

1305912

SANTA FE COUNTY
LAND DEVELOPMENT CODE

SANTA FE COUNTY ORDINANCE 1996 - 10

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS

ON SEPTEMBER 10, 1996

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This is a recompiled version of
the Santa Fe County Land Development Code
(1992-1) which incorporates
the following amendments:

- County Ordinance 1993-3 - Hardrock Mining
- County Ordinance 1995-2 - School Impact Notices
- County Ordinance 1995-4 - Fire and Rescue Impact Fees
- County Ordinance 1995-6 - Submittal Requirements
- County Ordinance 1996-2 - Local Development Review Committee
- County Ordinance 1996-3 - Terrain Management
- County Ordinance 1996-8 - Subdivision Ordinance

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SANTA FE COUNTY LAND DEVELOPMENT CODE

ARTICLE I - GENERAL

SECTION 1 - SHORT TITLE

This Ordinance, as amended from time to time, may be cited as "The Santa Fe County Land Development Code". It is hereinafter referred to as "the Code".

SECTION 2 - ENACTMENT

The Code was passed, approved and adopted by the Board of County Commissioners of Santa Fe County as Ordinance No. 1980-6 on October 28, 1980.

SECTION 3 - EFFECTIVE DATE

The Code shall become effective on the 30th day after recording of the Code in the County Ordinance Book except that the provisions of the Code amending the Subdivision Regulations shall become effective 30 days after filing of the Code with the County Clerk and the State Records Administrator. Any re-recordings or recompilation of the Code shall not effect this "Effective Date".

SECTION 4 - INCORPORATION OR REPEAL OF OTHER ORDINANCES

The "Santa Fe County, New Mexico, Subdivision Regulations" adopted by the Board of County Commissioners Resolution No. 1973-55 on August 27, 1973, hereinafter referred to as "The Subdivision Regulations", are incorporated into the Code as Article V, as amended by the amendments to the Subdivision Regulations set forth in Article V. The "Santa Fe County Mobile Home Park Ordinance", Ordinance No. 1976-1, approved and adopted by the Board of County Commissioners on January 10, 1976, and the "Santa Fe County Flood Plain Ordinance", Ordinance No. 1975-1, adopted by the Board of County Commissioners on November 3, 1975, are hereby repealed.

SECTION 5 - PURPOSES

The purposes of the Code are to implement the policies of the Santa Fe County General Plan and to combine the regulation of various aspects of land development and use of natural resources into a common system of administration and appeals, in order to simplify the application process for the public and conserve personnel resources of County government.

It is the intention of the Board in adopting and enforcing the Code to exercise all relevant powers conferred on it by the laws of the State of New Mexico, including where applicable, but not limited to the following sections of NMSA 1978 as they may be amended:

- Sections 4-37-1 through 4-37-9 (powers granted to counties, including powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of a county and its inhabitants);
- Sections 4-57-1 through 4-57-3 (planning for the purpose of guiding development);
- Sections 47-6-1 through 47-6-29 (subdivision);
- Sections 47-5-1 through 47-5-8 (land subdivision);
- Section 3-18-6 (building construction);
- Section 3-18-7 (flood-prone areas);

- Section 3-18-10 (sanitary facilities);
- Sections 3-19-1 through 3-19-12 (planning and platting);
- Sections 3-21-1 through 3-21-12 (zoning);
- Sections 3-22-1 through 3-22-5 (historic district zoning);
- Sections 3-39-16 through 3-39-27 (airport zoning);
- Section 3-49-1 (streets);
- Sections 3-53-1 through 3-53-5 (water use and water facilities).

SECTION 6 - LIBERAL INTERPRETATION

The Code shall be liberally interpreted to carry out the objectives of the County General Plan and the purposes and intents specified in the Code.

SECTION 7 - SEVERABILITY

If any part of the Code or the application thereof to any person or circumstance is held invalid, the remainder of the Code and its application to other persons or circumstances shall not be affected thereby.

SECTION 8 - APPLICATION

8.1 Zoning Provisions

Article III of the Code applies to all land located in the County but outside areas within the territorial limits of a municipality, unless an area is zoned pursuant to the provisions of Sections 3-21-3 and 3-21-4 (5), N.M.S.A., 1978 (Extraterritorial Zoning) and as agreed to by the City of Santa Fe and the County of Santa Fe in the Joint City/County Extraterritorial Zoning and Subdivision Agreement, as amended. Article III of the Code shall not apply to lands owned by the Federal Government, nor to State Trust Lands administered by the Commissioner of Public Lands.

8.2 Flood Plain Provisions

Article VII, Section 1 of the Code applies to all land located in the County, but outside the territorial limits of a municipality.

8.3 Other Provisions

All provisions of the Code not mentioned in Sections 8.1 and 8.2 above apply to all land located within the County.

SECTION 9 - INCORPORATION OF CODE MAPS

All Code Maps referred to in the Code are fully incorporated in and made a part of the Code. Code Maps contained in the County General Plan or in a Community Land Use and Utility Plan are referred to by the numbers they bear in the County General Plan or the Local Land Use and Utility Plan, respectively.

SECTION 10 - CONFLICTING PROVISIONS

Where there exists a conflict between any limitation or requirement in the Code and any applicable limitation or requirement contained elsewhere in this Code or in any other ordinance, regulation, or law, the more restrictive limitation or requirement shall prevail.

SECTION 11 - CUMULATIVE REQUIREMENTS

The requirements of the Code are cumulative. If an application for a development permit involves more than one type of development, the applicant must comply with the requirements of the Code for each type of development prior to engaging in that type of development. The County may approve any part of an application and approve other parts in stages or deny other parts.

SECTION 12 - ANNUAL REVIEW

At least once each calendar year, the Board of County Commissioners shall hold a public hearing to determine if any amendments should be made to the Code or County General Plan. The Code Administrator shall make recommendations to the Board for approval concerning proposed changes to the Code and Plan. Any interested persons or groups may also make recommendations to the Board for amending the Code and Plan.

History. 1980 Comp. 1980-6. Section 11, Penalties, and Section 12, Non-conforming Uses, were repealed by County Ordinance 1990-11. Sections 13, Cumulative Requirements and 14, Annual Review are re-numbered for the purpose of sequencing. Two new Sections, 4.5 and 5, in Article II, Administration, specify code requirements regarding non-conformities and enforcement, including penalties.

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ARTICLE II - ADMINISTRATION

SECTION 1 - APPOINTMENTS AND AUTHORITY

1.1 Code Administrator

1.1.1 Appointment

The County Manager shall recommend to the Board of County Commissioners (hereinafter referred to as the "Board") any person to be considered for employment as the Code Administrator. The Board shall appoint a Code Administrator, pursuant to the County Personnel Ordinance and Regulations, after considering the recommendations of the County Manager.

1.1.2 Duties

The Code Administrator shall:

- 1.1.2a Perform the duties that are assigned throughout the Code to the Code Administrator and such other duties as may be determined by the Board or the County Manager.
- 1.1.2b Keep copies of each application filed, each plat submitted, and each development permit issued, filed by legal description of the land to which the development permit applies and also by name of applicant.
- 1.1.2c Make recommendations to the Board for amendments to the Code.
- 1.1.2d Give written reports as directed by the Board or as requested by the County Development Review Committee and approved by the Board, listing all applications, Code Administrator decisions and recommendations, County Development Review Committee decisions, and appeals from Code Administrator or County Development Review Committee decisions that have been filed since the last Code Administrator report; provided, however, that such reports shall be made at least once a month and shall be submitted to the Board and the County Development Review Committee.

1.2 County Development Review Committee

1.2.1 Appointment

The Board shall appoint a County Development Review Committee consisting of not less than seven (7) members. The residence requirements shall be as follows: At least one member shall reside within the limits of the City of Santa Fe. These members should reside in different areas of the County, in order to provide diversity of representation. The other six (6) members shall be residents of the County of Santa Fe. Terms of members, all appointments by the Committee, and removal of members shall be made by the Board as set forth in Section 3-19-2 N.M.S.A., 1978, as it may be amended. The County Development Review Committee shall establish policies concerning notice and conduct of its meetings and a copy of such policies shall be posted in the Code Administrator's office. Election of chairperson, meetings, and keeping of records, shall be as set forth in Section 3-19-3 N.M.S.A., 1978, as it may be amended. A majority of the members shall constitute a quorum at any meeting of the County Development Review Committee. If a quorum is present, the affirmative vote of the majority of the members present at the meeting shall be the act of the County Development Review Committee, unless otherwise required by law. There shall be no proxy voting.

History. 1980 Comp. 1980-6. Section 1.2.1 was amended by County Ordinance 1981-2, changing the membership of the County Development Review Committee from five (5) to seven (7) members.

1.2.2 Authority

The County Development Review Committee shall have the authority provided for in the Code and other authority as determined from time to time by the Board. The County Development Review Committee is hereby established as a planning commission, and is hereby delegated the power, authority, jurisdiction and duty as set forth in the Code to exercise the County's legal authority relating to the matters regulated by the Code, including without limitation, planning, platting, zoning and subdivision regulation. The County Development Review Committee is designated to act as a zoning commission, pursuant to Section 3-21-7, N.M.S.A., 1978, as it may be amended.

1.3 Local Development Review Committee

1.3.1 Appointment

1.3.1a If the Board approves a local Land Use and Utility Plan as provided for in Article VI, Section 5 of the Code for a traditional community or any other approved region within the County, or if the Board declares by ordinance any village, community, neighborhood or village to be an Historic Traditional Community under State law, the Board shall appoint a Local Development Review Committee for the traditional community, region or Historic Traditional Community or village.

1.3.1b A Local Development Review Committee shall consist of not less than five (5) members. All members of a Local Development Review Committee shall either be residents, operate a business or own property within the geographic boundaries of the traditional community district or region or of the traditional historic community or village for which the Local Development Review Committee was formed, and a majority of members shall be residents living within such geographic boundaries. A majority of the members of the Committee shall be appointed for one-year terms and the balance of the members shall be appointed for two-year terms. Each subsequent term of a member of the Local Development Review Committee shall be for two years or less in order to maintain the original staggering of terms of membership. A vacancy in the membership of the Local Development Review Committee shall be filled for the remainder of the unexpired term. Members shall serve at the pleasure of the Board. A majority of the members shall constitute a quorum at any meeting of the Local Development Review Committee. If a quorum is present, the affirmative vote of the majority of the members present at the meeting shall be the act of the Local Development Review Committee, unless otherwise required by law. There shall be no proxy voting.

1.3.2 Authority

A Local Development Review Committee shall have the same authority as the County Development Review Committee with respect to development within the geographic boundaries of the traditional community district or region or the traditional historic community or village for which the Local Development Review Committee was formed. With regard to any application for a development permit within the jurisdiction of a Local Development Review Committee, the Local Development Review Committee shall exercise all powers and perform all duties which would otherwise be exercised or

performed by the County Development Review Committee. Any reference to the County Development Review Committee in the Code shall be construed as reference to the appropriate Local Development Review Committee in cases where the application involves land within the jurisdiction of a Local Development Review Committee.

History. Section 1.3 was amended by Ordinance 1996-2 authorizing the Board to appoint a Local Development Review Committee for an area declared by ordinance to be a Traditional Historic Community under state law and eliminating the requirement that recommendations of Local Development Review Committees be taken to the County Development Review Committee.

SECTION 2 - DEVELOPMENT PERMITS

No person may engage in development within the County until such person has obtained a development permit for such development meeting the requirements of the Code.

2.1 Extent of Activities Authorized by a Development Permit

The following limitations shall apply to all development permits issued under the Code:

2.1.1 A development permit shall specify the development permitted and the location at which the development may occur.

2.1.2 Development allowed by a development permit is limited by:

- a. The provisions of the Code;
- b. Any conditions indicated on or attached to the development permit. Conditions may include a requirement of compliance with any plan or other submittal required and approved under the Code or a time of expiration, which shall be noted on the application, and
- c. The application, which includes all materials submitted by an applicant to the Code Administrator, the County Development Review Committee, or the Board in support of a request for a development permit.

2.1.3 **Exception for Actual Construction.** Nothing in this Section shall be deemed to require a change in the plan, construction, or intended use of a new structure on which actual construction was lawfully begun before the effective date of the Code or any amendments thereto, for a development permit which has been issued and upon which actual construction has been diligently carried on. "Actual construction" means 1) permanently fastening construction materials in permanent position; or 2) substantial demolition or removal of an existing building or other structure preparatory to construction of a replacement.

2.1.4 **Commencement and Completion of Development.** Commencement of construction or work must begin within one (1) year of the date of the issuance of the development permit. Construction or work set forth in the development permit shall be completed within two (2) years of the issuance of the development permit unless an extension of time has been obtained from the Code Administrator.

History. 1980 Comp. 1980-6. Section 2.1.3 is language previously part of Article I, Section 12 which was repealed by County Ordinance 1990-11.

2.2 Development Permit Fees and Copies

The amount of the fee for the development permit shall be determined by resolution of the Board, which may establish different fees for different types of development. Permit fees established under the Code are not refundable. The Code Administrator shall make copies of any fee schedule adopted by the Board available to the public in his office and shall post in his office a copy of all current fee schedules. An applicant for a development permit may file an application with the Code Administrator upon paying the fee determined by the Board.

2.3 Administrative Procedures

2.3.1 Administrative Decisions

- 2.3.1a By using the following procedure, the Code Administrator may approve or deny development permit applications for the following types of development without referring the application to the County Development Review Committee or the Board. Applications for land divisions that constitute a subdivision under a common promotional plan shall comply with the procedure provided for in Article V. The following types of development may be approved administratively:
- i. Any home occupation;
 - ii. The following divisions of land which are exempt from subdivision regulations. Applicants claiming any of the following exemptions shall submit supporting data and affidavits to verify their claim as required by the Code Administrator:
 - a. The sale, lease or other conveyance of any parcel that is thirty-five (35) acres or larger in size within any twelve (12) month period, provided that the land has been used primarily and continuously for agricultural purposes, in accordance with 7-36-20 NMSA 1978, for the preceding three years;
 - b. The division of land created by a court order where the order creates no more than one parcel per party;
 - c. The division of land for grazing or farming activities provided that the land continues to be used for grazing or farming activities;
 - d. The division of land created to provide security for mortgages, liens or deeds of trust; provided that the division is not the result of a seller-financed transaction and provided that the parcel given for security is consolidated with the original parcel upon release of the mortgage, lien or deed of trust;
 - e. The sale, lease or other conveyance of land that creates no parcel smaller than one hundred forty (140) acres;
 - f. The division of land to create a parcel that is donated to any trust or nonprofit corporation granted an exemption from federal income tax, as described in 501 (c) (3) of the U.S. Internal Revenue Code of 1986, as amended; school, college or other institution with a defined curriculum and a student body and faculty that conducts classes on a regular basis; or to any church or group organized for the purpose of divine worship, religious teaching or other specifically religious activity;
 - g. The sale, lease or other conveyance of a single parcel from a tract of land, except from a tract within a previously approved subdivision, within any five (5) year period; provided that a second or subsequent sale, lease or other conveyance from the same tract of land within five (5) years of the first sale, lease or conveyance shall be subject to the provisions of the New Mexico Subdivision Act and these Regulations;

provided further that a survey shall be filed with the county clerk indicating the five (5) year holding period for both the original tract and the newly created tract;

- h. The division of land to create a parcel that is sold or donated as a gift to an immediate family member (as defined in Article X); however, this exception shall be limited to allow the seller or donor to sell or give no more than one parcel per tract of land per immediate family member. Divisions made under this exception will be referred to throughout the Code as Family Transfers, and
 - i. Lot line adjustment;
 - iii. Lot consolidation;
 - iv. Easement plat;
 - v. Plat amendment;
 - vi. Boundary survey;
 - vii. Type III subdivisions containing five (5) or fewer parcels of land, unless the land within a subdivision has been previously identified in the County General Plan or this Code as an area subject to unique circumstances or conditions that require additional review;
 - viii. Type V subdivisions containing five (5) or fewer parcels;
 - ix. Building permits;
 - x. Grading and clearing permits;
 - xi. Driveway cut permits;
 - xii. Road cut permits;
 - xiii. Blasting permits;
 - xiv. Sign permits;
 - xv. Business licenses, except liquor licenses;
 - xvi. Legal lot of record;
 - xvii. Permitted uses in any non-residential district as set forth in Article III, Section 4; and
 - xviii. Permits for construction materials, mine sites and road materials fabrication plants that are temporary in nature, using mobile equipment, including but not limited to: crushers, stackers, conveyors, asphalt hot mix plants and concrete batch plants, for state, federal or local highway projects. Such temporary permits, not exceeding 180 days, must comply with all provisions of this ordinance except height. Height shall be controlled by FAA regulations in those areas where applicable. If not located in an FAA regulated area, height shall not exceed that dimension as approved by the Code Administrator. All materials stockpiles should be configured so as to prevent any sight safety distance conflicts from any road or access way. Temporary permits may be renewed for an additional 180 day period.

- 2.3.1b The Code Administrator shall review the application for compliance with the requirements set forth in the Code. (See Article III, Section 2.4.2 for the submittal and review requirements for projects listed in Sections 2.3.1a.ii through viii, above.) The Code Administrator shall make and file a decision approving or disapproving the application or approving the application with conditions or modifications within thirty (30) working days from the date the application was deemed complete for projects listed in Sections 2.3.1a.ii through viii and fifteen (15) working days from the date the application was deemed complete for all other projects listed in Section 2.3.1a.

- 2.3.1c Applications for items listed in Section 2.3.1a i, ii, vii, viii, x and xii are subject to the following posting requirement. At least fifteen (15) calendar days prior to the administrative decision, The applicant shall post notice of the filing of the application prominently on the land, dwelling or other structure which is the subject of the application, in such a way as to give reasonable notice to persons interested in the application and shall provide written certification of the posting of the notice to the Code Administrator. In addition, Sections 2.3.1a vii and viii shall follow the requirements of Section 2.4.2b of this Article.
- 2.3.1d The Code Administrator may hold an informal conference with the applicant and any interested person at any time prior to the making of his decision. The Code Administrator shall give at least three (3) working days' notice either orally or in writing to the applicant who has requested in writing that he receive notice of any informal conference held under this subsection.
- 2.3.1e The Code Administrator may refer an application to an appropriate agency or official of the State of New Mexico for an opinion concerning whether the application should be disapproved or approved with conditions or modifications. The opinion of the state agency or official shall be advisory only, and in no way does it bind the Code Administrator, require him to approve or deny an application, or oblige the Code Administrator to seek additional information or clarification from said agency or official. The Code Administrator may delay the making and filing of his decision for five (5) working days after he receives the requested opinion, if he believes that such a delay is in the public interest.
- 2.3.1f A decision of the Code Administrator on an application shall become final five (5) working days after the decision has been made, unless within the five (5) working days an appeal from the decision has been filed or the Board, on its own initiative, has decided to review the decision of the Code Administrator or has referred the application to the County Development Review Committee for a decision or recommendation.
- 2.3.1g After a decision approving an application has become final, the Code Administrator shall sign the plat and shall record the plat in the records of the County Clerk.

History. 1980 Comp. 1980-6. Section 2.3.1a was amended by County Ordinance 1988-9, allowing an administrative approval of permitted uses in established non-residential zoning districts and by Ordinance 1996-8 adding the exceptions to the NMSA to Section 2.3.1a.ii and summary review subdivisions.

2.3.2 Administrative Recommendations for Development Permits Requiring County Development Review Committee and/or Board Review

The following procedure applies to any application for a development permit of a type not listed in Section 2.3.1a above. Applications for a development permit involving a subdivision shall also comply with the procedures provided for in Section 2.6 of this Article II and applications for a development permit involving zoning shall also comply with the procedures provided for in Section 2.5 of this Article II.

- 2.3.2a Within thirty (30) working days from the date the application was deemed complete, (except for preliminary plats where the time limits shall be as set forth in Article V, Section 5.3.3d) the Code Administrator shall review the application

for compliance with the requirements of the Code, and shall make and file a report to the County Development Review Committee evaluating the application and recommending that the County Development Review Committee approve, disapprove, or approve the application with modifications and/or conditions or recommending that the County Development Review Committee recommend the same to the Board depending on which body has final authority pursuant to Section 2.3.2e.

- 2.3.2b The Code Administrator may hold an informal conference with the applicant and any interested person at any time prior to the making of his recommendation. The Code Administrator shall give at least three (3) working days' notice, either orally or in writing, to the applicant or any interested person who has requested in writing that he receive notice of any informal conference held under this Subsection b.
- 2.3.2c At least twenty one (21) calendar days prior to any public meeting at which an application will be heard, the applicant shall post notice of the filing of the application prominently on the land, building, or other structure which is the subject of the application in such a way as to give reasonable notice to persons interested in the application and shall provide written verification of the posting of the notice to the Code Administrator.
- 2.3.2d For development other than subdivisions under the New Mexico Subdivision Act (which shall comply with the public agency review process as set forth in Article V, Section 5.3.3d.), the Code Administrator may refer an application to an appropriate agency or official of the State of New Mexico for an opinion concerning whether the application would be disapproved or approved with conditions or modifications. Unless otherwise required by law, the opinion of the state agency or official shall be advisory. The Code Administrator may delay the making and filing of his recommendation for up to sixty (60) calendar days to await the opinion if he believes that such a delay is in the public interest.
- 2.3.2e The County Development Review Committee has final approval authority on preliminary and final development plans and on appeals of the Code Administrator's decisions and has recommendation authority on variances, preliminary and final plats, and all master plans, including zoning, for which the Board shall have final approval authority. Plats for Type V subdivisions containing six (6) or more parcels go directly to the Board for review and approval, in accordance with Article V, Section 5.5.4b.

2.3.4 Appeals

2.3.4a Filing an Appeal

All appeals under the Code shall be filed in writing with the Code Administrator.

2.3.4b Appeal of Code Administrator Decision under Section 2.3.1 to the County Development Review Committee

- i. Any person aggrieved by a decision of the Code Administrator under Section 2.3.1 may file an appeal to the County Development Review Committee within five (5) working days of the date of the Code Administrator's decision. The County Development Review Committee shall hear the appeal within sixty (60) calendar days of the date the appeal is filed. The County

Development Review Committee shall make and file its decision approving or disapproving the application or approving the application with conditions or modifications.

- ii. A decision of the County Development Review Committee on an appeal shall become final thirty (30) calendar days after the decision is filed, unless within that month an appeal of the decision has been filed by an interested person including the Code Administrator, pursuant to Section 2.3.4c of this Article or the Board on its own initiative has decided to review the decision.

2.3.4.c Appeal of Development Review Committee Decisions to the Board

- i. Any person aggrieved by a decision of a Development Review Committee may file an appeal in writing to the Code Administrator within thirty (30) calendar days of the date of the decision of the Development Review Committee. The Board shall hear the appeal within sixty (60) calendar days after the date the appeal is filed. The Board shall timely make and file its decision approving or disapproving the application or approving the application with conditions or modifications.
- ii. The decision of the Board shall become final on the date when the decision is filed.

2.4 Notice and Conduct of Public Hearing

2.4.1 Notice by County

Notice of a public hearing to be held by a Development Review Committee or the Board, shall be given as provided by resolution of the Board and as otherwise required by law. Copies of the public notice policies shall be posted in the Code Administrator's office. Public hearings shall be conducted as provided by policies established by the body holding the hearing or as required by law. All interested persons shall be allowed a reasonable opportunity to be heard at a public hearing held under the Code.

2.4.2 Notice by Applicant

2.4.2a For all zoning cases, master plans, development plans, variances, preliminary and final subdivision plats, Type V subdivisions containing six (6) or more parcels and appeals of these matters, the following public notice requirements shall be completed by the applicant at least twenty one (21) calendar days prior to the public meeting:

- i. A notice shall be published in the legal section of the daily newspaper which covers the area in which the project is located;
- ii. Certified letters, prepared by the Code Administrator, shall be mailed return receipt requested to all property owners within one hundred (100) feet (excluding rights-of-way) of the subject property;
- iii. The subject property shall be posted, in the manner outlined in Section 2.3.2c of this Article II.

2.4.2b For all summary review subdivisions containing five (5) or fewer parcels, Sections 2.4.2a.ii. and iii. Shall be completed by the applicant at least fifteen (15) calendar days prior to the administrative decision.

History. Section 2.4 was amended by Ordinance 1996-8 to include notice requirements for most projects.

2.5 Zoning

In connection with the review of an application for a development permit with respect to matters described in the New Mexico Statutes concerning zoning, the procedures concerning zoning matters set forth in the New Mexico Statutes, as amended from time to time, shall apply in addition to the review procedures provided in the Code. The time limits established in this Article II may be extended if required, in order to comply with the procedures concerning zoning matters.

2.6 Subdivisions

In connection with review of an application for a development permit with respect to matters described in the New Mexico Subdivision Act, as it may be amended from time to time, the procedures for review provided for in Article V of the Code and the New Mexico Subdivision Act shall apply in addition to the review procedures provided in this Article II of the Code. The time limits established in this Article II shall be extended if required in order to comply with the procedures concerning subdivision matters.

2.7 Other Requirements

The time limits set forth in this Article II shall be extended in order to comply with other provisions of the Code providing for time limits in connection with reviews and requirements under the Code.

SECTION 3 - VARIANCES

3.1 Proposed Development

Where in the case of proposed development, it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted conditions or that these conditions would result in inhibiting the achievement of the purposes of the Code, an applicant may file a written request for a variance. A Development Review Committee may recommend to the Board and the Board may vary, modify or waive the requirements of the Code and upon adequate proof that compliance with Code provision at issue will result in an arbitrary and unreasonable taking or property or exact hardship, and proof that a variance from the Code will not result in conditions injurious to health or safety. In arriving at its determination, the Development Review Committee and the Board shall carefully consider the opinions of any agency requested to review and comment on the variance request. In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified.

3.2 Variation or Modification

In no case shall any variation or modification be more than a minimum easing of the requirements.

3.3 Granting Variances and Modifications

In granting variances, and modifications, the Board may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

3.4 Height Variance in Airport Zones

All height variance requests for land located with approach, Transitional, Horizontal and Conical surfaces as described within Map #31 A, incorporated herein by reference, shall be reviewed for compliance with Federal Aviation Administration Regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the

effect of the proposal in the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship, and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, and will do substantial justice. Additionally, no application for variance may be considered by the County Development Review Committee unless a copy of the application has been furnished to the Airport Manager for advice as to the aeronautical effects of the variance. If the Airport Manager does not respond to the application within 15 days after receipt, the County Development Review Committee may act on its own to grant or deny said application. Any permit or variance granted may be so conditioned as to require the owner of the structure in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary.

History. 1980 Comp. 1980-6. Section 3.4 is new material by County Ordinance 1984-3, adding an administrative procedure to height variation requests in airport overlay zones.

SECTION 4 - SPECIAL PROCEDURE FOR APPROVAL OF DEVELOPMENT ON LOTS WHICH DO NOT MEET LOT SIZE REQUIREMENTS OF CODE

4.1 Dwelling and Customary Accessory Structures

Dwelling and customary accessory structures may be erected on a lot which does not meet the lot size requirements of the Code, provided that:

- 4.1.1 The lot was in existence on the effective date of the Code (January 1, 1981) as demonstrated by the means listed in Section 4.4; or
- 4.1.2 The land is a lot which is part of a subdivision and the preliminary plat of the subdivision has been approved by the Board as of the effective date of the Code (January 1, 1981); or
- 4.1.3 The lot has been created by Small Lot Inheritance Transfer or Small Lot Family Transfer and the requirements of Section 4.3 of this Section are met.

4.2 Requirements of Code Not Involving Size of Lot

All other requirements of the Code including, but not limited to, building height, setback, use, design standards, environmental provisions, water restrictions, development, building and utility permits, and certificates of occupancy, as applicable, shall be met.

4.3 Small Lot Inheritance and Small Lot Family Transfer

Dwellings and customary accessory structures may be erected on a lot which does not meet size requirements of the Code and is being created by inheritance or family transfer, provided the definitions, restrictions and standards of this Section are met.

4.3.1 Purposes

- 4.3.1a To maintain local cultural values by perpetuating and protecting a traditional method of land transfer within families, especially within the traditional communities; and
- 4.3.1b To permit transfers of lots which do not meet the lot size requirements of the Code from grandparents, parents or legal guardians as a one time gift to a child or grandchild in order to provide a more affordable home site for these adult children.

4.3.2 Definitions

For purposes of this Section, the following definitions will apply:

- 4.3.2a Small Lot Inheritance Transfer - A lot created by an order of a court in probate, but not for the purpose of sale or lease, and which lot does not meet the density requirements of the Code.
- 4.3.2b Small Lot Family Transfer - A lot created as a gift from a grandparent, parent or legal guardian to his or her natural or adopted child or grandchild or legal ward, which lot does not meet the density requirements of the Code. (These relationships are further defined below in "Family Proper".) Any person may receive only one lot through Small Lot Family Transfer.
- 4.3.2c Family Proper - Lineal relations up to and including the third degree, i.e. grandparent, parent, child. Step relationships shall count as natural relationships so long as the step relationship is legally existent at the time of the transfer. Also including legal guardians who have performed the function of grandparent or parent to the person who is receiving the transferred lot.

4.3.3 Requirements for Approval

4.3.3a Small Lot Inheritance Transfers

- i. Deed(s) transferring the parcel(s) to or among the heirs or beneficiaries shall be recorded at the time the plat is filed.

4.3.3b Small Lot Family Transfers

- i. Deed(s) transferring the parcel(s) to family members shall be recorded at the time the plat is filed;
- ii. Proof that the land has been in the lawful possession of the family proper for no less than five years and that the recipient is an adult or emancipated minor is required;
- iii. Lots created by family transfer under this Section shall be so noted on the plat; and
- iv. An affidavit showing that notice of the application for approval of a family transfer plat has been mailed by certified mail to owners of property, as shown by the records of the County Assessor, adjacent to and within one hundred (100) feet, excluding public right-of-way, of the proposed family transfer parcel(s).
- v. The person transferring the lot shall file an affidavit with the County Clerk containing the following:
 - (i) A legal description of the property being transferred; and
 - (ii) A statement that he or she has not made a family transfer of any other lot(s) to the person receiving the current lot.

