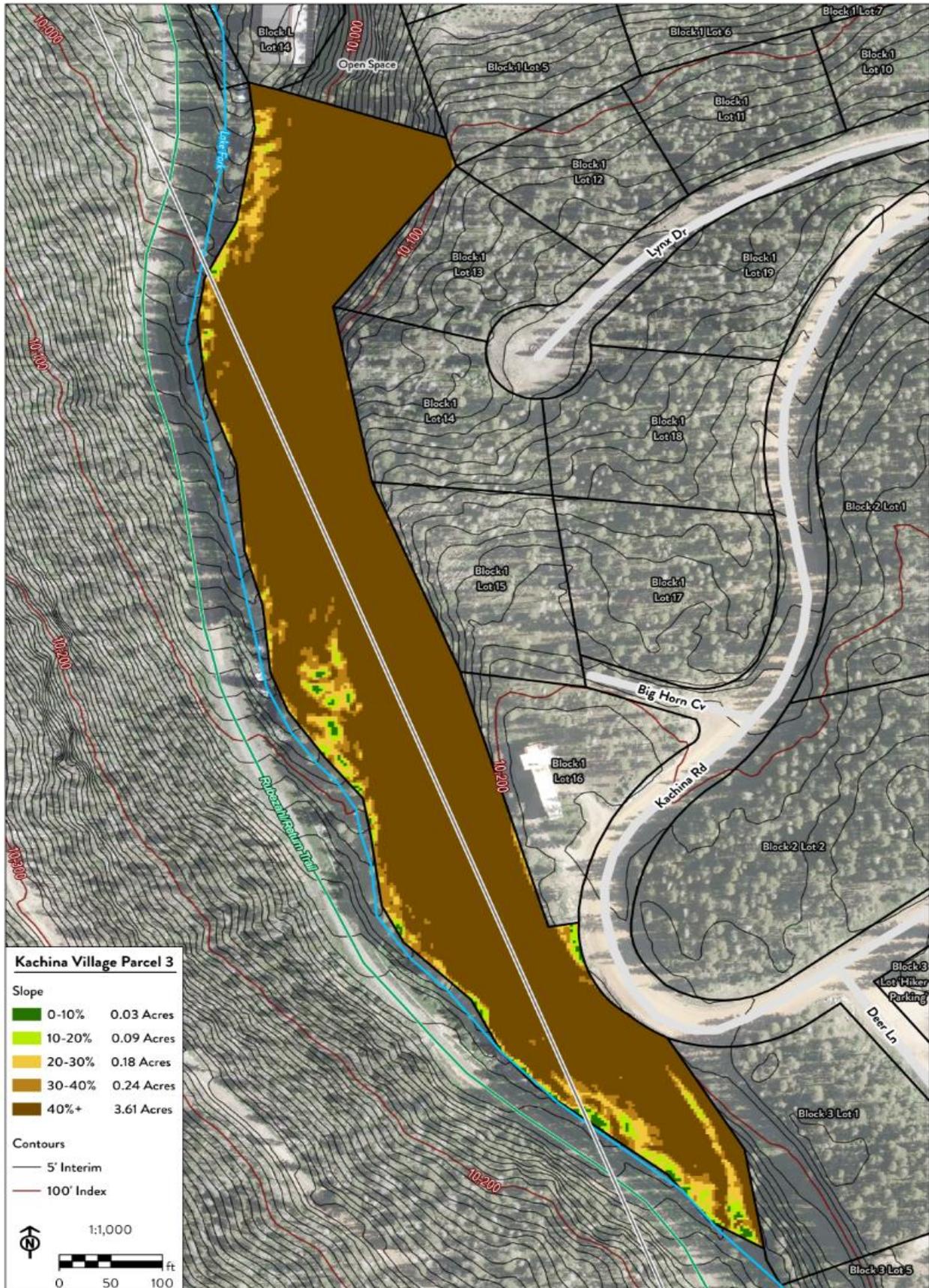
**Kachina Subdivision  
 Block 0**

Draftsman: JCMcl, Proof: Robert West, Date: 03 Feb 2004, Scale: 1"=80', Job no.: 860.01.0





Slope Map





**Photo 1:** Primitive bridge near the southernmost point of the subject property from the Rubezal Return Trail



**Photo 2:** Looking north down the Return Trail and Lake Fork Stream from near the southernmost point of the subject. The subject is on the right side of the photo.



**Photo 3:** Looking north along the subject’s eastern boundary, subject on the left of photo



**Photo 4:** View looking south along the subject’s frontage with Kachina Road



**Photo 5:** Looking south along the eastern boundary and Kachina Road with the Hiker Parking on the left



**Photo 6:** Looking down at the narrow southern end of the property with the Lake Fork Stream & Return Trail defining the western boundary



**Photo 7:** Residence at Lot 16, Block 0, Kachina Subdivision



**Photo 8:** Looking west along the boundary of Lot 16



**Photo 9:** Looking north along the subject’s eastern boundary from the southwest corner of Lot 16



**Photo 10:** Looking north along the subject’s western boundary and Lake Fork Stream



**Photo 11:** Looking up a rock escarpment along the eastern boundary



**Photo 12:** Looking north along the remnants of a trail



**Photo 13:** Looking north and downstream at the subject from the Return Trail



**Photo 14:** Looking south and upstream at the subject from the Return Trail



**Photo 15:** View south along the western boundary and the Lake Fork Stream from the northwest corner



**Photo 16:** Eastern view along northern boundary with Lot 14, Block L of the OE Pattison Subdivision.

## **HIGHEST AND BEST USE**

Highest and best use is defined as:

"The reasonably probable use of property that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum profitability."

Source: The Dictionary of Real Estate Appraisal, Sixth Edition, Copyright 2015 by the Appraisal Institute

When estimating Highest and Best Use, factors of supply and demand within an area are studied. This study reveals the most profitable use for the subject real estate; therefore, Highest and Best use is a market-derived conclusion.

### **Legally Permissible**

Legal restrictions significantly limit the use of the subject property. The subject property appears to be zoned Farming/Recreation in the zoning regulations, which allows for multiple uses of the land for a variety of purposes. Permissive uses include: all uses in the R-Zone and public recreational purposes.

The subject was dedicated as the "Southwest Open Space" in the Land Division Survey by Red Tail Surveying entitled Kachina Subdivision, Block 0. Open space is typically held by the developer or donated to governmental entities or non-profits. Market based sales of open space are extremely rare. The zoning ordinance states that open space shall not be subdivided.

The subject Parcel 3 or the Southwest Open Space was deeded by the Pattison Family Trust, who developed the Kachina Subdivision, to the Kachina Property Owners Association as "open space, trails and/or other recreational uses, and further provided that the Property shall never be used for access or utility easements".

These restrictions completely remove any development potential for the property. Additionally, the public access also increases the impact of the encumbrance. The remaining bundle of rights is so limited that, were Parcel 3 marketed, there would little motivation for an adjoiner to purchase it.

While the owner of the subject has the right to enjoy the easement area to the same degree as the general public, he/she must maintain the property and is solely responsible for any liability that is incurred. The only benefit, if it can be considered one, is having a modicum of control of the management of the land.

The remaining legal uses are limited to passive recreational uses such as a hiking trail.

### **Physically Possible**

The subject site is a 4.43-acre tract that climbs steeply up from Lake Fork Stream to the Kachina Subdivision and Kachina Road near its southeast corner. Regardless of the deed restrictions, the subject lot is too steep to physically support a single-family residence. Approximately 87% of the subject has side slopes in excess of 30%. While development of the subject site with buildings is not physically impossible, it is unlikely and would be expensive. The remaining legal use as open space with passive recreational trails is physically possible.

### **Financially Feasible and Maximally Productive**

After considering the physical and legal factors influencing the subject, potentially financially feasible uses are limited to assemblage. It is possible that an adjoining land owner could purchase the property for quiet enjoyment. There are potentially five lot owners that adjoin the subject. Although it would be very steep, access from their lots to the ski run could possibly be a motivation for one of them to purchase the subject.

Conversely, as open space, adjoining property owners are not likely to be motivated by the nuisance factors that are typically present in assemblage purchases. The only remaining use is recreation, which the public can enjoy without the burden of ownership.

The subject cannot be developed. Based on the preceding analysis, the maximally productive use of the subject site is assemblage by an adjoining land owner.

### **Highest and Best Use Conclusion**

The highest and best use of the subject property is for recreational use within the constraints of the deed restrictions and open space dedication. Due to the potential liability and expenses associated with the open space, it would be wise to convey the remaining interest in this tract to an entity willing to accept the very limited bundle of rights.

## **VALUATION**

In the appraisal of real estate three recognized methods are used to form an opinion of the Market Value of a given property. These are the Sales Comparison Approach, the Cost Approach, and the Income Approach. A discussion of each approach and their applicability to the valuation problem follows.

The Market Data or Sales Comparison Approach compares the subject property with others which are reasonably similar and which have recently sold or are currently offered for sale. Recognized value factors such as location, terrain features, tract size, and off-site improvements are considered. In this valuation the application of the Sales Comparison Approach is the sole approach applied in estimating value.

The Cost Approach indicates a value by estimating the current reproduction or replacement cost of the improvements, deducting the estimated accrued depreciation, and adding the estimated land value. Due to the vacant nature of the subject property, this approach to value is not applicable.

The Income Approach is based on the premise that the value of a property relates to the capitalized value of the net income stream. In this case, the net income stream would be derived from the sale of lots. The highest and best use of the property does not include immediate development. Therefore, the income approach has been omitted from this analysis.

### **SALES COMPARISON APPROACH**

The value of the subject site will be estimated by comparing it with recent sales or listings of vacant land located in or near the subject neighborhood. One of the most reliable indicators of value in an active market is derived by comparing the property being appraised with similar or near similar nearby properties that have recently sold. This approach reflects the principle that a well-informed buyer will pay no more for a property than the cost involved in obtaining an equally satisfactory substitute property.

A basic principle in the valuation of real estate is that no two properties are identical and adjustments are necessary to reflect the differences. This formalizes the thought process often followed by buyers and sellers and tends to yield a range of indicated values for the property appraised. In the present instance, adjustments have been considered for financing, conditions of sale, market conditions, location, tract size, terrain issues and use restrictions.

Due to the highest and best use of assemblage to an adjoining residential lot, the search for comparable sales focused on residential lots within the Kachina Village subdivision, in the immediate subject area. This is a unique high elevation location. I was fortunate to find recent sales to analyze. Detailed data records for each of the sales, photographs, and a location map are included within the Addendum of this report.

### COMPARABLE LAND SALES SUMMARY

Sale	Data Record#	Property	Sale Date	Sale Price	Land (Sq.Ft.)	Price per Square Foot Land Area	Comments
1	RT06655	Twining Road SW Open Space	7/5/16	\$10,000	14,288	\$0.70	Part of open space tract at the south end of Twining Road above Quast residence. Very steep and unstable.
2	RT06594	Lynx Drive, Block 1, Lot 19	10/11/19	\$278,000	35,240	\$7.89	1st lot on left on Lynx Drive. Recent site work.
3	RT06595	Zap's Road, Block M, Lot 23	11/26/19	\$280,000	19,602	\$14.28	Last lot on left before the switchback that becomes Porcupine Lane. New house has since been constructed
4	RT06652	10 Blue Jay Ridge, Lot 11	5/11/21	\$850,000	100,449	\$8.46	Last lot on the left above Phoenix Restaurant after Schnitzer Residence
5	RT06651	Porcupine Rd., Block O, Lot 5	5/14/21	\$289,825	52,272	\$5.54	Lot at #7 Porcupine on the right at the beginning of the 1st switchback
6	RT06653	Zap's Road, Block M, Lot 17	11/5/21	\$345,000	21,344	\$16.16	Former location of Zap's dome house on left at #20.

All the sales are either residentially-zoned lots or Farm/Recreation land in Kachina Village. All the sales are judged to be reasonably similar in terms of potential highest and best uses, but adjustments for factors such as time, location, zoning, size, and terrain are considered as they relate to the subject.

A summary of adjustments considered necessary for comparison follows. The reader should note the paired sales are time adjusted based on the rate of change at the time they took place. Data records for the sales used in the extractions can be found in my files.

#### **Real Property Rights Conveyed:**

The fee simple interest was conveyed in each of the comparable sale transactions; like the property rights being appraised for this assignment. No adjustment is required.

#### **Financing Terms:**

All the sales were cash or cash equivalent transactions. No adjustment for financing is necessary.

#### **Conditions of Sale:**

All the sales were reported to have been "arms-length" transactions. No adjustment for conditions-of-sale is necessary.

#### **Improvements:**

None of the sales had contributing improvements.

**Market Conditions (Time):**

Following years of steady appreciation until the economic downturn around 2007, the Taos land market showed substantial depreciation. The comparable sales took place between July of 2016 and November of 2021. To help the reader understand the amount of change in the market conditions I have studied sales and resales of vacant land tracts to show the trend in time. Following are the paired sales providing indications for a market conditions adjustment.

<b>Data Record</b>	<b>Date</b>	<b>Price \$/SF</b>	<b>Months</b>	<b>% Chg/Mo</b>	<b>% Chg/Yr</b>
Residential Sales					
RT06614	11/17/2014	\$265,000	83.67		
RT06653	11/5/2021	\$345,000		0.32%	3.79%
RT06396	10/20/2016	\$250,000	54.80		
RT06651	5/14/2021	\$289,825		0.27%	3.24%
RT02838	1/9/1997	\$180,000	292.21		
RT06652	5/11/2021	\$850,000		0.53%	6.39%
RT03050	1/21/1999	\$75,000	248.81		
RT06594	10/11/2019	\$278,000		0.53%	6.34%
RT06395	1/4/2006	\$190,000	148.73		
RT06478	5/25/2018	\$262,500		0.22%	2.61%

All the pairings shown are sales and resales of the same property. The paired sales demonstrate a range of rates from negative 0.22% per month to 0.53% per month.

Following the unexpected pandemic house market acceleration, it appears that the lack of supply has spurred some lot purchases. Several local contractors are actively buying lots to build “spec” houses in Taos County, some of which have sold prior to completion and in some cases sight-unseen. Potential land purchasers wanting to build new are currently facing a limited number of expensive contractors who in turn have labor and building material shortages followed by high costs.

Currently, there is a dampening of the real estate market due in part to lack of supply but also rising inflation and interest rates.

Placing some weight on the most recent paired sales, I have estimated a 0.40% per month appreciation rate (4.8%/year). The adjustment is applied through November 5, 2021, the date of the most recent closed sale used in the extractions.

**Location/Zoning:**

All the sales are in the immediate subject area, within Kachina Village subdivision and are zoned Residential or Farming and Recreation. Although the subject is zoned Farming and Recreation, all the uses in the R-Zone are permissible. An adjustment for zoning is not necessary.

*Stream Influence:* The subject has frontage on Lake Fork Stream. Stream frontage is typically an attractive attribute for a residential development tract. None of the comparable sales have similar stream influence. Although not developable, the subject's stream frontage could add to the assemblage motivation by a neighboring lot owner.

I have paired two contemporary sales from the Village Core; one with stream frontage and one without (CT00613 & CT00732). After adjustments for demolition costs and water and sewer connections the upward adjustment for lack of stream frontage is around 8%. I will apply this upward adjustment to each of the comparable sales.

**Tract Size**

Larger tracts typically bring lesser unit prices than otherwise equally desirable smaller tracts. The primary reason for this is that the purchase of a large tract entails a much greater capital outlay, a factor that restricts the number of possible buyers as compared to the relatively larger market for smaller tracts.

The subject property contains 192,971 square feet, considerably larger than the comparable sales. Unfortunately, there were no recent, similar sized sales in the Taos Ski Valley market. The comparable sales range in tract size from 14,288 square feet to 100,449 square feet. Adjustments for tract size are necessary.

<b>Data Record</b>	<b>Size</b>	<b>Sale Price \$/sf</b>	<b>Sale Date</b>	<b>Time Adj \$/sf</b>	<b>Overall Diff</b>	<b>% Adj</b>	
RT06596	14,375	\$16.35	12/11/2019	\$17.50	\$8.45	48%	Downward
RT06652	100,449	\$8.46	5/11/2021	\$9.05			
		Months	17.00				
RT06595	19,602	\$14.28	11/26/2019	\$15.32	\$9.78	64%	Downward
RT06651	52,272	\$5.54	5/14/2021	\$5.54			
		Months:	17.59				
RT06595	19,602	\$14.28	11/26/2019	\$15.31	\$6.24	41%	Downward
RT06652	100,449	\$8.46	5/11/2021	\$9.07			
		Months	17.49				
RT05115	12,197	\$20.33	5/6/2005	\$23.39	\$14.87	64%	Downward
CT00587	176,144	\$8.52	4/7/2008	\$8.52			
		Months	35.08				

Sales 1, 3 and 6 contain 14,288 square feet, 19,602 square feet and 21,334 square feet respectively and are in the same size class. Based on the paired sales, a downward adjustment of 60% is estimated for Sales 1, 3 and 6. Sale 2 contains 35,240 square feet and receives a downward adjustment of 50%. Sale 5 at 52,272 square feet is adjusted downward at 20% and Sale 3 at 100,449 square feet receives a nominal downward tract size adjustment of 10%.

**Terrain Influences:**

The subject terrain has over 87% with side slopes steeper than 30%. Sale 1 has similar extremely steep terrain. While the other comparable sales all have some steep slopes, unlike the subject and Sale 1, they each have an adequate building site and the ability to build a driveway. The following paired sales were assembled to derive an appropriate adjustment:

<b>Data Record</b>	<b>Steep Terrain</b>	<b>Price \$/Acre</b>	<b>Sale Date</b>	<b>Time Adj. \$/Acre</b>	<b>Overall Diff.</b>	<b>% Adj.</b>	
RT03437	Yes	\$54,500	8/25/1999	\$55,407	\$52,093	48%	Downward
RT03400	No	\$107,500	10/27/1999	\$107,500			
		Months:	2.07				
RT02426	Yes	\$32,000	10/18/1995	\$32,008	\$34,992	52%	Downward
RT02429	No	\$67,000	10/19/1995	\$67,000			
		Months:	0.03				

The data indicates a downward adjustment between 48% and 52% is appropriate for the comparable sales, except Sale 1. A mid-range adjustment of 50% is considered reasonable.

**Open Space/Use Restriction Adjustment**

In addition to the subject tract’s physical constraints due to steepness, the property was dedicated as the “Southwest Open Space” on the Kachina Subdivision, Block 0, Land Division Survey. Of the comparable sales, only Sale 1 has similar restrictions as the subject. The other sales are not use restricted and require adjustment.

While the owner of the subject has the right to enjoy the easement area to the same degree as the general public, must maintain the property and is solely responsible for any liability that is incurred. There are few benefits to ownership.

In order to estimate a downward adjustment for the comparable sales without use restrictions, I have researched sales of use-restricted properties. Due to very limited local data, it was necessary to expand the search area to include all of New Mexico.

Following is a discussion of properties with use-restrictions. The two closed transactions that I have are encumbered with conservation easements that limit their legal use. Data records for the encumbered sale properties are included in the addendum of the report.

Despite the physical differences, the data provides a frame of reference for diminutions in value caused by conservation easements that are less restrictive than the subject easement. Each sale is discussed in the following section.

***The Scott Property (Placitas):*** This donation of a conservation easement on a 20-acre parcel took place in October of 2000. This is sloping forest land in the vicinity of low-density residential development. The easement prohibits any subdivision, construction of buildings or pasturing of livestock. Recreational use is limited to horseback riding on designated trails by residents of a nearby subdivision that totals approximately 20 homes.

Within the Deed of Conservation Easement, it is set forth that the parties agree that the donor granted the donee property rights equaling 87.5% of the property's market value. The subject's use is not restricted to a limited population. Given the more severe restrictions placed on the subject property, a diminution higher than 88% is indicated.

***Thomas CE (Santa Fe):*** This attractive parcel contains 1.775 acres and is located overlooking Canyon Road within the City of Santa Fe about ¼ mile northwest of the subject. This steep tract is served by an undeveloped 30-foot-wide access easement that runs east from Canyon Road along property boundaries and enters the property's northeast corner. The conservation easement prevents any development or subdivision. The buyer owned the tract to the south with a luxury house/guest house and assembled the Thomas tract for nuisance prevention and view protection. Compared with a nearby tract off Canyon Road, a downward adjustment of **91%** is extracted. The Thomas tract is similarly development restricted as the subject, except that it has the potential for access development albeit steep and there is no right of public access. This is a strong indication for a downward use adjustment for the comparable sales.

I have three examples that demonstrate the lack of marketability for properties that are similarly encumbered as the subject.

- In 2009, the Trust for Public Land purchased a 22.83-acre tract along Old Santa Fe Trail for \$3,200,000. The intent was to provide access to the Sun Mountain Trail from Old Santa Fe Trail. In 2010, they sold 10.5 acres to the Libscomb-Viscoli Living Trust for \$1,400,000. Then 1.22 acres with a home was sold to GMCM Properties for \$734,000.

In September of 2010, The Trust for Public Land donated a conservation easement on the remaining 11.11 acres to Santa Fe Conservation Trust. The perpetual conservation easement restrictions are like the subject's deed restrictions. The conservation easement removed all development rights, prevented future divisions, and provided for a public ingress and egress easement and construction of a trail head with parking off Old Santa Fe Trail. This conservation easement is very similar to the subject open space and deed restrictions in that it removes most of the economic bundle of rights.

Shortly thereafter, the land encumbered with the conservation easement was donated to the City of Santa Fe. This tract has a long leg that reaches Old Santa Fe Trail with the bulk of the tract adjoining City of Santa Fe Open Space to the east. Like the subject, due in part to the public access provision, there was only minimal, if any, marketable value remaining.

- Taos Land Trust owned a 43.778-acre parcel in Taos County that includes the Ponce de Leon Hot Spring. In May of 2009, a conservation easement was donated to the Santa Fe Conservation Trust. Following is some language from the easement related to the public access permitted:

“The Landowner shall allow public access to the Property to participate in supervised educational programs, nature observation, ecological and geological study, and/or non-motorized pedestrian recreation, provided that such public access complies with the terms of this Deed and is consistent and not to the detriment of the Conservation Values”.

Although worded more specifically than the subject restrictions, this easement does provide a high level of public access to the encumbered property. The easement includes a small building envelope for an existing caretaker’s residence as well as a building envelope for a 3,000 square foot multi-purpose building (storage, education, research, etc.).

According to Tanya Duncan, the former Director of Land Conservation, Taos Land Trust had been seeking to convey their remaining fee interest in the above-described property. They offered to give their interest in the property to the Town of Taos, Taos County, Carson National Forest, New Mexico Game & Fish Department, and the Trust for Public Land. None of these parties were willing to take ownership of the property due to the perceived management issues, expenses, and liability.

With all the economically-driven bundle of rights removed from the property, Taos Land Trust had been unable to *give away* their interest in the property. The implication is that easement has caused a 100% diminution in value as it relates to offerings to governmental agencies and Trust for Public Land. As the property includes a residence and allows for a building envelope for a multi-purpose building, it does seem that it would have some value if it was marketed to the general public, but clearly, a substantial portion of the bundle of rights have been forfeited with the donation of the easement. Eventually in July of 2012, after failing to find another recipient, the Taos Land Trust gave the property and signed over the conservation easement to the Taos Pueblo.

- I am aware of one other example that is also a Taos Land Trust owned property. This is a 22.16-acre property located on the Rio Hondo in the Valdez area of Taos County. Again, a conservation easement was donated to Santa Fe Conservation Trust. The easement only allows construction of park related improvements. It also provides the public with a blanket easement for hiking and fishing. Tanya Duncan of Taos Land Trust reported that the property was leased to New Mexico Game & Fish Department for \$1,000 per year, which basically offset their holding costs (taxes, insurance, etc.).

The Department had funding under the Open Gate Program to provide fishing access to the public. The lease has expired and due to budget constraints, the Department may not be able to enter another lease. While this example does not provide a diminution indication, it does highlight a likely “no net gain” scenario if leased to a public agency. Further, it highlights the uncertainty of these relationships due to their reliance on public funds.

The restrictions on the subject property are most closely mirrored by the above examples. The properties are so heavily encumbered that there would be little or no incentive to purchase the properties on the open market. The open space and deed restrictions grant the public the right to enjoy the property for passive recreation, with the property owner having no additional rights that would add value for a prospective purchaser. The liability, holding costs and management issues typically are not marketable.

In that there is very little land available in the Village of Taos Ski Valley, despite the restrictions, there is still the potential for an assemblage motivation. I have concluded a downward use restriction adjustment of 90% for the comparable sales except Sale 1.

**Land Market Data Adjustment Table:**

Based on the preceding discussion, the following adjustment grid has been constructed. This grid is presented as an aid in depicting the positive and negative influences that impact the market value of similar properties in this market segment. The reader is cautioned that the chart is for illustrative purposes only, as the market may not reflect an adjustment process of this precision. The grid outlines the adjustments made to each sale and the resulting value indications.

Land Valuation Adjustment Table

Sale #	Subject	Sale 1 RT06655	Sale 2 RT06594	Sale 3 RT06595	Sale 4 RT06652	Sale 5 RT06651	Sale 6 RT06653
Parcel 3							
Location	Kachina Village	Kachina Village	Kachina Village	TSV	Kachina Village	Kachina Village	TSV
Grantor/Grantee		Kachina Property Owners/Quast	Carr Family/Gibbons	Schroeder/Lafeuillade	Gestal/Taos Tory Shoals	Nevermann/Gallegos	Vigil/Reichert & Ballistic Enterprises
		% Adj.	% Adj.	% Adj.	% Adj.	% Adj.	% Adj.
Sale Price	N/A	\$10,000	\$278,000	\$280,000	\$850,000	\$289,825	\$345,000
Sqft Area	192,971	14,288	35,240	19,602	100,449	52,272	21,344
Sale Price Per Sqft	4.43 acres	0.328 acre \$0.70	0.81 acre \$7.89	0.45 acre \$14.28	2.306 acre \$8.46	1.2 acre \$5.54	0.49 acre \$16.16
Financing/Terms/Condition sale	\$0 Cash	\$0.00	Cash \$0.00	Cash \$0.00	Cash \$0.00	Cash \$0.00	Cash \$0.00
Cash Equivalent S.P.	N/A	\$10,000	\$278,000	\$280,000	\$850,000	\$289,825	\$345,000
Adj. Sale Price / Sqft		\$0.70	\$7.89	\$14.28	\$8.46	\$5.54	\$16.16
Improvements/Demolition	None	None \$0.00	None \$0.00	None \$0.00	None \$0.00	None \$0.00	None \$0.00
\$/Sqft Adj. for Imp./Demo		\$0.70	\$7.89	\$14.28	\$8.46	\$5.54	\$16.16
Date of Sale/Appraisal	6/16/2022	7/5/2015	10/11/2019	11/26/2019	5/11/2021	5/14/2021	11/5/2021
Months to Date Last Sale	11/5/2021	76.1	24.9	23.3	5.9	5.8	0.0
Monthly % Adj. For Time	0.40%	\$0.25 35%	\$0.82 10%	\$1.39 10%	\$0.20 2%	\$0.13 2%	\$0.00 0%
And/Or Market Conditions							
Time Adjusted \$/Sqft		\$0.95	\$8.71	\$15.68	\$8.66	\$5.67	\$16.16
Location/Stream Influence	Kachina Area/Stream Influence	Twining Rd, No Stream	Lynx Dr./No Stream	Zap's Rd, No Stream	Blue Jay Ridge, No Stream	Porcupine Rd./No Stream	Zap's Rd/No Stream
ice Adjusted for Location/Stream		\$0.08 8%	\$0.70 8%	\$1.25 8%	\$0.69 8%	\$0.45 8%	\$1.29 8%
		\$1.02	\$9.41	\$16.93	\$9.36	\$6.13	\$17.46
Tract Size/Sqft	192,971	14,288	35,240	19,602	100,449	52,272	21,344
Price Adjusted for Size		(\$0.61) -60%	(\$4.71) -50%	(\$10.16) -60%	(\$0.94) -10%	(\$1.23) -20%	(\$10.47) -60%
		\$0.41	\$4.71	\$6.77	\$8.42	\$4.90	\$6.98
Steep Terrain	Steep	Steep \$0.00 0%	Not Steep (\$2.35) -50%	Not Steep (\$3.39) -50%	Not Steep (\$4.21) -50%	Not Steep (\$2.45) -50%	Not Steep (\$3.49) -50%
Price Adjusted for Steep Terrain		\$0.41	\$2.35	\$3.39	\$4.21	\$2.45	\$3.49
Use Restricted	Dedicated Open Space	Dedicated Open Space \$0.00 0%	None (\$2.12) -90%	None (\$3.05) -90%	None (\$3.79) -90%	None (\$2.21) -90%	None (\$3.14) -90%
Price Adjusted for Use Restricted		\$0.41	\$0.24	\$0.34	\$0.42	\$0.25	\$0.35
Net % Adjustments		-41%	-97%	-98%	-95%	-96%	-98%
Adj. Value Per Sqft		\$0.41	\$0.24	\$0.34	\$0.42	\$0.25	\$0.35

## LAND VALUE CORRELATIONS AND CONCLUSION

Sale	Data		Sale Date	Sale Price	Land (Sq.Ft.)	Price per		Indication \$/Sq.Ft.
	Record#	Property				Square Foot Land Area		
1	RT06655	Twining Road SW Open Space	7/5/16	\$10,000	14,288	\$0.70		<b>\$0.41</b>
2	RT06594	Lynx Drive, Block 1, Lot 19	10/11/19	\$278,000	35,240	\$7.89		<b>\$0.24</b>
3	RT06595	Zap's Road, Block M, Lot 23	11/26/19	\$280,000	19,602	\$14.28		<b>\$0.34</b>
4	RT06652	10 Blue Jay Ridge, Lot 11	5/11/21	\$850,000	100,449	\$8.46		<b>\$0.42</b>
5	RT06651	Porcupine Rd., Block O, Lot 5	5/14/21	\$289,825	52,272	\$5.54		<b>\$0.25</b>
6	RT06653	Zap's Road, Block M, Lot 17	11/5/21	\$345,000	21,344	\$16.16		<b>\$0.35</b>

After adjustment to the subject, the sales offer a range of value of \$0.24 per square foot to \$0.42 per square foot. Further discussion helps to narrow down the range.

Sale 1 is located at the northern end of the subject and part of the same parent tract. Like the subject, it is extremely steep and use-restricted as open space. The tract was purchased due to its instability. After adjustments for market conditions, stream frontage and tract size, the indication from **Sale 1 is \$0.41 per square foot**. This is the near top of the range of indications. This is the most important indication due to the restrictions on Sale 1 and its proximity to the subject. This sale has the lowest net adjustment percentage of the sales, unfortunately, it is also the oldest transaction considered.

Sale 2 is located approximately 1 lot east of the subject on Lynx Drive. After adjustments for market conditions, lack of stream influence, tract size, terrain and lack of use restrictions, the indication from **Sale 2 is \$0.24 per square foot**. This is the lowest indication.

Sale 3 is located on the east side of Zap's Road north of the subject. After adjustments for market conditions, lack of stream influence, tract size, terrain and lack of use restrictions, the indication from **Sale 3 is \$0.34 per square foot** near the middle of the range.

Sale 4 is located near the top of Blue Jay Ridge Road above the Phoenix Restaurant. At 2.306 acres, this is the nearest in tract size to the subject. After adjustments for market conditions, lack of stream influence, tract size, terrain and lack of use restrictions, the indication from **Sale 4 is \$0.42 per square foot** at the top of the range.

Sale 5 is located on Porcupine Road immediately northeast of the subject. After adjustments for market conditions, lack of stream influence, tract size, terrain and lack of use restrictions, the indication from **Sale 5 is \$0.25 per square foot** below the middle of the range. The lower indication may be attributed to steeper terrain than the other sales.

Sale 6 is located on Zap's Road north of the subject. After adjustments for market conditions, lack of stream influence, tract size, terrain and lack of use restrictions, the indication from **Sale 6 is \$0.35 per square foot** near the middle of the range.

**Other Market Information**

There is a tract under contract on Zap’s Road that is scheduled to close soon. Reportedly, the 0.4-acre Lot 20, Block M is selling for \$368,000 or \$21.12 per square foot. Applying the same adjustments as necessary (stream frontage, tract size, terrain, and lack of use restrictions) would provide an indication of \$0.46 per square foot above the top of the range of closed sales.

Although not closed sales, the Pattison Family Trust is about to sell slivers of land between the some of the lots in Block L and the river. It is my understanding that these tracts are remnants in part created by reliction and accretion as the Lake Fork Stream moved over time. The purchases will give the individual lot owners, more space, river frontage and easier access to the ski area return trail. The lot owners are going to pay \$10 per square foot for average 2,000 square foot parcels. The closings are expected to happen soon.

It is my understanding that this strip of land that is being marketed in small parcels was not designated as open space in the original O.E Pattison Subdivision. Applying the same adjustments (tract size, terrain, and lack of use restriction) would provide an indication of \$0.20 per square foot below the bottom of the range of indications from the closed sales.

Placing the most weight on Sale 1 due to its proximity to the subject and use restrictions, Sale 4 due to its larger tract size and giving some consideration to the pending sale on Zap’s Road, I have formed an opinion of the market value of the subject property to be \$0.40 per square foot near the top of the range. The market value of the subject vacant land is calculated as follows: 192,971 square feet @ \$0.40 per square foot = \$77,188, rounded to **\$77,000**.

**Conclusion**

<b><u>Market Value Indications:</u></b>	<b><u>September 9, 2022</u></b>
Cost Approach	N/A
Income Approach	N/A
Sales Comparison Approach	\$77,000

The subject of this appraisal is a vacant tract. The Cost Approach and Income Approach are not applicable.

The Sales Comparison Approach involves direct comparisons of the property being appraised to similar properties that have sold in the same or in a similar market in order to derive a market value indication for the property being appraised. Within this approach, I analyzed six sales and several pending transactions. Adjustments for market conditions, stream influence, tract size, terrain and use restrictions were applied.

Based on the conclusions from the relevant approaches to value, I have formed an opinion of the market value of the subject property, as vacant, as of September 9, 2022, to be:

**Seventy-Seven Thousand Dollars**

**\$77,000**

### **Estimated Exposure Time**

Exposure period is defined as “the estimated length of time the property interest being appraised would have been offered on the market prior to a hypothetical consummation of a sale at market value on the effective date of appraisal; a retrospective opinion based on an analysis of past events assuming a competitive and open market”.

Source: The Dictionary of Real Estate Appraisal, Sixth Edition, Copyright 2015 by the Appraisal Institute

On the positive side, the recent surge in market activity following the pandemic and previously record low interest rates and the continuing improvements throughout the Taos Ski Valley area would have led to a reasonable exposure period. The subject’s unique use restrictions were likely to make its marketing difficult. However, since there are only a few potential buyers the exposure period should not have taken an extraordinary amount of time. Given the price point, the exposure time for the subject property is estimated to have been twelve months to eighteen months.

**CERTIFICATE OF APPRAISAL**

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report, and no personal interest with respect to the parties involved.
- I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon developing or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of the appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared in conformity with the Uniform Standards of Professional Practice.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics of the Appraisal Institute and the Uniform Standards of Professional Appraisal Practice.
- I have made a personal inspection of the property that is the subject of this report.
- No one provided significant real property appraisal professional assistance to the person signing this certification.
- As of the date of this report, I, John W. Whitney have completed the Standards and Ethics Education Requirements for Members of the Appraisal Institute.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.



9/21/2022

-----  
Date

-----  
John W. Whitney, MAI

**ADDENDUM**

## **CONTINGENT AND LIMITING CONDITIONS**

The Certificate of Appraisal is subject to the following conditions and to such other specific and limiting conditions as set forth in the report.

1. The appraiser is not required to give testimony or appear in court because of having made this appraisal, with reference to the property in question, unless arrangements have been previously made.
2. Neither all nor any part of the report or copy thereof shall be disseminated to the general public using advertising public relations, news, sales, or other media for public communication without the prior written consent and approval of the appraiser. Nor shall the appraiser, firm or professional organizations of which the appraiser is a member be identified without written consent of the appraiser.

The party for whom this appraisal report was prepared may distribute copies of the report, in its entirety, to such third parties as may be selected by the party for whom this report was prepared. However, selected portions of this appraisal report shall not be given to third parties without the prior written consent of the appraiser.

3. The distribution of the total valuation in this report between land and improvements applies only under the reported highest and best use of the property. The allocations of value for land and improvements must not be used in conjunction with any other appraisal and are invalid if so used.
4. The legal description used in this report is assumed to be correct.
5. Any sketches in this report may show approximate dimensions and are included only to assist the reader in visualizing the property. The appraiser has made no survey of the property and no responsibility is assumed in connection with such matters.
6. No responsibility is assumed for matters of a legal nature affecting the property appraised or the title thereto, nor is an opinion of title rendered. All mortgages, liens, encumbrances, leases and servitudes have been disregarded unless so specified within the report. Unless otherwise stated in the report, it is assumed that the title of the subject property is in fee simple under single ownership and is good and marketable. The property is appraised as though under responsible ownership and competent management.
7. Information, estimates, and opinions furnished by others were obtained from sources considered reliable and believed to be true and correct. A reasonable effort has been made to verify such information. However, the appraiser assumes no responsibility for accuracy of such items.
8. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that would render it more or less valuable. No responsibility is assumed for such conditions or for engineering that may be required to discover such factors.

9. Opinions of value contained herein are estimates. There is no guarantee, written or implied, that the subject property will sell for, or lease for, the indicated amounts.
10. Full compliance with all applicable federal, state, and local environmental regulations and laws is assumed unless non-compliance is stated, defined and considered in the appraisal report.
11. Applicable zoning and use regulations and restrictions have been complied with, unless non-conformity has been stated, defined and considered in the appraisal report.
12. All required licenses, consents or other legislative or administrative authority from any local, state, or national governmental or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.
13. Utilization of the land and improvements is within the boundaries or property lines of the property described and that there is no encroachment or trespass unless noted within this report.
14. This appraisal is subject to review upon presentation of data that might later be made available, undisclosed or not available at this writing.
15. This appraisal is of the real property, land and improvements. It specifically excludes oil, gas and mineral rights, fixtures, equipment, and inventory, and intangibles such as business goodwill, etc.
16. In this appraisal assignment, the existence of potentially hazardous material used in construction or maintenance of the building, such as the presence of urea-formaldehyde foam insulation, and/or existence of toxic waste, which may or may not be present on the property, has not been considered. The appraiser urges the client to retain an expert in this field, if desired.
17. If proposed construction or construction in progress, the valuation stated herein is subject to completion of all the improvements according to all building codes, zoning and use regulations, and other restrictions within a reasonable period, with acceptable materials and in a good workmanlike manner.
18. Upon acceptance of this report, the Assumptions and Limiting Conditions set forth herein have been agreed to by the client and the appraiser.

VESTING DEEDS

*Pattison Trust to Kachina Property Owners Association*

ACCOMMODATION RECORDING NO  
LIABILITY IS ASSUMED BY FIRST  
NEW MEXICO TITLE & ABSTRACT CO., INC.

SPECIAL WARRANTY DEED

TAOS COUNTY  
ELAINE S. MONTANO, CLERK  
000336891  
BOOK 623 Page 127  
1 of 4  
10/09/2007 11:56:20 AM  
BY JACKA

Trustees of the Pattison Family Trust u/t/a dated 12/31/1966 (collectively referred to herein as "Grantor") grant to Kachina Property Owners Association, a New Mexico non-profit corporation ("Grantee"), whose address is P.O. Box 133, Taos Ski Valley, New Mexico 87525 real estate in Taos County, New Mexico as more particularly described on Exhibit A (the "Property") hereto as long as the Property is used as open space, trails and/or other recreational uses, and further provided that the Property shall never be used for access or utility easements,

with special warranty covenants, subject to all reservations, restrictions and easements of record and taxes for the year 2007 and subsequent years, provided, .

WITNESS OUR hands this 12 Sept. 2007.

Pattison Family Trust

By Orville Hoyt Pattison  
Orville Hoyt Pattison

By Buell Nels Pattison  
Buell Nels Pattison

By Jon Nels Pattison  
Jon Nels Pattison

Trustees under the Pattison Family Trust  
Agreement dated December 31, 1966

TAOS COUNTY  
ELAINE S. MONTANO, CLERK  
000336891  
Book 623 Page 128  
2 of 4  
10/09/2007 11:56:20 AM  
BY JACKA

State of New Mexico )  
County of Curry ) ss

The foregoing instrument was acknowledged before me this 2 day of October  
12/31/1966, 2007 by Orville Hoyt Pattison as Trustee of the Pattison Family Trust u/a

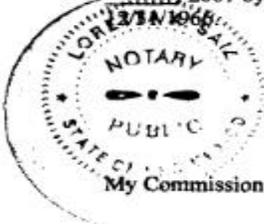


Jay B. Pattison  
Notary Public

My Commission Expires: 8-21-10

State of New Mexico )  
County of Taos ) ss

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of Oct.  
12/31/1966, 2007 by Buell Nels Pattison as Trustee of the Pattison Family Trust u/a



Kevitta A. Sin  
Notary Public

My Commission Expires: 5-13-11

State of New Mexico )  
County of Taos ) ss

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, 2007 by Jon Nels Pattison as Trustee of the Pattison Family Trust u/a  
12/31/1966.

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

My Commission Expires: \_\_\_\_\_  
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TAOS COUNTY  
 ELAINE S. MONTANO, CLERK  
 000336891  
 Book 623 Page 129  
 3 of 4  
 10/09/2007 11:56:20 AM  
 BY JACRA

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California }  
 County of Alameda } ss.  
 On Sept 12, 2007 before me, Peggy Yeung, Notary Public  
Date Notary Public (S.S. - State Seal, Notary Public)  
 personally appeared Jon N. Pattison  
Name(s) of Signer(s)

personally known to me  
 proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/hers/their authorized capacity(ies), and that by his/hers/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Peggy Yeung  
 Signature of Notary Public

**OPTIONAL**

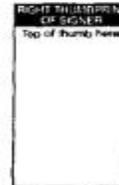
*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: Special Warranty deed  
 Document Date: Sept 12, 2007 Number of Pages: 1  
 Signor(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer**

Signer's Name: Jon N. Pattison  
 Individual  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Attorney-in-Fact  
 Trustee  
 Guardian or Conservator  
 Other: \_\_\_\_\_  
 Signer Is Representing: \_\_\_\_\_



TAOS COUNTY  
ELAINE S. MONTANO, CLERK  
000336891  
Book 623 Page 130  
4 of 4  
10/09/2007 11:56:20 AM  
BY JACKA

EXHIBIT A

PARCEL 1

A tract of land located in Section 10, Township 27 North, Range 14 East, N.M.P.M. and being that certain parcel depicted as "East Open Space" on sheet 2 of 3 of a Final Subdivision Plat entitled "Kachina Subdivision Block O" prepared by Red Tail Surveying, Inc., Robert A. Watt, NMPS No. 11770, as Job No. 960.01 0, dated February 3, 2004 and filed for record in Cabinet E, Page 44-B in the Office of the County Clerk, County of Taos, State of New Mexico.

Containing 1.093 acres, more or less.

PARCEL 2

A tract of land located in Section 10, Township 27 North, Range 14 East, N.M.P.M. and being that certain parcel depicted as "Southeast Open" on sheet 2 of 3 of a Final Subdivision Plat entitled "Kachina Subdivision Block O" prepared by Red Tail Surveying, Inc., Robert A. Watt, NMPS No. 11770, as Job No. 960.01 0, dated February 3, 2004 and filed for record in Cabinet E, Page 44-B in the Office of the County Clerk, County of Taos, State of New Mexico.

Containing 0.259 acres, more or less.

PARCEL 3

A tract of land located in Section 10, Township 27 North, Range 14 East, N.M.P.M. and being that certain parcel depicted as "Southwest Open Space" on sheet 3 of 3 of a Final Subdivision Plat entitled "Kachina Subdivision Block O" prepared by Red Tail Surveying, Inc., Robert A. Watt, NMPS No. 11770, as Job No. 960.01 0, dated February 3, 2004 and filed for record in Cabinet E, Page 44-B in the Office of the County Clerk, County of Taos, State of New Mexico.

Containing 4.762 acres, more or less.



TAOS COUNTY  
ANNA MARTINEZ, CLERK  
888437512  
Book 1018 Page 025  
1 of 5  
07/01/2019 02:45:50 PM  
BY DIANND

**DEED OF GIFT  
DEDICATION AND ACCEPTANCE**

Kachina Property Owners Association, Inc., a New Mexico Nonprofit Corporation, whose mailing address is: c/o Benjamin K. Cook, P.O. Box 66, Taos Ski Valley, NM, 87525, for consideration, Dedicates, Gifts, Grants and Conveys to Village of Taos Ski Valley, a Municipality of the State of New Mexico, whose mailing address is: P.O. Box 100, Taos Ski Valley, NM, 87525, its interest in the Real Estate legally described on Exhibit "A" attached hereto and hereby made a part hereof, with Special Warranty Covenants, and subject to current Real Estate Taxes not yet due and payable and Easements, Covenants, Reservation and Restrictions of Record, and conditions on the ground.

Witness our hands and seals this 9<sup>th</sup> day of May, 2019.

Kachina Property Owners Association  
A New Mexico Nonprofit Corporation

[Signature]  
Benjamin K. Cook, as its President

ATTEST:

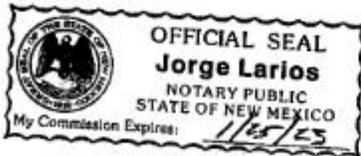
[Signature]  
David Borns, as its Secretary

TAOS ATTORNEY, LLC  
SCOTT H. SANGER, ATTORNEY  
ABBY G. SANGER, ATTORNEY  
630 PASEO DEL PUEBLO SUR, SUITE 100  
TAOS, NEW MEXICO 87571

STATE OF NEW MEXICO )  
  )SS:  
COUNTY OF TAOS )

On this 9<sup>th</sup> day of May, 2019, before me personally appeared Benjamin K. Cook and David Borns, President and Secretary of the Kachina Property Owners Association, Inc., to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their own free acts and deeds, as President and Secretary, respectively.

(SEAL)



[Signature]  
Notary Public  
My Commission Expires: 1/05/25

TAOS COUNTY  
ANNA MARTINEZ, CLERK  
BOOK 437512  
Page 826  
2 of 5  
07-01-2019 02:45:58 PM  
BY DIANAD

DEDICATION ACCEPTED THIS 17th DAY OF June, 2019  
By VILLAGE OF TAOS SKI VALLEY, NEW MEXICO.

VILLAGE OF TAOS SKI VALLEY,  
A Municipality of the State of New Mexico

By: [Signature]  
Christof Brownell, Mayor

ATTEST:

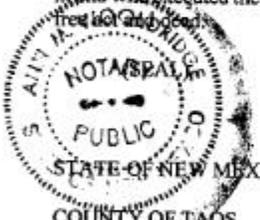
By: [Signature]  
Ann Marie Wooldridge, Village Clerk

APPROVED BY:

By: [Signature]  
Susan Baker, Village Attorney

STATE OF NEW MEXICO )  
COUNTY OF TAOS )SS:

On this 17th day of June, 2019, before me personally appeared Christof Brownell, Mayor, Village of Taos Ski Valley, New Mexico, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his own



[Signature]  
Notary Public  
My Commission Expires: July 9, 2020

STATE OF NEW MEXICO )  
COUNTY OF TAOS )SS:

On this 17 day of June, 2019, before me personally appeared Ann Marie Wooldridge, Clerk of the Village of Taos Ski Valley, New Mexico, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her own free act and deed.

(SEAL)

[Signature]  
Notary Public  
My Commission Expires: March 31, 2022





TAOS COUNTY  
GENA MARTINEZ, CLERK  
000437512  
Book 1818 Page 828  
4 of 5  
07/01/2019 02:45:58 PM  
BY: DIANAD

EXHIBIT "A"  
Page 1 of 2

PARCEL 1

A tract of land located in Section 10, Township 27 North, Range 14 East, N.M.P.M. and being that certain parcel depicted as "East Open Space" on sheet 2 of 3 of a Final Subdivision Plat entitled "Kachina Subdivision Block O" prepared by Red Tail Surveying, Inc., Robert A. Watt, NMPS No. 11770, as Job No. 960.01 0, dated February 3, 2004 and filed for record in Cabinet E, Page 44-B in the Office of the County Clerk, County of Taos, State of New Mexico.

Containing 1.093 acres, more or less.

PARCEL 2

A tract of land located in Section 10, Township 27 North, Range 14 East, N.M.P.M. and being that certain parcel depicted as "Southeast Open" on sheet 2 of 3 of a Final Subdivision Plat entitled "Kachina Subdivision Block O" prepared by Red Tail Surveying, Inc., Robert A. Watt, NMPS No. 11770, as Job No. 960.01 0, dated February 3, 2004 and filed for record in Cabinet E, Page 44-B in the Office of the County Clerk, County of Taos, State of New Mexico.

Containing 0.239 acres, more or less.

AND

PARCEL 3

A tract of land located in Section 10, Township 27 North, Range 14 East, N.M.P.M. and being that certain parcel depicted as "Southwest Open Space" on sheet 3 of 3 of a Final Subdivision Plat entitled "Kachina Subdivision Block O" prepared by Red Tail Surveying, Inc., Robert A. Watt, NMPS No. 11770, as Job No. 960.01 0, dated February 3, 2004 and filed for record in Cabinet E, Page 44-B in the Office of the County Clerk, County of Taos, State of New Mexico.

Containing 4.762 acres, more or less.

Less and Except:

A tract of land within the Arcoise Leroux Grant in the Village of Taos Ski Valley, Taos County, New Mexico, shown on the Taos County Property ID Maps within Projected Section 10, Township 27 North, Range 14 East, N.M.P.M., identified as part of the Southwest Open Space of Block O of the Kachina Village Subdivision, and more particularly described as follows:

BEGINNING at a 1/2" rebar found with a cap stamped LS 8213, from whence a monument with an aluminum cap stamped LS 11183 found at the former site of the Taos Ski Valley maduro helped bears N 49° 54' 50" W, 7,082.30 ft. distant, thence:  
S 71° 41' 24" E, 10.83 ft. to a 1/2" rebar found with a cap stamped LS 11183, thence:  
N 00° 54' 54" W, 124.84 ft. to the NW corner of this tract, a 1/2" rebar set with a cap stamped NMPS 11770, thence:  
S 80° 17' 38" E, 11.87 ft. to the NE corner of this tract, a 1/2" rebar found with a cap stamped LS 8213, thence:  
S 17° 20' 48" E, 158.25 ft. to a 1/2" rebar found with a cap stamped LS 8213, thence:  
S 17° 08' 40" E, 116.92 ft. to the SE corner of this tract, a 1/2" rebar set, thence:  
N 74° 59' 11" W, 501.84 ft. to the SW corner of this tract, a 1/2" rebar set, thence:  
N 87° 15' 48" E, 24.84 ft. to a 1/2" rebar set, thence:  
N 30° 50' 49" E, 84.50 ft. to a 1/2" rebar set, thence:  
N 00° 52' 11" W, 24.84 ft. to the POINT OF BEGINNING.

This tract contains 0.328 acrs more or less, as shown on Red Tail Surveying, Inc. plat no. 1027.01, entitled Kachina Property Owners Association to Don C. Quast, dated 5 May 2018, prepared by Robert A. Watt, NMPS #11770.

Containing 4.434 acres, more or less

AND

TAOS COUNTY  
ANNA MARTINEZ, CLERK  
000437512  
Book 1818 Page 029  
5 of 5  
07/01/2019 02:45:58 PM  
BY DIFARD

EXHIBIT "A"  
Page 2 of 2

PARCEL 4

Being that certain ±1.735 acre tract of land depicted as "Open Space" on Sheet 4 of 6 of a Plat of Existing and Proposed Development entitled "Replat of Lot 1, Block 3, Kachina Village Subdivision, Additions to Block 3, Lot 1-6 & Open Space" prepared by AGS Land Surveying, Ann Gilmer Stewart, NMFS No. 11183, as Job No. 555, dated March 2002, and filed for record in Cabinet D, Page 182-A in the Office of the County Clerk, County of Taos, State of New Mexico, within Section 15, Township 27 North, Range 14 East, N.M.P.M. located in the Village of Taos Ski Valley, Taos County, New Mexico



**KACHINA SUBDIVISION, BLOCK 0, DISCLOSURE STATEMENT (PAGE 8)**

JEANNETTE G. BARK, CLERK  
000299453  
Book 469 Page 461  
8 of 10  
12/07/2004 04:46:29 PM  
BY DOLORES

Avalanche conditions exist in several areas; there are no known avalanche paths in Block 0. Snow accumulation can be substantial during winter months. The Village of Taos Ski Valley provides snow removal service within the Subdivision.

**23. RECREATIONAL FACILITIES:**

The Subdivider has retained ownership and will maintain in perpetuity as open space additional land within Block 0's boundaries. That open space will be improved with walking/hiking trails for use by pedestrians and skiers and other recreational improvements consistent with open space, for the benefit of the entire Kachina Subdivision and the public.

**24. FIRE PROTECTION:**

The hydrants capable of delivering an adequate volume of water for fire flows are located within the subdivision. The closest fire station is located approximately 1.5 miles from the subdivision in TSV, and a substation is 0.7 mile from the subdivision. The fire department is operated by volunteer fire fighters. Each building located in the Block 0 must satisfy building code requirements relating to fire protection.

**25. POLICE PROTECTION:**

The Village Marshal and 2 Deputies will patrol the Subdivision.

**26. PUBLIC SCHOOLS:**

The subdivision is within the Arroyo Seco Elementary School District, which facility is located approximately 12 miles from the subdivision.

The subdivision is within the Taos Municipal School district, and Taos Middle School is located 23 miles from the subdivision.