4.3.4 Submittal and Review

The submittal and review requirements in Section 2.3 of this Article and Article III, Section 2.4.2 shall apply to the Small Lot Inheritance and Small Lot Family Transfers created under this Section. However, the Code Administrator retains the authority to refer these divisions directly to the County Development Review Committee or the Board when deemed in the public interest.

4.3.5 Lot Size Standards

These lot size standards shall apply to the parcel(s) retained as well as the lot(s) transferred.

4.3.5a No lot shall be smaller than one half of the standard minimum lot size allowed in the particular location or hydrologic zone; and

4.3.5b No lot shall be smaller than 3/4 acre except as provided in Article III, Sections 10.3.3 and 10.3.4 for lots utilizing both an approved community sewer system and an approved community water system.

History. 1980 Comp. 1980-6. Section 4.3 was amended by County Ordinance 1989-3 to provide for additional procedures relating to family transfer and by Ordinance 1996-8 to clarify that this Section applies to small lot inheritance and family transfers only.

4.4 Procedure for Approval of Lots Created Prior to the Effective Date of the Code (January 1, 1981) Which do not Meet the Lot Size Requirements of the Code

4.4.1 If the applicant has a notarized document, the applicant shall submit the document to the Code Administrator. The Code Administrator shall determine if the notarized document establishes the existence of the lot on the effective date of the Code.

4.4.2 If the applicant has evidence which does not include a notarized document, the evidence shall be submitted to the appropriate Development Review Committee. The Development Review Committee shall determine if the evidence establishes the existence of the lot on prior to the effective date of the Code.

4.5 Special Procedure for Approval of Development on Lots Which Do Not Meet Lot Size Requirements of Code; Non-Conformities

4.5.1 Intent

4.5.1a Existing uses of land and structures including signs constructed prior to the adoption of the Code, as amended, but which may not be in conformance with the Code, as amended, or are prohibited or restricted under the current provisions of the Code, including the provisions of any amendments thereto, are considered to be non-conforming uses.

4.5.1b It is acknowledged that certain non-conforming uses may contribute to a historical pattern of land use and/or are likely to continue to be in use. For this reason non-conforming uses which serve to enhance the mixed use zoning scheme established by these regulations, may be redeveloped, improved or expanded provided the redevelopment or improvements to the property serve to bring the use into conformance with the purposes of the Code.

4.5.1c Expansion or re-use of unsightly or unsafe conditions associated with some non-conformities such as junk yards, mine sites, or industrial nuisances is prohibited, and further, expansion of any non-conforming commercial uses which contribute to strip development along highways or other roads, shall also be prohibited.

4.5.2 Re-use or Expansion of Non-conforming Use

4.5.2a Except as otherwise provided in this Section, any non-conforming use of land or structure may be continued so long as it remains otherwise lawful.

4.5.2b A non-conforming use of a structure or land, or a non-conforming structure, previously established as a use similar to a proposed new use of the structure or land, or a use of a structure or land which has been suspended by a period of time not longer than one (1) year, may be re-used, extended or expanded provided:

- 1) the re-use, expansion or extension does not increase the intensity of development or alter the character of the non-conforming use on the site according to any limitations set by the Code relating to development standards for lot coverage, height, waste disposal, water use, setbacks, traffic generation, parking needs, landscaping, buffering, outdoor lighting, access, or signage;
- 2) The re-use, expansion or extension can be brought into compliance with the Code as specified above in 4.5.2b.1;
- 3) The re-use, expansion or extension does not confer a privilege upon the applicant;
- 4) The re-use, expansion or extension is not incompatible with the surrounding uses of land and is deemed to be of interest to the health, welfare and safety of the community;
- 5) In certain instances where conformance to Code requirements is impossible, a variance may be required.
- 6) A change of tenancy or ownership for an existing non-conforming uses does not require development review.
- 7) All non-conforming signs shall meet the requirements set forth in Article VIII, Subsection 7.16 - Sign Removal and Non-Conforming Signs.

4.5.3 Submittals and Reviews

4.5.3a Re-use or expansion of non-conforming uses are subject to the submittals and review requirements set forth in the Code for the category of use which is proposed.

4.5.3b If deemed to be in the public interest by the Code Administrator, a public hearing shall be required pursuant to this Article II.

History. 1980 Comp. 1980-6. Section 4.5 is new and revised material relating to non-conformities added to Article II by County Ordinance 1990-11.

SECTION 5 - ENFORCEMENT

5.1 Complaints

Whenever a violation of this Code occurs or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be submitted to the County Land Use Department. The code enforcement staff shall investigate promptly and take action thereon as follows:

5.2 Inspection

The code enforcement staff shall, when required, inspect a site or building(s) where provisions of the Code are alleged to have been violated or a certificate of occupancy is required.

5.3 Notice of Violation

Where provisions of this Code are being violated, notification in writing shall be submitted to the owner or tenant of the property, indicating the nature of the violations and ordering the action necessary to correct it. Such notice shall require discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall require the taking of any other action authorized by this Code to ensure compliance with or to prevent violations of its provisions. The provisions of this Section shall not preclude the citation of a violator without first issuing a Notice of Violation.

5.4 Certificate of Occupancy

5.4.1 In order to ensure compliance with the development standards of the Code, conditions imposed as part of a development approval, or an approved road design, utilities installation, landscaping plan, sign design, lighting plan, or any other similar consideration or plan relating to a zoning or subdivision approval, an inspection or inspections shall be made by the staff or other appropriate persons upon completion of the project prior to occupancy of the building or site. This Section does not apply to residential building development permits approved under Article III, Section 2.4.1 of the Code.

5.4.2 If the construction and installations are found to be in compliance with this Code, a certificate of occupancy will be issued.

5.4.3 No building or site may be occupied or any license issued without the certificate of occupancy issued by the County.

5.5 Letters of Credit, Surety Bonds

Irrevocable bank letters of credit or surety bonds payable to the County of Santa Fe based on engineering cost estimates for road or utility construction, landscaping, parking, off-site improvements, etc., shall be submitted to the Code Administrator, who may administer releases of the funds as improvements are completed. The Land Use Department will coordinate inspections of such improvements. Upon completion of the improvements, the Code Administrator or designee, shall inspect the project prior to filing of the plat.

5.6 Penalties

5.6.1 Violation of the Code

In addition to any penalty or other remedy provided by law, any person, corporation, entity or organization, found to have committed a violation of any of the provisions of the Code, shall be punished by a fine of up to \$300.00 or imprisonment up to six (6) months, or both a fine and imprisonment. Each day on which the Code is violated shall constitute a separate violation of the Code.

5.6.2 The New Mexico Subdivision Act 47-6-27 NMSA 1978 provides that:

5.6.2a Any person who knowingly, intentionally, or willfully commits a material violation of the New Mexico Subdivision Act is guilty of a misdemeanor,

punishable by a fine of not more than ten thousand dollars (\$10,000) per violation, or by imprisonment for not more than one year, or both; and

- 5.6.2b Any person who is convicted of a second or subsequent knowing, intentional, or willful violation of the New Mexico Subdivision Act is guilty of a fourth degree felony, punishable by a fine of not more than twenty-five thousand dollars (\$25,000) per violation or by imprisonment for not more than eighteen (18) months, or both.

5.6.3 Utility Connections

Any water, sewer, electric, or gas utility that connects service to individual parcels within a subdivision before a final plat for the subdivision has been approved by the Board or before the landowner holds a valid building permit, may be fined a civil penalty of up to five hundred dollars (\$500) by the Board. The Board may also require that any utility connected in violation of this Section and of 47-6-27.2 NMSA 1978 be disconnected.

5.6.4 Injunctive Relief, Mandamus

The Board, the District Attorney, or the Attorney General may apply to the District Court for any one or more of the following remedies in connection with violations of the New Mexico Subdivision Act and this Code:

- 5.6.4a Injunctive relief to prohibit a subdivider from selling, leasing, or otherwise conveying any interest in subdivided land until the subdivider complies with the terms of the New Mexico Subdivision Act and this Code;
- 5.6.4b Mandatory injunctive relief to compel compliance by any person with the provisions of the New Mexico Subdivision Act and this Code;
- 5.6.4c Rescission and restitution for persons who have purchased, leased, or otherwise acquired an interest in subdivided land that was divided, sold, leased or otherwise conveyed in material violation of the New Mexico Subdivision Act or this Code;
or
- 5.6.4d A civil penalty of up to five thousand dollars (\$5,000) for each parcel created in knowing, intentional or willful violation of the New Mexico Subdivision Act or this Code.

5.6.5 Bonds

The Board, the District Attorney and the Attorney General shall not be required to post bond when seeking a temporary or permanent injunction or mandamus according to the provisions of the New Mexico Subdivision Act.

History. 1980 Comp. 1980-6 revised Section 5.6.1. Ordinance 1996-8 added Sections 5.6.2, 5.6.3, 5.6.4 and 5.6.5 pursuant to the New Mexico Subdivision Ordinance.

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ARTICLE III
ZONING REGULATIONS, SUBMITTALS & REVIEWS

SECTION 1 - AGRICULTURAL, GRAZING AND RANCHING USES

Agricultural, grazing and ranching uses and construction of fences and accessory structures related to those uses are permitted anywhere in the County, provided the use of the land or the fence or accessory structure complies with the requirements of other sections of the Code, including but not limited to the density regulations of the Code. Application for a development permit is not required for these uses, unless the provisions of other sections of the Code apply. For purposes of this Section, commercial feedlots are not considered to be agriculture, grazing or ranching uses. The height of all structures associated with uses listed in this Section shall be limited to a maximum of thirty six (36) feet in height.

History. 1980 Comp. 1980-6. Section 1 was amended by County Ordinance 1984-3 to provide a height limitation for agricultural uses.

SECTION 2 - RESIDENTIAL USES

Structures and use of land for agricultural, grazing and ranching purposes are specifically excluded from the requirements of this Section 2. The following site planning standards are applicable to all new development.

2.1 Location Of Residential Uses

Residential uses are allowed anywhere in the County provided all of the requirements of the Code are met.

2.2 Lot Requirements For Residential Use

Residential uses are permitted under the following circumstances:

- 2.2.1 The density requirements of Section 10 of this Article III are met; or
- 2.2.2 The lot or parcel meets the requirements of Article II, Section 4.

2.3 Site Planning Standards For Residential Uses

2.3.1 Purpose and Intent

- 2.3.1a. To encourage new development to adapt to the existing natural topography, soils, vegetation, geology, hydrology, landforms and other conditions existing on a site as well as being sensitive to the existing built environment in the local neighborhood or community;
- 2.3.1b. To minimize the visual effects of development and protect the natural appearance and integrity of hillside, ridgetop, and escarpment areas;
- 2.3.1c. To protect neighborhoods from nuisance effects of outdoor lighting and unsightly trenching or overhead utility installations; and
- 2.3.1d. To demonstrate existence of a Buildable Area on each lot for structures and support facilities (water supply, liquid waste disposal, access, and utilities).

2.3.2 Each lot shall have a designated Buildable Area which shall meet the criteria set forth in Article VII, Section 3.4, Terrain Management Performance Standards.

2.3.3 Development of the lot shall occur only within approved development sites.

2.3.3a No development sites may occur on a natural slope of thirty percent (30%) or greater. Exceptions may be approved by the Code Administrator for:

1. access corridors, utility corridors, and landscape areas proposed on natural slopes in excess of thirty percent (30%) that disturb no more than three (3) separate areas of no more than one thousand (1000) square feet each, provided the applicant demonstrates that no alternative development location is available;
2. arroyo crossings may be approved which disturb more than one thousand (1000) square feet in each instance provided that slope stability and hydrologic/hydraulic conditions are not changed from pre-development values; and
3. siting of structures to preserve remaining traditional agricultural lands and uses.
4. The applicant shall demonstrate that crossing such slopes has minimal impact to terrain or to visual quality and otherwise would conform to the purposes and standards set forth in this Section 2.3 and Article VII, Section 3.4, Terrain Management Performance Standards. See the Guidelines for Site Planning and Development in Santa Fe County

2.3.3b. A complete terrain management plan (see Article VII, Section 3, Terrain Management) shall be required if any portion of land within a development site has a natural slope of fifteen percent (15%) or greater; for construction of one dwelling or accessory structure, the terrain management plan shall address the land proposed to be disturbed only; the Code Administrator may waive this requirement if the portion of the development site over 15% slope is incidental to the entire site.

2.3.3c. Density transfers are encouraged to take advantage of naturally occurring development sites below ridgetops and to set aside ridgetop areas for open space.

2.3.3d Any legal nonconforming lot, that is, a legal lot of record which was created before May 1, 1996 (Ordinance 1996-3 adopted March 12, 1996), and which does not contain a Buildable Area as defined in Article VII, Section 3.4.1.b of the Code, is eligible for application for a variance to the Buildable Area standard. See Article II, Section 3, Variance.

2.3.4 Setbacks

2.3.4a In order to avoid flood and erosion hazards, a twenty-five foot (25') minimum set back from the natural edge of streams, waterways, drainage ways or arroyos pursuant to Article VII, Section 3.4.6 j of the Code is required; the required setback may be increased if the Code Administrator determines that a clear hazard exists because of slope stability and hydrologic/hydraulic conditions. In evaluating the need to increase the setback, the Code Administrator shall consider property and channel slope, velocity of channel flow, hydraulic radius, roughness coefficient, and sectional area of the particular drainage way.

2.3.4b Any development site on a ridgetop must be set back from the shoulder toward the crest of a hill or ridge pursuant to Article VII, Section 3.4.1 d, Performance Standards for Development Site.

2.3.5 Shared points of ingress and egress to adjacent development sites is encouraged, unless it can be demonstrated that additional or separate access is necessary. Design standards and submittal requirements as set forth in Article III, Section 4.4.3a, for Driveway Access, and Article VII, Section 3.4.4, Roads and Driveways shall be applied.

2.3.6 Height Restrictions for Dwellings or Residential Accessory Structures

2.3.6a. For the purpose of this Section, height means the vertical distance from any point on the upper surface of a building or structure to the natural grade or finished cut grade, whichever is lower, directly below that point.

2.3.6b. The height of any dwelling or residential accessory structure shall not exceed twenty-four feet (24'). The vertical depth of fill materials from the natural grade, with or without retaining walls, shall be considered as a component of the building or structure; this depth shall be included in the determination of building height. Chimneys may extend three feet (3') beyond the height limitation. In addition:

1. The height of any dwelling or residential accessory structure located on land which has a natural slope of fifteen percent (15%) or greater shall not exceed eighteen feet (18'). The vertical distance between the highest point of a building and the lowest point of a building at natural grade or finished cut grade, whichever is lower, shall not exceed thirty feet (30'). The Code Administrator may waive this requirement if the portion of the structure located on land over 15 % slope is incidental to the entire site.
2. On ridgetops as defined in Article X of the Code, only one story buildings are allowed. On ridgetops, the height of any dwelling or residential accessory structure shall not exceed fourteen feet (14'), except one story pitched roof style buildings may be allowed a maximum height of eighteen feet (18') provided such roof can be screened from a public way and pursuant to a site visit and approval of the Code Administrator.
3. Structures for agricultural purposes shall meet the requirements of Article III, Section 1.

2.3.6c. Requests for residential accessory structures such as windmills and radio antennas to exceed the maximum height restrictions shall be reviewed for approval by the County Development Review Committee. When an exception to the height restrictions is desired, the applicant shall submit plans for the installation and operation of the accessory structure with a report explaining why the requested height of the structure is necessary for proper function. The County Development Review Committee shall consider: whether the requested structure is reasonably necessary to be on the proposed site; whether the applicant has demonstrated that the requested height is the minimum height necessary for the proposed structure to function properly, not to exceed a maximum height of forty-five feet (45'); and the size of the lot and impact on neighboring properties.

2.3.7 Terrain Management

All development of a lot, tract, or parcel shall be done in accordance with the Santa Fe County Land Development Code, Article VII, Section 3, Terrain Management.

2.3.8 Architectural and Appearance Standards

2.3.8a. Purpose and Intent

These standards for architecture and appearance apply only to development sites where any portion of land has a natural slope prior to development of fifteen percent (15%) or greater and on ridgetops; they are designed to assure that buildings, roads, driveways, utilities, and other development blend into the natural landscape and conform to the existing natural topography, vegetation, and soils characteristics. The natural form, color, slope, and texture of the hills or mountains should be the dominant feature, not the built environment. The following standards apply to all new buildings and additions to existing structures which are located on natural slopes of fifteen percent (15%) or greater or on ridgetops:

- 1) Architectural styles are not regulated; however, buildings which fit the traditional or local building types, styles, and scale, as these vary throughout the County, are encouraged.
- 2) Neutral and darker shades of colors shall be used for exterior walls, facades, and roofs which blend with the natural foliage of the native trees or other vegetation or, where vegetation is sparse, with the natural earth tones of the soils on the building site. Roof colors visible from adjacent properties and all wall and facade colors shall be muted and of non-reflective or non-glossy materials with a Light Reflective Value (LRV) of less than forty (40) pursuant to manufacturers specifications. When such data is unavailable, compliance will be determined by a comparison of samples where data is available. This Light Reflective Value standard shall not apply within established Traditional Community Districts.
- 3) Pitched or shed roofs are allowed, provided they are within the height limitations set forth in Article III, Section 2.3.6, Height Restrictions.
- 4) Buildings should be designed using such techniques as variations in height and orientation and offset walls to reduce the visible mass or bulk.
- 5) Window and door glazing shall be non-mirrored with a Light Reflectance Value of forty (40) or less.
- 6) To minimize cuts and fills, buildings shall be designed to conform to the natural terrain by following contours, fitting into existing landforms, and solidly meeting the ground plane. Any pier foundations shall be enclosed so that exterior walls appear to meet the ground and shall not exceed the height limitations set forth in Article III, Section 2.3.6. For a structure built on a natural slope of over twenty percent (20%), the finished floor elevation at any point shall not exceed five feet (5') above the natural grade below that point. (See Article VII, Section 3.4.1, Terrain Management Performance Standards.)
- 7) Free standing walls and fences and retaining walls shall also be designed to conform to the natural terrain.
- 8) Multi-story buildings are prohibited on ridgetops.

2.3.8b. Reserve Section for future overlay districts for visual sensitivity which may be designated by the County.

2.3.9 Utilities

2.3.9a Purpose and Intent

To minimize the visual scars created by trenching or the visual intrusion to the skyline by overhead installation of utilities across undeveloped terrain.

2.3.9b Installation of new utilities in development shall meet the following standards:

- 1) All new and replacement water, gas, electric, telephone, television or other utilities, including both main and service lines shall be placed underground within designated utility corridors. Infill development in areas currently served by overhead electrical lines, where conversion to underground for single uses may create safety or service problems, may continue to use overhead lines subject to individual review and approval by the Code Administrator.
- 2) Utility trenches shall be placed within easements in or adjacent to road or driveway easements or rights-of-way except where alternate locations are required for gravity flow of water or sewer or where a significant reduction in line length and terrain disturbance would be achieved by cross country easements and trenching.
- 3) All utility installations must meet the design standards for grading and removal of vegetation and revegetation of utility trenches found in Article VII, Section 3, Terrain Management.
- 4) Reserve Section for location of multiple utilities within roadway easements.

2.3.10 Landscaping

2.3.10a. Purpose and Intent

The standards and guidelines for landscaping are intended to promote three primary purposes:

- 1) The preservation of native vegetation. Native trees, shrubs and other natural vegetation stabilize steep slopes, retain moisture, prevent erosion, provide habitat for wildlife, play a role in the prevention of air and noise pollution, and enhance natural scenic qualities.
- 2) Revegetation of land disturbed in the development process:
 - a. to minimize erosion, runoff, dust, and other negative physical impacts associated with land disturbance;
 - b. to maintain and stabilize cut and fill slopes, and conceal raw soil from view.
- 3) Screening of development in areas of steep terrain and ridgetops to protect and enhance the visual appearance of natural hillsides.

2.3.10b Preservation and Revegetation of Native Vegetation

- 1) Grading and clearing of existing native vegetation shall be limited to approved development sites. No significant tree may be removed from slopes greater than thirty percent (30%).
- 2) Cleared or graded areas which are not built on and cut and fill areas shall be revegetated to the approximate original density and type of vegetation existing prior to disturbance. Areas to be used for recreation or park landscaping or rural agricultural uses shall be excluded from this requirement.
- 3) Any transplantable tree that will be displaced by construction shall be the primary source of new vegetation required for screening, buffering or other

landscaping purposes. (See Appendix 3.C, incorporated by reference herein for tree preservation and transplanting guidelines.)

- 4) Native trees, shrubs and landscape shall be retained within any designated landscape areas set aside for buffers. Retention of the natural vegetation will reduce the requirement for new planting.
- 5) Native trees which are to be preserved on a development site shall be protected during construction from such hazards as damage by vehicles and equipment, compaction of soils, and spills of contaminants by temporary fences or barricades erected at the perimeter of the critical root zone. Permanent installation of such techniques as retaining walls, terracing and tree wells with drainage shall be used to protect trees in areas where significant grade changes are approved.

2.3.10c Buffering and Revegetation for Ridgetops and Development Sites with a Natural Slope of Fifteen Percent (15%) or Greater

Any cut or fill slope greater than four feet (4') in height or with a grade of two and one half to one (2.5:1) or steeper, retaining walls and erosion control structures, and the facades of any building on a slope of fifteen percent (15%) or greater or on a ridgetop visible from a public way shall be screened or otherwise landscaped as follows:

- 1) A minimum of fifty percent (50%) of the visible portion of a facade or retaining wall shall be screened. Trees shall be planted or retained within fifteen feet (15') of all retaining walls to be screened and in an area no less than twenty-five feet (25') and no more than fifty feet (50') from any facade to be screened;
- 2) Trees shall be planted on the downhill side of road cuts and fill areas. Cuts and fills may be required to be terraced and planted in order to provide screening and slope stabilization;
- 3) Density in landscape and revegetation areas shall approximate the density of vegetation prior to disturbance. In no case shall density in landscape and revegetation areas be less than one (1) tree per one thousand (1000) square feet of designated area;
- 4) Top soil shall be removed and stockpiled for later use in revegetation of the disturbed areas.

2.3.10d Landscaping Plan

- 1) Multifamily, Large Scale Residential and Subdivision Uses
Multifamily and large scale residential uses and subdivisions shall meet the standards and submittals of Article III, Section 4.4.4 f of the Code, including general landscaping requirements, landscaping for road frontage areas, landscaping for parking lots and screening and buffering for residential uses.
- 2) A landscaping plan for revegetation and buffers is required for all residential development sites with a natural slope of fifteen percent (15%) or greater and development sites on ridgetops. For residential development where applicants propose to preserve native vegetation to meet all requirements for buffers and where no revegetation is required, the landscaping plan shall include the following:
 - (a) a landscaping map drafted to scale describing the lot, the development site, proposed structures, and the designated landscape areas;

- (1) the landscape plan may be shown on the site plan where the scale is adequate to describe the vegetation;
 - (2) the landscaping plan shall address only those areas where buffering and revegetation are required, not areas of ornamental landscaping or private gardens.
 - (b) within the designated landscape areas, existing vegetation which will be retained or transplanted shall be located and labeled, showing the existing size of specific trees and plants by approximate width of canopy spread and caliper and common names;
 - (c) a description of methods and details for protecting existing vegetation during construction.
- 3) For residential development where revegetation of cuts, fills, or graded areas is required or where new planting will be needed to meet buffering requirements, the landscaping plan shall include the following:
 - (a) a landscaping map drafted to scale describing the lot, the development site, proposed structures, and the designated landscape areas, including revegetation areas; the landscape plan may be shown on the site plan where the scale is adequate to describe the vegetation; the landscaping plan shall address only those areas where buffering and revegetation are required, not areas of ornamental landscaping or private gardens.
 - (b) within the designated landscape areas, including revegetation areas, the plan shall locate and label:
 - (1) existing vegetation which will be retained by type and size;
 - (2) existing vegetation which will be transplanted, or removed by type and size.
 - (3) location, type, and size of plants to be installed;
 - (c) All plant material to be retained or installed shall be located and labeled, footprinted according to the spread of the plants at maturity;
 - (d) A list of the type and number of plants to be retained and installed, with common and botanical names, showing the existing size of specific trees and plants by approximate width of canopy spread and caliper or gallon size at time of planting and the size of the plant material at maturity in height and width;
 - (e) The location, description, and quantity of all other materials to be used as part of the landscape treatment; planting and installation details as necessary to show conformance with standards;
 - (f) a description of any proposed system of irrigation including the use of on-site storm water collection, drip irrigation, recycled water, or other systems;
 - (g) a description of methods and details for protecting existing vegetation during construction.
- 4) The designated landscape areas shall be shown on the development plan and, where applicable, the plat. Where applicable, the landscaping plan submitted with the development plan or development permit application for an individual use shall be in conformance with the approved master plan for landscaping for a development.

2.3.10e Landscaping Design Standards

All required landscaping improvements shall be designed, installed and maintained to satisfy the following:

- 1) Landscape and revegetation areas shall be designated only on the development site within the Buildable Area of the lot.
- 2) Whenever the buffer requirements of Section 2.3.10c will be met by preservation of existing native vegetation, and no new planting is required for revegetation, the following shall apply:
 - (a) Native vegetation shall be protected pursuant to the standards of Section 2.3.10b; and
 - (b) a landscape plan shall be pursuant to Section 2.3.10d2.
- 3) Whenever revegetation of cuts, fills or graded areas is required or where new planting will be needed to meet buffering requirements of Section 2.3.10c above, the following standards shall apply:
 - (a) Native vegetation shall be protected pursuant to the standards of Section 2.3.10b;
 - (b) New vegetation (trees and seeded areas) shall approximate existing vegetation in type, density, and natural pattern of occurrence on the lot; density shall be determined by an inventory of existing vegetation within the development site prior to grading;
 - (c) New trees shall be spaced at a distance equal to the the average diameter of the spread of the crown of the typical mature specimen of the species planted under similar growing conditions;
 - (d) New trees shall be a minimum of six feet (6') in height, which, at maturity, will approximate the height of existing native trees and be as tall as the cut and fill or structure to be screened;
 - (e) Seeded areas shall be protected by accepted horticultural practices to assure germination; See Appendix 3.C, incorporated by reference herein.
 - (f) Seeding or planting may be delayed for the optimum germination or planting season, provided such delay is conditioned on the development permit and bonding or other financial warranty is secured.
 - (g) Native vegetation or introduced vegetation that is freeze and drought resistant shall be used for new landscaping in an effort to conserve water use once the plants are established. Botanical materials shall be chosen so they fit within the water budget or water use plans for the development and with the character of the existing native plants on the lot or parcel. Plant materials, their size at maturity, how they can be used, their water use and other information is listed in Appendix 3.C, and incorporated by reference herein.
 - (h) Xeriscape principles shall be followed in the design, installation and maintenance of landscaping, pursuant to Appendix 3.C, incorporated by reference herein.
 - (i) Trees and large shrubs shall be supported after planting in such a way that the plants will not be injured by strong winds.

- 4) Adjustments
 - (a) Minor design adjustments may be made to the designated landscape areas set forth in Section 2.3.10 c to accommodate solar access for solar design as long as the substance of landscape standards for screening and buffering are met.
 - (b) Adjustments to the location and size of landscaped areas and these design standards may also be considered if existing conditions such as terrain or location of development site provide adequate buffering opportunities.
 - (c) Adjustments shall be subject to the approval of the Code Administrator pursuant to a site visit.

- 5) Installation, Inspection, Enforcement
 - (a) Landscaping shall be installed for inspection prior to the date of expiration of the Development Permit or the issuance of a Certificate of Occupancy.
 - (b) A bond or letter of credit shall be required if seeding or planting of required landscaping and revegetation must be delayed for optimum results. Such delay shall be specified on the development permit.
 - (c) All vegetation installed pursuant to an approved landscaping or terrain management plan which later dies shall be replaced.
 - (d) Responsibility for the success of landscaping installations belongs entirely to the property owner. The property owner shall be responsible for control of plant growth by pruning or trimming so that it will not interfere with the installation, maintenance or repair of any public utility or constitute a traffic hazard.

2.3.11 Outdoor Lighting Standards

All development shall meet the outdoor lighting standards set forth in Article III, Section 4.4.4h.

2.4 Submittals and Review

2.4.1 Construction of One to Four Dwellings

2.4.1a. The following submittals and review shall apply to an application for a development permit involving the construction, alteration or repair of one to four dwellings or the construction, alteration or repair of an accessory structure:

1. Submittals

- (a) The applicant shall fill out a development permit application on a form provided by the Code Administrator. The application shall be accompanied by the following:
 - (i) Proof that the applicant owns the parcel on which the dwelling(s) will be constructed and that the lot is a legal lot of record;
 - (ii) Plans and specifications for the proposed dwelling(s) or accessory structure, including elevations demonstrating natural and finish grades and heights of all structures;
 - (iii) Name of the contractor and subcontractor, if any. All contractors and subcontractors shall have a valid and current New Mexico Contractor's License;

- (iv) An ED septic tank registration certificate if the applicant proposes to use an individual waste disposal system, or other evidence of compliance with Article VII, Section 2 must be submitted;
 - (v) Plans shall include residential sprinkler system plans if required by Section 2.3.12 of this Article; and
 - (vi) A site plan of the lot or parcel showing all existing and proposed structures and improvements, including location of driveways wells, septic tanks, and the distance to the nearest fire hydrant.
- (b) In addition to the submittals (a) through (e) above, the following submittals are required only for new construction or alteration or repairs which add to the footprint or increase the square footage of a dwelling or residential accessory structure:
- (i) A site plan or plat map indicating the development sites within the Buildable Area with reference to the lot boundaries; a topographic analysis pursuant to Article VII, Section 3.2.1 will be required to verify the Buildable Area.
 - (ii) A storm drainage and erosion control plan pursuant to Article VII, Section 3.3.5 of the Code. Where applicable, drainage plans shall conform to approved subdivision plans. An administrative approval for detention/retention in lieu of the plan required by Section 3.3.5 may be allowed by the Code Administrator for applications meeting the following criteria:
 - (1) the proposed development sites are located outside of a regulated one hundred (100) year floodplain and on slopes less than ten percent (10%); and
 - (2) the proposed development site, including patios, garages, accessory structures, driveways and other development that decreases the permeability of infiltration of pre-development surfaces is no more than six thousand (6000) square feet and total impermeable surfaces (roofs, paved areas, patios, etc.) do not exceed twenty-five hundred (2500) square feet; and
 - (3) retention/detention pond(s) or checkdams with a minimum volume of six hundred (600) cubic feet will be installed at a location to be approved by the Code Administrator. Such ponds shall be integrated with the landscaping or revegetation on the lot.
 - (iii) For development sites containing any portion of land with natural slopes of fifteen percent (15%) or greater, a terrain management plan for the development sites pursuant to Article VII, Section 3 of this Code; the Code Administrator may waive this requirement if the portion of the development site over 15 % slope is incidental to the entire site.
 - (iv) If a structure is to be located on a lot within a development or subdivision for which a terrain management plan has previously been submitted and approved, the applicant shall be required only to submit documentation of conformance with such approved plan, along with on-site drainage plans.
 - (v) For development sites containing any portion of land with natural slopes of fifteen percent (15%) or greater or on ridgetops, a landscaping plan pursuant to Article III, Section 2.3.10, and plans demonstrating compliance with Article III, Section 2.3.8, Architectural and Appearance standards.
 - (vi) Numbers of copies of plans, format, and detailed submittals shall be determined by the Code Administrator. Applicants shall be furnished a

submittal list and explanation with the development permit application form.