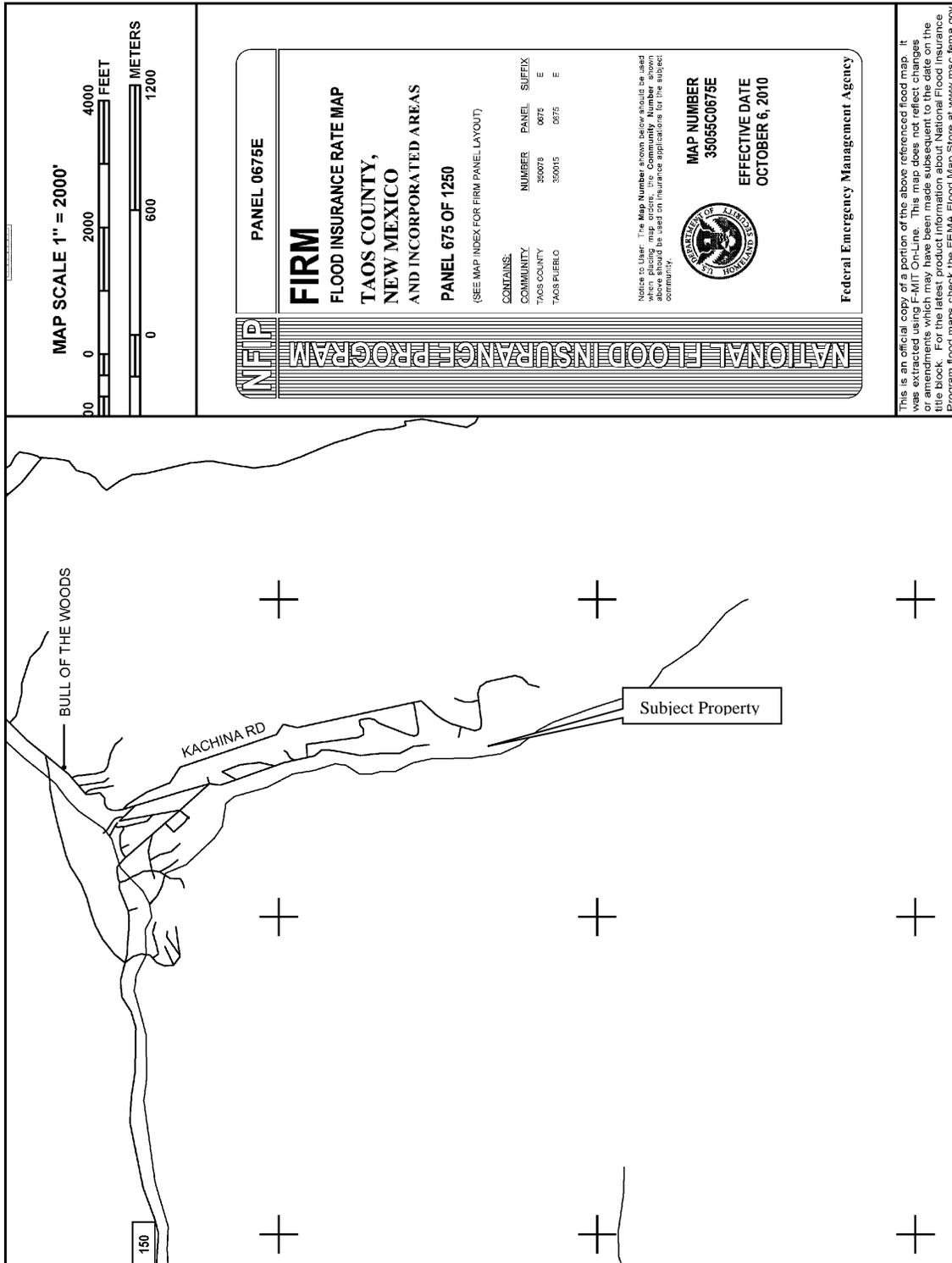
The subdivision is served by Taos High School, which is 22 miles from the subdivision.

**27. HOSPITALS:**

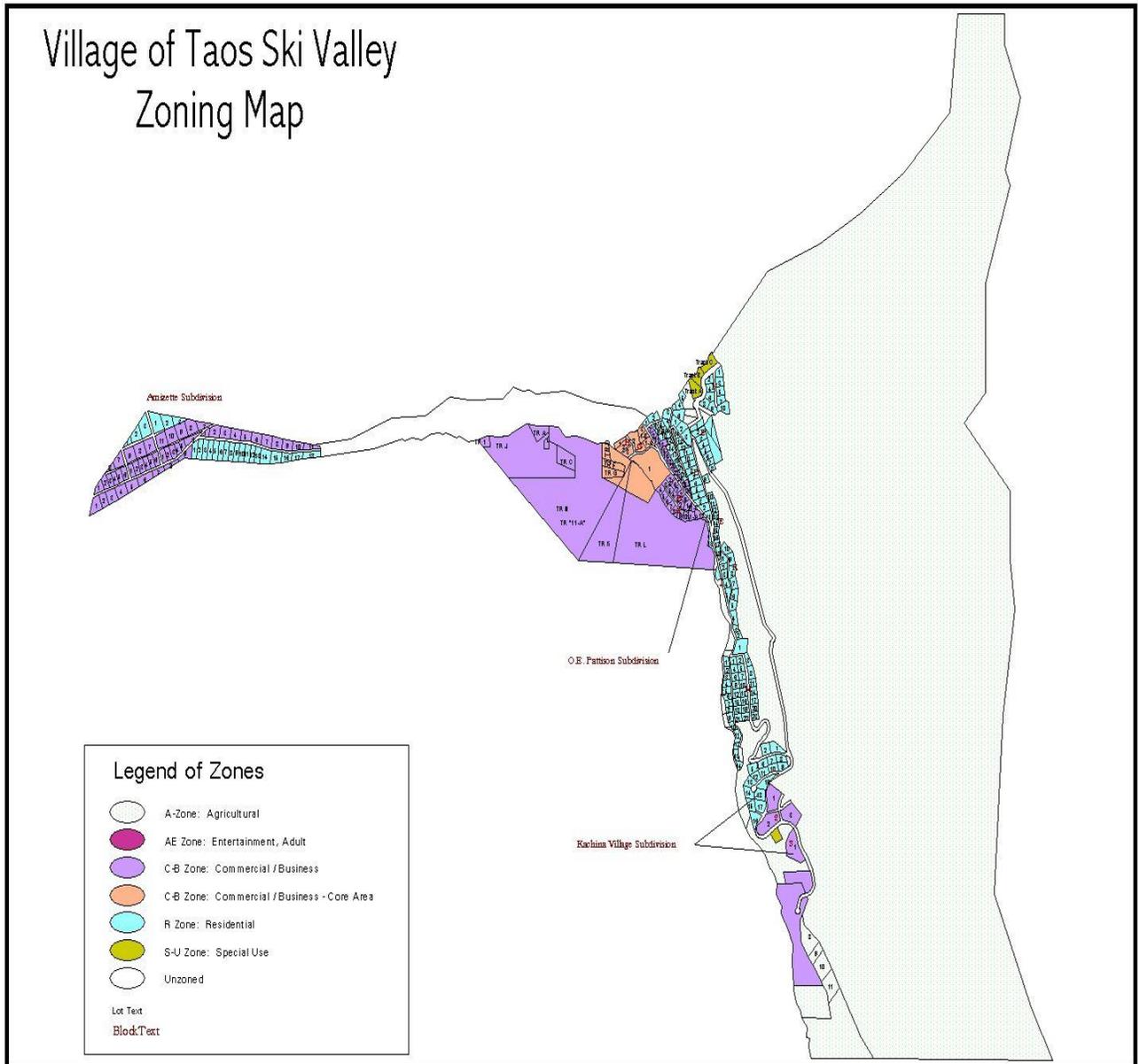
Holy Cross Hospital in Taos is the nearest major hospital, located 24 miles from the subdivision traveling on Deer Lane, Kachina Road, Porcupine Lane, Zap's Road, Twining Road, State Road 150, US Hwy 64, State Road 68, State Road 585 (Paseo del Canon) and Welmer Road. The Hospital has 30 beds.

During the Winter Season, at scheduled hours, the Mogul Medical Clinic, located in the Village of Taos Ski Valley, which is 1.5 miles from the Subdivision traveling

**FLOOD MAP**



## ZONING



## **SECTION 16. FARMING AND RECREATION.**

### **1. Intent.**

This zone permits multiple uses of the land for a variety of purposes.

### **2. Permissive Uses.**

1. All uses permissive in the R zone;
2. Public recreational purposes for which a fee is not charged, including, but not limited to, hiking, fishing, hunting, camping, equestrian activities and off-road vehicle activities.
3. Farming uses.

### **3. Conditional Uses.**

1. Commercial recreational purposes for which a participation fee or a spectator fee is charged.
2. Commercial farming uses.
3. Commercial timber harvesting or logging operation.
4. Temporary Buildings.

### **4. Supplementary Regulations.**

1. All commercial uses must comply with the supplementary regulations of Section 12.
2. The construction of any building, residence or otherwise must comply with the Supplementary Regulations of SECTION 12.

## **SECTION 21. OPEN SPACE**

### **1. Intent.**

The purpose of establishing open space requirements and standards for the Village is to ensure that open space is an integral part of the Village's design; to preserve prominent land forms, rock outcroppings, hydrologic features, and sensitive and unique habitat as permanent open space features to help form a community's identity; to provide areas where residents can enjoy active and passive recreation; to integrate landscaped medians, parkways, and slopes into a development project; and to ensure that parks, recreation centers, trails and greenbelts are located next to natural open space to maximize the amount of contiguous areas of open space within a community and create space transition zones between residential development and open space.

### **2. Types of Open Space.**

Open space in the Village shall consist of two general types of open space:

1. Natural Open Space, which shall be defined as undeveloped areas retained in their naturally occurring condition with regard to landform, vegetation, and hydrologic features, and which may contain dirt trails for limited public access and enjoyment; and
2. Improved Open Space, which shall be defined as any area not occupied by structures that has been improved with landscaping, recreation amenities (i.e., golf courses, private lakes), and similar features that provide opportunities for active and passive recreation, and that provide landscape improvements that enhance the overall appearance and character of the development

### **3. Use of Natural Open Space.**

Undeveloped open space shall be left in its natural state. Permitted uses include trails and the necessary improvements to establish trails and any associated viewing areas.

### **4. Use of Improved Open Space.**

1. Improved Open Space shall be provided for attached residential development and shall be used to meet general landscaping, common open space, slope treatment and parkway landscaping requirements.
2. Improved Open Space may be reserved for private use and maintained by a homeowners association, secured with documents reserving the land an open space in perpetuity.

### **5. Uses in Perpetuity of Natural Open Space.**

Adopted: November 4, 1997

Amended: August 4, 1998, March 2, 1999, October 5, 1999, July 2, 2002, April 6, 2004, October 5, 2004, August 1, 2006, January 2, 2007, November 3, 2009, January 3, 2012, December 4, 2012, December 3, 2013, June 10, 2014, August 11, 2015, July 12, 2016.

AN ORDINANCE ADOPTING ZONING REGULATIONS, Con't

Any lands dedicated for Natural Open Space purposes shall contain covenants and recordable deed restrictions burdening the subject property, in a form and content approved by the City Attorney, ensuing that:

1. The Natural Open Space area will not be subdivided in the future;
2. The use of the Natural Open Space will continue in perpetuity for the purpose specified;
3. Appropriate provisions will be made for the maintenance of the Natural Open Space that clearly define future maintenance responsibilities; and
4. Natural Open Space shall not be turned into a commercial enterprise admitting the general public at a fee, unless otherwise authorized by policy or law.

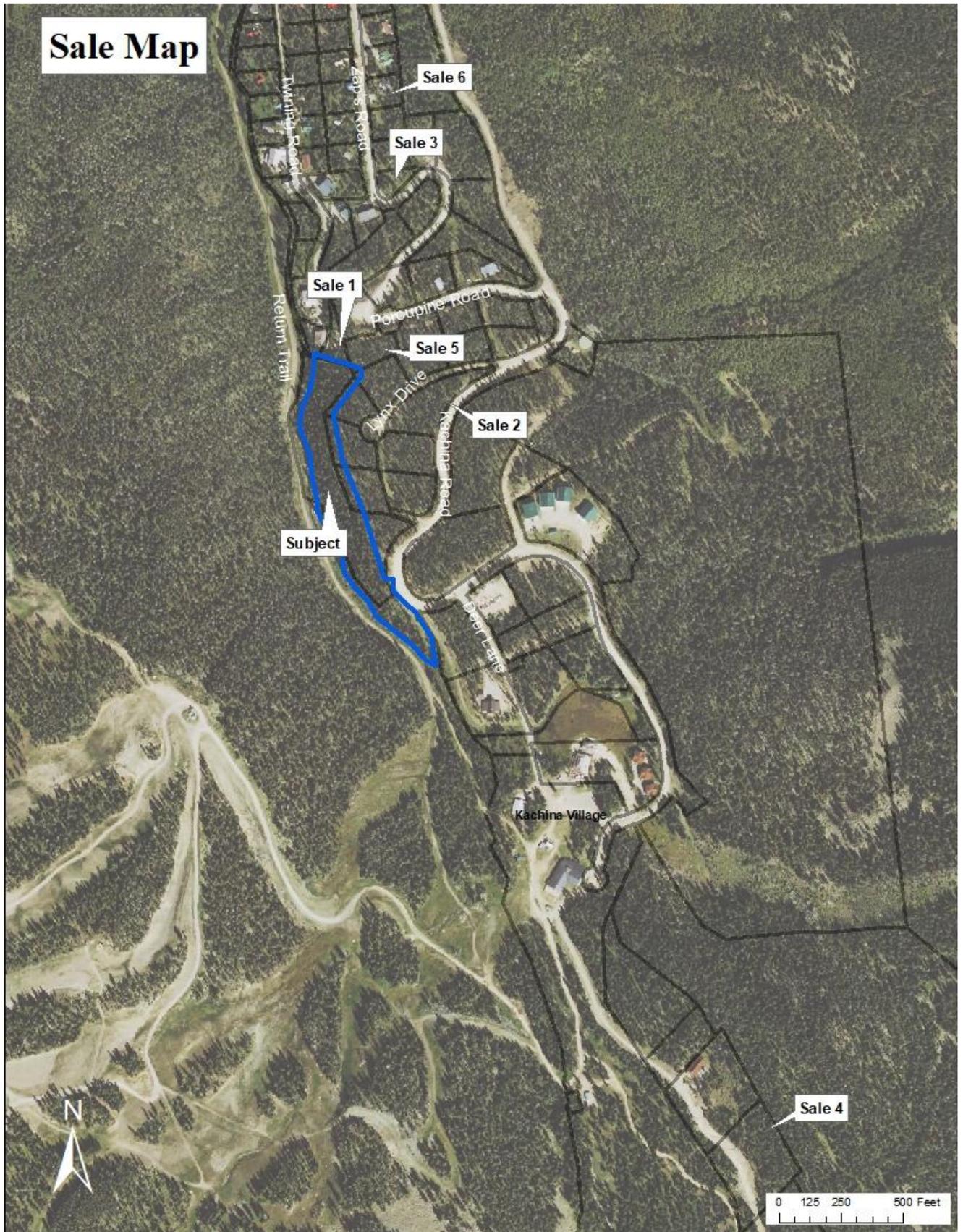
**6. Natural Open Space Ownership**

1. The fee title owner or easement holder of an interest in the land is dedicated for Natural Open Space purposes shall be selected by the property owner, developer, or subdivider, subject to the approval of the Planning Officer. The ownership may vest in, but not be limited to, the following:
  - a. The Village, subject to acceptance by the Village Council of a recordable interest.
  - b. Other public jurisdictions or agencies, subject to their acceptance.
  - c. Quasi-public and non-profit organizations, subject to their acceptance.
  - d. Homeowner associations or other similar organizations.
2. The Village may, in its reasonable discretion, require that the applicant establish a mechanism to fund the long-term maintenance of such Natural Open Space, which may include a cash deposit, an assessment district, trust, or other appropriate funding mechanism.

**7. Maintenance.**

1. The person or entity identified as having the right of ownership or proof or control over the Natural Open Space shall be responsible for its continuing upkeep and proper maintenance, unless the Village authorizes alternate maintenance strategies.

**VACANT LAND DATA RECORDS**



**Sale 1**

**Land Data**

DataNo: RT06655

<b>PROPERTY IDENTIFICATION</b>			
LOCATION	Taos Ski Valley	COUNTY	Taos
ROAD/ST	Twining Road	ZONE	R
<b>SITE DATA</b>			
TRACT SIZE	0.33	Acre	14,288
PRICE	\$30,488	/Acre	\$0.70
IMPROVEMENTS	None		
ECOLOGY	Land slide over most of the parcel		
TERRAIN	Very Steep		
RESTRICTIONS	Open Space Restrictions: limiting use to trails and/or other recreational use never to be used for a street, road, access or utility easement.		
DIRECTIONS	Go to the southern end of Twining Road, tract is east and above the Quast Residence Twining Road		
ACCESS	ET		
UTILITIES	Community water & Sewer		
WATER RIGHT	None		
LEASES/PERMITS	None		
MINERALS	None		
PRESENT USE	Vacant		
BEST USE	Assemblage		
BUYER MOTIVATION	Assemblage		

<b>SALE DATA</b>			
SALE DATE	7/5/2016	LISTING DATE	
PRICE	\$10,000	CONDITION OF SALE	
GRANTOR	Kachina Property Owners Association		
GRANTEE	Quast, Don C.		
DOC	SWD	BK PG	914/179
TERMS	Cash		
BROKER	MLS NO		
DOM			
RESALE OF PREVIOUS SALE PRICE			

<b>LEGAL</b>			
TAX ID#			
LEGAL	Kachina Village Subdivision-Southwest Open Space of Block 0 metes and bounds		
	SECTION	TOWNSHIP	RANGE
1			
2			
3			
TRACT SURVEY			MAP
SUBDIVISION	Kachina		LOT#

<b>OFFICE USE</b>	
FILE REFERENCE	Gondola
VERIFIED TO	JW
VERIFY DATE	9/16/2022
VERIFIED BY	Quast
INSPECTION DATE	9/9/2022
INSPECTOR	JW

**ANALYSIS**

This tract was part of the Southwest Open Space on the Kachina Village Subdivision, Block 0. At some point, this steep forested tract had slid leaving most of it treeless. The adjoining property owner purchased this part of the open space to construct a large retaining wall to protect his home.



**Sale 2**

**Land Data**

DataNo: RT06594

<b>PROPERTY IDENTIFICATION</b>			
LOCATION	Taos Ski Valley	COUNTY	Taos
ROAD/ST	Kachina Road & Lynx Drive	ZONE	R

<b>SALE DATA</b>			
SALE DATE	10/11/2019	LISTING DATE	
PRICE	\$278,000	CONDITION OF SALE	
GRANTOR	Carr Family Trust, Collette Carr		
GRANTEE	Gibbons, Russell & Morgann		
DOC	WD	BK PG	1030/600
TERMS	Cash		
BROKER	Dowell, Keith	MLS NO	104047
DOM	13		
RESALE OF	RT03050		
PREVIOUS SALE PRICE	\$75,000		

<b>SITE DATA</b>				
TRACT SIZE	0.81	Acre	35,240	SqFt
PRICE	\$343,635	/Acre	\$7.89	/SqFt
IMPROVEMENTS	None			
ECOLOGY	Spruce-fir forest, 10,000 ft			
TERRAIN				
RESTRICTIONS				
DIRECTIONS	On the right after Lynx Drive			
ACCESS	Kachina Road			
UTILITIES	E&T			
WATER	Community Water			
WATER RIGHT	None			
LEASES/PERMITS				
MINERALS	None			
PRESENT USE	Vacant			
BEST USE	Residential			
BUYER MOTIVATION	2nd home			

<b>LEGAL</b>			
TAX ID#	61291		
LEGAL	Kachina Village Lot 19 Blk 1		
	SECTION	TOWNSHIP	RANGE
1			
2			
3			
TRACT SURVEY SUBDIVISION			MAP LOT#

<b>OFFICE USE</b>	
FILE REFERENCE	PioneerGlade
VERIFIED TO	JW
VERIFY DATE	11/17/2020
VERIFIED BY	MLS
INSPECTION DATE	11/17/2020
INSPECTOR	JW

**ANALYSIS**

Long narrow shape along Kachina Road. Resale shows 6.34% per year appreciation since 1999.



**Sale 3**

**Land Data**

DataNo: RT06595

<b>PROPERTY IDENTIFICATION</b>	
LOCATION Taos Ski Valley	COUNTY Taos
ROAD/ST Zap's Road	ZONE R

<b>SITE DATA</b>				
TRACT SIZE	0.45	<b>Acres</b>	19,602	<b>SqFt</b>
PRICE	\$622,222	<b>/Acre</b>	\$14.28	<b>/SqFt</b>
IMPROVEMENTS	None			
ECOLOGY	Spruce-fir forest, 9,800 feet			
TERRAIN	Sloping west			
RESTRICTIONS				
DIRECTIONS	Zap't Road on the east side before first left hand switchback			
ACCESS	Zap's Road			
UTILITIES	E&T			
WATER	Community Water			
WATER RIGHT	None			
LEASES/PERMITS				
MINERALS	None			
PRESENT USE	Vacant			
BEST USE	Residential			
BUYER MOTIVATION	Residence			

<b>SALE DATA</b>			
SALE DATE	11/26/2019	LISTING DATE	
PRICE	\$280,000	CONDITION OF SALE	
GRANTOR	Schroeder, Donald		
GRANTEE	Lafeuillade, Yves & Jodie		
DOC	WD	BK PG	1030/600
TERMS	Cash		
BROKER	Krejci, Andrea	MLS NO	103278
DOM	205		
RESALE OF PREVIOUS SALE PRICE			

<b>LEGAL</b>			
TAX ID#	661		
LEGAL	Kachina Village Block M, Lot 23		
	<b>SECTION</b>	<b>TOWNSHIP</b>	<b>RANGE</b>
1			
2			
3			
TRACT SURVEY SUBDIVISION			<b>MAP LOT#</b>

<b>OFFICE USE</b>	
FILE REFERENCE	PioneerGlade
VERIFIED TO	JW
VERIFY DATE	11/17/2020
VERIFIED BY	Buyer
INSPECTION DATE	11/17/2020
INSPECTOR	JW

**ANALYSIS**

Buyer has since built residence. This tract is on the inside of the first switchback at the top of Zap's Road



**Sale 4**

**Land Data**

DataNo: RT06652

<b>PROPERTY IDENTIFICATION</b>	
LOCATION Taos Ski Valley	COUNTY Taos
ROAD/ST Blue Jay Ridge,#10	ZONE AG

<b>SALE DATA</b>		<b>LISTING DATE</b>	
SALE DATE 5/11/2021	PRICE \$850,000	CONDITION OF SALE	
GRANTOR Gestal, Dean P.	GRANTEE Taostoryshoals, LLC	BK PG 1088/45	
DOC WD	TERMS	MLS NO 105819	
BROKER Dowell, Keith	DOM 446	RESALE OF RT02838	
PREVIOUS SALE PRICE \$180,000			

<b>SITE DATA</b>			
TRACT SIZE 2.31	Acres	100,449	SqFt
PRICE \$368,604	/Acre	\$8.46	/SqFt
IMPROVEMENTS None			
ECOLOGY Forested - High alpine 10,300 feet			
TERRAIN Very steep on western boundary			
RESTRICTIONS			
DIRECTIONS Kachina Road uphill past Phoenix Restaurant, #10 Blue Jay Ridge			
ACCESS Narrow gravel road			
UTILITIES E/T nearby			
WATER Well required			
WATER RIGHT None			
LEASES/PERMITS			
MINERALS			
PRESENT USE Vacant			
BEST USE Homesite			
BUYER MOTIVATION Homesite			

<b>LEGAL</b>			
TAX ID#	Kachina Village Lot 11 Phoenix area		
LEGAL			
	<b>SECTION</b>	<b>TOWNSHIP</b>	<b>RANGE</b>
1	15	27N	14E
2			
3			
TRACT SURVEY SUBDIVISION		MAP	LOT#

<b>OFFICE USE</b>	
FILE REFERENCE Gondola	VERIFIED TO JW
VERIFY DATE 9/6/2022	VERIFIED BY Dowell
INSPECTION DATE 9/7/2022	INSPECTOR JW

**ANALYSIS**

One of several sites just above Phoenix. Very steep along west boundary.



**Sale 5**

**Land Data**

DataNo: RT06651

<b>PROPERTY IDENTIFICATION</b>				
LOCATION	Taos Ski Valley		COUNTY	Taos
ROAD/ST	Porcupine 7		ZONE	R
<b>SITE DATA</b>				
TRACT SIZE	1.20	<b>Acres</b>	52,272	<b>SqFt</b>
PRICE	\$241,521	<b>/Acre</b>	\$5.54	<b>/SqFt</b>
IMPROVEMENTS	None			
ECOLOGY	Treed lot			
TERRAIN	Not steep			
RESTRICTIONS				
DIRECTIONS	Lot on right 1.1 miles from parking lot to Porcupine Road			
ACCESS	Porcupine Road			
UTILITIES	ET & NG			
WATER	Well required			
WATER RIGHT				
LEASES/PERMITS				
MINERALS				
PRESENT USE	Vacant homesite			
BEST USE	Homesite			
BUYER MOTIVATION	Homesite			

<b>SALE DATA</b>			
SALE DATE	5/14/2021	LISTING DATE	
PRICE	\$289,825	CONDITION OF SALE	
GRANTOR	Nevermann, Gregory		
GRANTEE	Gallegos, Carlos & Margaret		
DOC	WD	BK PG	1088/503
TERMS	Cash		
BROKER	Dowell, Keith	MLS NO	150820
DOM	1		
RESALE OF	RT06396		
PREVIOUS SALE PRICE	\$254,000		

<b>LEGAL</b>			
TAX ID#			
LEGAL	Kachina Village Lot 5 Block 0		
	SECTION	TOWNSHIP	RANGE
1			
2			
3			
TRACT SURVEY			MAP
SUBDIVISION	Kachina Village		LOT# 5

<b>OFFICE USE</b>	
FILE REFERENCE	Gondola
VERIFIED TO	JW
VERIFY DATE	9/6/2022
VERIFIED BY	Dowell
INSPECTION DATE	9/6/2022
INSPECTOR	JW



**Sale 6**

**Land Data**

DataNo: RT06653

<b>PROPERTY IDENTIFICATION</b>	
LOCATION Taos Ski Valley	COUNTY Taos
ROAD/ST Zap's Road - 20	ZONE

<b>SALE DATA</b>	
SALE DATE 11/5/2021	LISTING DATE 5/3/2021
PRICE \$345,000	CONDITION OF SALE
GRANTOR Vigil, Toby	
GRANTEE Reichert, Jay & Ballistic Enterprises, Inc.	
DOC WD	BK PG 1110/599
TERMS Cash	
BROKER Krejci, Andrea	MLS NO 106866
DOM 59	
RESALE OF RT06614	
PREVIOUS SALE PRICE \$265,000	

<b>SITE DATA</b>				
TRACT SIZE	0.49	<b>Acres</b>	21,344	<b>SqFt</b>
PRICE	\$704,082	<b>/Acre</b>	\$16.16	<b>/SqFt</b>
IMPROVEMENTS				
ECOLOGY	Sub-alpine with Lake Fork Stream (very small in this location)			
TERRAIN	level building site			
RESTRICTIONS	residential			
DIRECTIONS	Twining Road past beaver pond, Zap's Road on left - 0.2 mile to property on left.			
ACCESS	Zap's Road - Gravel			
UTILITIES	Electricity, Telephone, NG			
WATER	Village water and sewer			
WATER RIGHT	None			
LEASES/PERMITS	None			
MINERALS	unknown			
PRESENT USE	homesite			
BEST USE	residential homesite			
BUYER MOTIVATION	homesite			

<b>LEGAL</b>			
TAX ID#			
LEGAL	Lot 17, Block M, OE Pattison Subdivision		
	<b>SECTION</b>	<b>TOWNSHIP</b>	<b>RANGE</b>
1			
2			
3			
TRACT SURVEY			<b>MAP</b>
SUBDIVISION OE Pattison			<b>LOT# 17-M</b>

<b>OFFICE USE</b>	
FILE REFERENCE	Gondola
VERIFIED TO	JW
VERIFY DATE	9/19/2022
VERIFIED BY	Krejci
INSPECTION DATE	9/9/2022
INSPECTOR	JW

**ANALYSIS**

Was once improved with Zap's dome house. This lot has good views.



## **QUALIFICATIONS OF THE APPRAISER**

**JOHN W. WHITNEY, MAI**  
**Real Estate Appraiser**  
**204 Bendix Drive Unit H**  
**Taos, New Mexico 87571**  
**(575) 737-9760**

**EDUCATION:** Northern Arizona University, Flagstaff, Arizona BS in Forest Management, 1982

### **COURSEWORK COMPLETED:**

Santa Fe Community College	Fundamentals of Real Estate Appraisal, 1995 Appraising the Single-Family Residence, 1995 Uniform Standards of Professional Appraisal Practice, 1995 Appraising Income Properties I, 1995 Appraising Income Properties II, 1995 Appraising Income Properties III, 1995
Appraisal Institute	Basic Income Capitalization, 1998 Advanced Income Capitalization, 2000 Highest and Best Use, 2002 Standards of Professional Practice Part A, 2003 Report Writing & Valuation Analysis, 2005 Advanced Sales Comparison and Cost, 2007 Valuation of Conservation Easements, 2008 Advanced Applications, 2010
Institute Seminars	Conservation Easement Valuation, 2001 Natural Resource Valuation, 2002 Subdivision Analysis, 2006 Uniform Appraisal Standards for Federal Land Acquisitions, 2007 Uniform Standards of Professional Practice Update, 2011 Uniform Standards of Professional Practice Update, 2013 Uniform Standards of Professional Practice Update, 2014 Business Practice & Ethics, 2014 Uniform Standards of Professional Practice Update, 2016 Condemnation Appraising, 2016 Uniform Appraisal Standards for Federal Land Acquisitions, 2017 Business Practice & Ethics, 2020 Uniform Standards of Professional Practice Update, 2021

### **PROFESSIONAL AFFILIATIONS:**

Appraisal Institute-MAI  
New Mexico General Appraiser, Certification #1660

### **APPRAISAL EMPLOYMENT SUMMARY:**

April 2001-Present	Real Estate Appraiser and Consultant, Whitney Appraisal Associates, Inc. Taos, NM. Appraisals of commercial properties, vacant land, acreage & market research and analysis.
June 1998-April 2001	Real Estate Appraiser, Mark Cowan and Associates- Taos, NM
April 1998 to June 1998	Real Estate Appraiser, Edward W. Adams, SRA- Taos, NM Appraisals of single-family residences and vacant land
April 1997 to April 1998	Real Estate Appraiser, Appraisals by Cantrell- Espanola, NM Appraisals of single-family residences and vacant land
November 1995 to April 1997	Real Estate Appraiser, GE Nichols Appraisal Services-Taos, NM

**STATE LICENSE**

*State of New Mexico*

**REAL ESTATE APPRAISERS BOARD**

PO Box 25101      Santa Fe, NM 87505      (505) 476-4622

This is to certify that  
**John W. Whitney #01660-G**

Having complied with the provisions of the New Mexico Real Estate Appraisers  
Act is hereby granted a license to practice as a

***General Certified Appraiser***

***This appraiser is eligible to perform in Federally Related Transactions***

**Issue Date: 05/10/2000      Date Expires: 04/30/2023**

**THIS LICENSE MUST BE CONSPICUOUSLY POSTED IN PLACE OF BUSINESS**



**Brooks**  
**Pearsall**  
**Zantow LLC**

Real Estate Appraisers · Consultants · Analysts

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APPRAISAL REPORT

OUTLOT PARCEL 3, BLOCK O, KACHINA VILLAGE SUBDIVISION  
WEST SIDE OF KACHINA ROAD BETWEEN LYNX DRIVE AND DEER LANE  
VILLAGE OF TAOS SKI VALLEY, NEW MEXICO 87525

Appraisal Project 30640

EFFECTIVE DATE

September 29, 2022

PREPARED FOR

The Village of Taos Ski Valley  
c/o John Avila, Village Administrator  
PO Box 100  
Taos Ski Valley, NM 87525

**Brooks  
Pearsall  
Zantow LLC**

Real Estate Appraisers · Consultants · Analysts

**Bruce Gunderson, MAI**

October 4, 2022

The Village of Taos Ski Valley  
c/o John Avila, Village Administrator  
PO Box 100  
Taos Ski Valley, NM 87525

Reference: Appraisal Report  
Outlot Parcel 3, Block O, Kachina Village Subdivision  
West side of Kachina Road between Lynx Drive and Deer Lane  
Village of Taos Ski Valley, New Mexico 87525

We have completed an appraisal of the above-referenced property and we are pleased to submit the accompanying report of our findings and conclusions. The objective of the appraisal was to estimate the market value of the fee simple interest in the property, subject to the assumptions and limiting conditions stated in the report. Our analysis indicates the following value of the property.

Effective Date:	September 29, 2022
Market Value Estimate:	\$84,500

The main body of our report provides you with our method of study as well as the limitations placed on the work product by the undersigned. Please read these limitations carefully so you may understand our conclusions clearly. In preparing this study, our conduct has been governed by the Code of Ethics of the various professional organizations of which we are members.

This opportunity to provide appraisal services to your organization is appreciated, and questions from authorized users of the report will be welcomed if any aspect of the research or analysis requires clarification.

BROOKS PEARSALL ZANTOW LLC



Bruce Gunderson, MAI

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## Executive Summary

Property:	Outlot Parcel 3, Block O, Kachina Village Subdivision
Location:	West side of Kachina Road between Lynx Drive and Deer Lane along Lake Fork stream Village of Taos Ski Valley, New Mexico 87525
Client:	The Village of Taos Ski Valley c/o John Avila, Village Administrator PO Box 100 Taos Ski Valley, NM 87525
<b>Project Summary</b>	
Land Area:	4.434 acres
Zoning:	A-Agriculture
Restrictive covenants:	The property is to be used as open space, trails and/or other recreational uses, and further provided that the property shall never be used for access or utility easements, with special warranty covenants, reservations, restrictions and easements of record.
Topography:	Falling away from road grade with steep forested hillside along Lake Fork stream
Improvements:	None
<b>Highest and Best Use</b>	
Land as Though Vacant:	Assemblage with adjoining owner(s) for public recreational use
Property Rights Appraised:	Market value of fee simple interest of the land as vacant subject to defined deed restrictive covenants
<b>Value Indication</b>	
Land Value:	<b>\$84,500</b>
Effective Date of Appraisal:	September 29, 2022

## **PREFACE**

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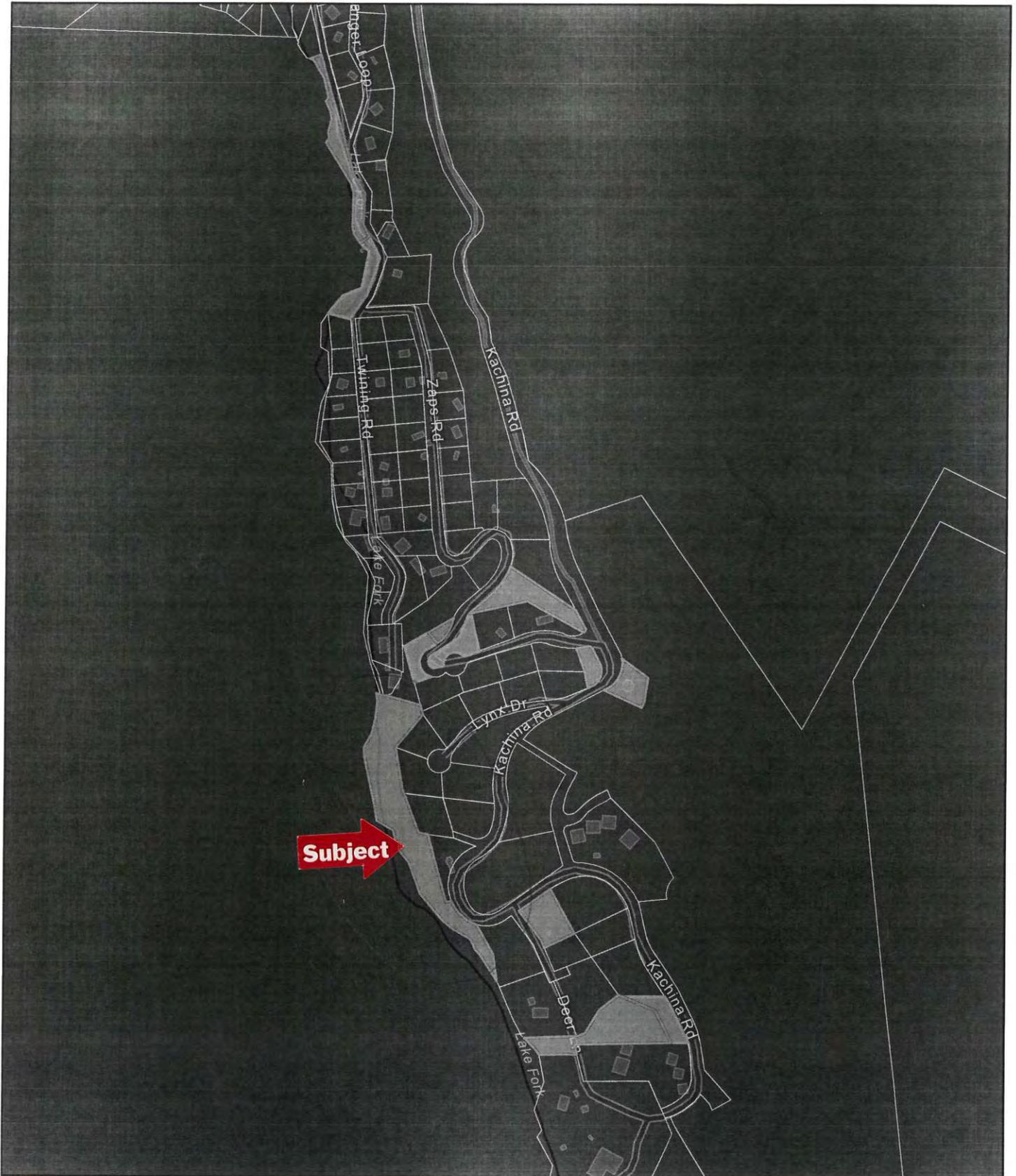
**Subject**

CARSON  
NATIONAL  
FOREST

Williams  
Lake Th

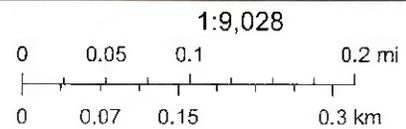
TWINNING

# Village Owned Zaps to Hiker Parking 02/17/2022



2/17/2022, 11:49:13 AM

-  PZ\_VTSV\_Parcel\_Query result
-  PZ\_VTSV\_Parcel





**Owner #: 78845**

Property Code (UPC) 1082161060008

Owner01 VILLAGE OF TAOS SKI VALLEY

Owner02

Owner03

SearchID #: 78845 , VILLAGE OF TAOS SKI VALLEY

DeedID Reception #: 437512 , Book/Page: (3-1018-825) , DATE: 20190701

Assessor Lookup [More info](#)

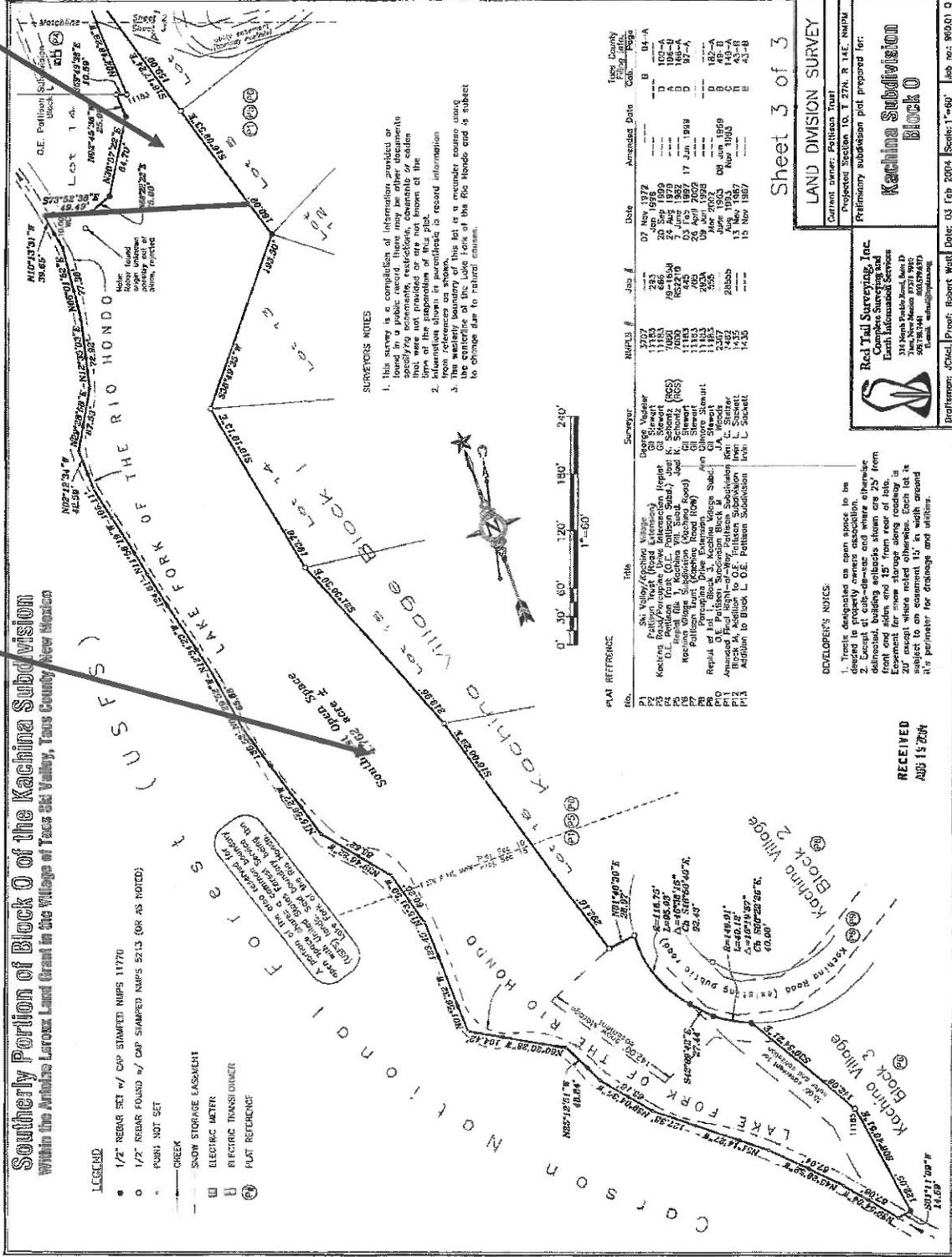
Zoom to



# Parcel 3 (Block 0)

## Parcel 3

0.328 acres sold to Quast in 2016



**Red Tail Surveying, Inc.**  
 Complete Surveying and  
 Earth Information Services  
 314 North Pacific Road, Suite 20  
 Reno, Nevada 89503  
 Phone: 775.784.1441  
 Fax: 775.784.1442  
 E-mail: info@redtailinc.com

**LAND DIMENSION SURVEY**  
 Current owner: Patricia Trust  
 Preliminary subdivision plat prepared for:  
**Kachina Subdivision**  
**Block 0**

Drawn: J. Cole | Project: Robert Wolf | Date: 03 Feb 2004 | Scale: 1"=60' | Job no: 96031.0

# Parcel 3, Block O, Kachina Subd.

Write a description for your map.

## Legend

 Williams Lake Trail - Upper Parking



Property Photographs  
Kachina Village Subdivision, Parcel 3, Block O  
Taos Ski Valley, New Mexico



View to south and east on Kachina Road



View to north on Kachina Road



Subject frontage and adjoining home site



View to north portion of site



Subject viewed down slope toward Lake Fork  
Street



View to south portion of site

Property Photographs  
Kachina Village Subdivision, Parcel 3, Block O  
Taos Ski Valley, New Mexico



View of road cut to adjoining lot along SE property line



Adjoining home site adjoining north property line off Upper Kachina Road



View across Lake Fork valley toward Taos Ski Valley resort lands

## **INTRODUCTION**

## Overview of the Appraised Property

The subject of this appraisal is an open space outlot on Kachina Road in the Village of Taos Ski Valley, Taos County, New Mexico. The platted tract area totals 4.434 gross acres.

The purpose and intended use of this appraisal report is to facilitate disposition of the subject property. The market value estimate is the fee simple interest of the real estate, subject to restrictions of record. The intended user of this report is the client, The Village of the Taos Ski Valley and the New Mexico Finance Authority. The property is under negotiations with Taos Ski Valley, Inc. for the ski resort expansion needs.

## Legal Description

Parcel 3, Block O, Kachina Village Subdivision, within the Village of Taos Ski Valley, Taos County, New Mexico.

See complete legal description on the recorded deed documents in the *Appendix*, including special warranty covenants, reservations, restrictions and easements.

## Ownership History (5 Years)

A complete title history was not provided, but based on document inspections the owner of record is the Village of Taos Ski Valley. The last transfer involved a Deed of Gift Dedication and Acceptance as recorded July 1, 2019 in document #437512. The gift was from the Kachina Property Owners Association, Inc. The open-space outlot was transferred without consideration but with defined covenants and conditions.

When the subject subdivision was platted and recorded on December 10, 2007 (#336891), the subject outlot was transferred to the Kachina Property Owners Association with the covenant that the defined outlots were to be used as open space, trails and/or other recreational uses, and further provided that the property shall never be used for access or utility easements, with special warranty covenants, reservations, restrictions and easements of record.

Subsequently, when the property was dedicated as a gift to the Village of Taos Ski Valley it further transferred the covenants along with the understanding that the use is restricted as public open space and was intended to be part of a system of pedestrian trails. The gift dedication would then terminate previous covenants and dissolve the property owner's association.

The property has not been improved at this time.

The property has not been listed for sale but there is pending negotiations with Taos Ski Valley, Inc. as part of this assignment. The intent of the purchase is to provide space for construction of a gondola tram from the base area along the Rubezal return trail to the Kachina Village/Phoenix area.

## Purpose and Intended Use and Users of the Appraisal

The purpose of the appraisal is to estimate the market value subject to restrictions.

The intended use of this appraisal is to assist in internal planning and potential property disposition purposes.

The intended users are the Village of Taos Ski Valley and the New Mexico Board of Finance and New Mexico Taxation and Revenue Department.

## Market Value Defined

Market value means the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently, and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- (1) Buyer and seller are typically motivated;
- (2) Both parties are well informed or well advised, and both acting in what they consider their own best interest;
- (3) A reasonable time is allowed for exposure in the open market;
- (4) Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- (5) The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

Source: Department of the Treasury, Office of the Comptroller of the Currency, 12 CFR Part 34 [Docket No. 90-16], Real Estate Appraisals, published in the Federal Register, Vol. 55 No. 165, August 24, 1990: Final Rule.

## Property Rights Defined

The *fee simple interest* is defined as absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.

Source: Dictionary of Real Estate Appraisal, 7<sup>th</sup> Edition, Appraisal Institute, Chicago, 2022

## Effective Date of Appraisal and Date of the Report

The effective date of the appraisal is September 29, 2022. The date of the property inspection was on June 13, 2022. The date of the report is October 4, 2022.

## Scope of the Assignment

The assignment is to estimate market value of the identified real property and prepare a narrative summary appraisal report of my findings and conclusions. The report is prepared in conformity with The Appraisal Foundation's Uniform Standards of Professional Appraisal Practice (USPAP) and requirements of the State of New Mexico Finance Authority.

The scope of work is intended to mirror the thought process of a potential purchaser, and it included the following:

- Inspection of the subject property and neighborhood
- Analysis of market trends including supply and demand
- Research of area land sales
- Application of the sales comparison approach

Sources used in this report include:

- Interviews with knowledgeable brokers, appraisers, owners and property managers;
- a search of in-house records and data maintained by Brooks Pearsall Zantow LLC;
- a search of the Taos County courthouse and MLS records for comparable sales;
- demographic studies prepared for County and Municipal publication;
- research in a variety of local and national databases including the local MLS, CAR-NM (Commercial Association of Realtors New Mexico), CoStar and LoopNet.

This is an Appraisal Report, which is a limited recapitulation of the appraiser's data, analysis and conclusions consistent with the reporting guidelines of Standards Rule 2-2(a) of USPAP. Supporting documentation is retained in the appraiser's file.

New Mexico is a non-disclosure state. There are no public sources available to appraisers from which to confirm the amount of consideration paid in a real estate transaction. Principals involved in real estate conveyances are not required to disclose the sale prices or terms of sales. Consequently, sale verifications are obtained from a variety of sources including sellers, buyers, brokers, real estate attorneys and/or appraisers. I deem these confirmation sources to be reliable and accurate. Unfortunately, not every sale in the marketplace is available for consideration because the parties to the transaction may refuse to disclose the sale price or other pertinent economic and/or physical information.

#### *Competency Provision*

There is adequate market data to support a credible indication of value for the subject property. I personally inspected the subject property and the comparable sales. I have sufficient appraisal experience in this geographic area and with this type of real property to be considered competent to complete this report in accordance with the Competency Provision in USPAP.

#### **Extraordinary Assumptions and Hypothetical Conditions**

1. No environmental or geotechnical studies were available so this report assumes that there are no conditions that would significantly limit development of the site to its highest and best use.
2. An inspection of the property was made on June 13, 2022. The effective valuation date was delayed and represent market conditions as of September 29, 2022. I assume no physical changes have occurred to the property since this time.
3. It is a condition of this report that the value is based on the legally and physically possible highest and best use of the property subject to defined recorded restrictions.

#### **General Underlying Assumptions**

1. The legal description used in this report is assumed to be correct.
2. No survey of the property has been made by the appraiser; no responsibility is assumed in connection with such matters. Sketches in this report are included only to assist the reader in visualizing the property.
3. No responsibility is assumed for matters of a legal nature affecting title to the property nor is an opinion of title rendered. The title is assumed to be good and merchantable.
4. Information furnished by others is assumed to be true, correct, and reliable. A reasonable effort has been made to verify such information; however, no responsibility for its accuracy is assumed by the appraiser.

5. All mortgages, liens, encumbrances, leases, and servitudes have been disregarded unless so specified within the report. The property is appraised as though under responsible ownership and competent management.
6. It is assumed that there are no hidden or unapparent conditions of the property, such as subsoil structures or asbestos containing building materials, which would render it more or less valuable. No responsibility is assumed for such conditions or for engineering, which may be required to discover such factors.
7. The appraiser has noted in the appraisal report any adverse conditions (such as needed repairs, depreciation, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the normal research involved in performing the appraisal. Unless otherwise stated in the appraisal report, the appraiser has no knowledge of any hidden or unapparent conditions of the property or adverse environmental conditions (including the presence of hazardous wastes, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, the appraisal report must not be considered as an environmental assessment of the property.
8. It is assumed that all applicable federal, state and local environmental regulations and laws have been complied with unless otherwise stated, defined and considered in the appraisal report.
9. It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless a non-conformity has been stated, defined and considered in the appraisal report.
10. It is assumed the utilization of the land and improvements are within the boundaries or property lines of the property described and there is no encroachment or trespass unless noted within the report.
11. The Americans with Disabilities Act ("ADA") became effective January 26, 1992. The appraiser has not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA. It is possible that a compliance survey of the property, together with a detailed analysis of the requirements of the ADA, could reveal that the property is not in compliance. If so, this could have a negative effect on the value of the property. Since the appraiser has no direct evidence relating to this issue, he or she did not consider the possible noncompliance with the requirements of ADA in estimating the value of the property.

### **General Limiting Conditions**

1. The appraiser will not be required to give testimony or appear in court because of having made this appraisal, or with reference to the property in question, unless arrangements have been previously made.
2. Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the appraiser and in any event only with proper written qualification and only in its entirety.
3. The distribution of the total valuation in this report between land and improvements applies only under the reported highest and best use of the property. The allocations of value for land and improvements must not be used in conjunction with any other appraisal and becomes invalid if so used.
4. Neither all nor any part of the contents of this report, or copy thereof, shall be conveyed to the public through advertising, public relations, news, sales or another media without written consent and approval of the appraiser, nor shall the appraiser, firm or professional organization of which the appraiser is a member be identified in public media without written consent of the appraiser.

5. I am unaware of any defined cross easements or any covenants, conditions, or restrictions impacting the subject property. I assume adequate ingress and egress to the property and I assume any reasonable sale of the property would not be inhibited by any covenants, conditions, or restrictions.

## **DESCRIPTION AND ANALYSIS**

## Taos County Profile Summary

This section of the report summarizes the market area's economic base, its demographic and land-use trends, and the current development climate for real estate.

The Town of Taos is located in Taos County in north-central New Mexico in a high-plains valley west of the Sangre de Cristo Mountains. The Town of Taos is located 70 miles north of Santa Fe and 125 miles north of Albuquerque. Highway linkages to Taos include: from the south, Highway 68 from Santa Fe; from the northeast, Highway 64 from I-25 just south of the Colorado border; and from the north, Highway 552 from southern Colorado.

There are several other small communities in the surrounding area, including Red River, Questa, Costilla, Arroyo Hondo, Eagle Nest, Angel Fire, Taos Ski Valley, and Peñasco.

Fine art has been a component of the Taos area for more than 100 years and remains so today as evidenced by the numerous galleries on the plaza and surrounding streets. The late 1960s and early 1970s saw a large migration of counter-culturists into the region, bringing the establishment of communes, retreats and spiritual centers. Though this phase has largely passed, its influence on the community is still felt in a variety of ways.

Taos serves as the regional center for trade, healthcare, business and tourism for north-central New Mexico. During the 1980s and 1990s national chain restaurants, hotels, grocery stores and others entered the Taos retail market. Taos has several supermarkets, a Wal-Mart, a modern movie theater, as well as a number of chain hotels and restaurants. These are in addition to the locally originated and mature businesses that have a longer history in the town. The economic downturn has caused the demise of a number of small businesses, including a few older hotels.

Taos County contains 1,444,480 acres, 50% of which is federally controlled. Just 38.23% of the land in Taos County is privately owned.

### *Population Trends*

The 2010 population of Taos County was 32,937, up from a 2000 population of 29,979, an increase of 9.87% for the decade. By July 2020, Taos County population was just 32,593 showing essentially a slow growing population trend.

The 2010 population of the Town of Taos was estimated at 5,716, a 21.62% increase over 2000. By July 2020, the population was 5,872, an increase of 156 in ten years.

Population growth had been driven by a combination of in-migration of mature adults wishing to reside in the region, young professionals who can maintain professional service careers via electronic linkages, and natural population growth from within the community. In-migration accounted for 58% of the population growth of Taos County in the 1990s. A significant portion of the Taos economy is driven by seasonal residents who live in the area during some portion of the year.

The seasonal segment of the population includes some single-family homeowners, condominium owners, and apartment tenants. Most have incomes near or above the median household income in Taos County. Although this portion of the population remains in the area only part time, they do affect household size and housing demand. According to 2010 census data, 15.6% of the county housing is seasonal, recreational or occasional use. Multi-family housing represents 10.2% of the town housing stock and 3.9% in the county while renter-occupied households represent 43.3% of occupied housing units in the Town of Taos and 25.7% in the county. This level of rental housing is much higher than most communities.

Another statistic is that the percentage of the population of Taos County over 55 years old is 39.4% as compared with the state average of 28.2% and 27.1% for the nation. Also, the number of persons per household is 2.55, lower than state averages.

## Employment

The year-end 2019 Taos County unemployment rate was 5.5%. By December 2020, unemployment increased to 11.1% or 1,700 unemployed. Much of the increase is attributed to the temporary business closures due to COVID-19. From June 2021 to May 2022, unemployment dropped 43% in Taos County to 5.9%, as people returned to work. Now businesses struggle to find workers to fill jobs while the number of participating employed work force has not recovered to 2019 levels.

The table below compares annualized numbers employed and unemployment rate from 2000 to 2022 in Taos County, the state of New Mexico, and the country. The data shows Taos County had struggled to recover from the recession, until recently, behind state and national trends. Summer employment declines are likely due to seasonal employment.