2. Reviews

(a) Lot Size Requirement Review

The Code Administrator shall review the application for compliance with the lot size requirements of the Code.

(b) Access

(i) All development sites created under this Section shall demonstrate that access for ingress and egress, utility service, and fire protection whether by public access and utility easement or direct access to a public right-of-way can be provided and meet the requirements of this Code.

(ii) Installation of culverts, where applicable, shall be required at intersections of driveways with County roads.

(iii) Road Construction and/or Road Cut Permits must be obtained prior to road or driveways construction. The applicant must provide submittals for new construction pursuant to this Section 2.4.1 and meet standards as applicable and as required in Article V, Section 8, Subdivision Design Standards, and Article VII, Section 3, Terrain Management. Notification of all affected property owners and posting of notice will be required for roads and driveways accessing more than one property.

(c) Special District Review

The Code Administrator shall check the location of the proposed dwelling, and if the location of the proposed dwelling is within a Special Review District as described in Article VI, the Code Administrator shall inform the applicant of any additional submittals or reviews required, if any, and make the applicable review.

(d) Environmental Review

The Code Administrator shall inform the applicant of any additional submittals and make the reviews required under Article VII - Environmental Requirements.

(e) Siting Review

The Code Administrator shall review the application for compliance with the site planning standards. Additional submittals in connection with the siting may be required; site visits to assure compliance with the standards of Section 2.3 of this Article and approval of the Code Administrator will also be required.

(f) Building, Mechanical and Electrical Code Review

The Code Administrator shall cause the submitted plans and specifications to be reviewed for compliance with Article IV - Construction Codes of the Code and for engineering design.

(g) Commencement of Development

Construction must begin within one (1) year of the date of issuance of development permit, or the development permit is void and a new application shall be made prior to any development. The work described in any development permit shall be substantially completed within two (2) years from the date it is issued, unless an extension is granted by the Code Administrator. Extensions of up to two (2) years may be granted by the Code Administrator pursuant to a review of the site and the original conditions of the Development Permit. Any permit not extended shall expire and be canceled by the Code Administrator. Written notice will be sent to the applicant that further work as described in the canceled permit shall not proceed unless and until the development permit has been reissued.

2.4.2. Division of a Parcel of Land, Summary Review Subdivisions and Other Plat Reviews2.4.2a. Types of Plats. All plats are to be prepared by a licensed surveyor.

1. Division of Land Plat is a graphic representation and legal description of the separation, splitting, or dividing of a lot, parcel, or tract of land into more than one lot, parcel, or tract of land for any of the purposes listed under Article II, Section 2.3.1.a.ii. (a) through (h).
2. Boundary Plat is the graphic representation and legal description of property ownership of a parcel, lot, or tract of land.
3. Lot line adjustment is the graphic representation and legal description of an adjustment, alignment, or movement of a parcel, lot, or tract boundary, which does not constitute a subdivision or division of land.
4. Consolidation Plat is the graphic representation and legal description of a merger, incorporation or consolidation of two or more parcels, lots, or tracts of land.
5. Easement Plat is the graphic representation and legal description of a public/private easement, but does not constitute a boundary plat.
6. Plat amendment is a minor change or correction to a plat, prepared by a licensed surveyor or engineer, which does not constitute a division of land, lot line adjustment, family transfer, or consolidation.
7. Summary Review Subdivision Plat is the graphic representation and legal description of the Type III subdivisions listed in Article II, Section 2.3.1a.vii and all Type V subdivisions.

2.4.2b Submittals and Reviews.

The following submittals and review shall apply when an application for a development permit involves the types of plats listed above in Section 2.4.2a. Type III and Type V subdivisions subject to summary review shall follow all requirements of Article V, Section 5.5 in addition to the applicable provisions of this Section. Small Lot Inheritance Transfers and Small Lot Family Transfers shall meet all the requirements of Article II, Section 4.3 in addition to the applicable provisions of this Section. The Code Administrator will review proposed applications to determine whether there is a common promotional plan to subdivide a property. If it is determined that the land division does constitute a common promotional plan, the project shall comply with the procedures provided for in Article V of the Code.

1. Submittals

- (a) Proof that the parcel is a legal lot of record;
- (b) The application shall be accompanied by three (3) copies of a plat which shall:
 - (1) include a vicinity map;
 - (2) be drawn at a scale of one inch equals one hundred feet (1" = 100'), or larger, or other appropriate scales approved by the Code Administrator;
 - (3) refer to permanent monuments (tied to a section or quarter corner when within a section and notation describing all monuments found or set);
 - (4) indicate the lots to be created or changed, accurately describe each lot, number each lot in progression, give its dimensions and the area of each lot or tract to the nearest one-hundredth of an acre, and the dimensions and acreage of all land dedicated for public use or for the use of the owners of lots fronting or adjacent to the parcel; if the lot size is one (1) acre or less, the net acreage without easements shall also be shown;
 - (5) show the locations of permanent improvements with reference to the boundaries, including but not limited to, the location of liquid waste disposal systems, wells, buildings and roads; a description and location of any evidence of occupation found along a boundary line, including fences, walls, buildings or monuments;
 - (6) bear the date of field survey, and the name, signature, seal, certificate number, and address of the surveyor responsible for the survey; the plat shall be certified as meeting the minimum standards for surveying in New Mexico by a professional surveyor, licensed in accordance with the Laws of the State of New Mexico;
 - (7) contain a certification of title showing that the applicant is the owner of the land, and that the lot(s), parcel(s), or tract(s) represented by the plat are created or changed with the free consent and in accordance with the desires of the owner, and do further grant public and/or private easements signed on the plat by the owner of the property and notarized. If the plat is for a summary review subdivision the plat shall state that the proposed subdivision lies within the subdivision jurisdiction of the County.
 - (8) indicate its title. A title shall include the type of plat, appropriate township(s), range(s) and section(s), conservancy district, grant (project the section number), subdivision - designations which describes the general location of the property and statement of jurisdiction, scale (equivalent and graphic), true and magnetic north arrows, and date;
 - (9) provide a permit number line, date line, and a signature line for approval by the Code Administrator;
 - (10) indicate required dimensions to the nearest one hundredth of a foot (.01') and angles to the nearest second;
 - (11) show the basis of bearing;
 - (12) reference all documents used to determine the boundary of the land surveyed including the recording information for documents of record;
 - (13) state any discrepancy exceeding the requirements of these standards between the survey and the record description, and the source of all

information used in making the survey. When an inconsistency is found, including a gap or overlap, excess or deficiency, erroneously located boundary lines or monuments, or when any doubt as to the location of the ground of the true boundary or property rights exists, the nature of the inconsistency shall be clearly shown on the plat;

- (14) indicate the horizontal length (ground) and direction (bearing of azimuth) of each line as specified in the legal description and as determined in the actual survey process;
 - (15) show central angle, length and chord dimensions for all curves;
 - (16) indicate and tie to property corners the natural drainage flow and hundred year flood hazard zones as identified in the "Flood Insurance Study for Santa Fe County, New Mexico" dated October 5, 1987, as updated, with the accompanying Flood Insurance Rate Maps and Flood Boundary - Floodway Maps, together with a notation of the Base Flood Elevation, in compliance with Santa Fe County Ordinance 1988-1, as incorporated by reference herein, and where applicable, floodway areas designated as drainage easements;
 - (17) indicate lot, block, and tract numbers or other designations including adjoining lots and tracts if the survey is within a recorded subdivision or conservancy district tract;
 - (18) graphically show all public and private rights-of-way or easements which are recorded or apparent and crossing or adjoining the land surveyed;
 - (19) graphically show the extent of any visible encroachments onto adjoining property or abutting streets;
 - (20) include all information called for in the property description on the deed and referenced on the plat, the point of beginning, course bearings, distances, etc.
 - (21) indicate the latest available recorded property owner and book and page number of all adjacent properties;
 - (22) include a box labeled "Indexing Information for the County Clerk" located near the lower right hand corner of the plat;
 - (23) provide signature lines for utilities, where applicable; and
 - (24) for surveys of parcels within a tract of land, show the relationship to at least one established identifiable property corner of the tract.
- (c) The following terrain management submittals shall be required:
- (1) A storm drainage and erosion control plan pursuant to Article VII, Section 3.3.5 of the Code;
 - (2) Clearly indicate the Buildable Area, No Build Area(s) and any development sites within the Buildable Area of each lot by shading, pattern or comparable graphic method on the plat (see Article VII, Section 3.4.1 for Buildable Area Performance Standards); a slope analysis pursuant to Article VII, Section 3.2.1 shall be required to verify the Buildable Area.
 - (3) For development sites containing any portion of land with natural slopes of fifteen percent (15%) or greater, a terrain management plan pursuant to Article VII, Section 3. The Code Administrator may waive this requirement if the portion of the development site over 15% slope is incidental to the entire site.
 - (4) Further Land Divisions. Lots and subdivisions which were legally platted or approved prior to April 30, 1996 (Ordinance 1996-3) and

which cannot meet the terrain management performance standards shall not be further subdivided or replatted in a manner which creates an additional number of non-conforming lots or parcels. Additionally, lot line adjustments shall not result in a conforming lot becoming non-conforming based on terrain management performance standards.

2. Reviews

(a) Lot Size Requirement Review.

The Code Administrator shall review the application for compliance with the density regulations in Article III, Section 10 of the Code. If the application is for a Small Lot Inheritance Transfer or a Small Lot Family Transfer, the lot size standards in Article II, Section 4 shall apply.

(b) Special District Review

The Code Administrator shall review the location of the lots indicated on the plat and, if a lot is located in a Special Review District, pursuant to Article VI of the Code, will inform the applicant of any additional submittals or reviews required and make the applicable review.

(c) Environmental Review.

The Code Administrator shall inform the applicant of any additional submittals and make the reviews required under Article VII, Environmental Requirements.

(d) Other Reviews

For summary review subdivisions, the Code Administrator shall review the disclosure statement to determine whether the subdivider can fulfill the proposals contained therein, and whether the disclosure statement is consistent with this Code.

3. Required Improvements and Standards

(a) Roads and Access - On-site and Off-site

(1) Except as provided below in paragraphs (6) - (9) of this Subsection, all lots created under this Section shall be provided with adequate access for ingress and egress, utility service, fire protection, and emergency services whether by a road meeting county requirements constructed within an easement and utility easement or by direct access to a public right-of-way. All on and off-site roads shall meet the design standards for a local road as set forth in Appendix 5.B.3, except that the minimum width of any easement created for access purposes shall be no less than twenty (20) feet for access to two (2) lots and no less than thirty-eight (38) feet for access to three (3) or more lots. However, for off-site roads the Code Administrator may reduce the road easement width to no less than twenty (20) feet if adequate drainage control is provided and may allow the road surface to be hard packed dirt with a compaction of ninety-five percent (95%) of the maximum density. All roadways and access shall be subject to the provisions of Section 10.207 of the Uniform Fire Code and to the policy established by the County Fire Marshal regarding fire apparatus access roads under Section 10.207. Provision of easements may also be accomplished by contiguous access easements

along property line of adjacent parcels or lots which, when added together, provide the total required width.

- (2) Roads serving two (2) or fewer lots may be treated as driveways and do not have to be constructed until the time of building construction. The number of driveways accessing a public road shall be minimized. The use of shared driveways is encouraged
- (3) When a tract to be developed borders an existing road having a right-of-way insufficient to conform to the minimum standards required by these regulations, which right-of-way will be used by the proposed development, sufficient right-of-way shall be platted, and dedicated or reserved in such a way as would make the resulting right-of-way or road conform with Code requirements.
- (4) The maximum grade of built roads shall be eleven percent (11%). Installation of culverts, where applicable, shall be required at intersections of driveways with County roads.
- (5) Road Construction and/or Road Cut Permits must be obtained if road or driveway construction is to precede any other development on any lot.
- (6) Divisions of land for grazing or farming as identified in Article II, Section 2.3.1.a.ii(c) are exempt from on-site and off-site road requirements.
- (7) Divisions of land that create no parcel smaller than one hundred forty (140) acres as identified in Article II, Section 2.3.1.a.ii(e) are exempt from on-site and off-site road requirements, except when more than one (1) such parcel is created in an area of land, the Code Administrator may require on and off-site road improvements.
- (8) Other land divisions as listed in Article II, Section 2.3.1.a.ii. (a) through (h) may be exempt from road construction standards at the discretion of the Code Administrator.
- (9) In addition to the requirements of this Section, summary review subdivisions shall meet the road improvements of Article V, Section 5.5.6.

(b) Other Off-Site Improvements

If the Code Administrator determines that it is necessary for health, safety, or welfare reasons, the applicant may be required to construct improvements to existing off-site facilities or to construct planned facilities or portions of planned facilities which can provide relief to existing facilities. The purpose of requiring such improvements is to assure that such facilities which may be negatively impacted, either individually or cumulatively, by the addition of new development, will function efficiently. For the purposes of this Section, off-site facilities include but are not limited to, water systems and sewer systems.

(c) Special Provisions for Family Transfer Improvements.

Off-site improvement requirements do not apply to lots created by Family Transfer for the first lot per immediate family member, Small Lot Family Transfer, or Small Lot Inheritance Transfer provided that the recipient does not sell or transfer such lot for three years from the time the plat is recorded. For second and subsequent lots and for lots sold or transferred by the recipient prior to such three year period off-site improvement requirements of this Code shall be met at the time of sale. For Family Transfers to be exempt

from off-site road improvements for the first lot, the person transferring the lot shall file an affidavit as described in Article II, Section 4.3.2b.v.

- (d) Water Conservation. All lots created in accordance with Sections 2.3.1a.ii(b), (d), (f), (g) and (h), which are less than ten (10) acres in size shall be subject to water conservation covenants as set forth in Article VII, Section 6.6.2.

History. Sections 2.3 and 2.4.1 of Section 2 were amended by County Ordinance 1996-3, providing for site planning standards, required submittals and a review procedure regarding terrain management. Section 2.4.2 was amended by Ordinance 1996-8 to include summary review subdivisions, update road and access requirements, clarify provisions for family transfers and add water conservation requirements for some land divisions.

SECTION 3 - HOME OCCUPATIONS

The requirements of this Section 3 of Article III apply to home occupations.

3.1 Location of District

Home occupations are allowed anywhere in the County, provided all of the requirements of the Code are met.

3.2 Performance Standards

A development permit involving a home occupation may be approved only if the following standards are met:

- 3.2.1 Not more than six (6) persons, other than members of a family residing on the premises, shall be regularly engaged in work at the site of the home occupation;
- 3.2.2 The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 50% of the floor area of the dwelling including accessory buildings shall be used in the conduct of the home occupation;
- 3.2.3 There shall be no change in the outside appearance of the building or premises, nor other visible evidence of the conduct of the home occupation, except for one (1) non-illuminated name plate sign not more than nine square feet in area;
- 3.2.4 Parking for employees and for customers or clients of the home occupation as required by Section 9 of this Article III shall be provided off the street;
- 3.2.5 No equipment or process shall be used in the home occupation which significantly interferes with the existing use of property in the adjacent area.

3.3 Submittals

The application shall be submitted on a form provided by the Code Administrator which shall include a description of;

- 3.3.1 Activities involved;
- 3.3.2 Materials and equipment used;
- 3.3.3 Methods of operation;
- 3.3.4 Number of employees;
- 3.3.5 Type of product to be produced, serviced or repaired;

- 3.3.6 Mechanical and electrical equipment necessary to the conduct of the home occupation use;
- 3.3.7 Amount, location and method of storage of supplies and/or equipment;
- 3.3.8 Location of parking;
- 3.3.9 Type and amount of traffic generated.

SECTION 4 - COMMERCIAL AND INDUSTRIAL NON-RESIDENTIAL DISTRICTS

4.1 Purpose and Intent

Commercial, and industrial non-residential land uses are permitted only in zoned districts of various sizes and locations in the County of Santa Fe. Non-residential districts specifically for commercial or industrial land uses are established in order:

- 4.1.1 To permit intensive development of selected land uses at designated locations;
- 4.1.2 To avoid strip commercial and industrial patterns of development along highways, arterials, collectors, and local roads of the County;
- 4.1.3 To protect the function of the County's highways, arterials, collectors, and local roads by controlling the number of access locations to commercial and industrial use areas;
- 4.1.4 To prevent the preemption of prime areas for commercial or industrial development by residential development;
- 4.1.5 To protect existing and future residential development from encroachment of non-residential uses;
- 4.1.6 To provide the opportunity to master plan non-residential use areas, so that adequate fire and police protection may be provided and appropriate infrastructure constructed.

4.2 Types and Locations of Commercial or Industrial Districts

4.2.1 Types of Districts and Location Criteria

- a. There are four types of commercial or industrial non-residential districts which may be established at specific qualifying intersections of various types of roads in the County:
 - 1) Regional or major center districts, which are established or may be established, shall be located at intersections of major arterials and major highways. The purpose of major center or regional districts is to concentrate extensive regional non-residential activities. Section 4.3.1 infra, defines uses which may be established.
 - 2) Community center districts, which are or may be located at intersections of arterial and/or collector roads for the purpose of concentrating community oriented commercial uses, shopping, offices and service businesses, including travelers services; light industry; research and development complexes and other similar uses. Sub-section 4.3.1, defines uses which may be established.
 - 3) Local or village center districts, which are or may be located at intersections of collector and local roads and in traditional community areas for the purpose of concentrating activities which serve such neighborhood areas for shopping, travelers' and personal services. Section 4.3.2, lists suggested uses.
 - 4) Neighborhood or small scale center districts, which are or may be located at intersections of local roads or in traditional community areas. Uses similar to those which may be established in local or village center districts may be established.

- b. A non-residential use district may be established within a traditional community at a qualifying intersection or at an area which is pursuant to the criteria set forth in Sub-section 4.2.2.
- c. Spacing Between Districts. Intersections which qualify for a commercial or industrial non-residential use district are established either by the proximity of established or potential districts as follows:
- 1) the exterior boundary of a proposed major center or community center commercial or industrial non-residential district, or parcel proposed for zoning or rezoning near the boundary of a proposed or established district, must be one (1) mile from the exterior boundary of another established or proposed district or parcel proposed for zoning in such district; and
 - 2) The exterior boundary of a proposed local or village center or neighborhood or small center commercial or industrial non-residential district or parcel proposed for zoning or rezoning near the boundary of a proposed or established district, must be one-half (1/2) mile from the exterior boundary of any other type established or proposed district, or parcel proposed for zoning in such district.
 - 3) Spacing between districts as described above is intended to assure the integrity of commercial or industrial use areas, residential neighborhoods, and highways. Uses which may locate between the districts are residential, large scale residential, community facilities, or large scale master planned development.
- d. Large Scale Mixed Use Development
- 1) Master Plan Required. Proposed developments which are planned for a mix of residential, large scale residential, and/or non-residential uses and large scale developments or subdivisions which may be developed in phases shall present a master plan for development to the County pursuant to Article V, Sections 5.1 and 5.2 of the Code.
 - 2) Location Criteria. Proposed mixed use developments are allowed to locate anywhere in the County, except that the location of any specific commercial or industrial non-residential use area designated by such proposals shall be subject to the purposes and intent of Subsection 4.2.3. and 4.1.
 - 3) Uses. See Sub-section 4. 3., Guidelines for Permitted Uses and Structures, and Uses Not Listed.
 - 4) Design Standards and Review Criteria: Refer to Section 4.4.
 - 5) Review Requirements: Section 4.5, establishes the applicable reviews.

History. 1980 Comp. 1980-6. Sections 4.2.1 Types of Districts, was amended by County Ordinance 1990-11, adding the term Regional to Sub-section 1; retitling neighborhood as local or village center in Sub-section 3; and adding the term neighborhood to Sub-section 4; specifying new criteria for traditional village areas; criteria for spacing between districts; and adding a provision for large scale mixed use master planned developments.

4.2.2 Traditional Community Districts

- a. Mixed Uses Permitted
Traditional Community districts established by the Code are intended to accommodate a mixture of uses such as agriculture, residential, large scale residential, community service, institutional, non-residential or recreational uses anywhere inclusive of the boundaries of the village, provided the performance standards and criteria set forth by the Code are met.

b. Commercial and Industrial Uses Requirements

- 1) **Location.** Commercial or light industrial zoning may be approved in the traditional community where no qualifying intersection appears to be present provided:
 - a) Similar uses have been established as non-conforming on contiguous and adjacent locations in the community;
 - b) The re-zoning to be approved is similar in type and scale to those uses suggested for neighborhood or small scale districts by Article III, Section 4.3.2;
 - c) The re-zoning is compatible with neighboring uses;
 - d) It is the consensus of the local community to allow the proposed re-zoning and use; or
 - e) The re-zoning is pursuant to a general plan amendment for a local land use plan for the community which establishes the location for a local or small commercial center.
- 2) **Development and Design Standards and Review Criteria.** Commercial, light industrial and other non-residential uses proposed for approval are subject to the requirements set forth by Article III, Sections 4.4, 4.5 and 4.6.

History. 1980 Comp. 1980-6. Section 4.2.2 is new material for non-residential uses in Traditional Communities areas added by County Ordinance 1990-11.

4.2.3 General Scale and Size of Districts

The location or scale of a commercial or industrial non-residential district may be considered according to each of the following criteria:

- a. Location is dependent upon a qualifying intersection:

Type of District	Type of Roads Creating Intersection
Regional or Major	Controlled access highway such as the Santa Fe Relief Route or I-25 and 4 to 6 lane roads
Community Center	2 to 6 lane arterials or highways
Local or Village Center	2 to 4 lane arterials or collector roads
Neighborhood or Small Scale Center	2 lane sub-collector or local roads

- b. The boundary of a district is limited as follows along roads emanating from the qualifying intersection:

Regional or Major Center	2,500 feet
Community Center	1,750 feet
Local or Village Center	1,000 feet
Neighborhood or Small Scale	500 feet

- c. The maximum net developable number of acres, excluding public rights-of-way, in each type of districts is as follows:

Regional or Major Center	250 acres
Community Center	80 acres
Local or Village Center	40 acres
Neighborhood or Small Scale	20 acres

- d. The size of a commercial or light industrial non-residential use district in a traditional community zone shall be limited in acreage to local or neighborhood or small scale centers; pursuant to the location criteria set forth in Subsections 4.2.3b. and c.
- e. Appropriate roads must be in place or constructed to create a district at the time of project development except in cases referred to in 4.2.2. Creation of a district is possible where new roads are created or at intersections of existing roads which are not anticipated by this Code, provided the criteria set forth by this section is adhered to. Neither the locations listed in this subsection nor those specified by a Local Land Use Plan confer zoning status on any parcel in these areas.
- f. It is assumed that the initial scale of a district may be small in terms of number of acres actually zoned, and will increase in size, over time, as zoning requests are approved.

History. 1980 Comp. 1980-6. Section 4.2.3 was revised by County Ordinance 1990-11.

4.2.4 Non-conforming Uses; Zoning Map; Rezoning; Permitted Uses; Infill Zoning for Existing Small Parcels

- a. Non-conforming Uses
 - 1) Existing development will be allowed to continue as a non-conforming use, pursuant to Article III, Section 4.5.
 - 2) Non-conforming uses which contribute to strip commercial or industrial development patterns will not be permitted to expand, or to re-establish if abandoned. Non-conforming uses which meet the location criteria set forth in Article III, Section 4.2.2 will be allowed to re-develop provided they are brought into conformance with Code requirements.
- b. Zoning Map
 - 1) Districts or portions of districts created from time to time will constitute amendments to the zoning map.
 - 2) The zoning map shall also depict both legal non-conforming uses and zoning approvals.
 - 3) Zoning approvals obtained prior to the enactment of this 1990 Amendment to the Code shall not constitute districts or be the precedent for the creation of a district, where such approvals do not meet the location criteria for a district as set forth by Section 4.2.2, Types and Location of Commercial or Industrial Districts. See also non-conforming uses in Section 4.2.3a. Non Conforming Uses and Sub-section e., Infill.
- c. Rezoning
An application to establish a new district or to amend an existing district shall be considered a re-zoning and subject to the review and recommendation of the County Development Review Committee and approval by the Board.

d. Permitted Uses

- 1) Permitted uses are assigned to a parcel of land which has been re-zoned pursuant to a master plan for all or part of a commercial or industrial non-residential district.
- 2) Guidelines for permitted uses are set forth in Article III, Section 4.3.
- 3) Permitted uses shall be reviewed for a development permit according to the procedures set forth in Article II, Section 2.
- 4) A development plan shall be submitted for each permitted use as set forth by Article III, Section 4.4 and 4.5.
- 5) Development plans for permitted uses shall conform to the master plan and use list approved for the zoning or rezoning of the parcel.

e. Infill non-residential zoning outside approved districts may be granted to uses on small parcels of land which are:

- 1) in existence at the time of adoption of this amendment to the Code; and
- 2) between two existing developed or approved commercial or industrial uses; and
- 3) of such a size that makes it impractical to develop the parcel for a large scale residential use, institutional use or single family residential use on lots which are one acre or less or which have one hundred fifty feet (150') or less of frontage with the adjacent highway, arterial, collector, or local road.

History. 1980 Comp. 1980-6. Section 4.2.4 was revised by County Ordinance 1990-11.

4.2.5 Criteria for the Establishment of Districts; Findings of Fact

- a. Establishment of districts will require a review according to the procedures for a master plan as set forth in Article V, Sections 4.4 and 5.2, the performance and location criteria set forth by this Section 4 and the notice requirements of Section 3-21-6B, N.M.S.A. 1978. Permitted uses shall be specified when a district is created.
- b. To establish a non-residential district the following shall be used in formulating a recommendation to the County Development Review Committee by the staff and the County Development Review Committee to the Board:
 - 1) an evaluation of the type of traffic to be generated by the types of uses (see Sub-section 4.4) proposed to be permitted in the new district and the relationship of such traffic to traffic being carried on existing or proposed roads providing vehicular access to the site or intersection;
 - 2) existing and future economic benefits to the vicinity of the site and/or intersection proposed for district classification and the County of Santa Fe, especially as that relates to projected new employment;
 - 3) an evaluation of infrastructure availability such as existing or future streets, water supply, sewage treatment facilities, police and fire protection, and other services;
 - 4) an evaluation of compatibility with existing land use patterns especially existing residential areas, land ownership characteristics, and geographic features near the proposed district, and the relationship to existing master plans on adjacent properties in order to coordinate site planning and access.
 - 5) an adequate site, sized in relation to the radius and acreage requirements set forth in Section 4.2.3;
 - 6) the proposed district shall be located according to the requirements described in Subsections 4.1 and 4.2, 4.2.3; and
 - 7) uses proposed for approval for the district must meet the design and development standards established by Sub-sections 4.4 and 4.5.
- c. Acreage for a district may be allocated to one, two or three of the quadrants of an intersection area where circumstances such as excessive slope, flood hazard areas or

flood plains, land ownership patterns, existing land uses, spacing or sizes of other existing districts, right-of-way configurations, utility corridors, other natural or man-made barriers, or other constraints, prevent its assignment to four quadrants.

- d. Amendments to the list of uses assigned as permitted in a district or an amendment to the boundary of a district, must be approved by the County Development Review Committee and the Board, as per the requirements of Subsection 4.2, for the establishment of districts.

History. 1980 Comp. 1980-6. Section 4.2.5 was revised by County Ordinance 1990-11.

4.3 Guidelines for Permitted Uses and Structures

The following lists represent suggestions only. Uses assigned to a district are not necessarily limited by the list. The Standard Industrial Classification (SIC) may also be used to compare categories not listed herein.

4.3.1 Guidelines for Types of Permitted Uses and Structures in Major or Community, Commercial or Industrial Non-residential Districts

- a. Professional, business or governmental offices;
- b. Business services;
- c. Research and development businesses and laboratories;
- d. Retail establishments;
- e. Restaurants and bars;
- f. Gas or service stations, tire recapping or retreading and repair garage establishments and related uses;
- g. personal service establishments;
- h. Hotels, motels, bed and breakfast inns;
- i. Commercial indoor recreational uses and structures, such as theaters (but not drive-in theaters), bowling alleys, poolrooms, game rooms, skating rinks;
- j. Commercial parking lots and garages;
- k. Offices, studios, clinics and laboratories;
- l. Banks or other financial institutions;
- m. Private clubs and lodges;
- n. Public or private utilities;
- o. Veterinary hospitals or establishments;
- p. Public buildings and grounds other than elementary or high schools;
- q. Churches and other religious institutions;
- r. Business and vocational schools;
- s. Greenhouses and plant nurseries;
- t. Auto, truck or RV dealerships;
- u. Mobile home sales and service;
- v. Art galleries or dealers;
- w. Planned unit or master planned developments for mixed uses;
- x. Clubs or other not-for-profit uses, lodges or museums;
- y. Office parks or other theme developments;
- z. Shopping centers;
- aa. Colleges or universities;
- bb. Hospitals, medical or dental clinics;
- cc. Light industry and manufacturing;
- dd. Wholesale, warehouse, distribution and general industry.

History. 1980 Comp. 1980-6. Sub-section dd. was added to Section 4.3.1 by County Ordinance 1990-11.

4.3.2 Guidelines for Types of Permitted Uses and Structures in Local or Small Scale Districts

- a. Retail establishments including supermarkets, drugstores, bakeries, meat markets, liquor stores, hardware, paint and wallpaper stores, camera shops, florist shops, gift shops, stationery shops, bookstores, apparel shops, shoe stores, variety stores, jewelry stores, pet shops, toy stores, movie-video stores, music or record stores, household goods stores;
- b. Restaurants and bars;
- c. Personal service establishments including barbershops, beauty shops, dry cleaning and laundromat establishments, shoe repair shops, tanning salons, spas, exercise or dance studios;
- d. Office and studios, medical offices and/or clinics;
- e. Banks or other financial institutions;
- f. Churches or other religious institutions;
- g. Public parks, public buildings (such as libraries) and community facilities or utility substations;
- h. Private day care;
- i. Dwelling units for occupancy only by owners or employee;
- j. Automotive service stations and repair garages not industrial in nature;
- k. Liquor and package liquor stores;
- l. Mini-storage units;
- m. Galleries;
- n. Private clubs and lodges;
- o. Veterinary establishments;
- p. Commercial indoor recreation;
- q. Shopping centers;
- r. Outdoor markets.

History. 1980 Comp. 1980-6. Sub-section v. was added to Section 4.3.2 by County Ordinance 1990-11.

4.3.3 Accessory Uses

Accessory uses and structures are considered an amendment to an approved development plan, and may be permitted provided the requirements of the Code are met. Residential uses for security purposes may also be considered, provided the use can meet the minimum requirements of the Code for residential uses.

4.3.4 Uses Not Listed

- a. Proposed uses or use groups either generalized or not listed as suggested to be permitted for zoning districts by the Code shall be evaluated by the Code Administrator to determine how a proposed use or use group should be categorized.
- b. Evaluations or interpretations of uses not listed shall be made in writing; shall state any precedent, reasons or analysis on which the evaluation is based; and shall be kept on file in the Land Use Department. The Standard Industrial Classification Manual, U.S. Department of Commerce, latest revision, may be used as a reference for such evaluations.
- c. Disagreement with an evaluation or interpretation of the Code Administrator may be appealed to the County Development Review Committee.
- d. New and unlisted uses that cannot logically be included in existing categories or that could not reasonably be anticipated at adoption of this Code may be added to these regulations by recommendation of the County Development Review Committee and approval by the Board.

4.4 Design Standards and Review Criteria

In addition to the other requirements of the Code, the following standards and criteria will be applied in the review process:

4.4.1 Submittals

- a. To zone or re-zone any parcel for a commercial or industrial non-residential district a master plan shall be submitted. Submittals and procedures for master plans are set forth in Article V, Section 5.2.
- b. A development plan shall be submitted for individual uses to be permitted within the district, as follows:

- 1) Vicinity Map: A vicinity map drawn at a scale of not more than one inch equals two thousand feet (1"=2000') showing contours at twenty foot (20') intervals showing the relationship of the lot, tract or parcel to its general surroundings, and the location of all existing drainage channels, water courses and water bodies within one mile of the development site.

- 2) Existing Site Data: A description of existing conditions on or adjacent to the lot, tract or parcel, including proof that the parcel is a legal lot of record. Maps shall be at a scale of one inch (1") to one hundred feet (100') or larger and shall include the following:

- (a) Boundary lines, bearings and distances: The error or closure shall be of a third order survey, and no discrepancy between computed and measured distances shall exceed one (1) part in one thousand two hundred eighty (1,280) parts.

- (b) Easements: Location, width and purposes.

- (c) Streets on and immediately adjacent to the tract, name and right-of-way width.

- (d) Utilities on and immediately adjacent to the tract.

- (e) Owners of record or unplatted land and existing subdivision plats by name and recordation, shall be shown for property within one thousand feet (1,000') of that tract.

- (f) Title and certificates: Present tract designations according to official records in the County Clerk's Office, title under which the proposed development is to be recorded with name and address of owner, notation stating acreage, scale, true and magnetic north arrow, U.S.G.S. datum and benchmarks, if any, certification of the engineer or land surveyor licensed in accordance with the laws of the State of New Mexico who prepared the plat.

- 3) Site Plan

- (a) The site plan consisting of a map and other drawings or documents drawn to a scale of one inch (1") to one hundred feet (100'), or larger, shall show the following:

- (1) proposed arrangement of buildings;

- (2) proposed off-street parking and loading facilities;

- (3) proposed access to the site and internal vehicular circulation;

- (4) existing and proposed landscaping;

- (5) proposed location and type of fences, walls, and signs;

- (6) drainage and grading plan indicating existing and proposed contours; soils and flood plain areas;

- (7) a lighting plan;

- (8) proposed architectural treatment;
 - (9) The Buildable Area and the No Build Area(s) on each lot shall be clearly indicated by shading, pattern or comparable graphic method (see Article VII, Section 3.4.1 for Buildable Area Performance Standards.)
 - (b) The site plan shall respond to Section 4.4.3 Site Planning Standards for driveway access, building placement, parking lot location and terrain management.
- 4) Development Plan Report
The development plan report shall include all submittals pursuant to this Article III, Section 4 of the Code.
- 5) Traffic Generation Report
- a) The amount of traffic generated by the development shall not at any time impede traffic flow, or cause public roads to operate at over capacity.
 - b) If a fair and substantial showing is made that the development will increase the burden on inadequate public roads, utilities or other services, the use may be denied, or the developer may be required to undertake the full cost of improvements to the public road or other services in order to meet the test of adequacy.
 - c) A traffic report shall be prepared, signed and sealed by a registered New Mexico professional engineer, or other qualified professional as determined by the Code Administrator. Report contents shall be based upon existing traffic conditions in relation to existing road capacity and level-of-service (LOS); a projection of traffic to be generated by the development; and recommendations for mitigating any negative effects to existing road capacity which may occur as a result of new development. Where applicable, the International Traffic Engineers (ITE) Trip Generation Report 1987, 4th Ed. shall be used as a reference in calculating traffic projections. Copies of the ITE Trip Generation Report are available in the Land Use Administrators Office.

History. 1980 Comp. 1980-6. Section 4.4.1 Submittals was amended by County Ordinance 1990-11, to clarify and make additions to the submittals required of the applicant for non-residential use zoning.

4.4.2 Environmental Performance Standards

The proposed development shall utilize standard techniques available in order to minimize noise, vibration, smoke and other particulate matter, odorous matter, toxic or noxious matter; radiation hazards; fire and explosive hazards, or electromagnetic interference. The Code Administrator may refer an application to the New Mexico Environment Department for comment concerning the performance standards. If it is determined that the development will create any dangerous, injurious, noxious or otherwise objectionable condition, noise or vibration; smoke, dust, odor, or other form of air pollution, electrical or other disturbance, glare or heat, in a manner which causes a significant adverse impact to the adjacent areas, a plan shall be submitted which states how such conditions will be mitigated.

History. 1980 Comp. 1980-6. Section 4.4.2 was amended by County Ordinance 1990-11. This Section was previously 4.4.3.

4.4.3 Site Planning Standards

a. Driveway Access

- 1) All uses proposed for zoning shall share points of ingress and egress to the development site, unless it can be demonstrated that additional or separate access is required.
- 2) Spacing between points of ingress and egress shall be determined by the posted design speed and intended function of the road creating access to the development site, as follows:

<u>MPH</u>	<u>FEET</u>
25-30	200
30-35	270
35-40	315
40-45	375
45+ *	400+

* For driveway spacing at speeds greater than forty-five miles per hour (45 mph) consult Table 6, Speed Change - Lane Length Requirements, for Driveway Spacing; New Mexico State Highway and Transportation Department, Regulations for Driveways and Median Openings on Non-Access Controlled Highways.

- 3) Driveway profiles shall be submitted to assure the access is constructed to accommodate projected traffic for the uses and requirements of the Uniform Fire Code; in no case shall driveway grades exceed fifteen percent (15%).
- 4) Where additional access points are required, such points shall be located no less than three hundred feet (300') apart. Provisions for circulation between adjacent parcels shall also be provided through coordinated or joint parking systems, or other methods, as specified in the master plan.
- 5) No driveway access may be located closer than one hundred feet (100') from an intersection.
- 6) No driveway may be located closer than fifty feet (50) from the transition point of a turning lane at intersection locations.
- 7) Driveway profiles, design elements, corner clearance, and performance standards for acceleration or deceleration lanes shall conform to the New Mexico State Highway and Transportation Department's Regulations for Driveways, and Median Openings on Non-Access Controlled Highways.
- 8) Driveway design and placement must be in harmony with internal circulation and parking design such that the entrance can absorb the maximum rate of inbound traffic during a normal weekday peak traffic period as determined by a competent traffic survey.
- 9) Uses which generate more than one hundred (100) trips per day shall be required to submit an on-site circulation plan for approval and may be required to contribute to off-site improvements to mitigate the traffic hazards they create, such as, but not limited to traffic signals and acceleration or deceleration lanes.

b. Building Placement

Buildings shall be placed or oriented on a site to:

- 1) enhance the logical development of the site and its relationship to the scale and design of adjacent development;
- 2) adapt to natural topography;

- 3) create a buffer or screen for storage or parking areas; and
 - 4) take advantage of solar gain in winter months. See also the setback requirements set forth in Section 4, Design Standards.
- c. Parking Lot Location.
Parking lots shall be placed or oriented on a site:
- 1) to the rear or side of buildings (or both); and
 - 2) to encourage pedestrian safety and convenience.
- d. Terrain Management
All development of a lot, tract or parcel shall be done in accordance with Article VII, Section 3 of this Code.

History. 1980 Comp. 1980-6. Section 4.4.3 was amended by County Ordinance 1990-11 adding all new material for site planning standards.

4.4.4 Development and Design Standards

- a. Screening
Outdoor storage, parking and loading areas which are visible from public roads or from abutting public lands or residential areas shall be screened. Such screening may be landscaping, walls, fencing, building placement, berms, or any combination thereof. For landscaping plans and standards relating to screening see Sub-section f.
- b. Buffer Zones and Setbacks
- 1) Proposed non-residential districts or uses that adjoin parcels on which dwellings are located within 100 feet of the property line adjacent to the parcel on which the use is to be located shall be set back 100 feet from the property line in major or community center districts and 25 feet in local or small scale districts. The 100' setback area may be used to meet the off-street parking requirement of Section 9 of Article III except that no parking may be provided within twenty five (25) feet of the property line in Major and Community Center Districts and five (5) feet from property lines in Local and Small Scale Districts. In the setback area, existing vegetation shall be preserved and natural topographic features, planting, building placement, walls, fencing, earth berms or landscaping or any combination thereof, shall be used to keep buildings, parking or outdoor storage unobtrusive.
 - 2) Alternatives to the 100 foot setback are specified in Article V, Section 8.1.4 e. 1-5.
 - 3) Side and rear yard setbacks shall apply only to lots at the edge of a non-residential district. Zero lot lines (no setback) for building placement may be allowed, if fire resistive construction between buildings is provided directly adjacent or adjoining on interior property lines.
- c. Maximum Height
Structures shall be limited to a maximum height of thirty six (36) feet from the highest point of the surface of the ground at the perimeter of the structure in Major or Community Center Districts and to twenty four (24) feet in height in Neighborhood or Local Center Districts.
- d. Parking
Compliance with the parking standards set forth in Article III, Section 9, is required.

e. Maximum Lot Coverage

Maximum lot coverage for all structures for any development shall not exceed thirty percent (30%) in major or community center districts or twenty percent (20%) in neighborhood or small scale center districts.

f. Landscaping

4.4.4 f. 1) Purpose and Intent

Landscape treatments are applicable to all development for the following purposes:

- (a) To assure that new development creates an amenity and improves and enhances the visual quality of an area;
- (b) To buffer or screen visually unattractive land uses from roadways and residential areas;
- (c) To shade, cool and define large parking areas;
- (d) To define the separate function of thoroughfares and other land uses;
- (e) To minimize erosion, dust and slope instability;
- (f) To assure that landscape treatment and improvements are designed, installed and maintained so that they conform to submitted plans or master plans for landscaping;
- (g) To preserve both native vegetation and landscapes and to protect the visual and structural integrity of hillsides or steep or mountainous areas from the effects of development by revegetation of disturbed areas; and
- (h) To promote conservation of water through the use of drought tolerant plant materials and xeriscape techniques.

4.4.4 f. 2) The landscaping requirements of this Code are cumulative; applicants shall meet:

- the standards for minimum area on a development site (Sections 4.4.4 f 4, 9, and 10); plus
 - any required road frontage area (Article III, Sections 4.4.4 f 10 and 13 and Article V, Sections 8.1.4); plus
 - landscaping for parking lots (Sections 4.4.4 f 11), plus
 - landscaping for drainage ponding areas (Article VII, Section 3.4.6 f); and
 - revegetation (Article VII, Section 3.4.5),
- except where specific substitutions or adjustments are provided for in these regulations.

4.4.4 f. 3) Native Vegetation; Preservation

(a) Intent

It is the intent of the Code to protect and retain native vegetation and landscapes for all development. Native trees, shrubs and other natural vegetation stabilize steep slopes, retain moisture, prevent erosion, provide habitat for wildlife, play a role in the prevention of air and noise pollution and enhance natural scenic qualities.

(b) Limitations on grading and clearing.

- (1) Grading shall be limited to the development site within the Buildable Area on a lot or tract
- (2) Clearing of existing native vegetation shall be limited to approved development sites. No significant tree may be removed from slopes greater than thirty percent (30%).

- (3) Cleared or graded areas which are not built on and cut and fill areas shall be revegetated to the approximate original density and type of vegetation existing prior to disturbance. Areas to be used for recreation or park landscaping or rural agricultural uses shall be excluded from this requirement.
- (4) Any transplantable tree that will be displaced by construction shall be the primary source of new vegetation required for screening, buffering or other landscaping purposes. (See Appendix 3.C, incorporated by reference herein for tree preservation and transplanting guidelines.)
- (5) Native trees, shrubs and landscape shall be retained within any designated landscape areas set aside for buffers; retention of the natural vegetation will reduce the requirement for new planting. Native trees which are to be preserved on a development site shall be protected during construction from such hazards as damage by vehicles and equipment compaction of soils, and spills of contaminants by temporary fences or barricades erected at the perimeter of the critical root zone. Permanent installation of such techniques as retaining walls, terracing and tree wells with drainage shall be used to protect trees in areas where significant grade changes are approved.

4.4.4 f. 4) Landscaping Plan

A landscaping plan is required for all new development and shall be presented for review with either the master plan or the preliminary development plan and shall contain the following information:

- (a) a landscaping map drafted to scale describing the lot(s) or parcel(s), the development site, proposed structures and other development, the designated landscape areas, including revegetation areas; private gardens are not included;
- (b) within the designated landscape areas, including revegetation areas, the plan shall locate and label:
 - (1) existing vegetation which will be retained by type and size;
 - (2) existing vegetation which will be transplanted, or removed by type and size; and
 - (3) location, type, and size of plants to be installed;
- (c) all plant material to be retained or installed shall be located and labeled, footprinted according to the spread of the plants at maturity;
- (d) a list of the type and number of plants to be retained and installed, with common and botanical names, showing the existing size of specific trees and plants by approximate width of canopy, spread and caliper or gallon size at time of planting and the size of the plant material at maturity in height and width;
- (e) methods and details for protecting existing vegetation during construction;
- (f) the location and quantity of all other materials to be used as part of the landscape treatment; planting and installation details as necessary to show conformance with all standards;
- (g) a description of the proposed system of irrigation including the use of on-site storm water collection, drip irrigation, recycled water or other systems;
- (h) methods for protecting required landscaping from damage by automobiles and run off containing salts from paved areas;
- (i) the purpose of each plant material to be used, e.g., for screening, ornament, shade or other purpose;

- (j) a description of proposed structures or other buffering devices, such as walls, fences or earth berms, including location, height, building materials and/or exterior finish treatment which are part of the landscape treatment;
- (k) a water use budget which includes the type of vegetation, the type of irrigation system (drip, flood, or sprinkler), the area in square feet that will be planted in each type of vegetation and the irrigation application requirement in gallons per square foot per year, for each type of vegetation. See Landscape Irrigation Requirements in New Mexico, New Mexico State Engineer's Office.
- (l) an estimate of the cost of installation of the landscape materials; and
- (m) the landscaping plan submitted with the preliminary development plan for an individual use shall be in conformance with the approved master plan for landscaping.
- (n) Landscape areas shall be designated only on the development site within the Buildable Area of the lot and shown on the development plan and where applicable, the plat.

4.4.4 f. 5) Landscaping Design Standards

All landscaping shall meet the following requirements:

- (a) Proposed landscaping plans shall promote water conservation, provide planting materials that are appropriate to the growing conditions of the site, and provide buffers and landscaped areas which are proportionate to the area and height of the proposed development.
- (b) Native vegetation shall be protected pursuant to the standards of Section 4.4.4 f. 3.
- (c) Landscaped areas shall be a minimum of ten percent (10%) of the approved development site. Limitations may be placed on the maximum landscaped area in order to meet water conservation requirements.
- (d) Pedestrian, bike or equestrian pathways or trails are allowed within landscape areas on street frontages provided that no plant material is eliminated and the total width of the buffer is maintained;
- (e) Parking, loading and outdoor storage are prohibited within a landscaped area;

4.4.4 f. 6) Xeriscape Principles: Water requirements shall be reduced by:

- (a) Native vegetation or introduced vegetation that is freeze or and drought resistant shall be used for new landscaping in an effort to conserve water use once the plants are established. Botanical materials shall be chosen so they fit within the water budget or water use plans for the development. Plant materials, their size at maturity, how they can be used, their water use and other information is listed in Appendix 3.C, and incorporated by reference herein.
- (b) Limiting the amount of lawn grass areas:
 - (1) Lawn or turf areas shall be limited to no more than twenty-five percent (25%) of landscaped areas. Areas dedicated to recreational playfields or to the production of food crops such as vegetable gardens or orchards are not included;
 - (2) Lawn areas shall not be planted in strips eight feet (8') wide or less.
- (c) Xeriscape principles shall be followed in the design, installation and maintenance of landscaping, pursuant to Appendix 3.C, and incorporated by reference herein.

4.4.4 f. 7) Planting Standards:

- (a) A minimum of seventy five percent (75%) of an area designated for landscaping shall be developed with living plant materials including areas seeded with grasses and flowers. See references in Appendix 3.C for information and recommendations on use of water efficient planting.
- (b) Designated landscape areas or buffer zones shall be planted according to a ratio of one tree at a minimum height at maturity of twenty-four feet (24') for each five hundred (500) square feet, and one shrub of a minimum height and spread at maturity of four feet (4') for each sixteen (16) square feet.
 - (1) Where the required buffer is five hundred (500) square feet or less (for small parcels only) a minimum of two (2) trees shall be planted.
 - (2) Larger trees are required for large parking lots and buildings; see Subsections 4.4.4 f 11 and 12.
- (c) Non-vegetative landscape materials may include gravel, rock and bark mulch. Walls, fences and berms are types of non-vegetative landscape structures which may be incorporated into landscape areas pursuant to these standards.

4.4.4 f. 8) Adjustments

Minor adjustments to the landscape standards may be permitted in accordance with this subsection, subject to the approval of the Code Administrator pursuant to a site visit and provided that the modifications shall not be inconsistent with the purposes of this Section.

- (a) Adjustments will be considered for existing heavily vegetated areas or for plant materials with varying characteristics provided that:
 - (1) The ratio of living plant material to inorganic material is maintained at seventy-five percent (75%) living materials to twenty-five percent (25%) inorganic materials; and
 - (2) The living plant material is installed so as to provide a continuous visual screen or may be planted in drifts or clumps with pockets of open areas providing the sense of continuity with the street edge is maintained; and
 - (3) screening of cuts or retaining walls in steep slopes from public rights of way is maintained.
- (b) Additional trees meeting minimum planting standards may be substituted for shrubs in rural locations or where water restrictions are severe, provided that the buffering or screening function is maintained; each additional tree may substitute for fifteen (15) shrubs.
- (c) Adjustments of up to fifty percent (50%) to the width of the Road Frontage landscape area (See Section 4.4.4 f 10) will be considered where a four foot (4') high masonry wall or a six foot (6') high opaque fence or earth berm is constructed.
- (d) Plant materials required for screening of cuts, fills or retaining walls in areas of steep terrain may not be adjusted.
- (e) In other areas, the ratio of living plant materials may be reduced by fifty percent (50%) where the landscape treatment includes walls, fences or berms. Walls or fences should be located in the landscape area to accommodate the installation of the living plant materials.
- (f) Minor design adjustments may be made to the designated landscape areas on the development site to accommodate solar access for solar design as long as the substance of landscape standards for screening and buffering are met .

4.4.4 f. 9) Buffering and Revegetation for Ridgetops and Development Sites with a Natural Slope of fifteen percent (15%) or greater

Any cut slope greater than four feet (4') in height or with a grade of two and one half to one (2.5:1) or steeper, retaining walls and erosion control structures and the facades of any building visible from a public way shall be screened or otherwise landscaped as follows:

- (a) A minimum of fifty percent (50%) of the visible portion of a facade or retaining wall shall be screened; trees shall be planted or retained within fifteen feet (15') of all retaining walls to be screened and in an area no less than twenty-five feet (25') and no more than fifty feet (50') from any facade to be screened;
- (b) Trees shall be planted on the downhill side of road cuts and of fill areas. Cuts and fills may be required to be terraced and planted in order to provide screening and slope stabilization;
- (c) Top soil shall be removed and stockpiled for later use in re-vegetation of the disturbed areas;
- (d) New vegetation (trees and seeded areas) shall approximate existing vegetation in type, density, and natural pattern of occurrence on the lot; density shall be determined by an inventory of existing vegetation within the development site prior to grading;
- (e) Density in landscape and revegetation areas shall approximate the density of vegetation prior to disturbance; in no case shall density in landscape and revegetation areas be less than one (1) tree per one thousand (1000) square feet of designated area;
- (f) New trees shall be spaced at a distance equal to the the average diameter of the spread of the crown of the typical mature specimen of the species planted under similar growing conditions;
- (g) New trees shall be a minimum of six feet (6') in height, which, at maturity, will approximate the height of existing native trees and be as tall as the cut and fill or structure to be screened;
- (h) Seeded areas shall be protected by accepted horticultural practices to assure germination; See Appendix 3.C, incorporated by reference herein.
- (i) Seeding or planting may be delayed for the optimum germination or planting season, provided such delay is conditioned on the development permit and bonding or other financial warranty is secured.
- (j) Designated landscape areas for screening on ridgetops and steep terrain may be included in the minimum 10% development site landscape area required pursuant to Section 4.4.4 f 5.

4.4.4 f. 10) Landscaping for Road Frontage Areas

- (a) The width of landscape areas between the street or road right of way and any developed areas of a parcel shall be as follows:
 - Highways or Arterials - 25 feet
 - Collector or Local - 10 feet
- (b) Upon approval of the governmental agency responsible for the maintenance of the adjoining roadway, any public right-of-way between the front property line and the street may be landscaped and maintained by the property owner retaining native materials or using grass, groundcovers, or low growing shrubs having a maximum mature height exceeding two (2) feet, or be treated with a non-vegetative cover such as bark mulch or gravel. Where appropriate, such areas may be considered as part of the width of landscape areas as set forth in Section 4.4.4 f.10 (a).

- (c) Living plant materials installed in areas designated for landscaping on road frontages shall be planted so as to create the appearance of a continuous edge occasionally punctuated with dissimilar materials.
- (d) In order to avoid a tunneling effect where a development borders on a highway or arterial street or road for more than one thousand (1000) feet, developers or builders shall vary the masonry structures, fences or walls with living plants.

4.4.4 f. 11) Landscaping for Parking Lots

- (a) Except as otherwise provided in this Section f. perimeter landscape screening providing a visual buffer is required in the following circumstances:
 - (1) along the front for parking lots with more than ten (10) parking spaces or four thousand (4,000) square feet, whichever is less; and
 - (2) along the front, side and rear property lines, as applicable, where parking is located within twenty five (25) feet of a property line adjoining residential uses. Standards for landscaping the front of the lot are set forth in Section 4.4.4 f. 10, Standards for side lot landscaping are set forth in Section 4.4.4 f. 13.
- (b) Interior landscaping is required for parking lots with more than forty (40) parking spaces and/or more than twelve thousand (12,000) square feet. Interior landscaping shall cover a minimum area equivalent to one (1) parking space or one hundred sixty (160) square feet for every twenty (20) parking spaces.
 - (1) Interior landscaping shall be designed to shade the parking spaces and provide a visual break to the parking lot surface. Plant material shall consist of a minimum of one (1) deciduous shade tree and three shrubs for every ten (10) parking spaces. The shade trees shall be a minimum of one and one-half inch (1.5") caliper and six (6) feet tall and meet current American Association of Nurserymen standards at the time of planting, and have a thirty foot (30') minimum mature height, with a clear trunk at least five feet (5') above the finished grade. Shrubs shall be five (5) gallon size at the time of planting and shall have a minimum mature height of three (3) feet;
 - (2) Non-vegetative cover including but not limited to gravel or bark is required under trees where other planting is not provided.
 - (3) Interior landscaping planting islands shall have a minimum area of one hundred sixty (160) square feet and a minimum dimension of four (4) feet;
 - (4) Interior landscaping shall be uniformly distributed throughout the parking lot;
 - (5) Pedestrian pathways or sidewalk areas shall be incorporated into the parking area landscape treatment.
- (c) Large parking lots (100 spaces or more and/or 30,000 square feet in area or larger) shall provide interior planting area equal to at least ten percent (10%) of the parking lot area; and
 - (1) Interior landscaping shall be designed to shade the parking spaces and provide a visual break to the parking lot surface. Plant material shall consist of a minimum of one (1) deciduous shade tree and two (2) shrubs for every five (5) parking spaces. Shrubs shall be five (5) gallon size at the time of planting and shall have a minimum mature height of three (3) feet. Shade trees must have a clear trunk at least five feet (5') above

the finished grade to allow vehicular circulation beneath the tree canopy and shall have a minimum height at maturity of forty feet (40'); shade trees shall be a minimum of three inch (3") caliper and six (6) feet tall at the time of planting; all plant and tree sizes must meet current American Association of Nurserymen standards at the time of planting.

- (2) Non-vegetative cover including but not limited to gravel or bark is required under trees where other planting is not provided.
- (3) Larger planting islands connected by pedestrian access ways shall be provided for greater visual relief from paved expanses, to reduce high summer temperatures and to create an environment more conducive for healthy tree growth; tree planting areas must be at least eight feet (8') in any dimension; planting islands parallel to parking spaces must be at least nine feet (9') wide to allow car doors to swing open.
- (4) Tree species chosen should require little maintenance, and be able to tolerate harsh growing conditions such as sun, wind, glare, reflected heat, drought, salt and other chemicals.
- (5) Interior landscaped areas not dedicated to trees or to preservation of existing vegetation shall be landscaped with native grasses, ground cover, shrubs, or other appropriate landscape treatment.
- (6) To calculate parking lot area, all areas within the lot perimeter are counted, including planting islands, curbed areas, sidewalks, parking spaces and all interior driveways and aisles. Landscaped areas outside the parking lot may not be used to meet the interior planting requirement.

4.4.4 f. 12) Landscape Treatments Shall be Scaled

Landscape treatments shall be scaled to screen multi-story commercial, industrial, and large scale residential structures and/or buildings of 30,000 square feet or larger by:

- (a) Use of trees in road frontage areas and residential buffer areas which have a minimum height at maturity of forty feet (40'); shade trees shall be a minimum of three inch (3") caliper and six (6) feet tall at the time of planting; all plant and tree sizes must meet current American Association of Nurserymen standards at the time of planting;
- (b) Use of evergreens and canopy or shade trees should predominate in road frontage areas; ornamental trees and shrubs and smaller native trees may be interspersed in groups which simulate natural tree stands;
- (c) Placement of landscaping materials to screen the bulk of buildings and provide visual relief and protection from high summer temperature for large areas of impervious surface (buildings, paving, courtyards, etc);
- (d) Existing vegetation and native species may be retained on site and counted toward required trees and shrubs in landscape areas, but the plant reduction of Section 4.4.4 f 2. shall not apply to large scale buildings.

4.4.4 f. 13) Buffering Residential Uses from Nonresidential Uses and Roadways

- (a) Commercial, office or industrial developments located at the perimeter of nonresidential districts where there are existing residential uses may be required to provide a landscaped area and structural buffer between any nonresidential use and residential use on the side or rear lot lines. Such buffer shall consist of a six foot (6') masonry wall or fence constructed of opaque materials and a three foot (3') wide planting area. Trees and shrubs

- selected for the three foot planting area may be used to create shade or visual amenity. Trailing vines for the wall may also be considered.
- (b) Screening and Buffering for Residential Uses. The requirements for screening residential areas from roadways and nonresidential uses, and for landscaping residential common open space, may include one or more of the following:
- (1) stuccoed poured concrete walls;
 - (2) stuccoed masonry walls of cement block, brick or adobe;
 - (3) earhtone masonry walls;
 - (4) rock or field stone walls;
 - (5) wood fences of materials at least 3/4 inch thick with crossbracing secured with posts on maximum eight (8) foot centers set in concrete or posts treated with preservatives set twenty four (24) inches deep;
 - (6) earth berms with shrubs and vegetative groundcovers;
 - (7) any combination of shrubs and trees which effectively creates a screen; or
 - (8) a combination of the above. The developer may choose any of the above screening methods at his discretion.
- (c) Density of vegetation shall meet standards of Section 4.4.4 f 7, Planting Standards and 4.4.4 f 8, Adjustments.

4.4.4 f. 14) Installation, Maintenance, Inspection, Enforcement

- (a) Landscaping shall be installed for inspection prior to the issuance of a Certificate of Occupancy or Business License unless appropriate financial warranty has been approved by the Code Administrator. Also see revegetation requirements of Article VII, Section 3, Terrain Management.
- (b) A bond or letter of credit in an amount reasonably required by the Code Administrator shall be submitted if seeding or planting of required landscaping and revegetation must be delayed for optimum results. The applicant may be required to submit a cost estimate by a licensed landscape architect. Such delay shall be specified on the development permit.
- (c) All vegetation installed pursuant to an approved landscaping or terrain management plan which later dies shall be replaced.
- (d) Trees and large shrubs shall be supported after planting in such a way that the plants will not be injured by strong winds.
- (e) Responsibility for the success of landscaping installations belongs entirely to the property owner and may be subject to periodic inspections by the Code Administrator. The property owner shall be responsible for control of plant growth by pruning or trimming so that it will not interfere with the installation, maintenance or repair of any public utility, pedestrian or vehicular access or constitute a traffic hazard.