### Historical Employment Information 2000 - 2022

	Taos County			New Mexico			United States		
	# Emp.	Percent Change	Unemp. Rate	# Emp.*	% Change	Unemp. Rate	# Emp.*	% Change	Unemp. Rate
2000	14,336	-	6.8%	810.0	-	5.0%	136,891	-	4.0%
2001	14,739	2.81%	6.7%	821.0	1.36%	4.8%	136,933	0.03%	4.7%
2002	15,561	5.58%	6.7%	823.2	0.27%	5.4%	136,485	-0.33%	5.8%
2003	15,717	1.00%	7.4%	835.8	1.54%	6.4%	137,736	0.92%	6.0%
2004	15,707	-0.06%	7.6%	850.0	2.10%	5.8%	139,252	1.10%	5.5%
2005	16,016	1.97%	6.8%	870.2	2.02%	5.3%	141,730	1.78%	5.1%
2006	16,550	3.33%	5.6%	896.4	3.26%	4.2%	144,427	1.90%	4.6%
2007	16,806	1.55%	4.7%	912.2	1.76%	3.6%	146,047	1.12%	4.6%
2008	16,656	-0.89%	5.2%	919.5	0.80%	4.0%	145,363	-0.47%	5.8%
2009	16,034	-3.88%	8.9%	887.4	-3.49%	7.2%	139,877	-0.47%	9.3%
2010	13,757	-14.20%	10.7%	873.1	-1.63%	8.4%	139,064	-0.58%	9.6%
2011	13,561	-1.42%	10.5%	859.0	-1.65%	7.4%	139,869	0.58%	8.9%
2012	13,434	-0.94%	10.4%	861.6	0.15%	7.1%	142,469	1.86%	8.1%
2013	13,473	0.29%	10.4%	859.4	-0.26%	7.0%	143,929	1.02%	7.4%
2014	13,453	-0.15%	10.0%	859.3	-0.01%	6.7%	146,305	1.65%	6.2%
2015	13,430	-0.17%	9.2%	859.2	-0.01%	6.6%	148,834	1.73%	5.3%
2016	13,426	-0.03%	8.5%	883.9	2.87%	6.7%	146,158	1.50%	4.7%
2017	13,790	2.71%	7.9%	892.8	1.01%	6.2%	148,346	1.50%	4.1%
2018	14,700	6.60%	6.0%	907.8	1.68%	4.8%	151,190	1.80%	3.9%
2019	14,861	1.10%	5.5%	908.2	0.4%	4.5%	158,504	4.84%	3.4%
2020	13,629	-8.29%	11.1%	800.1	-7.5%	8.2%	142,624	-10.0%	6.2%
2021	13,640	0.08%	6.9%	913.4	14.2%	4.8%	155,732	9.19%	3.7%
2022	13,305	-2.46%	5.9%	901.3	-1.32%	4.1%	158,609	1.85%	3.4%

\*In thousands

Source: New Mexico Department of Labor/New Mexico Workforce Solutions

### Brooks Pearsall Zantow LLC

Income and wages in Taos County have historically been below state and national averages. According to the last UNM Bureau of Economic and Business Research report, the average weekly wage in Taos County is \$802, up from \$646 in 2019. This is lower than the state average of \$1,097 and \$1,418 national average. Much of the lower wage is due to the local labor force being comprised of tourism, retail and hospitality jobs. The wages have always created an affordability gap with local housing prices and rents.

The median household income in 2019 was \$38,329 while the state and nation was \$49,754 and \$62,843.

Taos County's economic base is approximately 81% private sector and 19% government. While overall employment has declined by over 10% since 2007, recent employment has grown slightly. The major private-sector employment categories of Taos County's economy are accommodation and food services (20.6%), health care and social assistance (15.2%), and retail trade (13.8%). Local government has also been a major employer at 13.9% of the total.

The general trend in the economy of Taos County over the past years has been continued contraction in many of the private-sector categories, offset to some extent by gains in retail, health care, accommodation and food services and even construction employment. Closure of the Chevron molybdenum mine near Questa resulted in a loss of mining jobs. Construction of the Blake Hotel and Blake Residences and other improvements in the Taos Ski Valley lead in part to the increase in construction jobs since 2013.

**Employment According to Categories: Taos County 2007-2018**

Industry	2007	2010	2015	2018
Agriculture, Forestry, Fishing & Hunting	11	*	*	*
Mining	399	337	55	46
Utilities	*	130	134	142
Construction	940	528	529	611
Manufacturing	124	133	169	196
Wholesale Trade	97	102	104	111
Retail Trade	1,432	1,277	1,332	1,497
Transportation & Warehousing	68	62	63	75
Information	143	116	128	123
Finance & Insurance	292	223	192	193
Real Estate & Rental & Leasing	255	199	229	194
Professional & Technical	480	331	338	269
Management	*	*	*	*
Administrative & Waste Services	118	373	164	286
Educational Services	88	94	195	264
Health Care & Social Assistance	1,605	1,544	1,573	1,654
Arts, Entertainment, & Recreation	485	501	697	575
Accommodation & Food Services	2,189	1,927	2,194	2,232
Other Services	344	294	242	268
Unclassified	*	0	0	0
Total Private	9,205	8,191	8,352	8,772
Total Government	2,176	2,235	2,067	2,075
Federal Government	301	346	278	277
State Government	312	304	304	295
Local Government	1,562	1,585	1,484	1,503
Total, All Industries	11,381	10,426	10,419	10,847

Source: *New Mexico Workforce Solutions*

*Brooks Pearsall Zantow LLC*

Gross receipts tax reports for Taos County over the past years are as follows:

Fiscal Year	Gross Receipts	% Change
FY2021	\$1,333,344,837	15.8%
FY2020	\$1,151,037,176	5.8%
FY2019	\$1,087,684,209	13.4%
FY2018	\$959,178,508	2.3%
FY2017	\$937,319,405	

Source: *New Mexico Taxation and Revenue*

The recent upward trends on gross receipts collections show steady improvement, especially in 2021 following COVID-19.

**Building Permits**

The following chart shows the Town of Taos residential and commercial building permit numbers and values from 2006 through 2018.

**Town of Taos Building Permits 2006-2018**

Year	Residential	Value Residential	Commercial	Value Commercial
2006	103	\$16,809,404	64	\$12,556,889
2007	43	\$8,964,534	45	\$9,566,902
2008	36	\$3,664,397	31	\$3,332,850
2009	51	\$2,396,463	29	\$5,360,593
2010	23	\$2,194,785	18	\$1,514,001
2011	7	\$1,816,450	1	\$100,000
2012	8	\$1,446,474	4	\$1,312,650
2013	11	N/A	3	N/A
2014	8	\$1,773,950	2	\$510,625
2015	12	\$2,939,472	3	\$901,000
2016	14	\$2,713,274	7	\$5,653,000
2017	12	\$2,725,812	3	\$975,283
2018	17	\$3,731,812	1	N/A

Source: *Town of Taos*

*Brooks Pearsall Zantow LLC*

The high point of this history was 2006. The 2011 volume of residential permits was 10% of that of 2006; the 2011 commercial permits were lowest of any of the years shown. Recent activity is showing a slow recovery from the recent economic conditions for Taos. The town does not publicly update the building permits.

### *Housing/Apartments*

Single-family homes in Taos vary substantially and can be new to +/-150 years old. Most appear generally well maintained with some extensively remodeled. Some affordable pre-manufactured homes are allowed in town. Based on current listing information, home prices for the area appear to range from \$250,000 to \$950,000+. The 2021 median sale price was \$448,000, up 23.1% from \$364,000 in 2020.

There are approximately five apartment complexes concentrated in the area totaling 348 units, most with rental assistance or part of the Low Income Housing Tax Credit program. Conventional apartment rentals are somewhat scarce and are concentrated in small buildings or casita guesthouses. Many multi-family units are condos or in the short-term rental pool, catering to the tourist market.

### *Summary and Conclusions*

Taos is a community rich in history and culture with a unique geographic location that has attracted tourists, artists and adventurers for many years. Population in the county and particularly the Town of Taos is continuing to grow.

Numbers of building permits are at a historically low level. Meanwhile, like many parts of the state and the country, the Town of Taos' residential real estate market has experienced tremendous increases in average and median prices while supply is limited.

The demographics of the community show an aging population with projections of this trend accelerating in the future, suggesting that there will be a stable or potentially declining proportion of the population in the work force in coming years. And notably, Taos County has a high rate of poverty relative to the state and the country. Also, the county has always had a high unemployment rate but has made up some of the gap in recent years.

Nevertheless, prospects for steady long-term growth in most of the county's key economic indicators appear generally favorable, though uncertain.

### **COVID-19 Coronavirus Influence**

As of March 2020, the spread of the COVID-19 virus in New Mexico prompted advisories to maintain social distancing in public mass gatherings and work places. By April 23, the Governor issued a Public Health Emergency Order that forced closure of non-essential businesses in office-place and work-place settings. This quickly resulted in some businesses to send employees to work from home or to layoff or furlough employees in concentrated collaboration environments that are most vulnerable to the virus spread between workers and clients. A revised version of this order was reinstated on November 12, 2020 and slowly restrictions have lifted with the aggressive vaccination campaign and declining cases. As of August 2021, the number of new cases due to the Delta virus variant has led to some requirements to wear masks in indoor public places and public schools.

The outlook of this is still unknown but restaurants, lodging, small retail, theaters, and tourism-based operations have been most impacted in the near-term. As experienced in the past recession, the local office market could be affected with declining demand, increased vacancy, longer marketing periods, and reduced rents and values. Even the density of office occupancy could change and other improvements may be necessary to safely reoccupy buildings and contain any potential to spread viruses. Some real estate economists suspect that the effort to move workers to home-based offices with remote conferencing may prevail beyond the existence of the virus. The general industrial market has not been impacted by the pandemic as most industrial operations have continued to provide essential services.

Some tenants had applied for short-term-rent relief. This can impact cash flow and debt service obligations putting some leveraged properties at risk of default. Business support could temporally offset losses with the Paycheck Protection Program (PPC), CARES Act support and other SBA program funds.

Still concerning is the potential of business closures, defaults that could potentially drag down the economy. It is possible that the momentum of the previous economic expansion will continue once the virus is contained and the business return to order. Still, recovery may be slow in certain sectors as lost business revenues may take some time to recapture, thus holding back some investments in real estate. There are reports of some real estate transactions that are either being delayed or not moving forward.

Locally, it may be still hard to measure the impact on the markets. One bright sign is that local unemployment has improved to 5.9% while employers are desperately seeking employees to return to work.

Contrary to these inferred observations, single-family residential has been resilient to any impact and in fact has shown substantial price increases and active demand, outpacing supply. This had been spurred in part by historic low interest rates and some desire by households to move up to more expensive housing. New construction continues but supply and labor shortages have inflated costs. However, those in the lower-income brackets, especially those that lost service jobs, may not be in a position to purchase. Likewise, the apartment market is seeing record rent increases and low vacancy as demand for all forms of new housing outpaces new supply. Therefore, there is no clear impact at this point as how it effects future values.

## **Neighborhood Description**

The neighborhood of the subject property is considered the Village of Taos Ski Valley, incorporated as such in 1996 and adjoins the well-known ski area of Taos Ski Valley, established in 1955. The base elevation of the Village is 9,200 feet, and it encompasses 2.36 square miles. It is located ±18.5 miles from the Town of Taos and is surrounded by the Carson National Forest.

The Village has a mayor/council form of government, with a village administrator. It provides public safety (police and fire protection, staffed by volunteers), water and sanitation for portions of the Village, and has a small medical clinic. Major medical emergencies or care require a 40-minute trip to Taos. There are some small retail stores in the Village, but for most needs residents must go all the way into Taos. Other than the ski school, there are no public schools. The Village of Taos Ski Valley has jurisdiction over planning and development within its boundaries.

The Village is very small, both geographically and by population. Development in the Village is intermittent along the road into the ski area and is clustered around the core village ski area itself, both its main base area and along the road to the base of what is known as the Kachina lift #4 (Kachina Village, elevation 10,200 feet). Development within the Village on the road leading to the base west of the ski area is largely within a subdivision known as Amizette. Further up the mountain to the south is the O. E. Pattison and Kachina Village Subdivisions as it reaches the Phoenix lift and Bavarian Lodge. Lots along these roads have been improved in recent years with modern homes and some condominiums.

As of the 2020 census, the year-round population of the Village of Taos Ski Valley was only 76 people, an increase from 69 in 2010. By 2020, the median age was 73.3 years, and the population was approximately 67% male. The average household size is 2.6. There were 17 occupied housing units, but the total number of housing units was 285, meaning that only a fraction of the housing units are “occupied,” according to the census. Of the 285 units, 54% were single-unit structures while the remainder were multi-unit condos for seasonal, recreational or occasional use. The reader should keep in mind that vacation or second-home owners are not counted as owner-occupants by the census. When all living units and lodging are fully occupied, the population can be in excess of 4,000 people. These statistics paint a picture of a resort community, with the vast majority of the housing units for seasonal, recreational, or occasional use.

The Village has certain limitations on development due to restricted private land areas, topography and infrastructure. However, recent improvements to the wastewater treatment and a high elevation water tank serving the Kachina Village have improved capacity. The Planning and Zoning Commission has adopted a 20-year Capital Improvement Plan, with 5-, 10- and 20-year planning periods.

### *Real Estate Market*

The Taos Ski Valley housing market appeals almost exclusively to out-of-area residents purchasing or building vacation homes, condominiums or other short-term rentals. Buyers come from both in and out of state, but generally not locally. A significant number of vacation-home buyers are from the neighboring state of Texas. Unlike the Taos Area market that attracts year-round residents, second homeowners, empty-nesters and/or retirees in addition to those vacationers drawn to the area for its skiing and its outdoor activities in the summer, the Taos Ski Valley market is very narrowly defined by buyers focused on its principal attraction.

Traditional nightly lodging had fulfilled much of the needs of the traveling public until recent years when professional property managed condominiums and Internet-marketed short-term rental options have become popular. Aside from lodging, there is a total inventory of 352 condominium units, with the majority of them built new or converted from another residential or lodging use in the 2000s. Interestingly, there were no condominiums developed or converted from 1987 to 2005. Then in the late 2000s there was a flood of new activity, beginning with the demolition of the Edelweiss Hotel to make room for the Edelweiss Lodge and Spa. There are eight other projects plus nine penthouse units above the Blake Inn and 24 units in the Blake Residences under construction.

A few new and potential projects have been set in motion following the sale of the Ski Valley resort from the Blake family to investor Louis Bacon. Taos Ski Valley, Inc. has now redeveloped the base area to include the 80-unit Blake Hotel and restaurant in 2016 and the 24 condo units in The Blake Residences finished in 2020/21. This project also has grade-level retail space and an ice-skating rink. This work had temporarily relocated many core village businesses, at least in the construction interim. Considerable investments have been made since the purchase including other base-area improvements, the Kachina Peak chairlift, a high-speed quad, the La Gondolita, renovation of the Phoenix Grill and Bavarian Lodge, mountain bike trails, climbing routes, and improved infrastructure. The former St. Bernard hotel at the base of Chair 1 is planned to be redeveloped into a modern replacement with lodging and restaurant.

Other investors and developers have purchased sites in Taos Ski Valley for future development, both at the base area and in Kachina Village Subdivision. Also, existing projects, such as the Bavarian Inn and Chalets and Wheeler Peak Condominiums, have the potential to expand their inventory.

Construction of new single-family housing has been slow, but has improved with new sewer and water tanks/lines installed up Twining Road to the Kachina Village. Village sewer capacity has also been increased to accommodate new base development. There still is a number of 1/3 to one-acre lots available and sales have been increasing in recent years after slow activity following the recession. Most of the lot sales found have been in 2018-19 then dropped off in 2020 due in part to COVID-19. Many of the remaining undeveloped lots have steep topography and involve specialized construction.

The market clearly differentiates between demand and values of housing within walking distance or on the slopes and units that are outside of the ski base area.

## Site Description

*Size and Shape* - The subject consists of a platted outlot parcel that totals 4.434 gross acres. This equates to a net area of approximately 193,145 square feet.

*Access* - There is approximately 160 feet of frontage on Kachina Road, currently a gravel improved road. A survey plat of the parcel is included in the *Preface*. The subject property is less than a five-minute drive to the parking lot of Taos Ski Valley but is not easily within walking distance.

*Topography* - The subject is a forested hillside that slopes significantly downward from Kachina Road into the streambed of Lake Fork. The change in elevation is approximately 190+ feet. The site has steep slopes up to 30%-40% and has little buildable terrain without major site, retaining and foundation engineered improvements. Not all of the site would be suitable for development. A multi-level structure with grade level entrance using stair access to living areas could be made. The elevation of the property is above 10,000 feet.

The site is attractively wooded with pine, spruce and native vegetation. It has a rough rock surface and thin soils. It has a west facing orientation. Though not technically a ski-in-ski-out location, the subject is across the stream from the Rubezal return trail that runs from the back side of the ski area to the base area.

*Environmental/Soil Conditions* - No soil or engineering reports are available. I understand the general location was a historic mining community and abandoned mines are in the vicinity. I do not know if the subject was previously part of any mining operations. The site is assumed to be free of contamination from hazardous substances. Another issue that is uncertain is the possibility of slope or avalanche danger. I do not know of any recent history of a problem at this specific location but other properties in the area have had issues.

*Flood Zone* - The subject west property line borders the Lake Fork stream, a perennial stream leading to the Rio Hondo near the ski base area and then the Rio Grande 15 miles to the west. According to the most recently prepared National Flood Insurance Program flood hazard map (Map Number 35055C0675E, dated October 6, 2010), the subject site appears to be in an area for which flood hazards are not determined. However, I would assume periodic flooding along the Lake Fork stream could occur. A copy of the current flood map is included in *Appendix* of this report.

*Utilities* - Utilities to the property include underground electricity (Kit Carson Electric Cooperative) and telephone (CenturyLink). The recently upgraded fiber optic and cell tower coverage to the Village has improved Internet. The Village now provides water and sewer service to most platted lots in this area. Natural gas is now available to the base area but not directly to the subject area. There are no physical utility hookups to the site.

*Water Rights* - There are no reported surface water rights appurtenant to the property.

*Easements* - There is a snow storage easement along Kachina Road frontage as shown on the survey plat. This diminishes much of the frontage buildable area. The Lake Fork stream frontage is not well-defined and State laws and statutes may allow fishing access.

*Surrounding Uses* - There are a handful of private homes or second homes that are now commonly offered as short-term rentals. There are numerous platted lots in the immediate area that have not been built on, some with difficult terrain or access. Most platted building lots are 0.3 to under 2.0 acres in size. The area is attractively wooded with pine, spruce and aspen and has a west facing orientation that allows snow to melt in the winter.

The subject adjoins seven existing platted lots, many that could benefit from the assemblage of the subject to expand yard areas or link directly to the Lake Fork stream.

## Zoning/Restrictive Covenants

*Zoning* - The subject is within the limits of the Village of Taos Ski Valley and is subject to its zoning ordinance. The site is designated A-Zone, Agricultural (also referred as Farming and Recreation). Surrounding sites are zoned R-Residential. This zone permits limited uses but includes all uses permissive in the R-Residential zone such as single-family homes. Permitted uses include public recreation where a fee is not charged, including but not limited to hiking, fishing, hunting, camping, equestrian, and off-road vehicle activities. Commercial recreation, timber harvesting and temporary buildings are conditional uses.

*Restrictive Covenants* – When the subject subdivision was platted and recorded in 2007, the subject outlet was transferred to the Kachina Property Owners Association with the covenant that the property is to be used as open space, trails and/or other recreational uses, and further provided that the property shall never be used for access or utility easements, with special warranty covenants, reservations, restrictions and easements of record.

Subsequently, when the property was dedicated as a gift to the Village of Taos Ski Valley it further transferred the covenants along with the understanding that the use is restricted as public open space and was intended to be part of a system of pedestrian trails. The gift dedication would then terminate previous covenants and dissolve the property owner's association.

Please refer to the recorded deed documents in the *Appendix*.

## Real Estate Taxes

Property taxes are administered and levied by Taos County on behalf of itself and other public entities. The subject is now owned by the Village and is tax exempt so there is no tax allocation assigned to the parcel at this time.

## Highest and Best Use

Highest and best use is the most probable and profitable use to which a property might be adapted, based on consideration of alternative legal uses for which the property is physically suited and for which there is a market. For improved properties, the highest and best use analysis is a two-step process where the highest and best use of the land as though vacant and the property as improved are analyzed separately.

*Physically possible.* The subject site has a platted area of 4.434 acres. The timbered site slopes away from the Kachina Road grade with slopes from 30% to 40% so any development would require significant site improvement with foundation excavation, retaining walls or perhaps multi-level construction. It is much larger than the typical single-family home lot in the Village that tend to be between 0.33 to 2.0 acres in size. The proximity along the Lake Fork stream and the Taos Ski Valley resort are desirable features.

The subject location now has public sanitary sewer and water, electricity, and telephone available to the plat. The parcel would be physically suitable for at least one or more single dwellings or a low-density multi-unit residential use. The shape and topography would limit some intensive uses or high-density occupancies.

*Legally permissible.* The subject zoning is A-Zone, Agricultural and is within The Village of Taos Ski Valley incorporated limits. This zone would normally provide for a limited number of permissible uses including residential and recreational uses while certain conditional uses would require special-use permit approval.

However, the restricted covenants clearly limit the use for public open space intended to be part of a system of pedestrian trails.

Real estate property ownership contains a bundle of rights, with absolute fee simple ownership allowing considerable freedom of control, other than the police powers of the government laws and ordinances.

Although there could be considerable interest with adjoining owners to assemble the subject for yard expansion, property control and stream access, the restrictive covenants clearly diminish the private ownership bundle of rights if the public has access and use of the property, and therefore likely reduces the demand incentive and value of the property.

With ownership also comes the potential liability risk, real estate taxes and potential maintenance cost of ownership.

Adjoining open space, streams, parks or Forest Service property can enhance adjacent private lot values, however, there is little marketable benefit to ownership of these public lands, either by title or easement.

That said, there may be little incentive for an adjoining owner to pay for the limited bundle of rights remaining with the subject.

Market data or sales of highly restricted public use land are rare since this type of property is not commonly marketed or demanded unless associated with gaining access to roads or utility infrastructure. More commonly, public use land is acquired by public agencies by title or easement based on its fee simple market value or by the diminution of value for the rights acquired. The diminution of value from these types of takings may be another measure of value in this case. This will be further discussed in the following valuation section.

*Financially Feasible/Maximally Productive.* The financial feasibility of developing the subject site is determined by the probability of achieving specific investment objectives in light of various constraints and financial resources. In order for a use to be maximally productive, it must produce the highest return achievable within a realistic time period.

In theory, for a buyer's efforts to be rewarded there must be a financial incentive available to entice and compensate the buyer for his/her opportunity cost, time or risk. An essential component of the highest and best use analysis is a reasonable forecast of market demand demonstrated by land sales. I found a number of land sales as part of my general appraisal research. In the Ski Valley, limited developable land in this area also limits any potential purchaser/developer choices, which commonly escalates value.

Again, the restrictive covenants allowing public use diminish the feasibility of any private use and may not substantially enhance any adjoining residential property lot value beyond the public open space that already inherently exists. On the other hand, the adjoining Ski Valley resort may potentially find some contributory use if assembled with their vast land holdings, which is essentially the purpose of this appraisal. However, they should not pay more than what other participants or adjoining owners would likely pay.

The highest and best use of the land as if vacant would likely be assembled for open-space use in conjunction with the adjoining residential lots or the adjoining ski area.

## **VALUATION**

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## Problem Analysis and Data Interpretation

The scope of this appraisal is to estimate the market value of the subject land tract, in its physical condition and allowing legally permitted uses.

## Land Valuation

The land value analysis uses a sales comparison method by analysis of sale prices paid of similar properties and compared to the subject. Adjustments are made to the sales for various factors such as property rights, financing terms, conditions of sale, off-site development costs, market conditions, location, zoning, utilities, topography, view and other physical characteristics.

I have focused my land sale research within the incorporated limits of the Village of Taos Ski Valley and Rio Hondo valley. I have identified differing types of sales to establish the relative pricing of land. Most of the lot sales are purchased for single-family home sites, multi-unit construction or speculation land hold.

The unadjusted land sales vary dramatically between the Village Core area near the ski base and locations outside the core, which extend up Twining Road to the upper Kachina Village Subdivision. There have also been recent sales of larger tracts in the lower-priced Amizette area, where there is no sewer or water service.

The unadjusted land sales range from \$107,500 to \$850,000 or from \$1.28 to \$37.51 per square foot and vary by proximity to the ski area, stream frontage, topography, size and infrastructure.

Some of these sales may not be directly comparable but they are used in part for support of extracted adjustments for size, time, utilities, utility access and topography.

The following table summarizes the land sales used for analysis. Details of the following sales are provided in the *Appendix*.

### Comparable Land Sales

TSV Land Sales		Acres	Square Feet	Sale Price	\$/SF	Sale Date	Zoning	Utilities	Features
	<i>Subject</i>	4.434	193,145				Res	W/S/E	Steep Wooded
1	Bull of the Woods Rd., B & C	2.080	90,605	\$390,000	\$4.30	3/4/20	SU	E/T	Steep/Stream
2	1325 HWY 150, Amizette	2.320	101,059	\$625,000	\$6.18	9/20/22	Res	E/G/T	Flat/Rio Hondo
3	Deer Lane, Kachina Village Lot 6	1.259	54,842	\$650,000	\$11.85	11/15/18	C-B	S/E	Forest, Kachina Village
4	10 Blue Jay Ridge	2.306	100,449	\$850,000	\$8.46	5/11/21	Rec. Ag.	E/T	Above Phoenix
5	7 Porcupine, Kachina Lot 5/O	1.204	52,446	\$289,825	\$5.53	5/14/21	Res	W/S/E	Forest
6	8 Porcupine, Kachina Lot 10/O	0.928	40,424	\$285,000	\$7.05	9/18/17	Res	W/S/E	Forest
7	82 Kachina Rd. Lot 19/1	0.800	34,848	\$278,000	\$7.98	10/11/19	Res	W/S/E	Steep Wooded
8	6 Porcupine, Kachina Lot 9/O	1.145	49,876	\$262,500	\$5.26	5/28/18	Res	W/S/E	Forest
9	20 Zaps Rd. OE Pattison Lot 17/M	0.407	17,729	\$345,000	\$19.46	11/4/21	Res	W/S/E	Flat
10	140 Emma Rd. Amizette, Lot 1/5	1.974	85,987	\$110,000	\$1.28	10/3/19	Res	E/G/T	Backs to FS/Stream
11	Amizette, Lot 2, Blk 5	0.883	38,463	\$202,000	\$5.25	3/2/20	Res	E/G/T	Backs to FS
12	HWY 150 Amizette, Lot 1/2	0.799	34,804	\$107,500	\$3.09	8/5/19	CB	E/G/T	Backs to Rio Hondo
13	1112A HWY 150 Amizette	2.000	87,120	\$120,000	\$1.38	4/29/16	County	E/G/T	Backs to Rio Hondo
14	Coyote Lane OE Pattison Lot 8/D	0.490	21,344	\$240,000	\$11.24	3/29/18	Res	W/S/E	Steep Wooded
15	Zaps Rd., OE Pattison Lot 2/M	0.330	14,375	\$235,000	\$16.35	12/11/19	Res	W/S/E	Forest
16	Zaps Rd., OE Pattison, Lot 10/M	0.400	17,424	\$279,000	\$16.01	10/9/18	Res	W/S/E	Forest
17	28 Zaps Rd., OE Pattison, Lot 23/M	0.400	17,424	\$280,000	\$16.07	11/26/19	Res	W/S/E	Forest
18	7 Porcupine, Kachina Lot 5/O	1.204	52,446	\$254,000	\$4.84	10/20/16	Res	W/S/E	Forest
19	14 Pattison Loop, OE Pattison 1/B	0.350	15,246	\$350,000	\$22.96	2/15/18	C-B	W/S/E	Forest
20	Twining Road OE Pattison, Lot 6/J	0.301	13,112	\$285,000	\$21.74	4/5/19	Res	W/S/E	Forest/Valley
21	131 Twining Road OE Pattison, 12/L	0.329	14,331	\$537,500	\$37.51	1/4/18	Res	W/S/E	Stream
22	20 Zaps Rd., OE Pattison, Lot 17/M	0.407	17,729	\$265,000	\$14.95	11/14/14	Res	W/S/E	Forest
23	Deer Lane, Kachina Village Lot 4/3	0.465	20,255	\$270,000	\$13.33	3/21/14	C-B	S/E/T	Forest

*Brooks Pearsall Zantow LLC*

I have also considered current listings to demonstrate the limited competitive supply and pricing in the market today. Since no sales have occurred, they are not given direct consideration in the final value estimate but they do show the competitive nature and price expectation in this market area. Most building lots are now priced starting at \$275,000 or more but generally less than \$500,000 unless they are C-B commercial sites near the core base area.