4.4.4 h. Outdoor Lighting

1) Purpose

Outdoor lighting standards are applicable to all development in the County. Outdoor lighting shall be designed and arranged to enhance the safety of areas designated for pedestrian use during evening hours, to provide security, to conserve energy, to protect the night sky and in particular, to prevent the spillover, nuisance or hazard effects of light and glare on adjacent locations and uses of land.

2) Definitions

- (a) cut-off - the point at which all light rays from the light source or luminaire is completely eliminated at a specific angle above the ground.
- (b) cut-off luminaire - a luminaire with shield, reflectors, reflector panels or other housing which directs and cuts off light rays from direct view.
- (c) footcandle - a unit of illumination produced on a surface, all points which are one (1) foot from a uniform point source of one (1) candle. A comparative measure is the brightness of a full moon which is equal to .01 footcandle.
- (d) glare- the brightness of a light source which causes eye discomfort.
- (e) luminaire - a complete lighting unit consisting of a light source and all necessary mechanical electrical and decorative parts.

3) Submittals

- (a) For all development involving outdoor lighting fixtures a lighting plan shall be submitted for master plan or preliminary development plan or Development Permit review, as applicable, showing the location, mounting height, types of luminaires, accessory equipment such as shades, deflectors or other housing controlling the direction of light on a surface and the beam direction of any luminaire. Descriptions of all illuminating devices shall include, as applicable, manufacturers' drawings showing sections and photometric data showing the angle of cut off of light emissions.
- (b) The plan shall be drawn to scale and shall also include elevations of building facades showing the location of, and shielding devices for, wall mounted luminaires and detailed drawings of the luminaires and accessory equipment to be used.
- (c) Additional submittals that may be required include, but are not limited to, preparation of a visual impact analysis for alternative types of lighting solutions for the project as those would affect and be seen from adjacent properties and public ways, a comparative analysis of performance standards relating mounting height, footcandles, footcandle levels and location for various types of lighting which could be developed for the proposed use and types of shields, deflectors and adjustments on orientation or other buffers which could be implemented to mitigate glare, nuisance or hazardous effects of any night lights.

4) Off-Street Lighting Design Standards

- (a) The use of cut-off type luminaires is required. All light bulbs and light sources shall be shielded so that they are not directly visible from any adjacent lot or public roadway. All outdoor lighting fixtures shall meet requirements for lamp type and shielding set forth in Table 3.1, Outdoor Lighting Requirements, below.
- (b) Spillover of lighting for adjacent properties shall not exceed one half of one (.50) footcandle measured at any point ten feet (10') beyond a property line.
- (c) For residential uses, no luminaire shall be installed higher than the building(s) on the lot. For all other uses and for parking lots for multi-family residential uses, no luminaire shall be installed higher than one and one half (1.5) the height of any structure proposed for development or twenty four feet (24'), whichever is less.
- (d) All light bulbs and light sources shall be recessed into any canopy structure that is designated for pedestrian use, loading or service, unless a suitable alternative is submitted for approval. Decorative lamps housing an

incandescent light source of 160W or less for hanging under portals are exempted.

- (e) In nonresidential districts building facades may be illuminated with ground floodlamps installed close to the structure; wall mounted floodlamps shall be shielded so that the light source is not visible. Spotlights without a shielding device are prohibited. Ground mounted luminaires for building facade illumination are not permitted in residential districts.
- (f) Control of the distribution of illumination for outdoor recreation areas, outdoor storage areas or outdoor display of merchandise is subject to additional submittals.
- (g) Automatic timing devices may be required to turn off lighting installed for display or outdoor sporting events at specified hours. The use of security lights using motion sensors is encouraged, especially for residential applications.
- (h) A range of lighting design solutions for the various aspects of a development shall be considered over a single lighting solution.

5) Street Lighting Design Standards

- (a) It is the intent of these Regulations to require installation of street lights only where necessary to continue the urban streetscape or to provide for pedestrian and motorist safety. It is not the intent to require or encourage installation of street lights in subdivisions with a rural character.
- (b) Street lights are required in the following circumstances:
 - (1) on paved streets and roads where curb, gutter and sidewalk are required;
 - (2) for safety purposes on arterial roads or at intersections of any road with a highway or arterial.
- (c) Standards for street light installations:
 - (1) Lighting shall be provided in accordance with a plan designed using guidelines and standards set forth by the Illuminating Engineers Society (IES) Lighting Handbook, latest revision, and the standards set forth in this section. Recommended lighting levels and uniformity ratios are found in Appendix 3.B of the Code.
 - (2) Plans designed by utility companies shall meet the standards in this section.
 - (3) Low or high pressure sodium lamps or other energy efficient sources shall be used in all installations.
 - (4) Cut-off luminaires shall be used to direct light downward in order to prevent the spillover, nuisance or hazard effects of light and glare on any adjacent locations. Cobra head fixtures shall be equipped with skirting or other design features to shield the light source. See Table 3.1, Outdoor Lighting Requirements.
 - (5) Street lights shall be located and designed to enhance the safety of motorists and pedestrians during evening hours. Location shall be planned to provide a transition from unlit areas to lit areas and continuity and uniformity of lighting. Street lights shall be installed so as to create a transition from dark to illuminated areas and avoid blind spots or dark shadows which are hazardous to drivers.
 - (6) The maximum height of standards (upright supports) shall not exceed twenty-four feet (24'), except on public roads wider than two (2) lanes and arterials where taller standards up to thirty-six feet (36') may be used. This height limit may be varied by the Code Administrator if a site specific study clearly demonstrates that use of a taller standard will

better achieve the purposes of this subsection 4.4.4 h, Outdoor Lighting, and these Street Light Design Standards.

- (7) Street lights in subdivisions shall be equipped with electric meters to allow billing to the developer or owners' association unless other arrangements are agreed to by the Board.
 - (8) All street light conductors shall be installed underground.
 - (d) Safety. Notwithstanding other requirements of this Section, the County Development Review Committee or Board may require installation of street lights whenever needed to protect the safety of motorists and pedestrians due to the particular characteristics or location of the site.
 - (c) Maintenance. Payments for operations, maintenance and energy charges shall be the responsibility of the developer or owners' association. The disclosure statement and owners' association by-laws shall set forth an acceptable method for charging each lot owner for maintenance and operation.
- 6) Non-Conforming Outdoor Lights
- (a) Mercury vapor lamps in use for outdoor lighting on the effective date of this amendment to the Code (April 30, 1996, Ordinance No. 1996-3) shall be removed or replaced with lamp fixtures meeting the standards of this Article III, Section 4 within five (5) years.
 - (b) All other outdoor light fixtures lawfully installed prior to and operable on the effective date of this Code amendment (April 30, 1996, Ordinance No. 1996-3) are exempt from the requirements of this Section. However, whenever there is a change in use or lamp type or any replacement or structural alteration made to such non-conforming outdoor light fixtures, they shall be made to conform to all applicable requirements of this Code.
 - (c) Non-conforming outdoor lights which are found by the Code Administrator or the County Development Review Committee to create a nuisance or hazard and are in violation of this ordinance shall be required to be replaced with lamp types or fixtures which conform to the requirements of this Code.

TABLE 3.1 OUTDOOR LIGHTING REQUIREMENTS

FIXTURE LAMP TYPE	SHIELDING	DETAILED STANDARDS/NOTES
Low pressure sodium	Partial*	Shielding shall permit no more than ten percent (10%) of light rays emitted at angles above the horizontal plane running through the lowest part of the fixture as certified by photometric test report. This is the preferred light source to minimize undesirable light emission into the night sky.
High pressure sodium	Full*	Full shielding shall permit no light rays emitted by the installed fixture at angles above the horizontal plane running through the lowest part of the fixture, as certified by photometric test report.
Metal halide	Full*	To be used for display purposes; the light source shall be filtered by a glass, acrylic or translucent enclosure; may be subject to timing devices or restricted hours of operation.
Fluorescent, quartz, incandescent greater than 16OW	Full*	Signs constructed of translucent materials and lit from within do not require shielding. See Art. VIII, Sign Regulations.
Incandescent 16OW or less	None	
Any light 5OW or less	None	
Halogen	Prohibited except for special uses approved by CDRC	For outdoor display of merchandise or sporting events; may be subject to timing devices or restricted hours of operation.
Mercury vapor, laser	Prohibited	
other sources	As approved by CDRC	May be conditioned as part of development approval or temporary use permit.

See Appendix 3.A for illustration.

SECTION 5 - MINERAL EXPLORATION AND EXTRACTION

5.1 General Provisions

5.1.1 Applicability

- A. Any person who conducts or intends to conduct a mineral exploration or extraction activity or an expanded use of a mining land use within Santa Fe County shall be subject to the provisions of this Code, as applicable, and this Section 5. Mining uses

shall be allowed in mining zones established on Code Map 30 provided the requirements of this Section are met.

- B. Applications seeking to obtain an exploration or extraction permit will also be subject to all state and federal requirements and permits, as well as review by state agencies, as applicable, and as required by the code Administrator. Applicants who receive an extraction or exploration permit under this Section will be deemed to have been approved for a mining land use for the purposes of zoning, since this Section contains zoning submittal requirements and review standards that are necessary for any type of development in Santa Fe County.
- C. Existing exploration or mining operations which are in operation or in a state of temporary cessation prior to the effective date of this Code, as amended, may continue operations, provided the operator submits to the County a description of operations and a reclamation plan pursuant to Section 5.4.1 A. and provided further that the operator does not conduct any expanded use of the existing mining land use.
- D. In order to preserve the welfare, health, safety and environment of its residents, the County shall, unless specifically preempted, require that a mineral exploration or extraction use permitted on state or federal lands be subject to, and coordinated with, the provisions of this Section 5 for the purpose of imposing certain of its regulations. Such regulations pertain to, but are not limited to, blasting, flood hazards, water quality, and archaeological sites.
- E. Patented lands shall be treated as any other private property.
- F. A permit is not required pursuant to Article III, Section 5, for prospecting.

5.1.2 Pre-Emption

- A. Nothing in this Code shall be construed to supersede or contravene the authority which the state or federal governments or their agencies have with respect to the management, protection and utilization of the lands and resources under their jurisdiction. The regulations in this Code should apply to state or federally owned lands unless they are specifically preempted from having authority in this area by state or federal law.
- B. Provisions of this Code which do not conflict with state or federal law shall be enforceable on the state and federal lands insofar as this Code merely regulates and does not prohibit mining.
- C. Revisions to this Code, including those resulting from changes to applicable regulations promulgated by state or federal agencies which administer permits for mineral exploration or extractions, may be proposed from time to time.
- D. This Section applies to all mining land uses, notwithstanding the provisions of Article I, Section 8.1 of the Code except for sand and gravel mining operations, which are regulated elsewhere in this Code.
- E. The County recognizes that on or about July 1, 1993, the State of New Mexico will have enacted and have in effect the New Mexico Mining Act ("Act"). There is no provision in the Act which preempts the County from regulating zoning and reclamation of mining land uses in the County, nor which preempts zoning authority or police powers previously granted to counties by the State. This Article III, Section 5 of the Code is both a zoning and reclamation ordinance. The county recognizes that it has concurrent jurisdiction with the State in those areas which are regulated by the Act. Any provision of the Act which has been satisfied by the applicant will be reviewed by the Code Administrator, who shall determine whether such action by the applicant satisfies the requirements of this Section. The applicant must comply with any portion of the Code which imposes additional requirements beyond the requirements of the Act. It is the intention of the County that any portion of the Section which pertains to the County's use of its police and zoning power shall

remain in full force and effect if any other portion of this Section is found to be preempted by state federal law.

5.1.3 Purpose and Intent

The policy of the County regarding mineral exploration and extraction is:

- A. To protect the health, safety and welfare of the citizens of Santa Fe County as that relates to its quality of life, its economy, its cultural heritage, history or traditions, its infrastructure or its natural resources;
- B. To protect the environment of Santa Fe County and its residents from the harmful, hazardous, and toxic effects, or nuisances resulting from mineral exploration and extraction, including but not limited to degradation of: air quality, ground water quality, visual quality, erosion of soils, adverse noise and vibration, toxic matter, fire or explosive hazards; adverse traffic and road conditions; and any adverse effects of solutions, chemicals, and other mining processes;
- C. To assure that mineral exploration or extraction activities are compatible with other uses in the County, including but not limited to: traditional patterns of land use, recreational uses, and existing or planned urban or metropolitan areas;
- D. To assure that the reclamation of affected areas which are the subject of mineral exploration or extraction activities meet the standards and objectives of this Section 5;
- E. To assure that off-site improvements to roads or utilities required as a result of mineral exploration or extraction activities are funded and implemented;
- F. To provide for a fair and efficient system for the regulation of mineral exploration and extraction activities;
- G. To assure protection of wildlife and wildlife habitat, and native biological diversity;
- H. To protect the scenic quality of Santa Fe County, its environment and its residents from significant adverse effects of mining;
- I. To discourage development of incompatible land use relationships; and
- J. To provide an applicant with the opportunity for advance notification that such a reduction may be imposed on the applicant, which may affect the economics of the proposed mining land uses, since early stages of the application process may reveal issues or potential adverse impacts that would allow the Board to reduce the size of the affected area.

5.1.4 Provision of Services by Local Government

Where it is determined by the County that a mineral exploration or extraction use, or mining land use will have an adverse fiscal impact on the provision of services by local government, resulting from demographic changes which are directly attributable to the exploration or mining use, such as housing supply, capacity of schools, local water supplies, transportation systems, utilities expansions, health care facilities, law enforcement and fire protection, such impact will be addressed through cooperative effort toward financing of public improvements by the developer, such as phasing of the project, and cooperation with local government for impact fees, or other programs.

5.2 Definitions

Abandoned - means a mining land use which the applicant, permittee or operator has either: a) ceased performing with the intent not to recommence the mining land use for at least (3) consecutive years; or b) ceased performing any significant mining land use activity for at least three (3) consecutive years, when such interruption is not caused by war or an Act of Congress. A permittee or operator conducting exploration and extraction activities can be deemed to have abandoned either exploration or extraction activities, or both, depending on the type of activity on the mine site during any three (3) year period.

Adjacent area - means land located outside the affected area, permit area, or mine plan area, depending on the context in which adjacent area is used, where a mine site has a direct impact on enjoyment of property and aesthetic values, air quality, surface or ground water quality, fish, wildlife, vegetation or other natural resources.

Affected area - means an area, either surface or subsurface, within a permit area where existing resources are impacted as a result of mineral exploration, extraction activities, or other mining land uses conducted in accordance with a permit issued under Article III, Section 5 of the Code.

Applicant - means a person who desires to perform mining land use activities in the County, and such mining activities do not include prospecting.

Beneficiation - means the process of liberating and concentrating a mineral from ore.

County - means the County of Santa Fe, New Mexico.

Direct Impact - means an effect directly attributable to the mineral exploration or mining operations or rehabilitation activities which impact, injure or create hazards to the public health, safety or welfare, including but not limited to, geological, hydrological, visual, auditory activities, emissions, discharges or vibrations.

Engineered Materials - means any material that has been evaluated by sound and generally accepted mining or engineering practices to be capable of ensuring the structural integrity of a structure or a designed entity.

Existing Mine - means any exploration or extraction operation which existed prior to the effective date of this Code as amended.

Expanded use - means any mining land use which the Code Administrator determines intensifies or increases a prior existing mining land use, and includes but is not limited to: increasing the length or magnitude of any surface or subsurface activity; increasing the size of the mine site or the area of land disclosed to the Code Administrator pursuant to Section 5.4.1 A. or approved under an exploration or extraction permit pursuant to the Section 5; conducting extraction activities when operating with only an exploration permit; or utilizing exploration or extraction techniques, processes, or solutions which were not previously used or permitted on the mine site.

Exploration - means the act of searching for or investigating a mineral deposit. "Exploration" includes, but is not limited to, geophysical, geochemical or geological surveying and sampling, drilling or rotary drilling of core and bore holes, and digging pits, trenches or cuts and other works for the purpose of extracting samples prior to commencement of mine development or extraction operations, and the building of roads, access ways, and other facilities related to such work.

Extraction - means the removal of minerals and/or overburden from places of natural occurrence for purposes of beneficiation.

Geosynthetic - means a manufactured liner material.

Harmful Materials - means materials that, when present on a permit area in sufficient quantity or concentrations, may be noxious, pernicious, or likely to cause illness or damage to the

environment, but not including hazardous wastes regulated by the Federal Resource Conservation and Recovery Act, in its latest revision.

Hazardous Materials - means any hazardous chemical or extremely hazardous substance as defined or listed in the Federal Emergency and Community Right-to-Know Act of 1986, 40 CFR Part 300 Volume 51, No. 221 (inclusive), as periodically amended but in no case is the hazardous content of solid waste from the extraction, beneficiation and processing of ores and minerals to be excluded from the meaning of hazardous waste.

Highwall - means the boundary surface of a pit as a result of mining.

Impermeable - means an engineered material having a saturated hydraulic conductivity (K) value equal to or less than 1×10^{-7} cm/sec.

Life of the Mine - includes the period of time necessary to develop, mine and reclaim the mine site including that period after cessation necessary to complete reclamation as required by the County, until such time as the County releases in writing, the operator from further reclamation obligations regarding the affected land, declares the operation terminated, and releases all applicable warranties of performance.

Master Plan - means a report, plans, and other submittals as required by this Code for a proposed subdivision or zoning or re-zoning of land showing the development proposal in a manner comprehensive enough to evaluate the scope, size, intensity, compatibility, benefits, relationships, and impacts of a project and including submittals as set forth in Article V, Section 5.2 and as otherwise required by this Code for the specific land use or zone district proposed.

Mine - means any tract or parcel of land which is zoned for a mining land use, pursuant to an approved Master Plan by the County.

Mine Development - means the construction of declines or shafts, roads or access ways, buildings or other facilities in anticipation of or used in a mineral extraction activity.

Mine Site - means the area of land in which the exploration, mine development, or extraction activities will be situated, or the land upon which any mill, recovery plant, crushers, buildings, structures, improvements, wells, excavations, dumps, waste piles, tailings ponds and other features normally utilized in mining operations are located and shall include all of the area of land containing the same, similar or related mineral bodies or deposits which the mine operator may excavate and mine which is lying within the same tract which has been zoned for mining land use pursuant to the Code.

Mineral - means an inanimate constituent of the earth in solid, liquid, or gaseous state which when extracted from the earth, is usable in its natural form or is capable of conversion into a usable form of metal, or metallic compound, a non-metal, a non-metallic compound, a chemical, an energy source, or a raw material for manufacturing, or oil, oil shale, natural gas, geothermal resources, but shall not include surface water, or subsurface water, sand or gravel regulated by Article XI of this Code.

Mining Land Use - means drilling, drillholes, and other levels of exploration or mine development activities or the operation of a placer mine, a shaft mine (including any underground disturbance), previously disposed or abandoned mining waste when used to obtain useful minerals, in situ mining, minerals transportation within the County, concentrating, milling, evaporation, leaching, and other processing, an open pit mine, or the processing or

moving of overburden or other excavation activities from which minerals, ore or other mineral substances are sought to be removed or taken, and the processing or storage of such minerals, ore or mineral substances. Mining land use also includes all reclamation activities.

Mining Waste - means waste material commonly connected with the extraction of or exploration for ores and minerals.

Operator - means any person engaged in a mineral exploration, a mining operation, or a mining land use.

Overburden - means all of the earth which lies above a mineral deposit and includes such earth and other materials disturbed from their natural state in the process of mining. Suitable plant growth material, including topsoil, salvaged for reclamation shall not be considered overburden.

Permit - means an authorization to conduct mining land uses issued by the County pursuant to the requirements of the Code and conditions of approval imposed by the County.

Permit area - means the area of land indicated on the approved map submitted by the permittee with his or her application, which area of land shall be covered by the permittee's warranty of performance as required by Code.

Permittee - means any person holding a permit.

Person - means a natural person, corporation, partnership, joint venture, association or any such entity, including any agent or employee of such an entity or natural person.

Pit - means an area within a mine site from which overburden has been or is being removed for the purpose of surface mining.

Prospecting - means mining activities which cause no or very little surface or subsurface disturbance, such as airborne surveys and photographs, use of instruments or devices which are hand carried or otherwise transported over the surface to make geophysical, radioactive, or other tests and measurements, boundary or claim surveying, location work, or other work which causes no significant land disturbance.

Rebuttal presumption - means a presumption that can be overturned upon the showing of sufficient proof.

Reclamation - means the restoration of the affected area during or after any or all phases of an exploration or extraction activity, or mine development, pursuant to a reclamation plan approved by the Board, including but not limited to, protection of water quality, stabilization and re-contouring of slopes, protection and re-introduction of top soil, installation and establishment of vegetation, restoration of habitat and/or mitigation of adverse impacts on habitat such that the land can support the biological diversity associated with specific life zones, removal of buildings and other structures, and measures to reduce, neutralize, and otherwise reclaim mining waste.

Reclamation plan - means a report or document and maps, approved by the Board, which sets forth a plan for reclamation of the proposed exploration or mining site.

Solid waste facility - means the regional or County designated landfill.

Solution - means any chemical, natural or man-made, which is used to extract minerals from the ore or from any other material in which the mineral is found, or to neutralize the potential effects of other chemicals, solutions or processes on the mine shaft.

Structural integrity - means rocks or other materials or aspects of the earth's crust that demonstrate a rigid adherence to an approved code or standard of values and soundness for the purposes for which they are intended to be used.

Tailings impoundment - means the final depository for processed ore and components of the process, discharged from a mill.

Toxic - means a material or a condition which, when present on a permit area in sufficient quantities or concentrations, may impair the health or safety of persons, plants or animals, or may be harmful to the environment, including, but not limited to any toxic pollutant listed pursuant to Section 307 (a) of the Federal Water Pollution Control Act, or any recodification or amendment thereto, and/or those substances which, upon exposure, ingestion, inhalation or assimilation into any organism will cause death, disease, cancer, genetic mutations or physical deformations in such organisms or their offspring.

WAD - means weak acid dissociable.

5.3 Review Procedures, Past Performance Review, Amendments or Revisions to Plans; Permit Transfers; New or Additional Permits; Appeals; Notice Requirements; Financial Warranties; Fees; Temporary Cessation; Inspection and Monitoring; Local Land Use Plans; Penalties and Sanctions

5.3.1 Review Procedures

A. Zoning Approvals

1. Pre-application

Prior to submittal of an application pursuant to this Section 5, an applicant may arrange for an apparent completeness review of his or her application with the County Code Administrator.

2. Review by Code Administrator

Upon receipt of an application pursuant to this Section 5, the Code Administrator shall review it in accordance with the procedure established by Article II, Section 2. An application is not complete and shall not be accepted by the County until all submittals have been reviewed by the Code Administrator, and he has determined that all submittal requirements have been substantially complied with. The Code Administrator may refer the submittals to the MPRB, or to others, to assist in his determination. Nothing herein shall be construed to permit a person who has conducted exploration activities only to qualify to conduct extraction activities under ordinance provisions that predate the effective date of this amendment to the Land Development Code, or under current ordinance provisions.

3. Mining Plans Review Board

a. In order to assure that the technical components of environmental assessments or impact statements are appropriately reviewed, operations and reclamation plans are feasible and that cost estimates for reclamation are

- reasonable and adequate for the purpose of financial warranties, a Mining Plans Review Board (MPRB) shall be appointed by the Board of County Commissioners (Board).
- b. The MPRB shall consist of nine (9) members, shall meet on a case-by-case basis, shall review all operations, reclamation and environmental assessment plans, and environmental impact statements when required, and make recommendations to the CDRC and the Board based on its findings.
- 1) Members of the Mining Plans Review Board shall have the following credentials:
 - a) two (2) members from the County of Santa Fe to represent the interests of the general public;
 - b) one (1) member from the faculty of the New Mexico Institute of Technology Mining, Environmental and Geological Engineering Department at Socorro, NM;
 - c) one (1) member who is a graduate engineer specializing in mining engineering and who has a minimum of five (5) years of experience in mining engineering.
 - d) one (1) member with expertise in the field of geo-hydrology;
 - e) one (1) member from the Soil and Water Conservation District staff;
 - f) one (1) member with expertise in the field of biology or ecology;
 - g) one (1) member specializing in the field of socio-economic analysis;
 - h) one (1) member from the New Mexico Department of Game and Fish staff;
 - i) each member shall have a similarly qualified alternate;
 - j) members may be considered who have a minimum of five (5) years recent experience with ten (10) years preferred.
 - 2) Each member shall be appointed for a term of two years. In the event a member develops a conflict of interest, such member shall file a statement of disclosure as set forth by this subsection. Upon filing of such disclosure statement, the Board shall, at its next regularly scheduled meeting, determine whether the conflict of interest is cause for removal.
 - 3) Meetings of the MPRB will be held on an as-needed basis and shall be coordinated by the administrative staff of the County with the applicant.
 - 4) The MPRB shall be convened within sixty (60) days of receiving an application for mineral exploration or extraction. An application may be scheduled for a public hearing before the CDRC after the MPRB submits its review of the environmental assessment, and/or the operations and reclamation plans, with its findings, with its recommendations on financial warranties, and with its recommendations, if any, for modifying the boundaries of the permit area.
 - 5) Fees for convening the MPRB shall be based on the complexity of the plans to be reviewed, shall be reasonable but adequate, and shall be paid by the applicant.
 - 6) Each member of the MPRB shall submit his or her written findings and conclusions, in his or her area of expertise, to the MPRB and to the CDRC. The MPRB shall then submit its final conclusions and recommendations to the CDRC.
 - 7) Review of environmental assessments, operations and reclamation plans shall be done pursuant to the provisions of this Section 5 and the County Land Development Code. Findings shall be based on the responsiveness of the applicant to the requirements of this Section 5, appropriateness of the plans, and reasonableness of executing such plans to the types and

scales of the operation proposed, and reasonableness of executing such plans. The findings of the MPRB shall be submitted to the CDRC within 15 days of the meeting of the MPRB.

- 8) The findings and conclusions of the MPRB shall not be set aside, unless new or additional technical or factual information which has a technical bearing is presented to the CDRC or the Board for additional review. At the public hearing, convened pursuant to Subsection 4, members of the public shall have the right to question MPRB members requested by the CDRC or the Board to be present to respond to technical evidence.
- 9) In the event the MPRB is unable to convene or be formed, the Board may contract with appropriate experts to review and find on the submittals, with such review to be done in the same manner and procedure as is required of the MPRB.
- 10) All members of the MPRB, or experts contracted by the County under the preceding paragraph, shall be required to file a conflict of interest statement prior to appointment by the Board. No members of the MPRB or experts shall receive or shall have received, during the previous two years, a significant portion of their income directly or indirectly from permit holders, operating mining companies or applicants for a permit, or persons seeking to participate in the permitting process. All members or experts shall, upon acceptance of their appointment and prior to the performance of any of their duties, file a statement of disclosure with the County disclosing any amount of money or item of value, and its source, that they received directly or indirectly from permit holders, operating mining companies or applicants for permits. No MPRB member or experts with a significant financial interest affected or potentially affected by a permit action may participate in any decision pertinent to that permit action.

4. The County Development Review Committee (CDRC)

In arriving at its determination to recommend the granting or denial of a permit for mineral exploration or extraction, the CDRC shall review all pertinent material including but not limited to:

- a. The recommendations of the Code Administrator;
- b. The recommendations of the MPRB or of experts contracted pursuant to subsection 5.3.1.A.3;
- c. The master plans for development;
- d. The operator information and legal data required by Section 5.4.3.B.3;
- e. The report responding to Environmental Protection Performance Standards as required by Section 5.4.3.B.4;
- f. The schedule of activities required by Section 5.4.3.B.5;
- g. Any environmental impact statements or socioeconomic analysis required by this Section 5;
- h. The water use report provided pursuant to Section 5.5.3;
- i. The reports or recommendations of state and federal agencies to which the application has been referred;
- j. Any other submittals which may have been requested pursuant to Section 5.4.3.B. and required pursuant to Section 5.4.1 D and 5.4.3 C.;
- k. The testimony and evidence presented to it pursuant to the public hearing(s) held on the application.

5. Approvals

Mining use or mineral exploration activity may be permitted if it is determined that:

- a. The application satisfies the submittal requirements of this Section 5 of the Code;
- b. The proposed mining land use or mineral exploration activity meets the performance and development standards established by this Section 5 of the Code;
- c. The applicant for the proposed mining land use or mineral exploration activity is able to obtain the necessary permits and approvals required by state or federal agencies for such use or activity;
- d. The proposed mining land use or mineral exploration activity is compatible with the purpose and intent of the Santa Fe County General Plan, of the Code or of this Section 5, as such purposes and intent are therein expressed and amended from time to time.

6. Denials

No mining land use or mineral exploration activity will be permitted if it is determined by the Board that the use will have a significant adverse affect on health, safety, morals or general welfare of the County or its residents, based upon findings of fact and conclusions of law which the CDRC or Board, as applicable, must provide to the applicant in writing, within seven (7) days of such board's hearing on this matter.

7. Conditions and Limitations

a. Approval Conditioned Upon Reduction in Affected Area

In its discretion, the MPRB and/or the CDRC may recommend, and/or the Board may approve and grant an exploration and/or extraction permit which reduces the size of the affected area from the size proposed by the applicant, when it is found to be in the interest of health, safety, or welfare of the County of Santa Fe, its residents or its environment; when the proposed development is found to be incompatible with present land uses; or when it is found that site-specific conditions justify such a reduction. A person who desires to perform a mining land use in the County may request a hearing before the board to ascertain whether the Board would anticipate reducing the proposed affected area, provided that the hearing may be delayed until such person has provided sufficient information which would satisfy the reasonable need to the Board for relevant information concerning the permit application.

b. Concurrent Reclamation

The MPRB and/or the CDRC may recommend, and the Board may require any of the following:

- 1) That the applicant conduct reclamation activities concurrent with any exploration or extraction activities;
- 2) That such concurrent reclamation activities be required on any phase or part of a mining land use or a mine site;
- 3) That such concurrent reclamation include reclamation of piles of waste material or other disturbed areas by any of the following methods: contouring on an ongoing basis, reseeding, limiting the size of the pile of wasterock, limiting the tonnage of wasterock allowed on the mine site.

c. Other Limitations on Exploration or Extraction Permits

In considering an application for an exploration or extraction permit, the MPRB and/or the CDRC may recommend, and the Board may require any of the following:

- 1) that an applicant be permitted to disturb only a certain number of tons of material at the mine site for any mining land use;
 - 2) That the exploration and extraction activities be permitted in defined phases;
 - 3) That any permit expire at the end of a certain period;
 - 4) That contamination of ground water or surface water during any mining land use be contained on the mine site, and that the failure to achieve containment will result in immediate revocation of the permit;
 - 5) That an inspection of the mine site and review of the permit be conducted on a semi-annual basis, or other appropriate length of time.
- d. The MPRB and/or CDRC may recommend and/or the Board may approve an application for mining land use subject to such other conditions and modifications which are designed and imposed to meet the purposes, performance and development standards established in the Code.

B. Past Performance Review

1. In determining whether any application, permit request, or submittal pursuant to this Section 5 shall be approved, the MPRB, the CDRC, and the Board shall consider any violations of federal, state, and local laws regulating or pertaining to mining and the environment concerning the applicant/permittee's mining operations in the United States. The Board shall consider the past performance of the applicant in any of its previous mining operations since 1970, located anywhere throughout the world. The applicant shall submit the following; a statement of all mining operations owned, operated, or directly controlled by the applicant, and the names and the addresses of regulatory agencies with jurisdiction over the environmental aspects of those operations. The County may use these submittals to obtain information regarding past performance, and may also require the applicant to produce relevant documentation. The County shall consider conditions involving toxic waste spills; environmental problems or dangers caused by the applicant; the success of the applicant's prior reclamation activities; destruction caused by the applicant to fauna, flora, water supplies, and adjacent properties; as well as any measures, if any, the applicant took to correct or alleviate those problems. The applicant shall provide, upon request by the Code Administrator, CDRC, MPRB, or the Board, any and all relevant documents relating to any of the applicant's other mining operations, in existence or terminated, which the County reasonably correlates to any mining land use which the applicant is proposing to conduct in Santa Fe County. The applicant shall also allow any representative(s) of the County to make site visits to any existing or closed mine site of the applicant, at the expense of the applicant, if the County so chooses, when the County reasonably concludes that such visits are necessary in order to properly consider the proposed application.
2. An application may be denied approval if:
 - a. it is determined that, based upon the applicant's submittals under this Section, and past performance of the applicant anywhere throughout the world, that the applicant's proposed mining activity in Santa Fe County would more probably than not, as a standard of proof, result in conditions which would adversely impact the health, safety or welfare of the County of Santa Fe, its residents, and its environment, in a significant way, and;

- b. the applicant has not established that there would be sufficient safeguards to assure that adverse conditions created or caused by the applicant anywhere throughout the world would not happen at the proposed mine site.

C. Amendments or Revisions to Plans; Permit Transfers

1. Minor revisions. Minor permit revisions or minor changes in procedures can be approved by the Code Administrator or can be reviewed by consultants employed by the County who shall provide recommendations to the Code Administrator. The Code Administrator shall review the proposed revisions and determine whether such modifications may be dealt with administratively or warrant review by the MPRB, CDRC, and Board pursuant to the procedures set forth in this Code.
2. Major revisions. Extensive or substantial amendments or revisions to approved plans as determined by the Code Administrator, shall be subject to review by the CDRC and review and approval by the Board. Major revisions of an approved plan or major revisions of a technical nature require the MPRB to convene and to re-submit its findings to the CDRC. Procedures for convening the MPRB are found in Section 5.3.1 A.3.
 - a. A revision to a permit is not minor and approval of the CDRC and Board must be obtained:
 - 1) For changes in the mining or reclamation operations described in the permit, when such changes constitute a departure from the method of conduct of mining or reclamation operations contemplated by the permit. Departures as used herein include but are not limited to:
 - a) Changes in the permit area boundary;
 - b) Changes in the method of extracting minerals from the earth (e.g. change from surface to underground mining);
 - c) Experimental practices as that term is used in part 10 and Section 69-25A-33 NMSA 1978;
 - d) Changes which would require a variance;
 - e) Changes which may have an adverse effect on the environment of a nature not originally covered by the approved permit; or
 - f) Changes which may have an effect on financial warranty requirements.
 - 2) For a change in financial warranty, including but not limited to, the cancellation or material reduction of the liability insurance policy, or performance bond. Continued operation after a significant change in the financial warranty may occur only after approval of the CDRC and the Board, or after modification of financial warranty by the CDRC and the Board.
 - 3) As otherwise required by the Ordinance.
 - b. A permittee who wishes to make a minor modification in its mining land use or its mining procedures shall notify the Code Administrator, who shall review the proposed change and, if he finds that the proposed change is minor, modify the permit accordingly and notify the permittee and any interested party that a new permit is not necessary. The Code Administrator's decision can be appealed to the CDRC.
 - c. All other revisions can be done by the Code Administrator.

3. Permit Transfer

- a. Transfer of a mineral exploration and/or extraction permit to succeeding operators must be approved by the Board at a public hearing before the transferee can commence any mining land use. Succeeding operators and the transferor shall satisfy the County that all liabilities relating to performance and financial warranties associated with the development permit issued by the County for the specific mining land use are maintained in an amount and with sufficient and reasonable safeguards, and the Board may re-evaluate and require adjustment in financial warranties in order to assure compliance with the Code.
- b. Transferees of a mine site or permit which has been abandoned or temporarily out of operation for more than 3 years after February 15, 1991 must obtain a new and separate mining permit, in the name of the transferee, and shall be subject to zoning requirements of the Code.
- c. In all cases of transfers of real property from a mining land use to a non-mining land use, the parties to the transaction must: 1) reclaim the property to be conveyed, and must otherwise clean up any harmful, hazardous, or toxic condition present in, on, or under the property to be conveyed, or 2) submit a revised reclamation plan for approval by the County. Failure to maintain the financial warranties or to submit a revised reclamation plan creates a lien in favor of the County on the property for the cost of completing the cleanup. In all such cases, the transferor must place disclosures on the deed and the plat of the property conveyed which states that the property was previously associated with a mining land use, and that harmful, hazardous, or toxic conditions may be present on the property; and that the buyer be alerted to any property rights retained by the transferor.
- d. A mine site, permit, an exploration activity, or extraction activity which is or has been out of operation or inactive for thirty-six (36) consecutive months after February 15, 1991 creates a rebuttable presumption of abandonment. A mine site or permit is inactive if it is determined by the Code Administrator that there has been no significant exploration or extraction activity during the time period stated above. In making a determination of abandonment, the County shall consider all relevant, substantiated, and objective factors as they affect the mining activity at the mine site, including but not limited to: the number of days that exploration or extraction have taken place; the amount of ore and minerals taken from the mine site; the amount of surface or underground disturbance at the mine site during any period of apparent abandonment; the amount of gross sales from minerals extracted from the mine site; the number of employees working at the mine site; the amount of equipment used; underground disturbance; the erection of buildings or other development; business records and logs which give evidence of mining activity; tax reports; evidence that the permittee is willing but unable to conduct mining land uses, because of appeals or regulatory delays in the permit process not caused by the permittee (however, the running of the thirty-six month period is not tolled when any regulatory process is commenced because of any harmful, hazardous, or toxic condition on the permit area); credible testimony; receipts or bills of sale issued by the applicant/permittee in the course of business. The County shall give no weight to unsubstantiated claims or statements of witnesses.

D. Requirements for New or Additional Permits

1. Any permit issued pursuant to Article III, Section 5 of this Code does not in any way exempt the applicant or preempt any other part of this Code, or any other law, which would require the applicant to obtain additional permits for construction of roads, buildings, or developments, on or off of the permit area.
2. Before an applicant/permittee makes any significant change in its mining land use, including, without limitation, expanding the use of a mining land use from exploration to extraction activities, exploration into areas not previously permitted, or extracting additional quantities of ore or minerals than originally permitted, the applicant/permittee shall reapply to the County for a new permit, requesting approval for the new or expanded mining land use. See also subsection 5.3.1 C.
3. Any application or permit approvals given by the County do not in any way constitute further obligation or assent by the County for additional or subsequent extraction, exploration permits or expansion of mining land uses.

E. Appeals

1. Appeals of findings or decisions by the CDRC shall be made to the Board of County Commissioners, pursuant to Article II of the Code. The Board shall hear the application *de novo*.
2. Appeals of the Board of County Commissioners' decisions are filed in the First Judicial District Court, within 30 days of such decision.

F. Notice Requirements

1. Mineral exploration and extraction applications shall be subject to the notice requirements set forth by the Code for public hearings, for notice to adjacent property owners, and for re-zoning of property.
2. When an incorporated neighborhood association has filed a request in writing with the Code Administrator, notice shall also be given to such association.

5.3.2 Financial Warranties

- A. After an exploration or extraction permit application has been approved, but before the permit is issued, the applicant shall file with the Board financial warranties for performance conditioned upon faithful performance of all of the requirements of the permit.
1. The financial warranty shall cover that phase or area of land within the permit area upon which the operator will initiate and conduct mineral exploration, extraction and reclamation operations within the initial term of the permit. As succeeding increments or phases of operations are to be initiated and conducted within the permit area, the permittee shall file with the County additional financial warranties to cover such increments in accordance with this Section 5. All financial warranties shall be indexed for inflation and may be reviewed and re-evaluated from time to time and during any phase of a mining land use. In particular, the financial warranties can be increased pursuant to requirements of this Section 5.
 2. The amount of the financial warranty required for each area shall depend upon the reclamation requirements of the approved permit; shall reflect the probable difficulty of reclamation giving consideration to such factors as offsite impact, topography, geology of the site, hydrology and revegetation potential, and shall be recommended by the operator and determined by the County.
 3. The amount of the financial warranties shall be sufficient to assure the completion of the reclamation plan if the work would have to be performed by the County or an independent contractor hired by the County.

4. the financial warranties shall be in an amount sufficient to ensure that any foreseeable hazardous, harmful or toxic conditions created by the mining operation which would adversely affect the residents or the environment of the County (excluding groundwater and drinking water sources of County residents) will be substantially mitigated or eliminated. The financial warranties will assure that the potentially harmful, hazardous or toxic conditions created by mining land uses as they affect groundwater and drinking water are eliminated.
- B. The liability under performance sureties or other financial warranties shall continue until such time as they are released in their entirety by the Board.
- C. In determining the form of financial warranties to be provided by the permittee, the operator shall propose a form of financial warranty consistent with the requirements of subsection 5.3.2, and the Board shall approve or deny the proposal, and the Board's approval shall not be unreasonably withheld.
1. Financial warranties may be provided by the permittee, the operator, by any third party, or by any combination of these persons.
 2. Financial warranties shall consist of any one or more of the following:
 - a. A surety bond, not issued by the permittee, issued by a corporate surety authorized to do business in this state, payable to the County of Santa Fe;
 - b. An irrevocable letter of credit secured by funds on deposit and issued by a bank authorized to do business in the United States, payable to the County of Santa Fe;
 - c. A certificate of deposit payable to the County of Santa Fe;
 - d. A reclamation trust fund held by an independent trustee.
 3. All financial warranties required in Section 5 must meet the following criteria:
 - a. assurance of funds sufficient to cover the costs for which the financial warranties are required;
 - b. assurance that the funds will be available and made payable to the County, as needed;
 - c. assurance that the funds will be fully valid, binding, and enforceable under state and federal law; and
 - d. assurance that the funds will not be dischargeable through bankruptcy.
 4. If a financial warranty should lapse for any reason, the permittee shall obtain a replacement in an equivalent amount within five (5) working days. Notice to the Board by the applicant is required for any circumstance that would impair such financial warranties or require their revocation.
- D. Financial warranties shall be maintained in good standing for the entire life of the permit, plus up to twenty (20) additional years, provided that the Code Administrator may determine, based upon inspections and monitoring, that a financial warranty should be maintained for an additional period of time. The twenty-year period will run concurrently with the thirty-year financial warranties required in subsection 5.5.8 B.5 and/or subsection G below.
- E. The Code Administrator and/or the board may, in their discretion, hire experts in the areas which will be covered by the financial warranties, in order to review the applicant/permittee's submittals under this Section, for the County to be able to establish the amounts of the financial warranties necessary to guarantee completion or reclamation of the permit requirements, and may consider amounts comparable to whatever are current reclamation and/or cleanup costs for similar mines using similar processes. The cost of hiring such consultant shall be paid by the applicant.

- F. Re-evaluation of financial warranties. All financial warranties will be re-evaluated for adequacy pursuant to this Section every four (4) years or on a schedule tied to construction and inspection of key phases of the operation and reclamation plan as set forth in the approved, exploration or extraction permit. In addition, the Board may review and re-evaluate and may adjust the amount of the financial warranties for any mining land use permit or any phase of a permitted operation whenever:
1. An applicant seeks approval of a transfer of a mineral exploration and/or extraction permit;
 2. Amendments or revisions of an approved plan are proposed;
 3. Evidence is found through the on-going inspection and monitoring of a mining operation or reclamation that an approved financial warranty may not be adequate because of actual site conditions which were not anticipated, discovered, or addressed during the initial permit application process or because changing conditions affecting the costs of implementing the approved plan exceed projected costs; or
 4. It is discovered that a violation of the Code or requirements of an approved permit has occurred which involves any toxic, hazardous, or harmful materials, solutions, or conditions of the mining land use.

G. Chemical or Processing Bond.

1. Any applicant/permittee who uses or proposes to use any harmful, toxic or hazardous organisms or materials, including any solutions or chemicals such as those used in cyanide heap leaching operations, at any mine site may be required by the Board, upon recommendation of the MPRB and the CDRC, to file with the County a financial warranty, known as a "Chemical or Processing Bond." The financial warranty shall be in an amount sufficient to assure cleanup, reclamation and repayment for any loss, damage or injury proximately caused by chemicals, organisms, or procedures used or proposed to be used by the applicant/permittee at the mine site.
2. Factors that the MPRB, CDRC and the Board may consider in determining the amount of the financial warranty include, but are not limited to: characterization of water quality; direction and velocity of groundwater flow; depth to water and geology of the proposed site; supervision; mobilization; costs of equipment; equipment capability; costs of labor; removal or disposition of debris, junk, equipment, structures, foundations and unwanted chemicals; reduction of hazards such as: in-water slopes, highwalls, and landslides or other mass failure; seismic activity; subsidence; disposition of oversize, rejects, scalplings, and overburden; backfilling, contouring or regrading and topsoil replacement; draining, establishment of drainage, and erosion control; soil tests; long term stabilization, control, containment or disposal of waste solids and liquids; costs of remedial measures identified to clean up releases of contaminants associated with mining; and processes of beneficiation that are reasonably likely to cause a threat to public health, safety or the environment.

5.3.3 Fees

Fees for reviews and permitting of mining districts, and any other fees shall be reasonable but adequate and set by a resolution of the Board of County Commissioners. Extraordinary fees for consultants or the MPRB shall be reasonable but adequate and paid by the applicant. Reasonable but adequate review fees shall be assessed by the County to the applicant for the review of the annual report and other documents of the applicant, site

inspections, maintenance of all warranties, including forfeited warranties, warranties of performance, and inspections.

5.3.4 Temporary Cessation

- A. Owners and/or operators of mineral exploration or mining operations that sustain a temporary cessation for any reason shall be subject to and be responsible for the following:
1. Giving notice to the County within 30 days before plans to temporarily ceasing operations for any period exceeding six (6) months, the reasons therefor, if not proprietary, the date operation will cease, and an estimate of when operations will resume. Such notice shall also include posting on the mine property and mailing certified letters to all known adjacent property owners as they are disclosed by the records of the Santa Fe County Tax Assessor, and to neighborhood associations on record with the Code Administrator under this Section 5.
 2. Providing protection and security of the site from damage by erosion, surface drainage, groundwater and surface water contamination and maintaining the performance standards of the Code.
 3. Reclamation of areas designated in the approved plan, or as modified by the Board, financial warranties, annual reporting, inspections, and monitoring shall continue during the temporary cessation period.
 4. Taking whatever means are reasonable to assure that access to the mine site is prevented to any person except the permittee and his designees, and to appropriate County officials and citizen representatives.
- B. The period of temporary cessation may not extend longer than three (3) years from the date notice is given to the County, pursuant to Section 5.3.4.A., unless the permittee is unable to resume operations because of ongoing regulatory or judicial proceedings. In such cases, the three-year period shall be tolled until the regulatory process is concluded. In order to rely on the subsection, the permittee must file an annual notice with the County, identifying the area of temporary cessation, and the status of the pending judicial or regulatory proceeding. Any mineral exploration, extraction or mining operation which exceeds the three (3) year period of temporary cessation set forth herein shall be recognized and considered as an abandoned exploration, extraction or mining land use and before any future mineral exploration, extraction or mining land use can recommence, an applicant, permittee or other person must obtain a new permit. One factor which can be considered to toll the period of temporary cessation is the receipt by the Code Administrator of a permit application which is deemed complete by the Code Administrator, provided that the applicant is diligently pursuing any necessary permits from state agencies which are necessary for County approval of the application. For the purposes of this subsection, a mine site or other area on which has occurred no significant mineral exploration, excavation, or mining operation for thirty-six (36) consecutive months during any period of time after February 15, 1991 creates a rebuttable presumption of abandonment. The Board of County Commissioners shall consider all relevant and objective factors to determine whether a mining land use has been abandoned. These factors to be considered include, but are not limited to the following: business records and logs which give evidence of mining activity; tax reports; evidence that the permittee is willing but unable to conduct mining land uses, because of regulatory delays in the permit process not caused by the permittee (however, the running of the thirty-six month period is not tolled when any regulatory process is commenced because of any harmful, hazardous, or toxic condition on the permit area); credible testimony; actions taken to secure

permits required by this Section; and receipts or bills of sale issued by the applicant in the course of business. The Board of County Commissioners may draw logical conclusions from those factors which tend to prove that a mine site, permit, exploration activity, or extraction activity which is or has been inactive or without sufficient activity to overcome the presumption of abandonment for thirty-six (36) consecutive months is deemed to be abandoned. No mining land use or expanded use will be permitted until a new mining land use permit is obtained.

- C. For purposes of this subsection, sporadic or intermittent mining or exploration activity shall not constitute an interruption of the three (3) year cessation period. Applications may be submitted to extend the time of temporary cessation for a period not to exceed three (3) additional years, provided the application complies with 5.3.4. A and B.
- D. If it is determined at any time by the County or the permittee that the operation is terminated and closure of the mine site is required, the County may, at its sole option, call and exercise the warranties of performance to reclaim the mine site, in accordance with the approved reclamation plan.

5.3.5 Inspection and Monitoring

- A. Each person who has obtained an approved mineral exploration or extraction permit shall:
 - 1. Establish and maintain permit documents, as reasonably required by the Code Administrator;
 - 2. Make yearly reports to the Code Administrator; such reports shall consist of:
 - a. An estimate of the acreage affected during the last twelve (12) month period.
 - b. An estimate of the acreage to be affected during the next twelve (12) month period. Note: The anniversary of the twelve (12) month period is the date on which the development permit was issued.
 - c. A listing of the number of employees currently employed or subcontracted at the site and any change in such employment.
 - d. Updated maps which show the permit area, the affected area, the area to be affected, the area undergoing reclamation, and areas within the permit area that are not to be disturbed.
 - e. A re-evaluation of financial warranty requirements and a justification for any change in such requirements.
 - f. Results of monitoring pursuant to subsection 5.3.5., including all procedures used for sampling, sampling data, and copies of laboratory analytical reports and chain of custody documentation for any samples analyzed.
 - g. A report on the amount of annual use of water.
 - h. A notarized statement signed by the owner, operator, or permittee or by the person preparing the report for the owner, operator or permittee, stating that he or she is personally familiar with the information submitted in the report, and that the report is true and correct.
 - 3. Install, use and maintain any necessary monitoring equipment or methods;
 - 4. Provide such other information relative to the mineral exploration or extraction and reclamation operations as the County, by regulation, deems reasonable and necessary.
 - 5. As determined by the County, some items of the above may not be applicable for mines in temporary cessation.
- B. For those mining and reclamation operations which may adversely impact aquifers or significantly injure the water supply for water users either on or off the mining site, the County may require the permittee to provide and perform the following, as set forth by the approved Master Plan:

1. Monitoring sites to record the quantity and quality of surface drainage above and below the mine site as well as in the potential zone of influence;
 2. Monitoring wells to record the quantity and quality of ground water and aquifers potentially affected by the mining;
 3. Monitoring of the mine site to record precipitation;
 4. Collection and analysis, using appropriate laboratory or field analytical methodology, of samples of soil, water, and rock;
 5. Notification of the Code Administrator at least twenty-four (24) hours in advance of the collection of any soil, water, or rock samples that may be required to be collected and analyzed under subsection 4, above, in order to give the County the opportunity to collect and analyze a split or duplicate sample for verification purposes;
 6. Payment of the laboratory costs for analysis of any split or duplicate soil, water, or rock sample submitted for analysis by the County under this subsection shall be made by the applicant/permittee.
- C. The monitoring data collection and analysis required by this subsection shall be conducted according to standards and procedures set forth by the Code or by the Code Administrator in order to assure their reliability and validity.
- D. The authorized representatives of the County, without advance notice and upon presentation of appropriate credentials, shall:
1. Have the right of entry to, upon or through any mineral exploration, extraction mining operation or reclamation operation, on any premises at any time to determine if the applicant is in compliance with the permit requirements and conditions, or for any other good reason; and
 2. At reasonable times, and without delay, have access to and copy any records associated with permitting and compliance, and inspect any monitoring equipment or method of operation required under the Code; provided, however, that before entry to, upon or through any mineral exploration, extraction, mining operation or reclamation operation, on any premises, the authorized representative is properly safety trained, is equipped with proper safety equipment and devices, is knowledgeable about current safety hazards, and is accompanied at all times by an authorized representative of the operator or permittee, who will, at all times, be present on the mine site during normal business hours.
- E. The Board may, in its discretion, allow three (3) persons chosen from the Board, CDRC, or the MPBR and one (1) citizen of Santa Fe County, approved jointly by the Board and the permittee, to have the right of entry, as a group, at any reasonable time of the day, announced or unannounced, upon exploration, extraction, or reclamation operation on any premises, provided such individuals are properly equipped with the proper safety equipment and devices, are knowledgeable about current safety hazards, and are accompanied at all times by an authorized representative of the operator or permittee, who will, at all times, be present on the mine site during normal business hours. The permittee shall provide free safety training for such County representatives. After such a site visit as set forth herein, and if a majority of the County representatives finds that a violation of this Code has taken place, then the County representatives shall alert the Code Administrator in writing, of such a condition, and the Code Administrator shall, within sixty (60) days of receipt of such notice, respond to the written notice by stating how the County has responded to the report.
- F. The inspections shall:
1. Occur as necessary to insure compliance with the Code, or any condition of a permit issued under the Code. The frequency of inspection shall be determined by the extent of the operation, rate of mining, degree of actual or potential environmental impact, and the operator's past record of compliance;

2. Occur without prior notice to the permittee or his agents or employees except for necessary on-site meetings with the permittee; and
 3. Include the filing of inspection reports adequate to enforce the requirements of and to carry out the terms and purposes of the Code.
- G. Each permittee shall conspicuously maintain at the entrances to the mining and reclamation operations a clearly visible sign which sets forth the name, business address and phone number of the permittee and the permit number of the mining and reclamation operation.
- H. Copies of any record, reports, inspection materials, sampling data, or information obtained under these Code provisions, except for competitively sensitive, cost and other financial data or material required by law to be kept confidential, shall be made immediately available to the public upon request.

5.3.6 Local Land Use Plans, Community, Neighborhood or Sector Plans and Code Amendments

This section establishes additional procedures to create an amendment to the County General Plan for the purpose of designating agricultural, residential, commercial, industrial, mineral extraction, recreational, or other use areas to assure the locational suitability and compatibility of a wide range of existing and future land uses in greater detail than is provided by the County General Plan and Land Development Code.

- A. Amendments to the Land Development Code (1992-1) relating to zoning may be proposed to the Board, provided a local land use plan, community, neighborhood or sector plan or other general plan amendment is adopted by the Board.
- B. Components of local land use or sector plans must address a full range of land use classes for relationship, compatibility and intensity of types of uses and suitability of locations, including but not limited to, roads and utilities, a mix of housing types, commercial districts, industrial use areas, natural resource areas, open space areas, institutional uses, recreational uses, cultural properties, mineral extraction and lands unsuitable for development.
- C. Applications for local, community, neighborhood or sector plans should address special needs or conditions which justify the plan; outline required studies and results; describe procedures for implementation; and map the proposed planning area boundaries.
- D. All public participation proceedings shall be recorded and participation must represent a cross section of County residents, ethnic, cultural, economic and property interests, and other interested persons.
- E. Reports shall clearly identify and discuss major land use and development issues of the community and neighborhoods.
- F. The plan document shall include goals and objectives, the methodology used for analysis and be derived from current planning practice and techniques.
- G. Submittals for local land use, neighborhood, community or sector plans shall be reviewed in accordance with Article VI, Section 4, and according to the public hearing procedures in Article II of the Code. The Board shall make any general plan amendment based on clear and convincing evidence that such an amendment is in the best interests of the County, without working a hardship on residents of the area sought to be rezoned.

5.3.7 Penalties and Sanctions

- A. Failure to comply with this Section 5 of the Code shall be subject to penalties as set forth in Article II, Section 5, Enforcement of the Code.

- B. Penalties may also include suspension or revocation of the mineral exploration and/or mining land use permit or the calling and exercise of the financial warranties. The penalties in this subsection will be imposed only after a hearing before the Board.
- C. The Board may, in its discretion, conduct a hearing to determine whether:
1. any of the requirements of approval as established by the Board, have not been complied with by the applicant;
 2. an exploration activity has developed into an extraction activity without requisite permits;
 3. an applicant has missed a deadline, such as a reclamation schedule; or
 4. the applicant has exceeded the limitations of its exploration or extraction permit, as established by the Board. Upon such a finding that the applicant is in noncompliance, the Board may require compliance within a limited period of time; require the applicant to cease all exploration or extraction activities until compliance is established; or require such other remedy as is appropriate.
- D. Emergency Cessation
1. The Code Administrator may require the permittee or operator of any mining land use in the county to immediately cease all or part of mining land uses (except for reclamation, which shall continue uninterrupted) if there exists a condition, practice, or permit violation which creates an imminent danger to the health or safety of the public or the environment, or is causing or is reasonably expected to cause significant, imminent harm to wildlife, land air, environment, or water resources. Any such condition, practice or permit violation must be reported by the permittee by telephone to the Code Administrator within 24 hours, regardless of weekends or holidays, followed by a written report. In such case, a hearing of the Board shall be convened within five (5) days of the cessation to determine whether all or part of the mining land use shall cease, as well as when and for how long the cessation will last. In implementing this provision, the County may follow the principles and precedents established under federal Surface Mining control and Reclamation Act of 1977, as amended from time to time. In addition, the County can require cessations of any and all mining land uses for any of the following conditions: failure to comply with section 5.3.2; failure to promptly meet the requirements and decisions of a court of competent jurisdiction; inoperative or incomplete monitoring equipment, as required by this Section, when such condition would cause a significant safety risk; contamination of ground water and drinking water caused by the mining land use; lack of water rights or water availability; or blastings that cause structural damage to the dwelling units or other permanent structures on the property of residents of Santa Fe County when the owner of the structure establishes, to the satisfaction of the Code Administrator, that the damage was proximately caused by the permittee.
 2. If any toxic or hazardous materials, solutions, or conditions of mining land uses should leave the permit area, which would cause harm or risks of harm to the health, safety, or welfare of the residents of Santa Fe County or its environment, for any reason, despite the best efforts of the permittee or his operator to contain such conditions on the permit area, then the permittee shall immediately, but in no case later than four (4) hours after such an event, contact the County Manager or Code Administrator to inform the county of such an occurrence, followed by a written report.

5.4 Submittals

To obtain a mining permit for the purpose of mineral exploration or extraction, the following shall be required:

5.4.1 Submittals for Types of Mines and Operations

Each application for mineral exploration or extraction permit or by a mine operator who proposes an expanded mining land use shall be evaluated for the purpose of establishing the type of mine that is proposed. The type and size of mining land use and mine site will then be evaluated by the Code Administrator to determine which submittals will be required of the applicant. Objections to the findings of the Code Administrator can be appealed by any interested person to the CDRC.

A. Existing Mines and Operations

1. Existing mines are defined by Section 5.2.
2. Existing mines shall submit the following:
 - a. A description of current operations, which sets forth the following:
 - 1) All the areas which the operator is currently mining and all areas which are in a temporary state of cessation. This description shall be either a legal description, or a designation on a US Geological Survey map or comparable map, outlining, to the satisfaction of the County, the area of operation;
 - 2) The type of mining operation;
 - 3) The date the mining interest was acquired;
 - 4) The nature of the title of the ownership or possessory interest (fee simple, lease, and mining location) all of which are to be submitted within four (4) months of the effective date of this Ordinance;
 - 5) Number of employees;
 - 6) Mining processes used, including solution processes; and
 - 7) Plans used to prevent acid drainage.
 - 8) The requirements set forth in Sections 5.4.1.A.2.a.5), 6), and 7) must be submitted by July 1, 1993.
 - b. A reclamation plan for the current operations which provides for the following requirements:
 - 1) On all affected areas, the operator in consultation with the surface estate owner and mineral estate owner where possible, and in agreement with the County, whose agreement will not be unreasonably withheld, shall determine which parts of the affected area shall be reclaimed.
 - 2) A detailed description of how the reclamation is to be achieved;
 - 3) A detailed description of techniques proposed to be used in reclamation, pursuant to the environmental performance standards in Section 5.5.5;
 - 4) A detailed timetable for each phase of reclamation;
 - 5) An estimated cost of accomplishing the reclamation plans, or an explanation of how the reclamation is to be done, with any bonding or financial responsibility requirements to be decided by the Code Administrator on a case-by-case basis;
 - 6) A detailed description of the measures to be taken during the reclamation process to provide for the protection of the quantity and quality of surface and ground water systems, both on and off site, from adverse effects of the mining and reclamation processes; all of which (1 through 6) are to be submitted on or before August 18, 1992.