### Adjustments to Sales

Adjustments made to equate the characteristics of the subject are discussed as follows. Features of a sale superior to the subject require downward percentage adjustment while inferior features require upward adjustment.

*Property Rights/Terms of Sale:* All of the transactions were fee simple with no adjustments warranted for leasehold interests. In this market, it is not uncommon to see seller-financed land contracts. Terms vary by down payment, interest rates and balloon dates. Unless terms were favorable relative to cash, no measurable financing adjustment is made.

*Demolition:* In cases where sales require additional demolition costs to clear the site for development, the cost of demolition is added to indicate a value as if vacant. Most of the sales had no contributing improvements and all may require on-site tree clearing, cut and fill for development.

*Market Condition:* The first adjustment made is for changing market conditions over time. Older sales were considered but any sale prior to 2012 and especially prior to 2009 is suspect given dramatic changes in the market leading up to and following the recession. To avoid large time considerations, recent sales and pending contracts were selected. There have been fewer closed sales in 2020/21 during the COVID-19 pandemic but regardless, demand and pricing does not appear to have been adversely affected. The older sales used may now require upward time adjustment. Measurement of a time adjustment is made by a paired sale analysis of similar properties sold over a period of time. The following pairs of sales and resales show extracted time trends both monthly and annually.

TIME/MARKET ADJUSTMENT-PAIRED SALES					
Sale	Date	Sale Price \$/Sqft	Elapsed Time Months	% Chg/Mo	% Chg/Yr
7 Porcupine, Kachina, Lot 5/O	10/20/16	\$4.84	54.80		
7 Porcupine, Kachina, Lot 5/O	5/14/21	\$5.53		0.24%	<b>2.92%</b>
Zaps Rd	10/9/18	\$16.01	14.07		
2 Zaps Rd	12/11/19	\$16.35		0.15%	<b>1.79%</b>
20 Zaps Rd	11/14/14	\$14.95	60.92		
2 Zaps Rd	12/11/19	\$16.35		0.15%	<b>1.76%</b>
12 Burroughs Rd	3/5/13	\$33.76	58.06		
Twining Rd	1/4/18	\$37.07		0.16%	<b>1.93%</b>
20 Zaps Rd.	11/14/14	\$14.95	83.77		
20 Zaps Rd.	11/5/21	\$19.46		0.32%	<b>3.78%</b>
6 Porcupine, Kachina Lot 9/O	5/25/18	\$5.26	35.67		
7 Porcupine, Kachina, Lot 5/O	5/14/21	\$5.53		0.14%	<b>1.69%</b>
Lot 5 Porcupine Rd	10/20/16	\$4.84	54.57		
Lot 5 Porcupine Rd	5/7/21	\$5.53		0.24%	<b>2.93%</b>
Lot 5 Porcupine Rd	10/20/16	\$4.84	19.13		
Lot 9 Porcupine Rd	5/25/18	\$5.29		0.47%	<b>5.59%</b>
Dear Lane Lot 1	1/30/14	\$10.57	57.53		
Dear Lane Lot 6	11/15/18	\$11.85		0.20%	<b>2.39%</b>

Brooks Pearsall Zantow LLC

Based on this data which led up to late 2022, a reasonable adjustment is made to the older sales based on 3% per year or 0.25%, compounded on a monthly basis. The adjustment is made between the date of sale to the effective date of value. There is no evidence to demonstrate notable changes in values in land markets due to the COVID-19 pandemic but the recent sales and the resilient residential market does not appear to have been adversely impacted.

*Location/Zoning/Access:* These adjustments address differences in location, access, visibility, demand for the area, compatibility of adjoining uses and for specific differences in zoning or land-use controls. The most distinct location value impact is proximity to the Village core area. One observation made in this market is that prices tend to decline the greater distance from the core, up the mountain north to south.

Again, adjustments are supported with a paired sale analysis, using some sales from various locations to extract a percentage price differential adjustment. This can give variable results depending on motivation and use. Clearly, the land sales closest to the core area have the highest prices and require considerable downward adjustment when compared with zoned sites in the upper Kachina Village location. Sales that have the advantage of a good location near the Lake Fork stream and ski trails also show higher prices. The remaining residential zoned tracts further up the valley are similar to the subject location. Meanwhile, the few land sales found in the Amizette subdivision over one mile west of the core base area have consistently sold for less due both to distance and lack of water and sewer infrastructure, thereby requiring upward adjustment.

The zoning may vary by district classification but the intended use of the sales are either commercial or residential, so differences in zoning by itself may be less significant in terms of value adjustment. Regardless of zoning, the most significant influence accounts for the fact that the subject is beyond the fringe of the commercial Village core.

*Infrastructure:* Combined with issues of location, this adjustment addresses specific differences in a location's infrastructure or utilities available to the properties. Most of the lot sales outside the core were on rock roads and lacked complete urban subdivision improvements. Many now have public water and sewer available but in the case of older sales, the water service was developed after the date of sale. Most of the sales did not have immediate access to natural gas but this is not a major factor as propane use is common and adjustment is more a factor of location. Again, sales in the Amizette area do not have sewer or water immediately available and combined with the location farther from the ski area, clearly show lower prices and need upward adjustment. Some of the more remote sites above the Phoenix lodge or farther up Bull of the Woods do not have direct water or sewer and also require upward adjustment. Adjustment is based in part by the cost of well and septic installation.

*Size and Shape:* This adjustment considers the differences in site size on the price per square foot. As a site increases in size, the sale price per square foot commonly decreases. There were only a few larger tract sales found but they will clearly show that the larger tracts sell for considerably less per square foot as compared with small single lots, so lot size differences require substantial adjustments. Smaller sales are sensitive to the price per square foot difference so significant downward adjustment is even needed for the smaller 1/3-acre sites. Many buyers have limited needs or capacity to purchase larger tracts and there is a point where additional surplus land does not contribute further to value.

Again, a paired sale test is used here to demonstrate the percentage difference in the sale price per square foot between smaller and larger sales. Mathematically, the percentage adjustment can be significant while as the lot size increases, the percentage difference diminishes on a price per square foot difference. I have used some larger sales outside the area to further illustrate the difference as tract size increases over four acres. The following pairs show these differences. Note that a time adjustment is made to each sale first.

The downward adjustment to the smaller sales in this market can exceed 40% to 70%.

SIZE ADJUSTMENT PAIRED SALES	Sq. Ft Size	Sale Price \$/Sqft	Sale Date	Time Adj \$/Sqft	Overall Diff	% Adj	% Adj. Diff/Sq.Ft.	
20 Zaps Rd. OE Pattison Lot 17	17,729	\$19.46	11/5/21	\$19.46	\$10.97	56.4%	0.0033%	Downward
82 Kachina Road	34,848	\$7.98	10/11/19	\$8.49		129.2%	0.0075%	Upward
		Months:	24.9					
HWY 150 Amizette, Lot 1, Blk 2	34,412	\$3.12	8/5/19	\$3.12	\$1.60	51.3%	0.0010%	Downward
1112A HWY 150 Amizette	87,120	\$1.38	4/29/16	\$1.52		105.3%	0.0020%	Upward
		Months:	39.2					
20 Zaps Rd. OE Pattison Lot 17	17,729	\$19.46	11/5/21	\$19.46	\$14.94	76.8%	0.0011%	Downward
Bull of the Woods Rd., B & C	90,605	\$4.30	3/4/20	\$4.52		330.5%	0.0045%	Upward
		Months:	20.1					
2 Zaps Rd., OE Pattison	14,375	\$16.35	12/11/19	\$17.06	\$8.61	50.5%	0.0006%	Downward
10 Blue Jay Ridge	100,684	\$8.45	5/11/21	\$8.45		101.9%	0.0012%	Upward
		Months:	17.00					
1112A HWY 150 Amizette	2.08	\$1.38	4/29/16	\$1.38	\$1.07	77.5%	0.0001%	Downward
HWY 150	27.39	\$0.29	1/10/14	\$0.31		345.2%	0.0003%	Upward
	*Acres	Months:	27.6					
8 Coyote Lane	21,344	\$11.48	3/29/18	\$12.16	\$7.86	64.6%	0.0009%	Downward
Bull of the Woods Rd., B & C	90,605	\$4.30	3/4/20	\$4.30		182.8%	0.0026%	Upward
		Months:	23.21					

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**Topography:** Topographic amenities such as stream frontage, views, mature trees and site features can have a notable influence in this market. Level topography is desirable to reduce site development costs. The subject and most of the sites have sloping to steep mountainous terrain with alpine timber and would need cut, fill, grading and retention for development. Some sales have generally level building pads while some of the sites have modest to steep slopes and are adjusted downward. The subject is steep and affords little buildable pad envelopes without significant site work. Variation is found on lots along Zaps Road, with some being somewhat flat while others are steep. Comparing differences between sloping and steep sites show upwards of 10 to 30 percent downward adjustment is needed, more if the sites are level.

**View/Stream/Timber Influence:** Beyond topography, this market can be significantly influenced by proximity to streams or distinct scenic views. The subject technically has stream frontage along with Sales 1, 2, 10, 12, 13 and more so with Sale 21. Interestingly, this has less impact than expected and some of the sales along the Rio Hondo in Amizette are partially influenced by potential flooding. Only a slight upward adjustment is supported to those sale without direct access.

**Improvements:** This adjustment accounts for the contributing value of existing improvements to the site. None of the sales had substantial contributing value to improvements.

**Restrictive Covenants:** The last adjustment needed accounts for influences the public open space covenants attributed to the site. None of the local sales had these restrictions. Therefore, I will adjust the sales on the following adjustment tables only to reflect a value assuming the property could be sold with a fee simple value without restrictions. Further adjustment for the covenants will be subsequently made.

The following table demonstrates adjustments to each sale for differences with the subject, assuming a fee simple value without restrictions. I have only focused on the larger land tract sales to avoid the significant percentage adjustments needed to the smaller lots for size (Sales 1-8).

**Comparable Land Sale Adjustment Matrix**

Sale #	Subject	Sale 1		Sale 2		Sale 3	
Location	Kachina Road Village of Taos Ski Valley	Bull of the Woods Lot B-C Village of Taos Ski Valley		1325 HWY 150 Village of Taos Ski Valley		Deer Lane Village of Taos Ski Valley	
Market Area	Kachina Village, Parcel 3, Block O	O E Pattison, Lots B-C, Blk N		Amizette		Kachina Village Lot 6, Blk. 3	
Sale Price	\$0	\$390,000		\$625,000		\$650,000	
Net Acre Area	4.434	2.080		2.200		1.259	
Sqft Area	193,145	90,605		93,480		54,842	
Sale Price Per Sqft	\$0.00	\$4.30		\$6.18		\$11.85	
Financing Terms/Conditions		Cash		Cash		Cash	
Cash Equivalent S.P.		\$390,000		\$625,000		\$650,000	
Improvements/Demolition		\$0.00		\$0.00		\$0.00	
\$/Ac.Adj. for Imp./Demo	None	\$4.30		\$6.18		\$11.85	
Date of Sale/Appraisal	9/29/22	3/4/20		9/20/22		11/15/18	
Months to Date of Value	9/29/22	30.9		0.3		46.5	
Monthly % Adj. For Time	0.25%	8.0%		0.1%		12.3%	
And/Or Market Conditions							
Time Adjusted \$/Sqft	\$0.00	\$4.65		\$6.19		\$13.31	
Other Adjustments							
Location/Zoning/Access	A-Agriculture	Spec. Use		Res. 10.0%		C-B -10.0%	
Utilities/Streets	Water/Sewer/Elec.	E/T 5.0%		E/G/T 5.0%		E/S 5.0%	
Tract Size/Sqft	193,145	-46.0%		-41.0%		-62.0%	
Shape	Irregular	Irregular		Irregular		Rectangular	
Topography	Steep slope	Steep -10.0%		Level/low -30.0%		Sloping -30.0%	
Timber	Alpine trees	Alpine trees		Alpine trees		Alpine trees	
View/Stream	Stream/Valley	Stream/Valley		Stream/Valley		Slopes 5.0%	
Improvements	No value	None		Minimal		None	
Restrictions	<i>Dedicated open space*</i>						
Net % Adjustments		-51%		-56%		-92%	
<b>Adj. Value Per Sqft</b>		<b>\$2.28</b>		<b>\$2.72</b>		<b>\$1.06</b>	

Sale #	Subject	Sale 4		Sale 5		Sale 6	
Location	Kachina Road Village of Taos Ski Valley	10 Blue Jay Ridge Village of Taos Ski Valley		7 Porcupine Road Village of Taos Ski Valley		8 Porcupine Road Village of Taos Ski Valley	
Market Area	Kachina Village, Parcel 3, Block O	Lot 11, Sec 15-27-14		Kachina Sub. Lot 5, Blk. O		Kachina Sub., Lot 10, Blk. O	
Sale Price	\$0	\$850,000		\$289,825		\$285,000	
Net Acre Area	4.434	2.306		1.204		0.928	
Sqft Area	193,145	100,449		52,446		40,424	
Sale Price Per Sqft	\$0.00	\$8.46		\$5.53		\$7.05	
Financing Terms/Conditions		Cash		Cash		Cash	
Cash Equivalent S.P.		\$850,000		\$289,825		\$285,000	
Improvements/Demolition		\$0.00		\$0.00		\$0.00	
\$/Ac.Adj. for Imp./Demo	None	\$8.46		\$5.53		\$7.05	
Date of Sale/Appraisal	9/29/22	5/11/21		5/14/21		9/18/17	
Months to Date of Value	9/29/22	16.6		16.5		60.4	
Monthly % Adj. For Time	0.25%	4.2%		4.2%		16.3%	
And/Or Market Conditions							
Time Adjusted \$/Sqft	\$0.00	\$8.82		\$5.76		\$8.20	
Other Adjustments							
Location/Zoning/Access	A-Agriculture	Residential		Res.		Res.	
Utilities/Streets	Water/Sewer/Elec.	E/T 5.0%		W/S/E		W/S/E	
Tract Size/Sqft	193,145	-42.0%		-63.0%		-69.0%	
Shape	Irregular	Irregular		Irregular		Irregular	
Topography	Steep slope	Sloping -30.0%		Sloping -30.0%		Steep slope -10.0%	
Timber	Alpine trees	Alpine trees		Alpine trees		Alpine trees	
View/Stream	Stream/Valley	Valley 5.0%		Nat. Forest 5.0%		Nat. Forest 5.0%	
Improvements	No value	None		None		None	
Restrictions	<i>Dedicated open space*</i>						
Net % Adjustments		-62%		-88%		-74%	
<b>Adj. Value Per Sqft</b>		<b>\$3.35</b>		<b>\$0.69</b>		<b>\$2.13</b>	

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### Comparable Land Sale Adjustment Matrix

Sale #	Subject	Sale 7		Sale 8	
Location	Kachina Road	82 Kachina Rd.		6 Porcupine Road	
Market Area	Village of Taos Ski Valley Kachina Village, Parcel 3, Block O	Village of Taos Ski Valley Kachina Village Lot 19 Blk. 1		Village of Taos Ski Valley Kachina, Lot 9, Blk. O	
Sale Price	\$0	\$278,000		\$262,500	
Net Acre Area	4.434	0.8000		1.145	
Sqft Area	193,145	34,848		49,876	
Sale Price Per Sqft	\$0.00	\$7.98		\$5.26	
Financing Terms/Conditions		Cash		Cash	
Cash Equivalent S.P.		\$278,000		\$262,500	
Improvements/Demolition		\$0.00		\$0.00	
\$/Ac.Adj. for Imp./Demo	None	None		None	
Date of Sale/Appraisal	9/29/22	10/11/19		5/28/18	
Months to Date of Value	9/29/22	35.6		52.1	
Monthly % Adj. For Time	0.25%	9.3%		13.9%	
And/Or Market Conditions					
Time Adjusted \$/Sqft	\$0.00	\$8.72		\$5.99	
Other Adjustments					
Location/Zoning/Access	A-Agriculture	Res.		Res.	
Utilities/Streets	Water/Sewer/Elec.	W/S/E		W/S/E	
Tract Size/Sqft	193,145	34,848		49,876	
Shape	Irregular	-71.0%		-64.0%	
Topography	Steep slope	Irregular		Irregular	
Timber	Alpine trees	Sloping		Steep slope	
View/Stream	Stream/Valley	-20.0%		-10.0%	
Improvements	No value	Alpine trees		Alpine trees	
Restrictions	Dedicated open space*	Nat. Forest		Nat. Forest	
Net % Adjustments		5.0%		5.0%	
Adj. Value Per Sqft		None		None	
		-86%		-69%	
		<b>\$1.22</b>		<b>\$1.86</b>	

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\*No adjustment made at this point for dedicated open space restrictive covenants.

### Reconciliation of Sales Data (Fee Simple Value without adjustment for restrictive covenants)

As shown, adjusted indicated values per square foot range from \$0.69 to \$3.35 while the average of all indications is \$1.91 per square foot. The spread in indicated values is greater than preferred but it is expected given the variable nature of the properties and large adjustments needed. Without adjusting for restrictive covenants, the subject should fall at the lower end of this range to due to its larger size and steep topography.

Assuming the subject could be purchased as assembled surplus land, one way of extracting its contributory value is to compare the difference in the overall price of large lots with small lots to show the contributory value of the surplus land. The 2.08-acre Sale 1 is a good example of a larger lot that steeply drops down to the Rio Hondo. Other examples comparing large lots to small lots in Amizette were also considered. A few examples are demonstrated as follows.

Surplus Land Extraction	Sq. Ft Size	Sale Price Price	Sale Date	Time Adjusted	Overall Diff
82 Kachina Rd.	34,848	\$278,000	10/11/19	\$281,329	\$108,671
Bull of the Woods Rd., B & C	90,605	\$390,000	3/4/20	\$390,000	
Difference:	55,757	Months:	4.77		<b>\$1.95</b>
HWY 150 Amizette, Lot 1, Blk 2	34,412	\$107,500	8/5/19	\$107,500	\$24,846
1112A HWY 150 Amizette	87,120	\$120,000	4/29/16	\$132,346	
Difference:	52,708	Months:	39.2		<b>\$0.47</b>
8 Porcupine, OE Pattison Lot 10/O	40,424	\$285,000	9/18/17	\$306,803	\$83,197
Bull of the Woods Rd., B & C	90,605	\$390,000	3/4/20	\$390,000	
Difference:	50,181	Months:	29.52		<b>\$1.66</b>

These examples show the surplus land contributes between \$0.47 and \$1.95 per square foot.

Based on this analysis, I estimate the fee simple market value of the subject property, without influence due to the restrictive covenants, to be \$1.75 per square foot and estimated as follows:

Market Value of Fee Simple Interest, without restrictive covenants.	
193,145 square feet @ \$1.75 per square foot =	\$338,004
Rounded:	\$338,000

### *Adjustment for Restrictive Covenants*

As discussed earlier, the subject is further restricted by the public use open space deed restrictions and covenants that reduce the ownership control and use of the property to a private owner.

Again, finding clear market data or sales in the area or even other market locations is difficult as there are few instances where highly restricted public use land is sold since this type of property is not commonly marketed or demanded unless associated with gaining access to roads or utility infrastructure.

One more common measurement is in cases where public use land is acquired by public agencies by restrictions or easement based on its underlying fee simple market value, less the diminution of value for the rights acquired. The diminution of value from these types of takings may be another measure of value in this case. Examples include public utility electric, gas, sewer or water easements, flowage easements, flood levees, road access easements, conservation easements, recreation trails or fishing easements. In practice, the public takings of highly restrictive land use easements will sometimes equate to 50% or more of fee value, but usually less than 100% of value unless the site becomes an inaccessible or uneconomic remnant.

Another example to consider are properties sold with highly restrictive conservation easements which on a case-by-case scenario somewhat reflect the restrictions of development uses applicable to the subject. The difference being public versus private access, with the subject further restricted by the public access. This type of land data is quite varied and hard to compare directly to the subject but in cases can show substantial diminution.

Under these circumstances, the restricted subject tract should still have some value to adjoining owners since allowing public trail access would not completely encompass the parcel. Likewise, the adjoining ski resort may find it of contributing value associated with its holdings. Therefore, a reasonable diminution in value due to the restrictive covenants is estimated at 75% of its underlying fee value estimated earlier.

### **Conclusion**

Based on this data, the estimated market value with the public use deed restrictive covenants, is estimated as follows.

Market Value of Fee Simple Interest, without restrictive covenants.	
193,145 square feet @ \$1.75 per square foot =	\$338,000
Diminution of value due to restrictions of use @ 75%:	<u>-\$253,500</u>
Indicated value subject to deed restrictive covenants:	<b>\$ 84,500</b>
Indicated value per square foot:	\$0.44/sf.ft.

*Marketing and Exposure Time*

The projected marketing time is the length of time it would probably take to sell the property if placed on the market as of the appraisal date. A reasonable exposure time is the amount of time, leading up to the date of value, necessary to expose a property to the open market in order to achieve a sale. The real estate market has been improving compared with past years, but has temporarily slowed due to the COVID-19 pandemic. Some of the sales used had been exposed to the market over the years but most sold within 12 months once formally listed. Assuming an asking price that is consistent with the appraised market value, a sale within 12 months is a reasonable expectation for this property. Therefore, the estimated marketing and exposure time is 12 months.

## Certification

I certify that, to the best of our knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions and conclusions.
- I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- I have performed no other services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of the assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the *Uniform Standards of Professional Appraisal Practice*.
- This appraisal assignment was not based on a requested minimum valuation, a specific valuation, or approval of a loan.
- I have made a personal inspection of the property that is the subject of this report.
- No one provided significant real property appraisal assistance to the persons signing this certification.

The following certification statements are required by the Appraisal Institute:

- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics & Standards of Professional Practice of the Appraisal Institute.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- As of the date of this report, Bruce R. Gunderson, MAI has completed the continuing education program for Designated Members of the Appraisal Institute.

This opportunity to provide appraisal services to your organization is appreciated, and questions from authorized users of the report will be welcomed if any aspect of the research or analysis requires clarification.

BROOKS PEARSALL ZANTOW LLC

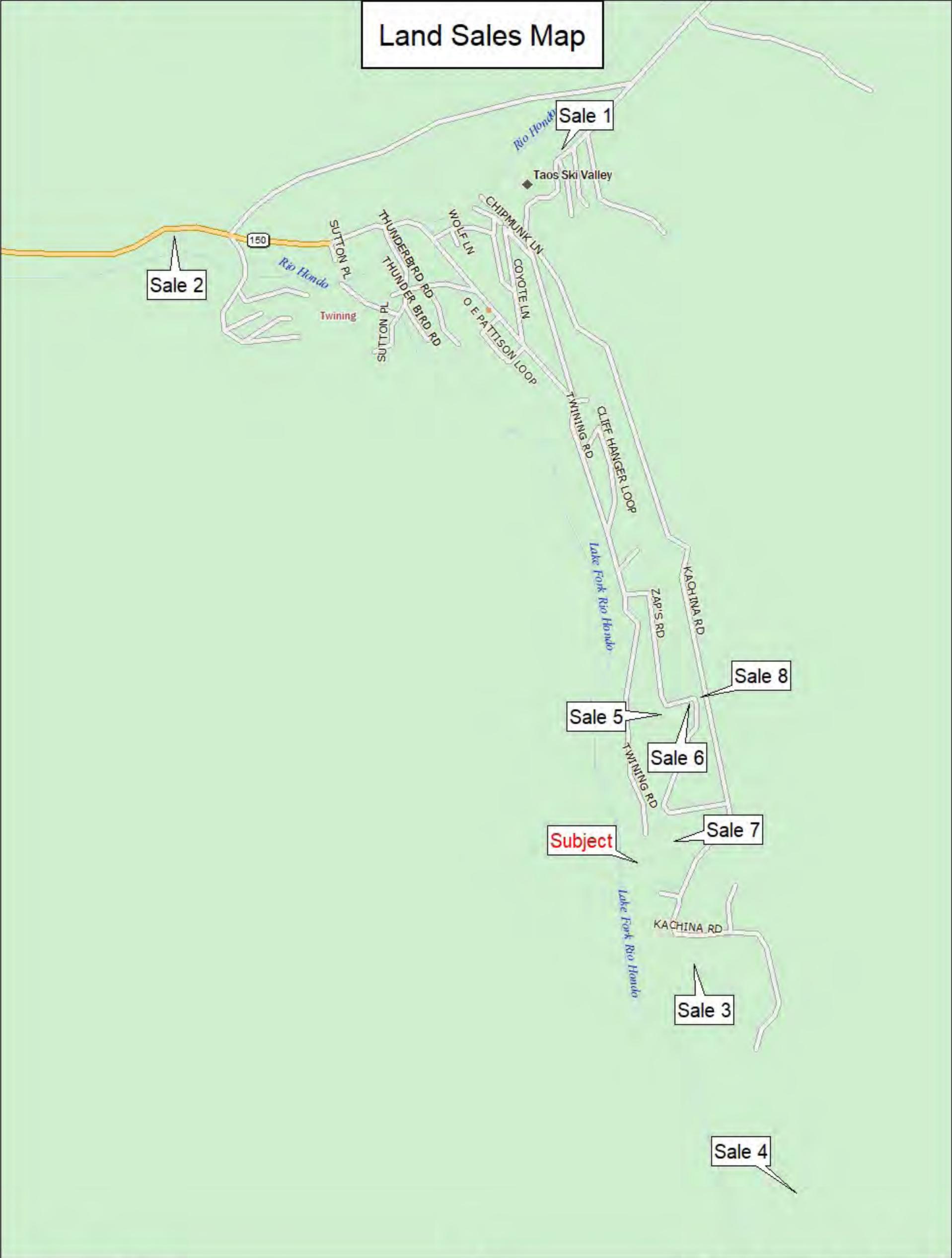


Bruce R. Gunderson, MAI #03167-G

## **APPENDIX**

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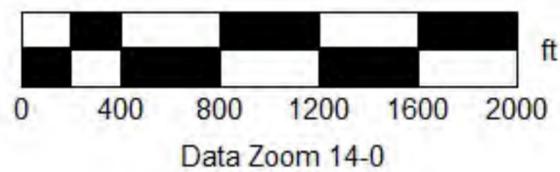
# Land Sales Map



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# Land Comparable 1

Comp # 12428

Single Family  
Land Sale

<b>Project Name</b>		<b>Sale Price</b>	\$390,000
<b>Location</b>	North side of Bull of the Woods Road above Mine Slide Road	<b>Date of Sale</b>	4 Mar 2020
<b>Street Address</b>	Bull of the Woods Road	<b>Acres</b>	2.0800
<b>City, County, State</b>	Taos Ski Valley Taos New Mexico	<b>Net Acres</b>	
<b>Legal Description</b>	Tracts B and C, Block N, Sec. 4-27-14	<b>Price/Acre (Net)</b>	\$187,500
		<b>Square Feet</b>	90,605
		<b>Net SF</b>	
		<b>Price /SF (Net)</b>	\$4.30
		<b>Number Lots/DUs</b>	
		<b>Sale Price/DU</b>	
<b>Market Area</b>	Taos Ski Valley <b>Map Page</b>	<b>Zoning</b>	Special Use
<b>Arterial Location</b>	Local		

<b>Grantor</b>	Pattison Trust LLC		
<b>Grantee</b>	Whitten Family Trust		
<b>Terms</b>	Cash to seller		
<b>Document Number</b>	442748	<b>Document Type</b>	Special Warranty Deed

<b>Plat</b>		<b>Utilities</b>	Electric at lot. Sewer and water at Phoenix/Chipmunk Lane and would require extension.
<b>Tax ID Number</b>	1081162557120+31100	<b>Topography</b>	Very steep falling away from grade. Forested north-facing site adjoining Rio Hondo.
<b>Development Timing</b>	Future		
<b>Intended Use</b>	Residential		
<b>Off-site Infrastructure</b>	Gravel road		

**Comments**

Two adjoining lots along upper end of Bull of the Woods Road between Mine Slide Road and Snowshoe Road. The two lots were listed for \$230,000 and \$235,000 respectively for seven months and were purchased in one transaction, a 16% discount from the list price.



# Land Comparable 2

Comp # 12430

## Land Sale

<b>Project Name</b>		<b>Sale Price</b>	\$625,000
<b>Location</b>	South side of HWY 150 in Amizette, north of Rio Hondo, just past Amizette Inn	<b>Date of Sale</b>	20 Sep 2022
<b>Street Address</b>	1325 HWY 150	<b>Acres</b>	2.3200
<b>City, County, State</b>	Taos Ski Valley Taos New Mexico	<b>Net Acres</b>	
<b>Legal Description</b>	Lots 1, 2, 3 and 4, Block 8, Amizette Subdivision	<b>Price/Acre (Net)</b>	\$269,397
		<b>Square Feet</b>	101,059
		<b>Net SF</b>	
		<b>Price /SF (Net)</b>	\$6.18
		<b>Number Lots/DUs</b>	
		<b>Sale Price/DU</b>	
<b>Market Area</b>	Taos Ski Valley <b>Map Page</b>	<b>Zoning</b>	Residential
<b>Arterial Location</b>	Major		

<b>Grantor</b>	Robert Malahy and Maryanne Malahy		
<b>Grantee</b>	Pending closing		
<b>Terms</b>	Cash		
<b>Document Number</b>	Pending	<b>Document Type</b>	

<b>Plat</b>		<b>Utilities</b>	Electric, gas and telecommunications. No sewer or water at this time.
<b>Tax ID Number</b>	1080161119506+	<b>Topography</b>	Sloping away from road grade to level land along Rio Hondo.
<b>Development Timing</b>	Future		
<b>Intended Use</b>	Residential		
<b>Off-site Infrastructure</b>	Paved highway		

**Comments**

Under contract in March 2022 with closing in September. Four platted lots sold together. Good frontage along HWY 150. Site had old cabin of little value. Some lower portions along river subject to flood plain.







# Land Comparable 5 & 18

Comp # 12432

Single Family  
Land Sale

Project Name		Sale Price	\$289,825
Location	On right, north side of Porcupine Road after Zaps Road turns into Porcupine.	Date of Sale	14 May 2021
Street Address	7 Porcupine Road	Acres	1.2040
City, County, State	Taos Ski Valley Taos New Mexico	Net Acres	
Legal Description	Lot 5, Block O, Kachina Subdivision	Price/Acre (Net)	\$240,718
		Square Feet	52,446
		Net SF	
		Price /SF (Net)	\$5.53
		Number Lots/DUs	
		Sale Price/DU	
Market Area	Taos Ski Valley Map Page	Zoning	Residential
Arterial Location	Local		

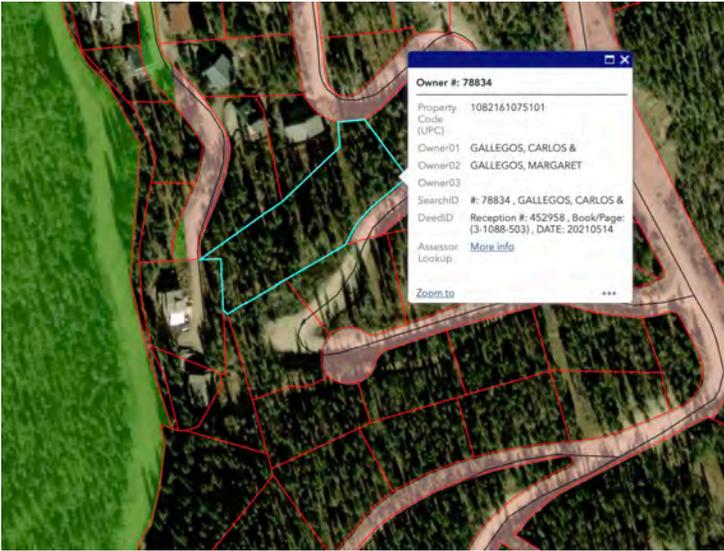
Grantor	Nevermann, Greg and Annette		
Grantee	Gallegos, Carlos and Margaret		
Terms	Cash to seller		
Document Number	452958	Document Type	Warranty Deed

Plat		Utilities	Electric, telecommunications, Village water and sewer
Tax ID Number	1082161075101	Topography	Sloping forested site
Development Timing	Future		
Intended Use	Residential		
Off-site Infrastructure	Gravel road		

**Comments**

Listed for \$299,999 for eight months.

Sale 18: Had previously sold in 10/20/2016 for \$254,000 (\$4.84) indicating a 2.9% annual appreciation.









# Land Comparable 9 & 22

Comp # 12440

Single Family  
Land Sale

Project Name		Sale Price	\$345,000
Location	East side of Zaps Road	Date of Sale	4 Nov 2021
		Acres	0.4070
Street Address	20 Zaps Road	Net Acres	
City, County, State	Taos Ski Valley Taos New Mexico	Price/Acre (Net)	\$847,666
Legal Description	Lot 17, Block M, O. E. Pattison Subdivision	Square Feet	17,729
		Net SF	
		Price /SF (Net)	\$19.46
		Number Lots/DUs	
		Sale Price/DU	
Market Area	Taos Ski Valley	Zoning	Residential
Arterial Location	Local		

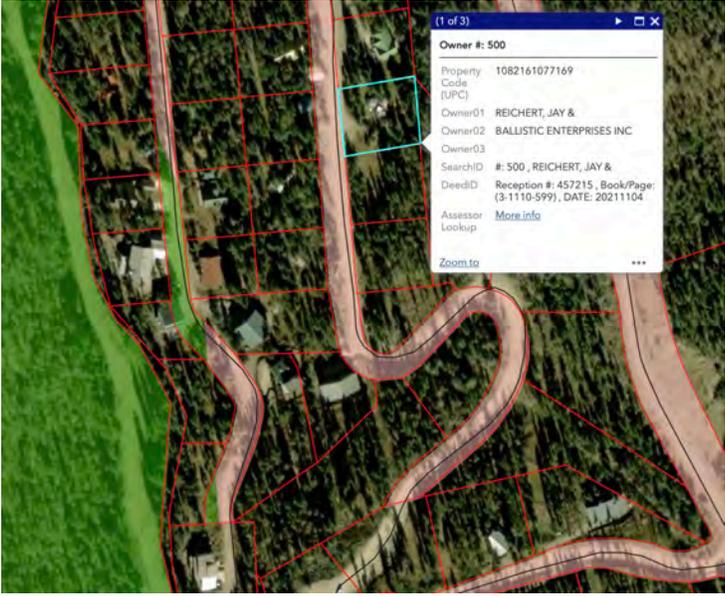
Grantor	Vigil, Toby J.		
Grantee	Reichert, Jay and Ballistic Enterprises Inc,		
Terms	Cash to seller		
Document Number	457215	Document Type	Warranty Deed

Plat		Utilities	Electric, telecommunications and Village water and sewer
Tax ID Number	1082161077169		
Development Timing	Future	Topography	Upward sloping wooded site
Intended Use	Residential		
Off-site Infrastructure	Gravel road		

**Comments**

Listed for \$350,000 for two months.

Sale 22: Had previously sold on November 14, 2014 for \$265,000 (\$14.95) indicating a 3.78% annual appreciation.



















**Land Comparable 19**

Comp # 12339

Commercial  
Land Sale

**Project Name** \_\_\_\_\_  
**Location** Corner fronting west side of Twining Road at south end of Pattison Loop  
**Street Address** 14 Pattison Loop  
**City, County, State** Taos Ski Valley Taos New Mexico  
**Legal Description** O. E. Pattison Subdivision, Lot 1, Block B  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
**Market Area** Taos Ski Valley **Map Page** \_\_\_\_\_  
**Arterial Location** Local

**Sale Price** \$350,000  
**Date of Sale** 15 Feb 2018  
**Acres** 0.3500  
**Net Acres** \_\_\_\_\_  
**Price/Acre (Net)** \$1,000,000  
**Square Feet** 15,246  
**Net SF** \_\_\_\_\_  
**Price /SF (Net)** \$22.96  
**Number Lots/DUs** \_\_\_\_\_  
**Sale Price/DU** \_\_\_\_\_  
**Zoning** C-B

**Grantor** Terry, Douglas C.  
**Grantee** Taos Ski Valley, Inc.  
**Terms** Cash

**Document Number** 426246 **Document Type** Warranty Deed

**Plat** \_\_\_\_\_  
**Tax ID Number** 108116144443  
**Development Timing** Future  
**Intended Use** Land Hold  
**Off-site Infrastructure** Gravel

**Utilities** Water, sewer, electric, telephone  
**Topography** Mostly level and sloping, alpine timber

**Comments**

Listed for \$450,000 for two months. Site zoned commercial but many uses tend to be residential other than multi-unit lodges built in the past. Located close to Lake Fork stream crossing to the Rubezahl return trail.





**Land Comparable 21**

Comp # 12345

Single Family  
Land Sale

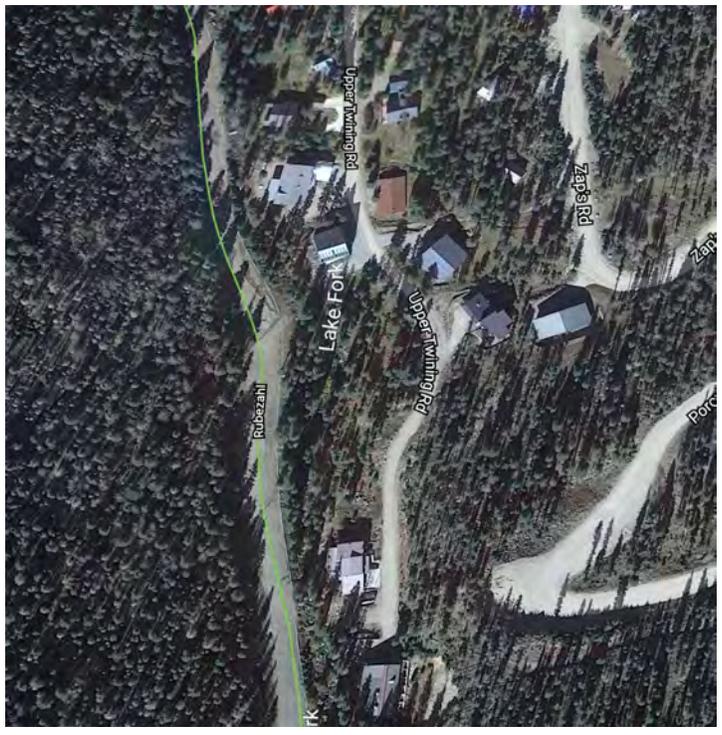
Project Name		Sale Price	\$537,500
Location	West side of Upper Twining Road near beaver pond at Zaps Road	Date of Sale	4 Jan 2018
		Acres	0.3290
Street Address	131 Twining Road	Net Acres	
City, County, State	Taos Ski Valley Taos New Mexico	Price/Acre (Net)	\$1,633,739
Legal Description	O. E. Pattison Subdivision, Lot 12, Block L	Square Feet	14,331
		Net SF	
		Price /SF (Net)	\$37.51
		Number Lots/DUs	
		Sale Price/DU	
Market Area	Taos Ski Valley Map Page	Zoning	Residential
Arterial Location	Local		

Grantor	MIDEB, LLC
Grantee	Feinberg, William and ArianaMIDEB, LLC
Terms	Cash
Document Number	425404
Document Type	Warranty Deed

Plat		Utilities	Water, sewer, electric, telephone
Tax ID Number	1082161049098		
Development Timing	Future	Topography	Sloping, alpine timber with stream view
Intended Use	Land Hold		
Off-site Infrastructure	Gravel		

**Comments**

Listed for \$595,000 for one year. Backs to Lake Fork stream crossing to the Rubezahl return trail. Upper Twining Road is a cul-d-sac.



# Land Comparable 23

Comp # 12342

Commercial  
Land Sale

Project Name		Sale Price	\$270,000
Location	Lot behind Williams Lake trailhead parking lot	Date of Sale	21 Mar 2014
		Acres	0.4650
Street Address	Deer Lane	Net Acres	
City, County, State	Taos Ski Valley Taos New Mexico	Price/Acre (Net)	\$580,645
Legal Description	Kachina Village Subdivision, Lot 4, Block 3	Square Feet	20,255
		Net SF	
		Price /SF (Net)	\$13.33
		Number Lots/DUs	
		Sale Price/DU	
Market Area	Taos Ski Valley Map Page	Zoning	C-B
Arterial Location	Local		

Grantor	Pattison Trust, LLC		
Grantee	Deer Lane, LLC		
Terms	Cash		
Document Number	394320	Document Type	Warranty Deed

Plat	D/182-A	Utilities	Sewer, electric, telephone, water to be developed at later date
Tax ID Number	1082161007350		
Development Timing	Future	Topography	Sloping, alpine timber
Intended Use	Land Hold		
Off-site Infrastructure	Gravel		

**Comments**  
Listed for \$275,000 and sold within one month.  
Located close to Phoenix chair 4 and Williams Lake trail.





Google

Map data ©2022 Imagery ©2022 Maxar Technologies, NMRGIS, USDA/FPAC/GEO

**MAP DATA**

FEMA Special Flood Hazard Area: No  
Map Number: 35055C0675E  
Zone: X  
Map Date: October 06, 2010  
FIPS: 35055

**MAP LEGEND**

- Areas inundated by 500-year flooding
- Areas inundated by 100-year flooding
- Velocity Hazard
- Protected Areas
- Floodway
- Subject Area

Powered by CoreLogic®

# Restricted use specified in deed

ACCOMMODATION RECORDING NO  
LIABILITY IS ASSUMED BY FIRST  
NEW MEXICO TITLE & ABSTRACT CO., INC.



TAOS COUNTY  
ELAINE S. MONTANO, CLERK  
000336891  
Book 623 Page 127  
1 of 4  
10/09/2007 11:56:20 AM  
BY JACKA

## SPECIAL WARRANTY DEED

Trustees of the Patison Family Trust w/t/a dated 12/31/1966 (collectively referred to herein as "Grantor") grant to Kachina Property Owners Association, a New Mexico non-profit corporation ("Grantee"), whose address is P.O. Box 133, Taos Ski Valley, New Mexico 87525 real estate in Taos County, New Mexico as more particularly described on Exhibit A (the "Property") hereto as long as the Property is used as open space, trails and/or other recreational uses, and further provided that the Property shall never be used for access or utility easements,

with special warranty covenants, subject to all reservations, restrictions and easements of record and taxes for the year 2007 and subsequent years, provided, .

WITNESS OUR hands this 12 Sept, 2007.

**EXHIBIT "A"**  
**Page 1 of 2**

**PARCEL 1**

A tract of land located in Section 10, Township 27 North, Range 14 East, N.M.P.M. and being that certain parcel depicted as "East Open Space" on sheet 2 of 3 of a Final Subdivision Plat entitled "Kachina Subdivision Block O" prepared by Red Tail Surveying, Inc., Robert A. Watt, NMPS No. 11770, as Job No. 960.01 0, dated February 3, 2004 and filed for record in Cabinet E, Page 44-B in the Office of the County Clerk, County of Taos, State of New Mexico.

Containing 1.093 acres, more or less.

**PARCEL 2**

A tract of land located in Section 10, Township 27 North, Range 14 East, N.M.P.M. and being that certain parcel depicted as "Southeast Open" on sheet 2 of 3 of a Final Subdivision Plat entitled "Kachina Subdivision Block O" prepared by Red Tail Surveying, Inc., Robert A. Watt, NMPS No. 11770, as Job No. 960.01 0, dated February 3, 2004 and filed for record in Cabinet E, Page 44-B in the Office of the County Clerk, County of Taos, State of New Mexico.

Containing 0.259 acres, more or less.

**AND**

**PARCEL 3**

A tract of land located in Section 10, Township 27 North, Range 14 East, N.M.P.M. and being that certain parcel depicted as "Southwest Open Space" on sheet 3 of 3 of a Final Subdivision Plat entitled "Kachina Subdivision Block O" prepared by Red Tail Surveying, Inc., Robert A. Watt, NMPS No. 11770, as Job No. 960.01 0, dated February 3, 2004 and filed for record in Cabinet E, Page 44-B in the Office of the County Clerk, County of Taos, State of New Mexico.

Containing 4.762 acres, more or less.

**Less and Except:**

A tract of land within the Artoine Leroux Grant in the Village of Taos Sid Valley, Taos County, New Mexico, shown on the Taos County Property ID Maps within Projected Section 10, Township 27 North, Range 14 East, N.M.P.M., described as part of the Southwest Open Space of Block O of the Kachina Village Subdivision, and more particularly described as follows:

**BEGINNING** at a 1/2" rebar found with a cap stamped LS 5213, from whence a monument with an aluminum cap stamped LS 11183 found at the former site of the Taos Sid Valley madawse helped bears N 49° 54' 59" W, 7,062.36 ft. distant, thence:

S 71° 41' 24" E, 10.63 ft. to a 1/2" rebar found with a cap stamped LS 11183, thence:  
N 00° 54' 54" W, 124.94 ft. to the NW corner of this tract, a 1/2" rebar set with a cap stamped NMPS 11770, thence:  
S 50° 17' 38" E, 11.57 ft. to the NE corner of this tract, a 1/2" rebar found with a cap stamped LS 5213, thence:  
S 17° 30' 46" E, 156.28 ft. to a 1/2" rebar found with a cap stamped LS 5213, thence:  
S 17° 08' 48" E, 118.82 ft. to the SE corner of this tract, a 1/2" rebar set, thence:  
N 74° 58' 11" W, 161.64 ft. to the SW corner of this tract, a 1/2" rebar set, thence:  
N 67° 15' 49" E, 24.94 ft. to a 1/2" rebar set, thence:  
N 28° 53' 49" E, 84.50 ft. to a 1/2" rebar set, thence:  
N 03° 52' 11" W, 24.94 ft. to the POINT OF BEGINNING.

This tract contains 0.328 acres more or less, as shown on Red Tail Surveying, Inc. plat no. 1697.01, entitled Kachina Property Owners Association to Don C. Quast, dated 5 May 2016, prepared by Robert A. Watt, NMPS #11770.

Containing 4.434 acres, more or less

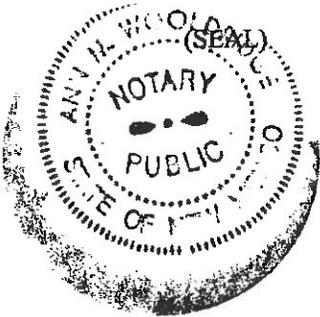
**AND**





STATE OF NEW MEXICO            )  
  )SS:  
COUNTY OF TAOS                )

On this 7th day of June, 2019, before me personally appeared Susan Baker, Esq., Attorney for the Village of Taos Ski Valley, New Mexico, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his own free act and deed.



Anna M. Woodridge  
Notary Public  
My Commission Expires: July 9, 2020

## EXHIBIT "A"

### PARCEL 1

A tract of land located in Section 10, Township 27 North, Range 14 East, N.M.P.M. and being that certain parcel depicted as "East Open Space" on sheet 2 of 3 of a Final Subdivision Plat entitled "Kachina Subdivision Block O" prepared by Red Tail Surveying, Inc., Robert A. Watt, NMPS No. 11770, as Job No. 960.01 0, dated February 3, 2004 and filed for record in Cabinet E, Page 44-B in the Office of the County Clerk, County of Taos, State of New Mexico.

Containing 1.093 acres, more or less.

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Containing 0.259 acres, more or less.

## EXHIBIT "A" (continued)

### PARCEL 3

A tract of land located in Section 10, Township 27 North, Range 14 East, N.M.P.M. and being that certain parcel depicted as "Southwest Open Space" on sheet 3 of 3 of a Final Subdivision Plat entitled "Kachina Subdivision Block O" prepared by Red Tail Surveying, Inc., Robert A. Watt, NMPS No. 11770, as Job No. 960.01 0, dated February 3, 2004 and filed for record in Cabinet E, Page 44-B in the Office of the County Clerk, County of Taos, State of New Mexico.

Containing 4.762 acres, more or less.

### Less and except

A tract of land within the Antoine Leroux Grant in the Village of Taos Ski Valley, Taos County, New Mexico, shown on the Taos County Property ID Maps within Projected Section 10, Township 27 North, Range 14 East, NMPM, described as part of the Southwest Open Space of Block O of the Kachina Village Subdivision, and more particularly described as follows:

BEGINNING at a 1/2" rebar found with a cap stamped LS 5213, from whence a monument with an aluminum cap stamped LS 11183 found at the former site of the Taos Ski Valley medevac helipad bears N 49° 54' 56" W, 7,062.36 ft. distant, thence:

S 71° 41' 24" E, 10.53 ft. to a 1/2" rebar found with a cap stamped LS 11183, thence:  
N 03° 54' 54" W, 124.84 ft. to the NW corner of this tract, a 1/2" rebar set with a cap stamped NMPS 11770, thence:  
S 50° 17' 38" E, 11.57 ft. to the NE corner of this tract, a 1/2" rebar found with a cap stamped LS 5213, thence:  
S 17° 30' 46" E, 159.29 ft. to a 1/2" rebar found with a cap stamped LS 5213, thence:  
S 17° 08' 46" E, 116.82 ft. to the SE corner of this tract, a 1/2" rebar set, thence:  
N 74° 59' 11" W, 161.84 ft. to the SW corner of this tract, a 1/2" rebar set, thence:  
N 67° 15' 49" E, 24.94 ft. to a 1/2" rebar set, thence:  
N 29° 50' 49" E, 84.50 ft. to a 1/2" rebar set, thence:  
N 03° 52' 11" W, 24.94 ft. to the POINT OF BEGINNING.

This tract contains 0.328 acre more or less, as shown on Red Tail Surveying, Inc. plat no. 1997.01, entitled Kachina Property Owners Association to Don C. Quast, dated 5 May 2016, prepared by Robert A. Watt, NMPS #11770.

Containing 4.434 acres, more or less

### PARCEL 4

Being that certain ±1.735 acre tract of land depicted as "Open Space" on Sheet 4 of 6 of a Plat of Existing and Proposed Development entitled "Replat of Lot 1, Block 3, Kachina Village Subdivision, Additions to Block 3, Lot 1-6 & Open Space" prepared by AGS Land Surveying, Ann Gilmor Stewart, NMPS No. 11183, as Job No. 555, dated March 2002, and filed for record in Cabinet D, Page 182-A in the Office of the County Clerk, County of Taos, State of New Mexico, within Section 15, Township 27 North, Range 14 East, N.M.P.M. located in the Village of Taos Ski Valley, Taos County, New Mexico.

**EXHIBIT "A"**  
Page 2 of 2

**PARCEL 4**

Being that certain ±1.735 acre tract of land depicted as "Open Space" on Sheet 4 of 6 of a Plat of Existing and Proposed Development entitled "Replat of Lot 1, Block 3, Kachina Village Subdivision, Additions to Block 3, Lot 1-6 & Open Space" prepared by AGS Land Surveying, Ann Gilmor Stewart, NMPS No 11183, as Job No. 555, dated March 2002, and filed for record in Cabinet D, Page 182-A in the Office of the County Clerk, County of Taos, State of New Mexico, within Section 15, Township 27 North, Range 14 East, N.M.P.M. located in the Village of Taos Ski Valley, Taos County, New Mexico



April 2019.

additional months of collections which occurred during the ski season, which will be disbursed in April and May. Staff now estimates an additional \$500,000 in collections between the Municipal and State GRT revenues.

The construction at the Village Complex has continued throughout the fiscal year. Currently the capital expense is \$172,000 over the budgeted amount and there are more projects to complete this fiscal year estimated at \$228,000. Staff requests an increase in capital expense of \$400,000.

These expenses are necessary in order to get the apartments ready to rent. Administrator Avila said that the funds would come from additional GRT funds but once the rental units were rented, the Village Complex rental unit financials would become an enterprise fund. The original NMFA loan was in the amount of \$1,286,000, to include the purchase price of \$875,000 and additional funds for renovations. These additional funds have been expended. Council members asked staff to determine the direction and outcome for this project as well as to get a budget for completion of the Complex.

Director Grabowski said that the salary expense in the General Fund is already over by \$22,000 or 5.2%. There are six additional payrolls in FY2019. Based on these calculations, staff estimates a need to increase the salary expense in the General Fund by \$100,000. Should this amount fall short, there should be other budget items with excess funds which could be transferred internally.

**MOTION: To Approve Resolution No. 2019-391 Requesting a Permanent Budget Adjustment (BAR) to the FY2019 Budget to Increase General Fund GRT Revenue and Expenses for the Village Complex**

**Motion: Councilor Stagg                      Second: Councilor Wittman                      Passed: 4-0**

**C. Consideration to Approve Resolution No. 2019-392 Requesting a Permanent Budget Adjustment (BAR) to the FY2019 Budget to Increase Water Sales Revenue and Water Salary Expense**

Director Grabowski explained that the Village submitted its fiscal year 2018-19 budget in July of 2018. This was the initial year that the Village split the sewer and water back into separate funds. Revenues and expenses were split 80/20 based on a rough estimate of prior experience. Water collections are now projected to be higher than previously estimated by approximately \$31,000.00.

The salary expense in water is over-budget by 30%. There were several critical water issues this year including a water service line break on O.E. Pattison Loop, frozen service lines on Phoenix Switchback, Upper Twining, Kachina and Porcupine, and emergency filtration setup at the Phoenix Chlorination Station to maintain Green Tank water levels which were dropping because of the high usage and low water availability. Staff would like to increase the salary budget by \$31,000.00. This will cover the shortage to date and allow for additional salary expense for FY2019.

**MOTION: To Approve Resolution No. 2019-391 Requesting a Permanent Budget Adjustment (BAR) to the FY2019 Budget to Increase General Fund GRT Revenue and Expenses for the Village Complex**

**Motion: Councilor Wittman                      Second: Councilor Pattison                      Passed: 4-0**

**D. Consideration to Accept Land Dedication from the Kachina Property Owners Association of Four Parcels, totaling approximately 7.5 acres, with Restricted Use as Public Open Space**

The Kachina Property Owners Association has asked to gift and convey to the Village of Taos Ski Valley four (4) parcels of land totaling approximately 7.50 acres with restricted use as public open space. These lands are intended to form the nucleus of the Village's new public trail network and foster the vision of a pedestrian-oriented Village.

The Village Planning and Zoning Commission reviewed the proposal at its February 4, 2019 meeting and approved a motion to recommend approval of Open Space Land Dedication of Four Parcels to the Village of Taos Ski Valley by the Kachina Property Owners' Association.

Homeowner Ben Cook made a presentation showing diagrams and maps of the parcels. It is the hope that the Village's Parks & Recreation Committee would accept responsibility for planning and managing these parcels.

After the dedication, the Kachina Property owners' Association would be dissolved and the covenants would also be dissolved, said Mr. Cook.

**MOTION: To Approve Accepting a Land Dedication from the Kachina Property Owners Association of Four Parcels, totaling approximately 7.5 acres, with Restricted Use as Public Open Space**

**Motion: Councilor Pattison                      Second: Councilor Kern                      Passed: 4-0**

**E. Consideration to Approve North Gunsite Spring Monitoring Task Order No. 21 from the Village-Contracted Engineering Firm, Alan Plummer Associates, Inc.**

Director Nicholson explained that building on an earlier preliminary assessment, the Village of Taos Ski Valley, in partnership with the landowner, desires to evaluate the feasibility of developing the Gunsite Spring as a Village water supply in terms of quality and quantity. Task Order No. 21 North Gunsite Spring Monitoring will establish a monitoring program during the spring/summer of 2019 and will provide recommendations for additional monitoring and/or provide preliminary design criteria for the construction of a spring flow structure.