- 7) In order for the County to determine present environmental conditions on land that the mining operation claims to be a pre-existing mining use under this subsection and on which such mining operator intends to conduct mining activities, the operator shall submit:
 - a) Where such information can be lawfully obtained, a description of all streams, creeks, arroyos, and bodies of water within 1000 feet of the boundaries of the current mining activity;
 - b) A detailed description and maps of the tailings, mineral waste, and geologic conditions on the tract;
 - c) A scaled plan in cross-section by length and height, showing existing profiles of slope of the affected area; and
 - d) An inventory and detailed description of existing vegetation, wildlife and wildlife habitat according to species and density of occurrence;
 3. All existing mining land uses shall keep the effects of the mining operation, including vibration, noise, air contamination, and water contamination, on the permit area. Any violation of this requirement will be cause for the county to require the existing mining operation to cease operation until the harmful, hazardous, or toxic effects of the mining land use are removed, the condition of the adjacent lands is returned to the same condition as existed before the violation, and there are reasonable assurances made that the violations will not recur.
 4. All owners or operators of existing mining land uses shall allow County representatives to enter onto the permit area, at reasonable times, and without delay to have access to and copy any records associated with the mining operation which pertain to its compliance with this Section; provided that the authorized representative is properly safety trained, is equipped with proper safety equipment and devices, is knowledgeable about current safety hazards, and is accompanied at all times by an authorized representative or the operator of the mine.
 5. The information required by the operator of the mine will be submitted on a form supplied by the County.
 6. A person who has conducted any sort of mining land use and who desires or who does modify those activities in such a way as to intensify those activities beyond those set forth in his submittals to the County pursuant to Section 5.4.1 A, or who desires or who does progress from exploration activities into extraction activities must apply for a new exploration or extraction permit pursuant to Sections 5.4.1 B, C and/or D, as applicable.
- B. Exploration Operations**
1. Exploration activities are defined by Section 5.2.
 2. Persons desiring to undertake exploration activities shall be required to submit an environmental assessment, a Master Plan and a reclamation plan pursuant to Sections 5.4.2 and 5.4.3.
 3. Exploration activities shall be subject to the performance standards of this Section 5, to warranties of performance, and the review procedures of Section 5.3.
 4. Past performance submittals, as required by Section 5.3.1 B.
- C. Mineral Extraction and Mine Development**
1. Mineral extraction and mine development activities are defined by Section 5.2.
 2. Submittals shall include:
 - a. An environmental assessment pursuant to Section 5.4.2.
 - b. A Master Plan for development pursuant to Section 5.4.3.

3. Mineral extraction uses shall be subject to the performance and development standards, warranties of performance and the review procedures of this Section 5.
4. Past performance submittals, as required by Section 5.3.1 B.

D. Mining Land Uses which Use Certain Harmful, Hazardous or Toxic Processes or Materials

1. Permit Required. An applicant proposing to construct a new mining operation, commencing to operate an existing non-permitted operation, or proposing to substantially modify or expand an existing operation and who proposes to use solutions or hazardous, harmful, or toxic materials or processes in any stage of the mining operation shall first apply for, and receive, a permit from the County for such uses and operations.
2. Submittals shall include:
 - a. An environmental assessment pursuant to 5.4.2.
 - b. A Master Plan for development and accompanying reports pursuant to 5.4.3.
 - c. Additional reports and submittals specified pursuant to 5.4.3 C, if applicable.
 - d. All permits required by Section 5 may be applied for simultaneously and submittals need not be duplicated as long as the reports or data are cross-referenced to specify the requirement(s) or standard it is intended to fulfill.
3. Mining land uses which use certain harmful, hazardous, or toxic processes or materials shall be subject to the performance and development standards of Section 5.5.8 in addition to the general performance and development standards, warranties of performance and review procedures of this Section 5.

5.4.2 Environmental Assessments; Environmental Impact Statements

The following analysis shall be considered by the County with the assistance of the Mining Plans Review Board, the reviewing agencies and/or consulting professionals to the County:

- A. Environmental assessments shall be required. Environmental assessments shall contain the following:
 1. The location and extent of area to be affected.
 2. An inventory of existing conditions on the site, including, but not limited to, degree of slope, soils types, extent and location of water resources, geologic or other hazards, flood zones, eroded areas, wildlife and wildlife habitat, vegetation types and extent of cover and a description of the extent to which the exploration, extraction or reclamation will impact those conditions.
 3. A description of chemical substances, solutions, and hazardous materials and technical methodologies contemplated for use or to be produced by either the mineral exploration or the mining operation and a detailed plan for containment and disposal of such materials.
 4. A description of the mineral exploration activity and any proposed or resulting mining operation, including but not limited to a description of trenching, shaft sinking, bulk sampling, assay work and the like for exploration; existing structures and improvements, and their intended uses, and proposed structures and improvements and their respective locations; improvements to roads, including County roads, to be used to access the property, and roads to be utilized or constructed on the property; a description of areas to be subjected to blasting, drilling, excavation; grading, impoundment of materials for processing or milling, and of mining waste or tailing impoundments, and drainage control structures and earth stabilization techniques.
 5. The location of any site listed on the National Historic Register, a site of significant archaeological value, a public park, or other cultural resource. For

purpose of this Section 5, a reconnaissance survey pursuant to Article VI, Section 3 shall be required for all applications.

6. The presence on the site of a rare or endangered species of animal, plant, or habitat of such species.
 7. The presence on the site of prime farm land, wetlands, wild and scenic rivers, or an ecologically critical area.
- B. Upon a finding of significant impact to any of the items listed in 2, 5, 6, or 7 above by the MPRB, the Code Administrator may require the submittal of an Environmental Impact Statement which shall be reviewed by the MPRB for additional recommendations before CDRC review, which will reasonably amend the timing requirements in Section 5.3.1. The Environmental Impact Statement shall be prepared by a third party approved by the Code Administrator and paid by the applicant.
- C. Guidelines for the contents of an Environmental Impact Statement (EIS) are found in the Regulations of the National Environmental Policy Act, 40 CFR Parts 1500-1508.
- D. Socio-economic assessments may be required of projects requiring an EIS. Such assessments shall analyze the effects of the project on the socio-economic characteristics of the County or its services and infrastructure, and should include anticipated employment, tax revenues, orders to local suppliers for goods and services, and similar items. Socio-economic assessments shall be evaluated according to the following types of criteria:
1. That expansion of services such as fire and police protection rendered to the project by the County will not result in a negative fiscal impact to the County.
 2. That the project will not affect, in a negative manner, the rate, distribution and demographic characteristics of the County as that relates to the provision of roads, water supply, sewage disposal, housing, schools, landfills, health facilities, recreation and local business.

5.4.3 Submittals for Mineral Exploration or Extraction

- A. Submittal of a master plan as set forth in Article V, Section 5.2, Master Plans. The master plan submittal shall be accompanied by a market analysis, an economic impact report and a fiscal impact report; a traffic report described by Article III, Section 4.4.1, shall include documentation of truck traffic and type of materials and weight of loads to be carried by trucks on roads on and off the site.
- B. Other submittals include:
1. Operations Plans shall consist of the following:
 - a. Maps, plans and graphics descriptions, timetables, and reports which correlate and specify:
 - 1) a detailed description of the method(s) or technique(s) of mining to be employed in each stage of the operation where any surface disturbance on affected lands will occur;
 - 2) pursuant to the standards in Section 5.5.5 B, a description of all earthmoving activities which includes backfilling of cuts, and leveling or compaction of overburden;
 - 3) the location and size of all water diversions and impoundments or discharge of water used in mine operations;
 - 4) the size and location of area(s) to be disturbed, which includes excavations, overburden spoils, topsoil stockpiles, driveways and roads;
 - 5) location and size of areas to be used for tailings impoundments, leaching dumps or storage of mine waste materials;
 - 6) areas to be used for storage of equipment, vehicles, chemicals and solutions;

- 7) location and size of structures;
 - 8) areas designated to be reclaimed;
 - 9) hours of operation and a description of outdoor lighting;
 - 10) fire protection plans; and
 - 11) proposed emergency training and procedures.
- b. A general description of the nature of the ore body or minerals to be mined; the volume and depth of the overburden to be removed and the size of the area to be affected or disturbed; and the nature and thickness of the geologic stratum beneath the surface except when information related to the ore body or minerals to be mined is considered by the Code Administrator to be proprietary.
 - c. A description of how ore or materials will be processed on the site.
 - d. A description of how minerals, processed ore, or other materials will be removed from the site.
 - e. A description of how each phase of exploration or extraction correlates to the reclamation plan.
 - f. A detailed time table for each phase of operations and reclamation.
 - g. A detailed description of the steps to be taken to comply with applicable air and water quality laws and regulations and any applicable health and safety standards.
 - h. A drainage control plan showing methods which will be utilized to avoid erosion on and adjacent to the affected lands.
 - i. A description of all hazardous, harmful, and toxic materials to be used and transported in connection with the mining or mineral exploration activity and a description of steps that will be taken to insure that the use of such materials will have no adverse impact on the residents or environment of Santa Fe County.
2. **Reclamation Plans.** A reclamation plan shall be required for each phase of the exploration or extraction and reclamation activity and shall consist of the following:
- a. On all affected areas, the operator in consultation with the County, surface estate owner and mineral estate owner where possible, subject to the approval of the County, shall determine which parts of the affected land shall be reclaimed.
 - b. A detailed description of how the reclamation is to be achieved;
 - c. The detailed description of mining techniques proposed to be used in reclamation pursuant to the environmental performance standards in Section 5.5.5;
 - d. A detailed estimated timetable for each phase of the mineral exploration or mining operation;
 - e. An estimated cost of accomplishing each major step in the mineral exploration, extraction and reclamation plan;
 - f. A statement explaining how the reclamation plan is consistent with any applicable state and local land use plans and programs;
 - g. A description of the manner in which the reclamation plan is consistent with local physical environmental and climatological conditions as follows:
 - 1) A description of all streams, creeks, arroyos, and bodies of water within 1000 feet of the boundaries of mine site.
 - 2) A detailed description and maps of the existing soils, mineral constituents, and geologic conditions on the mine site.

- 3) A scaled plan in cross-section by length and height, showing existing and planned profiles of slope of the affected area before and after the proposed mineral exploration or mining operation, and after reclamation;
 - 4) An inventory and detailed description of existing vegetation, wildlife and wildlife habitat according to species and density of occurrence;
 - 5) A plan for revegetation of affected lands including the location and depth of soil types, degree of slope, precipitation patterns, density of each species of vegetation to be used, methods for stockpiling, protecting and restoring topsoil and adding other growth mediums where required, time of planting, method(s) of planting, proposed seed rates and/or density of planting, and if necessary, use of fertilizers.
 - 6) A plan for the reclamation of tailings and mine waste, sediment ponds and areas of stored overburden.
 - 7) A detailed description of the measures to be taken during the reclamation process to provide for the protection of the quantity and quality of surface and ground water systems, both on and off site, from adverse effects of the mining and reclamation processes;
3. A listing of surface and sub-surface owners of record of and anyone claiming an interest in the property proposed for mineral exploration or extraction, and of property adjacent to the mine site, and of lease holders of the sub-surface minerals as follows:
 - a. The name, address and telephone number of the person or operator engaging in the mineral extraction or mining activity.
 - b. The name, address and telephone number of the local representative responsible and in the employ of the person or operator engaging in the mineral extraction or mining activity.
 - c. A description by township, range and section, using metes and bounds, of the lands subject to exploration or extraction activity including the estimated acreage of surface area which will be disturbed as a result of the mineral exploration and/or extraction activity.
 - d. If the surface and mineral estates are separately owned, a description of the legal arrangements under which the proposed exploration or mining use would occur.
 4. A report which responds in detail to the Environmental Protection Performance Standards in Section 5.5.5.
 5. A schedule which specifies the following:
 - a. The anticipated date upon which mineral exploration activity would commence.
 - b. A certification that the abandonment and plugging procedures of all surface drill holes shall conform to all applicable federal and New Mexico State Laws and Regulations.
 - c. The date by which reclamation of the mineral exploration or extraction activity and all phases thereof will be completed
 6. Any additional submittals required by the County.
 7. A listing of the permits required to be obtained to engage in the mining use on the mine site. Upon obtaining copies of the required permits, the applicant shall submit a copy of each of these permits to the Code Administrator. Copies of the submittals or other data presented to obtain required permits shall be provided to the Code Administrator upon request, with the name of the regulatory agency under which this permit is required.

C. Additional Submittals for Exploration or Extraction Operations which Use Certain Harmful, Hazardous, or Toxic Processes or Materials

1. The permit application shall fully describe the mine site and its environmental conditions, with an analysis of how the proposed mining operation and the proposed use of solutions, materials, or processes as set forth in this subsection will affect the site and its environment, and how the proposed mining land use complies with the requirements of this subsection.
2. Data required by this subsection which is already part of another required submittals need not be submitted twice, but the applicant may cross-reference the data to fulfill the requirements of this subsection, provided the cross-reference is specific and detailed.
3. The permit application shall in addition to the information described in Paragraph (a) above, include the following information, unless the information has been otherwise submitted:
 - a. Climate/meteorology characterization, such as prominent wind direction and speed, rainfall and ambient temperature ranges, with supporting data;
 - b. Surface and subsurface soils, and shallow bedrock characterization, with supporting data;
 - c. Surface water and groundwater hydrology studies, with supporting data;
 - d. Characterization of surface water and groundwater quality in three dimensional representation;
 - e. Inventory of surface water and groundwater beneficial uses;
 - f. Hydrogeologic characterizations of groundwater, with supporting data;
 - g. A geotechnical study, including information pertinent to landslides, subsidence and formation instability, with supporting data;
 - h. Characterization of proposed materials and wastes which include, for example, overburden, waste rock, stockpiled ore, leached ore and tailings. Characterization of mine materials and wastes shall include, but are not limited to the following:
 - 1) Chemical and mineral analysis related to toxicity or harmfulness to humans and wildlife;
 - 2) Determination of the potential for acid water formation;
 - 3) Determination of the potential for and quantification of long-term leaching of toxic or harmful materials from any of the mining operations, including any of the wastes generated;
 - i. Characterization of wastewater (quantity, chemical, and physical quality) to be produced by the mining land use operation; and
 - j. Assessment of the potential for acid-water formation from waste disposal facilities, low-grade ore stockpiles, waste rock piles and for surface water or groundwater accumulation in open pits that will remain after mining is ended.
4. Plans and Specifications
 - a. An applicant constructing or commencing to operate a mining land use or substantially modifying or expanding an existing mining operation and which proposes to use solutions or harmful, hazardous, or toxic materials or processes shall first submit plans and specifications, signed by an engineer registered in the State of New Mexico, with experience in mining, to the County for construction, operation and maintenance of the facilities intended for storage, containment, treatment, control, and disposal of solutions, chemically-treated or contaminated materials, and wastes.
 - b. The plans shall address all applicable requirements of this subsection, and shall include, but not be limited to, the following:

- 1) A description of the facilities to be constructed, including tanks, pumps, pipes and other storage and conveyance means for processing solutions, chemically treated or impacted materials, and wastewaters;
 - 2) A management plan for control of surface water and groundwater which effectively eliminates the possibility that surface water and groundwater would be contaminated with any harmful, hazardous or toxic solution, chemical, or process and which would then flow out of the permit area;
 - 3) A management plan for treatment and disposal of excess wastewater, including provisions for reuse and wastewater minimization;
 - 4) A facility construction plan including, as applicable, the design of low-permeability soil barriers, the type of geosynthetics to be used and a description of their installation methods, any manufacturer's warranties for any equipment or material used on the permit area, the design of wastewater treatment facilities and processes, a quality assurance plan for applicable phases of construction and a listing of construction certification reports to be provided to the County;
 - 5) A preliminary closure plan;
 - 6) A preliminary post-closure monitoring and maintenance plan which assures that monitoring will continue for thirty (30) years beyond the closing of the mine site;
 - 7) A spill containment and control plan which must assure that any spills will be contained on the permit area; and
 - 8) Plans for heavy machinery and equipment maintenance shops, including plans for properly storing and disposing of petroleum products, solvents, and other harmful, hazardous or toxic materials.
- c. The County must approve the plans, in writing, and issue a development permit pursuant to this subsection, before construction of any facilities may be started.
5. Design, Construction, Operation and Closure Requirements
- a. All chemical processes, solutions, and waste disposal facilities and facilities for mixing, distribution, and application of solutions and chemicals associated with on-site mining operations; ore preparation and beneficiation facilities; and processed ore disposal facilities shall be designed, constructed, operated and closed in accordance with the guidelines contained in this subsection and all other pertinent provisions of the Code.
 - b. Alternative facilities and methods of control of wastes and potential pollutants may be approved by the county if the permit applicant can demonstrate that the alternate facilities and methods will provide environmental protection that is fully equivalent or better than that achieved by the facilities specified in this Code. The burden of proof of fully equivalent protection lies with the applicant.
 - c. A groundwater monitoring plan shall be submitted to, and be approved by the County. Monitoring wells shall be installed and groundwater samples shall be collected and analyzed in order to detect groundwater contamination as required by the Board.

5.5 Performance and Development Standards for Mineral Exploration and Extraction

The following criteria shall be considered by the County in determining the suitability of the proposed mine site for approval.

5.5.1 Location Criteria

Unless mitigated or buffered pursuant to the provisions of 5.5.1 D, no exploration or extraction permit shall be granted if the application indicates that any of the following uses are located within the noted distances of the permit area:

- A. The existence of any residential, institutional, or recreational uses within one-half mile (2640 ft.) of the proposed mine site.
- B. The location of any of the following conditions within five hundred (500) feet of the mine site:
 - 1. A groundwater re-charge area or wetland as defined by the current standards of the US Army Corps of Engineers;
 - 2. The limits of a one hundred (100) year floodplain;
 - 3. Any water well off of the mine site.
- C. The presence of geologic hazards or other dangerous conditions where off-site impacts such as landslides or subsidence may occur as a result of blasting or earth moving activities.
- D. Mitigation or buffering pursuant to Sections 5.5.6 may be required to offset impacts relating to location or existing conditions of the mine site.

5.5.2 Traffic Generation

- A. The amount of traffic generated by the exploration or extraction activity shall not at any time impede traffic flow, cause public roads to operate at less than a Level of Service (LOS) C, of the American Association of State Highway Transportation Officials, "Highway Capacity Manual," or cause deterioration to public roads as a result of the activity, without just compensation to the County.
- B. If it is determined by the traffic report submitted with the Master Plan that the development will increase the burden or cause deterioration to any public roads, the permittee or operator shall be required to undertake his or her pro-rata share of the cost of improvements or repairs to the public roads which are shown to be caused by the proposed use.

5.5.3 Well Reports and Water Budget

A. General Provisions

All exploration or extraction activities must have a water source. This may be either an imported supply or an on-site well, or wells. A report shall be submitted to the Code Administrator containing a water budget for the proposed development and any information required by Article VII, Section 6 - Water Supply of the County Land Development Code. Water supplied by an on-site well shall demonstrate water availability by the submission of a geohydrologic report prepared according to Article VII, Section 6 of the County Land Development Code. The report shall relate total water use to lot size or water budget according to the Hydrology Appendix to the Code. The report shall document all proposed uses of water including sanitary uses, irrigation of landscaping, dewatering of shafts or pits, and the mining use, and shall use standard engineering methods to quantify proposed water uses. The report shall also describe any water conservation measures proposed. Proposals with water budgets exceeding the limitations of a three acre-foot well (NMSA, Section 72-12-1, 1978, as amended) shall be required to supply from the State Engineer evidence of water rights that are appurtenant to the well or wells proposed for development in sufficient amounts to sustain the proposed use. If a dewatering permit is required from any state agency, the applicant shall produce such permit.

B. Proof of Water Availability

All applicants must produce, for approval by the Code Administrator, proof that, prior to review by the MPRB, the applicant possesses sufficient water rights, with proven

water availability, to accommodate all of the normal operating and emergency requirements of the proposed development use. If the water supply and/or availability ever becomes insufficient to provide for all of the needs of the mining operation, the permittee must immediately acquire all additional water rights and demonstrate water availability according to the Code, in order to continue operation; otherwise, the County shall require that all mining land use cease immediately.

C. Assurances

All applicants shall agree and provide assurances to the County that if any activities of the applicant impair the potability of any domestic water source in the County, that the applicant will implement immediate and complete measures to return such affected water sources to safe drinking quality, and, during the interim time that remedial actions are taking place, the applicant/permittee shall provide an alternate supply or replacement supply of potable water to anyone affected by the impairment.

5.5.4 Maximum Height

Structures on a mine site shall be limited to a maximum height of 36 feet from the highest point of the surface of the ground at the perimeter of the structure. This height limitation shall also apply to temporary or portable drilling equipment. Use of conveyor belts or other mine structures or equipment which exceed the height limitations set by the Code shall require approval of a variance. The variance procedure is set forth in Article III, Section 3 of the Code.

5.5.5 Environmental Protection Performance Standards

The exploration or extraction activities shall utilize standard techniques currently available in order to minimize noise, vibration, smoke and other particulate matter; odorous matter, toxic or noxious matter; radiation hazards; fire and explosive hazards; and electromagnetic interference. The Code Administrator shall refer an application to the New Mexico Environment Department or to appropriate experts under contract with the County for comment concerning the performance standards. If it is determined that the development will create any dangerous, injurious, noxious or otherwise objectionable condition, noise or vibration, smoke, dust, odor, or other form of air pollution, electrical or other disturbance, glare or heat, in a manner which causes a direct or primary impact to the adjacent areas, such effects or impacts shall be mitigated. (See Sec. 5.5.6 for types of mitigation.)

- A. Any permit issued under the Code to conduct exploration or extraction activities shall be required to meet all applicable performance standards. Operations shall be conducted in compliance with all applicable federal and state statutes, regulations and standards.
- B. Performance standards shall apply to all lands affected by the mineral exploration, mining operation, or reclamation operation as follows:
1. Disturbances to the prevailing hydrologic balance of the affected area and of the adjacent area and to the quality and quantity of water in surface and ground water systems both during and after the exploration and extraction activities and during reclamation shall be avoided, to the greatest extent practicable using the best available current technology.
 2. The quality of water discharged from the mining exploration, extraction, or reclamation operation shall meet the standards set by the U.S. Environmental Protection Agency, the New Mexico Environment Department and the New Mexico Water Quality Control Commission.
 3. The affected area shall be restored to standards set forth in the approved reclamation plan.

4. Grading, recontouring or backfilling shall be done according to an approved grading and drainage plan, shall create a final topography pursuant to an approved reclamation plan, and shall:
 - a. Be conducted as contemporaneously as possible with mineral exploration and mining operations;
 - b. To the greatest extent possible blend in with the topography of the surrounding terrain. Reclamation of slopes shall be no steeper than a horizontal to vertical ratio of 2:1; except that slopes adjacent to drainage areas or standing water shall be no steeper than 3:1; or as otherwise determined by the reclamation plan;
 - c. Protect, and if necessary, re-establish any existing drainage system in order to prevent pollution or diminution of the quantity and quality of the surface water and groundwater, to prevent soil erosion or to protect the water rights of downstream users; and
 - d. Create structurally stable slopes by compaction, the use of vegetation and/or engineered materials.
5. When backfilling of open pits is part of a reclamation plan, such backfilling or earthmoving operations shall be conducted so as to assure both stability of the materials and prevention of leaching of harmful, hazardous or toxic materials. Highwalls may be retained provided that they will not create a hazard to public health and safety, will be sufficiently stable so as to not damage adjoining property and will ensure structural integrity.
6. Where highwalls, tailings impoundments, earth dams or incised impoundments are constructed, and in order to control erosion, reduce sedimentation, and prevent spillage, such impoundments shall be designed, located, constructed, maintained and removed or abandoned in accordance with established engineering principles and shall comply with all applicable local, state and federal laws, rules and regulations. Upon final reclamation, all tailings impoundments not designed for retention of fluids must be free-draining. Drainage from such impoundments must not cause erosion, interfere with post-closure monitoring systems, and must meet applicable local, state and federal water quality standards. Access to the mine site during post-mining operations shall be limited if impoundments retaining water contaminated with harmful or hazardous materials and/or hazardous conditions or materials would remain on the site.
7. Mine waste piles or impoundments shall be so located as to prevent surface water runoff from entering the mine site and any structures to be established shall divert surface water runoff from mine waste piles or impoundments containing water which has been contaminated during mine operations. Protection of groundwater from seepage of leachate from mine waste piles or from impoundments shall be accomplished through the use of liners or other specific technologies or locational and design factors as determined by the approved reclamation plan.
8. All mine waste shall be placed, stored and disposed in a designated area to ensure that leachate and surface water runoff do not degrade surface or groundwater, that fires are prevented, and that the area remains stable. The designated area should be a naturally stable area as outlined in Section 5.5.5 B 4.
9. Mine waste which may retain hazardous, harmful or toxic chemical residues shall be detoxified or removed. For purposes of this Section detoxified shall mean that wastes are 1) not hazardous wastes as defined by local, state and federal regulations, 2) stabilized or treated such that potential for groundwater contamination cannot occur, and 3) capable of supporting natural vegetation and biota.

10. Mine waste shall be treated, stored and disposed in accordance with all local, state and federal requirements and regulations. Mine waste not used for backfilling shall be covered and graded to allow surface drainage and ensure long term stability.
11. In the revegetation part of the approved reclamation plan, topsoil or other suitable rooting medium shall be replaced and the affected land shall be revegetated in such a way as to establish a diverse, effective, and long lasting vegetative cover that is capable of re-seeding itself or spreading, is at least equal in extent of cover to the natural vegetation of the surrounding area, and is capable of supporting the range of wildlife associated with the particular life zones affected. Native species should receive first consideration, but appropriately introduced species that are non-sterile hybrids may be used in the revegetation process. In order to assure the success of the revegetation program, the planting and seeding shall take place when natural precipitation will assist in establishing the plants and shall be supplemented with an irrigation program. Plants that die or are not established after a two year period shall be replaced; revegetation shall be monitored for a minimum of five (5) years. Success rate of re-seeding and re-vegetation shall be determined by the MPRB.
12. In the revegetation part of the approved reclamation plan, topsoil shall be removed from the affected land and segregated from other material. If such topsoil is not replaced on a backfill area within a time short enough to avoid deterioration of the topsoil, vegetative cover or other means shall be employed so that the topsoil is preserved from wind and water erosion, remains free of any contamination by other acid or toxic material, and is in a usable condition for sustaining vegetation when restored during reclamation. If it is determined that such topsoil is of insufficient quantity or is of poor quality for sustaining vegetation, or if other strata can be shown to be as suitable for vegetation requirements, the operator shall remove, segregate, and preserve in a like manner such other strata which are best able to support vegetation.
13. Drainage control structures shall be used as necessary to control runoff and to minimize erosion, sedimentation and flooding.
14. Areas outside of the affected area shall be protected from slides or damage occurring during the mining operation and reclamation. Mining operations shall be confined to the permit area.
15. All surface areas of the affected area shall be stabilized and protected so as to effectively control erosion and attendant air and water pollution.
16. Since the County finds time to be of the essence in reclamation matters, reclamation must begin as soon as technologically practicable after extraction or exploration activities commence and must continue as concurrently as possible until such time that the mining land use is terminated and all of the affected area is reclaimed. In-progress reclamation should be scheduled to coincide with the site development schedule in the approved operations plan.
17. Planting shall not be required on any affected area where the chemical and physical characteristics of the surface and immediately underlying material of such affected area are, through no fault of the operator, toxic, deficient in plant nutrients, or composed of sand, gravel, shale, or stone to such an extent as to seriously inhibit plant growth and such condition cannot economically be remedied by chemical treatment, fertilization, replacement of overburden, natural weathering or like measures. In those cases where planting is not required, the permittee shall still be required to stabilize the affected area so that all applicable local, state and federal laws and regulations are not violated.

18. To the greatest extent possible, and using the best technology currently available, mining land uses shall be conducted to mitigate or avoid disturbances and direct impacts to fish, wildlife and their habitats or migratory habits. In addition, the design, construction, maintenance and post mining conditions of access roads into and across the site of operations shall be configured to control or prevent erosion and siltation, to prevent pollution of water or damage to fish or wildlife or their habitat.
19. Explosives shall be used only in accordance with state and federal law and local regulations. Notice to adjacent property owners of blasting activities shall be required.
20. Proposed hours of operation and outdoor lighting will be reviewed in order to determine if night operations will create nuisances to neighbors. If it is determined that such nuisances may occur, these shall be mitigated accordingly.
21. Upon cessation of mining operations, all buildings, structures, impoundments, drainage control structures, mining waste piles, and other related items not necessary for environmental protection of the mine site shall be removed, reclaimed or stabilized according to the approved reclamation plan. The affected area shall be graded to the approved final topography and the area revegetated if revegetation is part of the reclamation plan.
22. Adverse visual impacts due to the exploration or extraction activity shall be avoided or minimized to the extent practical through the following location or site design techniques:
 - a. Minimizing the area of disturbance due to the mining activity pursuant to a phasing program;
 - b. Minimizing excavation in visually sensitive areas;
 - c. Avoiding location of structures, machinery and equipment storage and repair areas, utility lines, access roads and driveways, mined material stockpiles, and mine waste impoundments in visually sensitive areas;
 - d. Locating, designing or screening excavated portions of the mine site, structures, machinery and equipment storage and repair areas, utility lines, access roads and driveways, mined material stockpiles, and mine waste impoundments in a manner sensitive to the natural color, form and texture of the surrounding area;
 - c. Visually sensitive areas are areas visible along highways, and state, county or federally designated scenic areas.
23. Fire protection plans shall include type of construction for structures and full disclosure of types of chemicals to be stored on the site and their location. These disclosures shall include:
 - a. Minimum hazardous doses or exposures;
 - b. Immediate and delayed signs and symptoms of exposure;
 - c. Emergency and extended treatments for exposures;
 - d. Complete breakdown of health risks based on minimum to maximum doses or exposures, and short to long term effects on human physiology;
 - e. Chemical life data detailing dilution or reduction time requirements and materials which will detoxify the chemical (if any); and
 - f. Fire hazard risk of chemicals, including but not limited to flammability, explosion potential and effect of mixing with water and fire extinguishing agents.
24. Where applicable, monitoring wells shall be installed and soil and groundwater samples shall be collected and analyzed for the purpose of determining quantity and quality of surface drainage or underground water resources.