APRIL 2019 P+Z

and regulations of the FAA and FCC, and satisfies applicable local and state building codes and safety regulations. The applicant's project narrative, zoning compliance, and site maps were presented.

Staff recommends a motion to Approve the Conditional Use Permit Subject to the Conditions outlined below:

1. A performance bond is required to ensure the proper and timely removal of the tower if it is no longer being used and any and all associated facilities. The form and amount of the performance bond will be established administratively by Village staff.
2. The applicant shall certify that all franchises required by law for the construction and/or operation of a wireless communication system have been obtained and shall provide a copy of all required franchises to the Planning Officer.
3. Provisions to allow the applicant to locate all of the ground based equipment inside the Phoenix Restaurant building and replace the requirement for fencing with a climb-proof gate around the base of the ladder on the tower.
4. Applicant shall remove and disable the existing Celltower on Wheels, aka the COW, from the site.
5. Any substantial changes to the application must be approved by the Planning and Zoning Commission; all other changes must be approved administratively by the Planning Officer and as required by the Zoning Regulations

TSVI Development Director, Peter Johnson, explained that the location will now be at the edge of the trees across from the Phoenix Restaurant. This site is the location designated for tower placement in the Wireless Communication Master Plan. Johnson said that this tower complements the new tower at the top of Lift #6 as well as the tower on the top of the Resort Center.

**PUBLIC HEARING:** Commission Chair Wittman opened the Public Hearing.

Peter Johnson spoke in favor of approving the application, saying that it would be good to remove the COW near this site. Peter Talty spoke in favor saying that this tower is critical for better coverage for the Village. Mayor Christof Brownell spoke in favor saying removing the COW and building this new tower would create a better view.

No one spoke against.

The Public Hearing was closed.

**MOTION:** To approve the Application for a Conditional Use Permit to install a Wireless Communications Tower at 110 Kachina Road, adjacent to the Phoenix Lodge, in the Village of Taos Ski Valley, by TSVI, with the conditions recommended by Staff

**Motion: Commissioner Duffy                      Second: Commissioner King**

Peter Johnson said that the tower, which has already been purchased, is a mono-pole. Most likely, additional height would need to be added in order to add additional carriers, although the technology is changing rapidly. Presently, no other carriers were interested in using this new tower. Alternatively, other carriers could apply for a permit to construct an additional tower. Mr. Johnson said that requiring a performance bond to be issued was onerous. He said that TSVI would want to remove the tower if it were no longer being used, as this is their private property.

Director Nicholson explained that this Conditional Use Permit doesn't regulate which carriers use the tower, or the number of carriers using the tower. The permit would only need revision if the height were more than 75 feet.

Mayor Brownell said that he hoped that cellular service in Amizette could be improved.

**Commission Chair Wittman called for a vote.**

**Passed: 7-0**

F. Consideration to Recommend Approval of Open Space Land Dedication of Four Parcels to the Village of Taos Ski Valley by the Kachina Property Owners' Association

Kachina Homeowner Ben Cook, who is also the President of the Kachina Property Owners' Association (POA), explained that the POA would like to dedicate 4 parcels of open space land in the Kachina area to the Village. The hope is that a system of trails could be developed on this land, with directional signs for

pedestrian traffic. Mr. Cook said that perhaps the trail system could connect to the Kachina Vista Park eventually. There are no taxes due on these parcels, and no restrictions or easements.

Additionally, the Quast family is interested in dedicating an easement on the parcel above their house, once the slope has been mitigated.

Attorney Scott Sanger of Taos has drafted the dedication documents for the 4 parcels, which total approximately 7.5 acres.

**MOTION: To Recommend Approval of Open Space Land Dedication of Four Parcels to the Village of Taos Ski Valley by the Kachina Property Owners' Association**

**Motion: Commissioner King                      Second: Commissioner Duffy**

Brain Rupp, representing the Shopoff group, said that they are in favor of this dedication to enhance a trail system.

Peter Talty said that the dedication would conflict with the master plan process in understanding what the use would be for this land. He asked whether storm water management might be necessary. Attorney Baker explained that the deeds have a strong restriction that the use remains as open space.

**Commission Chair Wittman called for a vote.                      Passed 6-0 (Commissioner Woodard abstaining)**

**V. OLD BUSINESS**

**VI. MISCELLANEOUS**

A. Planning Director Nicholson reported that he had administratively approved a small reduction in size to the Parcel D riparian setback variance, granted previously by the Commission, because of final building footprint revisions.

B. There are possible upcoming Commissioner trainings available in May. More information will follow.

**VII. ANNOUNCEMENT OF THE DATE, TIME & PLACE OF THE NEXT MEETING:** The next meeting of the Planning & Zoning Commission will take place on Monday, March 4, 2019 at 1:00 p.m. at the Edelweiss Lodge Club Room. (Note: this meeting was later cancelled. The next meeting was scheduled for Monday, April 1, 2019 at 1:00 p.m. at the Edelweiss Lodge Club Room.)

**VIII. ADJOURNMENT**

**MOTION: To adjourn.**

**Motion: Commissioner Duffy                      Second: Commissioner King                      Passed: 7-0**

The meeting adjourned at 3:15 p.m.

\_\_\_\_\_  
Tom Wittman, Chairperson

ATTEST: \_\_\_\_\_  
Ann M. Wooldridge, Village Clerk

# Bruce R. Gunderson, MAI

## EDUCATION

Bachelor of Science, Community & Regional Planning. Iowa State University, 1984.

### Appraisal Institute Courses and Seminars:

"USPAP" (1988, 1994, 1999, 2002, 2004, 2006, 2010, 2012, 2014, 2016, 2018, 2020, 2022 update)  
"Fundamentals of Separating Real Property, Personal Property and Intangible Business Assets" 833  
"Condemnation Appraising: Principles and Applications" "Litigation Appraising: Specialized Topics"  
"The Appraiser as an Expert Witness: Preparation and Testimony"  
"Uniform Appraisal Standards for Federal Land Acquisitions"  
"Marketability Studies: Advanced Considerations & Applications" "Fundamentals of Apartment Appraising"  
"Appraisal of Medical Office Buildings" "Advanced Spreadsheet Modeling for Valuation Applications"  
"Small Hotel/Motel Valuation" "Examining Property Rights and Implication in Valuation"  
"Advanced Sales Comparison & Cost Approaches" 530 "Highest & Best Use and Market Analysis" 520  
"Capitalization Theory and Techniques, Part A" "Capitalization Theory and Techniques, Part B"  
"Case Studies in Real Estate Valuation" "Appraising Distressed Commercial Real Estate"  
"Report Writing and Valuation Analysis" "Appraisal Curriculum Overview"  
"Real Estate Finance, Value and Investment Performance" "Rates, Ratios, and Reasonableness"  
"Appraisal of Partial Acquisition" "How Tenants Create and Destroy Value"  
"Appraising Environmentally Contaminated Properties"  
"Subdivision Analysis" "Reviewing Appraisals"  
"Appraisal of Retail Properties" "Rural Valuation Basics"  
"Feasibility Analysis, Market Value & Investment Timing"  
"Appraisal of Nursing Facilities" "Appraising the Tough Ones"  
"Forecasting Revenue" "Scope of Work" "Real Estate Disclosure"  
"Land Valuation" "Regression Analysis"  
"Practical Regression Using Microsoft Excel" "Argus Intermediate"  
Other courses: Real Estate Finance, Urban Economics, Housing Economics, Land Development Law, Surveying, Transportation Engineering, and Historic Preservation.

## EXPERIENCE

Experience primarily appraising commercial, industrial, multiple family and land with past experience appraising single-family residential properties. Experience appraising and testifying for full and partial condemnation in State and Federal District Court.

## POSITIONS HELD

Real Estate Appraiser/Partner – Brooks, Pearsall, Zantow LLC, Albuquerque, New Mexico  
Real Estate Appraiser/Partner - Carlson, Gunderson (McClure), & Associates, Inc. - 2000 -2010  
Real Estate Appraiser - Mark Cowan & Associates, Taos, New Mexico - 1998 to 2000  
Real Estate Appraiser - Carlson, McClure, & Associates, Inc. - 1987 to 1998.  
Real Estate Appraiser - Scott D. Harris and Company - 1986 to 1987.  
Staff Appraiser for Iowa Appraisal & Research Corp., Des Moines, Iowa - 1984 to 1986.

## PROFESSIONAL ORGANIZATION

Member of the Appraisal Institute, MAI, Past President, Rio Grande Chapter AI; Region VIII Representative

## EDUCATIONAL STATEMENT

As of the date of this report, Bruce R. Gunderson has completed the requirements under the continuing education program of the Appraisal Institute through December 31, 2023. On registry of Litigation Professional Development Program

## CERTIFICATION STATEMENT

As of the date of this report, Bruce R. Gunderson is a Certified General Real Property Appraiser in the State of New Mexico (#03167-G) expires 4/30/2024

*State of New Mexico*

**REAL ESTATE APPRAISERS BOARD**

PO Box 25101 Santa Fe, NM 87505 (505) 476-4622



This is to certify that

**Bruce R. Gunderson #03167-G**

Having complied with the provisions of the New Mexico Real Estate Appraisers Act is hereby granted a license to practice as a

***General Certified Appraiser***

***This appraiser is eligible to perform in Federally Related Transactions***

**Issue Date: 06/01/2010 Date Expires: 04/30/2024**

**THIS LICENSE MUST BE CONSPICUOUSLY POSTED IN PLACE OF BUSINESS**



## Planning & Zoning Commission

Thomas P. Wittman, Chair  
Henry Caldwell  
Richard Duffy  
Yvette Klinkmann  
Susan Nichols  
J. Christopher Stagg  
Jim Woodard

---

### Staff Report

#### **Variance Request: Roof Material & Color 6 Porcupine Road**

#### **1. Case Summary**

Date of Hearing: November 14, 2022  
Application Received: October 4, 2022  
Date of Posting: October 21, 2022  
Plan Review Fees: \$800 - Variance Request

Project Description: The applicant, Trey Balch, is completing construction of his residence at 6 Porcupine Road. Installation of a metal roof requires compliance with current land use regulations stipulated within Ordinance 2022-30. Roof material, color, slope, and other related items require review and approval prior to installation.

The recently installed roof does not comply with Section 9:4:2 and causes glare to reflect off-site to adjacent properties and the Carson National Forest.

The applicant provides a narrative justification and response to the Variance criteria, which is included as Exhibits A & B.

Prior Actions/Approvals: None

#### **2. Zoning Analysis:**

The subject property is located 6 Porcupine Road and is zoned Residential (R).

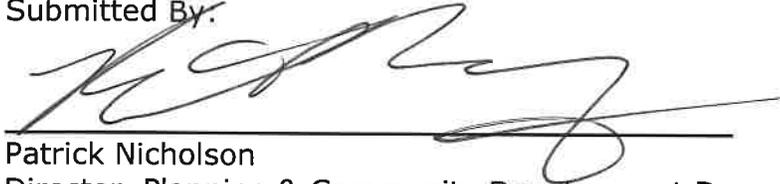
- A. Section 9. Design Standards**
  - 4. Roof Design.

The application and Staff Report were made available at the Villages Office for public review. The following written comments were received by the public:

A. None

**5. Staff Endorsements**

Submitted By:



Patrick Nicholson  
Director, Planning & Community Development Department

**6. Exhibits**

- A. Justification letter from applicant
- B. Variance criteria response
- C. Stamped Building Permit Pages 12-13
- D. Roof photos taken on 11.10.22

## Patrick Nicholson

---

**To:** Trey Balch  
**Cc:** Jalmar Bowden  
**Subject:** RE: 6 porcupine rd roof variance

**From:** Trey Balch <[treybalch@gmail.com](mailto:treybalch@gmail.com)>  
**Sent:** Saturday, August 27, 2022 10:47 AM  
**To:** Jalmar Bowden <[jbowden@vtsv.org](mailto:jbowden@vtsv.org)>  
**Subject:** 6 porcupine rd roof variance

Dear Village of Taos Ski Valley,

I am writing this letter to request a variance on our metal roof that was recently installed. It has come to our attention that the Village deems the material too reflective. We had initially planned to install a black standing seam metal roof but was told that it did not meet code. Thus, we opted to go with a "plain metal" material that would naturally patina. We actually chose this material based on the many buildings within the Ski Valley that have this same metal roof. In retrospect, we should have done our due diligence in approving this material with the Ski Valley but focus shifted to choosing a code compliant siding color that required us to change the original plan and in the shuffle the roof decision was made to change from a custom black roof to what we thought was a complaint plain metal roof. This was our mistake. We are committed to the sustainability and common aesthetic of the Ski Valley and will always be compliant to the code and vision of the Ski Valley. However, at this point in the project, painting or changing the roof entirely would place a severe financial strain on this grossly "over budget" project that has taken three years to get to this point. Delays from COVID and supply chain issues combined with the rising cost of materials has nearly derailed our build completely. Unexpected expenses were incurred from the start when we moved the home footprint to the south, further into the mountain, to appease our neighbor to the north. This move required additional engineering costs and earthwork costs that put us over budget and delayed from the start of the project. However, in the end, it was the right thing to do to make the collective aesthetic of porcupine road look balanced and work for everyone. The neighbors have been very patient, helpful and accommodating to us, as has the Ski Valley. In fact, the Ski Valley allowed us to use a designated area to unload many tons of excess dirt from the additional earth work which saved us thousands of dollars in removal expenses for which we are very grateful. We are now working to add additional boulders to the hillside to curb erosion and reinforce the hillside structure. Meanwhile, we are nearing completion of the final interior final touches and hope to be able to receive our certificate of occupancy soon, contingent upon approval of the roof variance. I am confident that the roof will patina to a flat finish soon, but in the meantime, we humbly request the Ski Valley approve the much needed variance so we can complete our build. We are looking forward to being a part of the Taos Community.

Thank you for your time and consideration of our request. We hope to be able to call everyone "neighbor" very soon.

Respectfully,  
Robert J Balch III

## Patrick Nicholson

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**From:** Trey Balch <treybalch@gmail.com>  
**Sent:** Friday, September 9, 2022 3:39 PM  
**To:** Patrick Nicholson  
**Subject:** Re: VTSV Variance application

Are my responses below adequate or is a more detailed narrative required for each point? #5 is more rhetorical, no? Let me know. Thank you.

1. Will cause no significant hazard, annoyance, or inconvenience to the owners or occupants of nearby property;

The roof material will patina to a flat, non reflective surface. The building footprint has been moved further back into the mountainside to maximize distance from the neighbors and reduce site lines

2. Will not significantly change the character of the neighborhood or reduce the value of nearby property;

The building footprint has been moved further back into the mountainside to maximize distance from the neighbors and to reduce site lines. The roof is identical to nearby structures in the kachina basin and lower down on twining.

3. Will not impose any significant cost burden upon the Village; and

No village site modifications should be required

4. Will be in harmony with the general purpose and intent of this Ordinance and with the Comprehensive Plan.

This is the same roof material and color of several existing structures in the ski valley

5. Financial hardships to the applicant will not be the determinative factor in granting variances.

Once the application is deemed complete, a public notice sign, available from Village staff, will need to be posted at the property beginning 15 days prior to the public hearing.

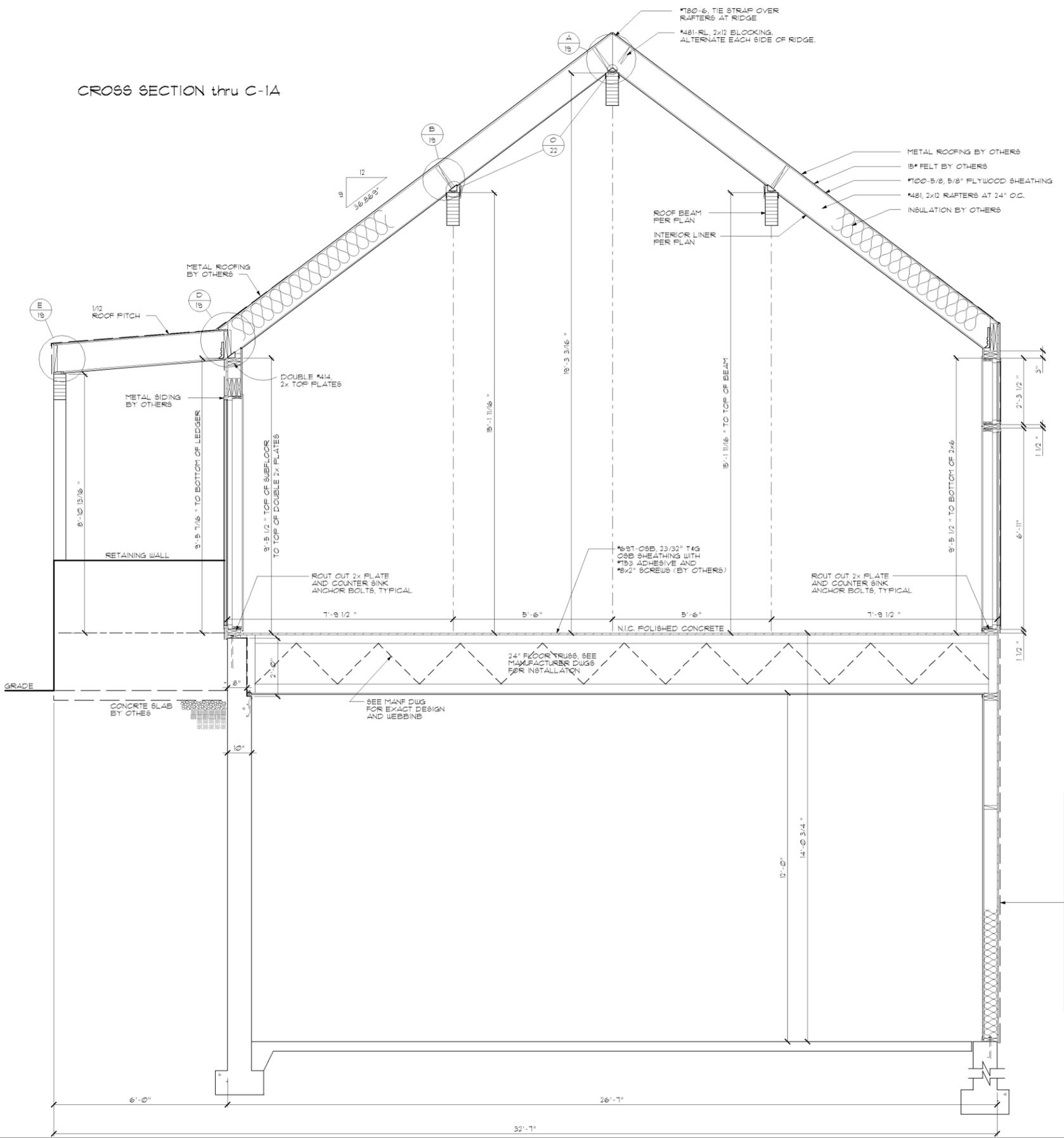
On Wed, Aug 31, 2022 at 3:19 PM Patrick Nicholson <[pnicholson@vtsv.org](mailto:pnicholson@vtsv.org)> wrote:

DATE:	REVISIONS:
3/22/19 NA	PRELIMINARY
4/18/19 NA	FINAL PERMIT PLAN
7/23/19 CWH	AMENDMENT
2/20/20 CWH	AMENDMENT
4/9/20 TSC	ENGINEERING
#6\$	*6\$
#6\$	*6\$
#7\$	*7\$
#7\$	*7\$
#8\$	*8\$
#8\$	*8\$
#9\$	*9\$
#9\$	*9\$
#10\$	*10\$
#10\$	*10\$
#11\$	*11\$
#11\$	*11\$
#12\$	*12\$
#12\$	*12\$

**CROSS SECTION thru C-1A**

- SCALE 1/2"=1'-0"
1. CONCRETE WORKS (DESIGN AND MATERIALS) BY OTHERS.
  2. ALL FOUNDATION DIMENSIONS TO BE PER LOCAL CODES.
  3. GRADE MUST SLOPE AWAY FROM BUILDING.
  4. CLOSED CELL SPRAY FOAM AREAS ARE TO BE INVENTED AND NO VAPOR BARRIER IS TO BE USED, AS CLOSED CELL SPRAYFOAM IS A VAPOR BARRIER IN ITSELF.
  5. ICE & WATER SHIELD SHOULD ONLY BE APPLIED AT THE EAVES (6 FOOT STRIPS MAXIMUM) IN CLOSED CELL SPRAY FOAM AREAS AS THE ICE WATER SHIELD CREATES A SECOND VAPOR BARRIER ABOVE THE INSULATION TRAPPING MOISTURE BETWEEN.
  6. ALL DRAIN TILES, VAPOR BARRIERS AND OTHER MOISTURE AND WATER CONTROL SYSTEMS ARE TO BE INSTALLED PER LOCAL CODES.
- FLASHING:
- Approved corrosion-resistant flashing shall be applied shingle-fashion in such a manner to prevent entry of water into the wall cavity or penetration of water to the building structural framing components. The flashing shall extend to the surface of the exterior wall finish. Approved corrosion-resistant flashings shall be installed at all of the following locations:
1. Exterior window and door openings. Flashing at exterior window and door openings shall extend to the surface of the exterior wall finish or to the water-resistive barrier for subsequent drainage.
  2. At the intersection of chimneys or other masonry construction with frame or stucco walls, with projecting lips on both sides under stucco copings.
  3. Under and at the ends of masonry, wood or metal copings and sills.
  4. Where exterior porches, decks or stairs attach to a wall or floor assembly of wood-frame construction.
  5. At wall and roof intersections.
  6. At built-in gutters.

Applicable sections of 2015 IRC section R905.1 Roof Covering Application. See R905.1.1 Underlayment, Exception 2. May satisfy note 5 on this page. Deferral of submittal documents, R106.1.1 Information on Construction Documents is hereby granted. Documents specified shall be submitted prior to sheathing inspection. Installation instructions and specifications shall be on site.



DOUBLE 2x TOP PLATES  
METAL OR STUCCO EXTERIOR SIDING BY OTHERS  
#145-A TYVEK HOUSE WRAP  
#100-08B, 15/32\" PLYWOOD SHEATHING

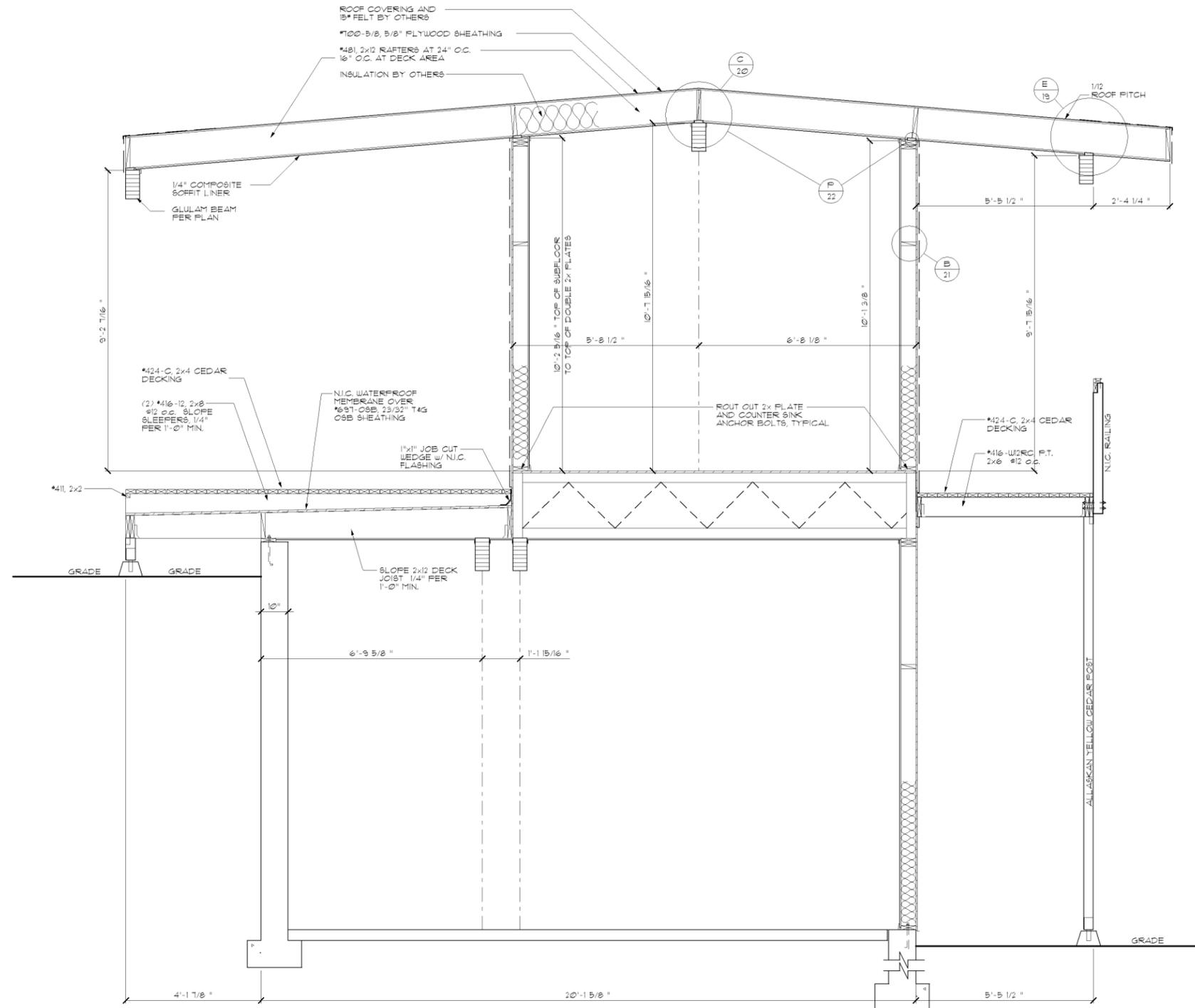
REFER TO FLOOR OVERLAYS FOR EXTERIOR WALL STUD CALLOUTS

INTERIOR LINER PER PLANS  
6 MIL. POLYETHYLENE VAPOR BARRIER BY OTHERS  
R-21 INSULATION BY OTHERS

#36, BASE TRIM  
#414-W, 2x6 PRESSURE TREATED PLATE  
FOUNDATION BY OTHERS



CROSS SECTION thru C-2



Applicable sections of 2015 IRC section R905.10 Metal Roof Panels. Manufacturer' installation instructions submitted specified minimum slope to be 3 inches in 12. Deferred submittal documents, R106.1.1 Information on Construction Documents is hereby granted. Documents specified shall be submitted prior to sheathing inspection. Installation instructions and specifications shall be on site.



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 ENCHANTED CIRCLE HOMES

CUSTOM RESIDENCE FOR:  
 TREY BALCH  
 TAOS SKI VALLEY, NM

BY INITIATING THE BLOCKS BELOW, YOU ARE CONFIRMING THAT THE INFORMATION CONTAINED ON THIS PAGE HAS BEEN REVIEWED AND APPROVED.

DEALER APPROVED DATE

CUSTOMER APPROVED DATE

PLEASE SIGN THE PLANS STAMP, TYPICALLY LOCATED ON THE INDEX SHEET, SO THAT WE MAY PROCEED TO THE NEXT PHASE OF YOUR PROJECT.

DATE BY:	REVISIONS:
3/22/19 NA	PRELIMINARY
4/18/19 NA	FINAL PERMIT PLAN
7/23/19 CVH	AMENDMENT
2/20/20 CVH	AMENDMENT
4/9/20 TSC	ENGINEERING
#6S %6S	*6S
#7S %7S	*7S
#8S %8S	*8S
#9S %9S	*9S
#10S %10S	*10S
#11S %11S	*11S
#12S %12S	*12S

PROJECT NO.:  
 KL41904

DRAWING NO.:  
 DRAWINGS

SERIES:  
 LINDAL ELEMENTS

MODEL:  
 ASH 2660

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