- C. If the use of hazardous materials or a chemical mining process is proposed by the applicant, the applicant must demonstrate that the use of such materials, or chemical mining processes, will not have an adverse impact upon the public health, safety, welfare and environment and meet the additional performance and development standards of Section 5.5.8.
- D. If the applicant proposes to dispose of tailings or materials that have been chemically processed and/or have been milled to a particle size fine enough to liberate heavy metals, the applicant shall be required to demonstrate that the practice will not have an adverse impact on the public health, safety, welfare and environment, and where applicable, meet additional standards of Section 5.8.8.

5.5.6 Mitigation Criteria and Buffer Zones

- A. The feasibility of protection from or mitigation of any impacts to such existing conditions or uses listed in this Section 5 which may be affected by any exploration or extraction operations and/or rehabilitation activities, both on and off the mine site shall be considered.
- B. Protection or mitigation may consist of any of the following:
 - 1. Avoiding the location;
 - 2. Limiting the degree of activity;
 - 3. Restoration or rehabilitation of the impacted location;
 - 4. Reducing the impact over time by preservation and maintenance during the life of the activity;
 - 5. Buffering or screening the activity;
 - 6. Relocation of the affected mining land use;
 - 7. Permanent protection of wetlands or other environmental resources;
 - 8. Provision, if applicable, of traffic control devices.
- C. Exploration and extraction uses shall, where applicable, establish buffer zones for adjacent uses of at least 2640 feet and/or provide a mitigation plan which provides for measures to reduce negative or direct impacts to adjacent uses including a statement of the legal responsibility for mitigating these impacts by the operator, his contractors and permittee.

5.5.7 Solid Waste

For the purposes of this Section 5, solid waste means garbage, refuse or discarded material generated by the mine operations that is not mining waste. Such solid waste may not be stored or buried on the mine site. Solid waste must be removed on a scheduled basis to a designated county landfill or authorized transfer station.

5.5.8 Additional Performance and Development Standards for Mining Land Uses which use Certain Solution Processes

A. Purpose and Policies

- 1. The purpose of the standards and guidelines in this Section is to prevent water pollution and protect the quality of the environment and public health in Santa Fe County, consistent with the policies of the Code, by requiring application of all available and reasonable methods for control, containment, and complete containment of all concentrations of harmful, hazardous or toxic materials, solutions, and processes (except as such concentrations occur in nature) relative to design, construction, operation, and closure of mining operations which use solutions or processes to extract metals or metal-bearing minerals from the ore and which produce wastes or wastewaters containing toxic, harmful or hazardous materials.

2. The following policies are established to provide further guidance regarding the level of environmental protection these rules are intended to achieve:
 - a. Liner, leak detection and leak collection systems ("systems") are necessary for heap leach pads, solution ponds, and tailings facilities to assure that any leak will be detected before toxic, harmful or hazardous materials escape from the liner system and are released to the environment. For purposes of these standards, the environment is considered to begin at the bottom of the first liner. These systems shall assure that a leak is found, and that sufficient time is available to allow for the repair of the leak and cleanup of any leaked material before there is a release to the environment. Natural conditions, such as depth to groundwater, subsurface soil/lithologic conditions, and net rainfall, shall be considered as additional protection by not in lieu of the protection required by the engineered liner system.
 - b. The harmfulness or toxicity of mine tailings and the potential for long-term toxic solution and/or material release from mine tailings shall be reduced to the greatest degree practicable through removal, reuse, or destruction of solutions prior to placement of tailings in the tailings disposal facility. If cyanide is used in any mining operation, the permittee shall assure that no water leaving the permit area shall have a concentration of cyanide of greater than .2 parts per million.
 - c. The closure of heap leach pads, ponds, overburden piles and tailings disposal facilities shall prevent future release to the environment of residual potentially harmful, hazardous or toxic solutions.

B. General Provisions

1. Any mining land use which is required to obtain a permit pursuant to Article III, Section 5.4.1 B. 2. shall also comply with the performance and development standards set forth in the subsection.
2. Permitted operations shall not discharge wastewater or process solutions to surface water, groundwater or soils, except as expressly allowed by the permit.
3. A buffer zone (a minimum of 200 feet wide) shall be established between waste disposal facilities and surface waters.
4. All chemical and solution conveyances (ditches, troughs, pipes, etc.) shall be equipped with secondary containment and leak detection means for preventing and detecting release of chemicals to surface water, groundwater or soils.
5. Acid water accumulation in open pits resulting from the mining land use must be prevented by appropriate mining practices, by measures taken in the closure process, or be treated to control pH and to control and eliminate toxicity. The permittee shall monitor this condition, according to the terms of the permit issued pursuant to this Section 5, and provide such information to the County for thirty (30) years beyond the closure of the mining operation. If the permittee has not abided by all the terms of the permit, or if any required cleanup or harmful, hazardous, or toxic condition continues to exist on the permit area or any property damaged by the mining operation, then any financial warranties maintained by the permittee shall be either retained by the County until all conditions required by the permit are complied with, as well as all harmful, hazardous, or toxic conditions, as described above, are remedied to the satisfaction of the County, or the financial warranties shall be

- used by the County to remedy the permit violations and/or the harmful, hazardous, or toxic conditions described above.
6. Construction of surface impoundment liner systems shall conform generally to the principals and practices described in EPA/600/2-88/052, Lining of Waste Containment and Other Impoundment Facilities, September 1988.
 7. The County shall hire, at the expense of the permittee, a third-party contractor to perform the functions set forth below:
 - a. Review and evaluate the design and construction specifications of all mined materials disposal facilities permitted under this Section for functional adequacy and conformance with Code requirements. The County shall not approve construction of the disposal facilities until the design and construction specifications have been evaluated.
 - b. Monitor the course of construction of all mined materials facilities for compliance with the approved design and construction specifications. The third-party contractor shall regularly document the progress of construction and the County shall require the permittee to take corrective action if construction does not satisfactorily conform to the approved design and construction specifications.
 - c. Provide on-site inspections during ongoing operations, including by not limited to the loading of the heap, to assure protection of the integrity of the liner system and other environmental protection measures.
 - d. Monitor the mine site to insure the integrity of the system, including the liners, and the leak detection system, during the life of the mining operation and for up to thirty (30) years thereafter, to be reviewed every five (5) years.
 8. All monitoring equipment maintained on the permit area shall be inspected quarterly (four times pr year) by the permittee, and the results shall be submitted to the County which may, in its sole discretion, utilize the third party contractor, described in subsection (7), above, to review, analyze, and report on the information supplied by the permittee, and, if deemed necessary by the County, to make a site inspection of the monitoring equipment maintained by the permittee, who will fully comply with the requests made by the contractor regarding the inspection.

C. Control of Surface Water Run-on and Run-off

1. Surface water run-on and run-off shall be controlled such that it will not endanger the mine site or become contaminated by contact with process materials or loaded with sediment. The control systems shall be designed to accommodate a 200-year, 24-hour storm event, or the largest storm occurrence within the general area within the previous twenty (20) years from the date of application, whichever is greater, as well as any other defined climatic event that is more appropriate to the site, and be placed so as to allow for restoration of the natural drainage network, to the maximum extent practicable, upon facility closure.
2. All mined materials shall be properly placed and protected from surface water and precipitation so as not to be eroded and contribute sediment to site storm water run-off or to otherwise contaminate surface water.

D. Physical Stability of Retaining Structures and Emplaced Mine Materials

1. Permit applicants must demonstrate to the County that the design of chemical processing facilities or any solution operations are adequate to ensure the

stability of all structural components of the facilities during operation, closure and post closure.

2. Retaining structures, foundations and mine materials emplacements shall be designed by a qualified, registered professional and be constructed for long-term stability under seismic conditions.

E. Protection of Wildlife

All vertebrates and all other wildlife considered endangered by federal or state governmental authorities shall be prevented by the permittee from contact with chemicals, solutions, and wastewaters containing chemicals.

F. Guidelines for Design, Construction, and Operation of Heap-leach Facilities

1. Heap-leach facilities and other mining land uses which use pads will be permitted to use on-off, reusable pads, when properly detoxified and inspected before installation and before moving spent ore.
2. The heap-leach facility (pad and associated ponds, pipes and tanks) shall be sized to accommodate a 200-year, 24-hour storm event, or the largest storm occurrence within the general area within the previous twenty (20) years, whichever is greater.
3. Table 3.2 of this Section establishes minimum capacity-sizing criteria for leach-pad and ponds. The pad and ponds may be designed to act separately or in conjunction with each other to obtain the required storage volumes. Other design criteria may be used, with County approval, if local conditions warrant. The best available climatic data shall be used to confirm the critical design storm event and estimate the liquid levels in the system over a full seasonal cycle. The liquid mass balance may include provision for evaporation.
4. The heap leach pad liner system shall be designed, constructed, and operated to meet the following criteria:
 - a. A primary liner consisting, at a minimum of a continuous flexible-membrane of suitable synthetic material or other impermeable substance shall be used. This liner shall function together with the process chemical collection system installed immediately above this liner to remove process chemicals from the heap.
 - b. A leak detection system shall be installed immediately below the primary liner for the purpose of detecting loss of process solutions by leakage through the primary liner. The leak detection system shall be capable of detecting leakage through the primary liner of 400 gallons/day-acre within ten weeks of leak initiation. The leak detection system shall consist of appropriately sized collection piping placed within a minimum thickness of 12 inches of permeable material (minimum permeability of 10^{-2} cm/sec) that is capable of withstanding the anticipated weight of the heap without loss of function.
 - c. A secondary liner shall be placed below the leak detection system to provide assurance that any leakage through the primary liner during the operation of the heap and following closure of the heap is not released to the environment. The secondary liner shall be of a composite design with a continuous flexible membrane of suitable synthetic material in direct contact with an engineered, stable, low permeability soil/clay bottom liner (maximum permeability of 10^{-7} cm/sec).
 - d. Each liner system component described in subsections (4) (a) - (c) above addresses a specific need and purpose with respect to environmental

- protection. An alternative may be approved if the level of environmental protection intended by each separate liner system component is achieved either within the individual component or on a cross component basis.
- e. If any leak is discovered in the liner or any of the system, the permittee and his operator shall immediately stop all mining operations at the mine site, and shall immediately contact the County. Mining operations shall not recommence until the permittee has cleaned up all hazardous, harmful, and toxic effects of the mining operation.
5. The processing chemical pond liner system shall be designed, constructed, and operated to meet the following criteria:
 - a. A primary impermeable liner consisting, at a minimum of a continuous flexible-membrane of suitable synthetic material shall be provided. This liner shall provide for positive containment of processing chemical solutions.
 - b. A leak detection system shall be installed immediately below the primary liner for the purpose of detecting loss of process chemical solutions by leakage through the primary liner. The leak detection system shall be capable of detecting leakage through the primary liner of 400 gallons/day-acre within ten weeks of leak initiation. The leak detection system shall consist of appropriately sized collection piping placed within a layer of permeable material (minimum permeability of 10^{-2} cm/sec).
 - c. A secondary liner shall be placed below the leak detection system to provide assurance that any leakage through the primary liner during the use of the pond is not released to the environment. The secondary liner shall be of a composite design with a continuous flexible membrane of suitable synthetic material in direct contact with an engineered, stable, low permeability soil/clay bottom liner (maximum permeability of 10^{-7} cm/sec).
 - d. Each liner system component described in subsections (5) (a) - (c) above addresses a specific need and purpose with respect to environmental protection. For purposes of evaluating alternative facilities and methods of control, an alternative may be approved if the level of environmental protection intended by each separate liner system component is achieved either within the individual component or on a cross compound basis.
 6. Emergency ponds may be constructed as an alternative to larger pregnant and barren ponds. The emergency pond may be constructed to a lesser standard, with the limitation that it is to be used only infrequently and for short periods of time. The County will specify reporting and use limitations for the ponds in the permit.
 7. The emergency pond liner shall consist of:
 - a. An engineered, stable, low permeability soil/clay bottom liner (maximum permeability of 10^{-6} cm/sec) with a thickness of twelve (12) inches, and
 - b. An impermeable single flexible-membrane synthetic top liner of suitable material.
 8. The permittee shall respond to leakage collected by the heap-leach and processing-chemical storage pond leak-collection systems according to the process defined in Table 3.3.
 9. The permittee shall determine the acid-generating potential of the spent ore by acid/base accounting and other appropriate static and dynamic laboratory tests. If the spent ore is shown to be potentially acid generating

under the conditions expected in the heap at closure, the permittee shall submit a plan for acid correction for County approval prior to loading the heap.

G. Guidelines for Disposal of Mine Tailings

1. Mine tailings shall be treated by solution removal, re-use, or destruction prior to disposal to reduce the amount of solution introduced into the tailings ponds to the lowest practicable level. The permittee shall conduct monthly laboratory column tests on mine tailings to determine the efficacy of permittee's measures to detoxify the mine tailings, and other efforts to render the mine tailings non-harmful to humans, animals, plants and to the environment. In the case of a mining operation which used cyanide, the permittee shall determine the lowest practicable concentration to which the weak acid sociable cyanide can be reduced. In no event shall the permitted WAD cyanide concentration in the liquid fraction of the tailings be greater than 30 ppm.
2. The permittee shall determine the potential for acid-water formation from the tailings and waste rock by means of acid-base accounting and other suitable laboratory static and dynamic tests. The mine plan shall include provisions which are demonstrated to prevent acid rock drainage.
3. The disposal facility shall be lined with a composite double liner consisting of a flexible-membrane synthetic top liner in tight contact with an engineered, stable, soil/clay bottom liner (maximum coefficient of permeability of 10^{-7} cm/sec).
4. The disposal facility shall be provided with a leachate collection system above the liner suitable for monitoring, collecting and treating potential acid drainage.
5. If the permittee has caused any underground disturbance, then the permittee shall provide information regarding subsidence and underground acid rock drainage, in a form acceptable to the County.

H. Guidelines for Disposal or Storage of Wasterock, Low-grade Ore and Other Mined Materials

The permittee shall determine the acid-producing and metals-release potential of the wasterock, low-grade ore or other mined materials by acid/base accounting and other appropriate static and dynamic laboratory tests. If the mined materials are shown to be potentially acid forming, or capable of releasing toxic metals, the permittee shall submit a plan for correction and disposal for County approval prior to placing the materials, either temporarily or permanently.

I. Guidelines for Heap-leach and Tailings Disposal Facility Closure

1. An updated closure plan and post-closure monitoring and maintenance plan shall be submitted to the County by the permittee at least 180 days prior to beginning closure operations or making any substantial changes to the operation.
2. Chemical conveyances (ditches, troughs, pipes, etc.) not necessary for post-closure monitoring shall be removed and/or reclaimed. The secondary containment systems shall be checked before closure for process-chemical or solution contamination, and contaminated soil or other materials, if any, shall be removed to an acceptable disposal facility.
3. Closure of the heap-leach and spent ore facility.

- a. The heap shall be detoxified over a suitable period of time prior to closure, using rinse/rest cycles of rinsing and chemical oxidation, if necessary, as approved or required by the County. The WAD cyanide concentration in the rinsate shall be no greater than 0.2 ppm.
 - b. Following detoxification as defined in (a) above, the heap shall be closed by covering the heap with a cover designed to prevent water and air infiltration. The cover should consist, at a minimum, of a low-permeability layer and suitable drainage and soil layers to prevent erosion and damage by animals and to sustain vegetation growth.
 - c. The ponds associated with the heap or spent ore shall be closed by folding in the synthetic liners and filling and contouring the pits with inert material. Residual sludge or spent ore may be disposed of in one of the on-site waste disposal facilities, provided it meets the criteria for such in these guidelines. The process chemical collection system of the heap shall be maintained in operative condition so that it can be used to monitor the amount and quality of infiltrated water, if any, draining from the heap.
4. The tailings disposal facility shall be closed by covering it with a composite cover designed to prevent water and air infiltration and be environmentally stable. Tailings shall be isolated from the environment. The cover should consist, at a minimum, of a low-permeability layer and suitable drainage and soil layers to prevent erosion and damage by animals, and to sustain vegetation growth.
- J. Post-Closure Monitoring
1. The County may continue its permit in force for thirty (30) years, which will be reevaluated every five (5) years after closure of the operation and will include permit requirements for periodic monitoring to determine if a release of toxic, harmful or hazardous materials or pollutants is occurring.
 2. Monitoring data will be supplied to the County by the permittee in the annual report required pursuant to subsection 5.3.5.A.2., and as requested by the County, and shall be reviewed by the County to determine the effectiveness of closure of the disposal facilities. The County may, in its sole discretion, hire one or more professionals to review and analyze the information supplied by the permittee, and the cost of hiring such persons shall be paid by the permittee. The County will not release financial warranties that would otherwise be needed to correct problems resulting from ineffective closure.
- K. Land Disposal of Wastewater
1. To qualify for land disposal of excess wastewater, the permit applicant shall demonstrate to the County that the applicant's proposed process has been designed to minimize the amount of excess wastewater that is produced, through use of water-efficient processes, wastewater treatment and reuse, and reduction by natural evaporation. Excess wastewater that must be released shall be treated and disposed of to land under the conditions specified in the permit.
 2. A disposal plan shall be submitted as part of the permit application that, at a minimum, includes:
 - a. Wastewater quantity and quality characterization;
 - b. Soils characterization and suitability analysis;
 - c. Drainage and run-off characteristics of the site relative to land application wastewater;

- d. Proximity of the disposal site to groundwater and surface water and potential impact;
 - e. Wastewater application schedule and water balance;
 - f. Disposal site assimilative capacity determination for the specific compounds that will be disposed at the site;
 - g. Soils, surface water and groundwater monitoring plan;
 - h. Potential impact on wildlife or plant species.
3. The County will evaluate the disposal plan and set site-specific permit conditions for the wastewater discharge.

L. Guidelines for Open-pit Closure

- 1. Open pits that will be left as a result of the mining operation shall be assessed prior to, and following, mining land use for the potential to contaminate water to the extent that it might not meet water-quality standards due to build-up of acid, toxic metals, or other toxic, hazardous, or harmful conditions.
- 2. If the County finds that the potential for water accumulation in the pit(s) exists, the permit applicant shall submit a closure plan for the pit that will address contamination prevention and possible remedial treatment of water. The closure plan shall, at a minimum, examine the following alternatives:
 - a. Avoidance, during mining, of acid-generating materials that can be left in place, rather than being exposed to oxidation and weathering;
 - b. Removal from the pit and disposal, during or after the mining operation, of residual acid-generating materials;
 - c. Protective encapsulating in-situ of residual acid-generating materials;
 - d. Treatment methods for correcting acidity and toxicity of accumulated water;
 - e. Backfilling of the pit(s) to the level necessary to, in conjunction with other appropriate control measures, prevent oxidation of residual acid-generating materials;
 - f. Innovative technologies for stabilizing waste materials with subaqueous disposal within the pit.

TABLE 3.2 - HEAP-LEACH LIQUID STORAGE CRITERIA		
Component	Pregnant-Solution Pond	Barren-Solution Pond
Operating Volume	Minimum necessary to maintain recirculation	Minimum necessary to maintain recirculation
Operational Surge	Anticipated draindown and rinse volume	Anticipated draindown and rinse volume
Climatic Surge	200-yr, 24-hr storm plus 10-yr snowmelt	200-yr, 24-hr storm plus 10-yr snowmelt
Safety Factor	2-ft dry freeboard	2-ft dry freeboard

TABLE 3.3 REQUIRED RESPONSES TO LEAKAGE DETECTED FROM THE LEACH PAD AND PROCESSING CHEMICAL STORAGE PONDS	
Leakage Category	Response
Zero leakage to 200 gal/day-acre	Notify the County & NM Environment Department; increase pumping and monitoring
Leakage from 200 gal/day-acre to 400 gal/day-acre	Change operating practices to reduce leakage; stop applying all cyanide to heap
Leakage in excess of 400 gal/day-acre	Repair leaks under schedule to be established by the County

History: Section 5 was amended by County Ordinances 1991-2 and 1993-3.

SECTION 6 - LARGE SCALE RESIDENTIAL USES

6.1 Location

Large scale residential uses include multi-family residential uses, institutional-residential uses and resort uses and are allowed anywhere in the County provided the requirements of the Code are met.

6.2 Uses

6.2.1 Multi-family residential uses include the following having five (5) or more dwelling units.

- 6.2.1a apartments
- 6.2.1b residential condominiums
- 6.2.1c residential cooperatives
- 6.2.1d mobile home parks which are not subdivisions

6.2.2 Institutional-residential uses include the following having five (5) or more units intended to be used for overnight occupancy:

- 6.2.2a hospitals
- 6.2.2b universities
- 6.2.2c boarding schools
- 6.2.2d facilities owned or used by any governmental entity
- 6.2.2e nursing and rest homes
- 6.2.2f retirement homes
- 6.2.2g facilities owned or used by religious organizations

6.2.3 Resort uses include any of the following having five (5) or more units intended to be used for overnight occupancy:

- 6.2.3a summer camps
- 6.2.3b resort cabins

- 6.2.3c guest ranches
- 6.2.3d campgrounds for tents or campers

6.3 Standards

6.3.1 Required Improvements

The following improvements for large scale residential uses are required:

Compilers Note. Some resort uses such as hotels and motels, were previously listed as major center district or travelers service district uses; the practice of establishing single use zoning districts was repealed by County Ordinance 1988-9. All permanent resort uses for commercial purposes must be established in an area zoned for their use either by master plan or under 'Other Development' and reviewed according to the criteria and standards set forth either by this Section 6 or by Article III, Section 4, as amended. No use is exempt from the Code requirements.

a. Streets

The applicant shall provide for access to the nearest city, county, state or federal highway by roadway to be constructed to the standards set forth below:

Number of Dwelling <u>Units</u>	Surface Requirements as Shown <u>in Subdivision Regulations, Appendix 5.B.1, 2, & 3</u>
0 - 99	Local
100 - 199	Collector
200 or more	Minor Arterial

Internal streets shall also be constructed to these specifications. In addition, the design of all streets shall comply with the standards set forth in Article V, Section 8.2, Subdivision Regulations.

Compilers Note. Road requirements in Article V, Section 8.2 have been amended by County Ordinance 1987-3. These standards therefore apply to this Section.

b. Water Supply and Liquid Waste Disposal

The applicant shall provide a community water system and a community liquid waste system conforming to the requirements of Article VII, Section 2, Liquid Waste and Section 6, Water Supply.

c. Solid Waste Disposal

The applicant must either provide for collection of solid waste or be located within five (5) miles of an existing sanitary landfill licensed by the Environmental Improvement Division or construct and maintain a landfill operation according to a solid waste management plan approved by the Environmental Division (see Article VII for requirements).

d. Drainage Structures

Drainage structures shall be required in conformance with an applicant's storm drainage plan. They shall be designed to contain a flood with a frequency of once in every 25 years.

e. Parks and Recreation

For multi-family residential uses and institutional-residential uses having 25 or more dwelling units, open space shall be provided for parks and recreation on a ratio of ten (10) acres per 1,000 residents; provided, however, that no such open space shall contain less than 1 acre per use. These open spaces shall be suitable for a park development.

6.3.2 Performance Standard

No use may be allowed which will significantly interfere with the existing use of the property in adjacent areas.

6.3.3 Buffer Zones

Structures involving large scale residential uses shall be set back fifty (50) feet from the property line. In the setback area, existing vegetation shall be preserved and natural topographic features or planting shall be used. The setback area may be used to meet the off-street parking requirement of Subsection 5 of this Section, except that no parking shall be provided within five (5) feet of the property line. Buffering and landscaping requirements are set forth in Section 4.4.4f of this Article III. Lighting standards are found in Section 4.4.4h of this Article III.

History. 1980 Comp. 1980-6. Section 6.3.3 was amended by County Ordinance 1988-9, cross-referencing Buffering, Landscaping and Lighting Standards of Article III, Section 4.

6.3.4 Maximum Height

Structures shall be limited to a maximum height of 36 feet from the highest point of the surface of the ground at the perimeter of the structure.

6.3.5 Parking

The parking requirements of Article III, Section 9 shall be met.

6.4 Submittals and Review

6.4.1 Submittals

Applicants who propose large scale residential developments which will be developed in phases or stages shall meet the submittal requirements of Article V, Section 4.4 for master plans and staged development plans in lieu of requirements of Section 6.4.1 (a) through (d) below. For other proposed development which involves a large scale residential use provided for in this Article III, Section 6, the applicant shall fill out a development permit application on a form provided by the Code Administrator, and the application shall be accompanied by:

Compilers Note. For single use or single phase developments, 6.4.1a through d, as set forth below, apply.

- a. Vicinity map. A vicinity map drawn at a scale of not more than 2,000 feet to one inch showing contours at twenty (20) foot intervals showing the relationship of the site to

its general surroundings, and the location of all existing drainage channels, water courses and water bodies not located on the parcel but within three miles of the parcel.

- b. Existing site data. A description of existing conditions on or adjacent to the site. Maps shall be at a scale of one (1) inch to one hundred (100) feet or such smaller scale as include the following:
- (1) Boundary lines; bearings and distances. The error of closure shall be a third order survey, and no discrepancy between computed and measured distances shall exceed one (1) part in 1,280 parts.
 - (2) Easements: Location, width and purpose.
 - (3) Streets or Roads on and immediately adjacent to the tract, name and right-of-way width.
 - (4) Utilities on and immediately adjacent to the tract.
 - (5) Owners of record of unplatted land and existing subdivision plats by name and recordation, and the locations of all Federal, State or County roads shall be shown for property within one thousand (1,000) feet of that tract.
 - (6) Title and Certificates: Present tract designations according to the official records in the County Clerk's Office, title under which the proposed Development is to be recorded with name and address of owner, notation stating acreage, scale, true and magnetic north arrow, U.S.G.S. datum and benchmarks, if any, certification of the engineer or land surveyor licensed in accordance with the laws of the State of New Mexico who prepared the plat.
- c. Preliminary Development Plan
The preliminary development plan shall be submitted and shall be drawn to a scale of one (1) inch to one hundred (100) feet, or larger, and shall show to scale the following:
- (1) proposed arrangement of buildings;
 - (2) proposed off street parking and loading facilities;
 - (3) proposed access from federal, state and county roads to the site and internal vehicular circulation;
 - (4) existing and proposed landscaping;
 - (5) proposed location and type of fences, walls and signs; and
 - (6) drainage and grading plan indicating existing and proposed contours.
- d. School Impact Report. A written report which projects the effects the proposed development will have on public schools, and which includes: The proposed number, size, and price of residential units within the development; a description of the development's target market; and where applicable, any special educational needs of the development's school-aged residents. The report will also identify the schools that service the area of the proposed development and their boundaries, the transportation available to those schools, and a list of any pending or approved residential developments within those schools' boundaries. Copies of the schools impacts notice shall be submitted to the school district in which the development is located and to the Code Administrator.
- e. Final Development Plan. After the County Development Review Committee has approved the preliminary development plan, the applicant shall prepare a final development plan to be followed in construction operations, and submit it to the County Development Review Committee for approval, together with:
- (1) final drafts of all agreements, contracts, deed restrictions and other legal instruments pertinent to the implementation of the development plan;

- (2) two sets of plans and specifications for the construction of structures;
- (3) the valuation of the proposed structures. The final development plan may be submitted separately for the first and each successive stages of development. The final development plan (or successive stages thereof) as approved becomes the final plat and the basis for issuance of a development permit and for acceptance of public dedications;
- (4) a certificate by the Code Administrator that the applicant has either:
 - (5) Installed all improvements required by the Code, or
 - (6) Filed a surety bond or other security acceptable to the Board, in a sufficient amount, based on cost estimates to insure completion of all required improvements within 18 months of the approval of the application.

History. 1980 Comp. 1980-6. Section 6.4.1 Submittals, was amended by County Ordinance 1987-1 providing for a master plan submittal for large scale residential uses to be developed in phases.

6.4.2 Density Review

The Code Administrator shall review an application for development permit for development provided for in this Section 6 in compliance with the density requirements of the Code. No application shall be approved unless it is determined that the density requirements of the Code will be met.

6.4.3 Special District Review

The Code Administrator shall check the location of the proposed large scale residential use and shall inform the applicant if any additional submittals or reviews required because of location of the proposed use within a special review district and make the applicable review.

6.4.4 Environmental Review

The Code Administrator shall review the proposed development and shall inform the applicant of the additional submittals or reviews required under Article VII - Environmental Regulations - of the Code and make the applicable review.

6.4.5 Conformance to Building, Mechanical and Electrical Codes.

The Code Administrator shall cause the submitted plans and specifications to be reviewed for compliance with the building, mechanical and electrical provisions of the Code for engineering design. If all of the requirements of the Code are met and a development permit is issued, construction must begin within one year of the date of issuance, or the permit becomes void and a new application must be made.

SECTION 7 - COMMUNITY SERVICE FACILITIES

Community service facilities are facilities which provide service to a local community organization. These may include governmental services such as police and fire stations, elementary and secondary day care centers, schools and community centers, and churches.

7.1 Standards

Community service facilities are allowed anywhere in the County, provided all requirements of the Code are met, if it is determined that:

- 7.1.1 The proposed facilities are necessary in order that community services may be provided for in the County, and
- 7.1.2 The use is compatible with existing development in the area and is compatible with development permitted under the Code.

7.2 Submittals and Review

The submittals and reviews for community service facilities shall be those provided for in Article III, Section 4.5.

Compilers Note. Section 4.5 was amended by County Ordinance 1988-9, and consists of review procedures and submittals for any non-residential use requesting a zoning approval.

SECTION 8 - OTHER DEVELOPMENT

8.1 Uses Permitted

All uses not otherwise regulated by the Code are permitted anywhere in the County. Such uses specifically include, but are not limited to utilities, parking facilities, and cemeteries.

8.2 Submittals, Reviews and Standards

Uses regulated by this Section 8 shall be considered large scale if they involve the grading and clearing of 10 or more acres, contiguously or cumulatively; and small scale if less disturbance of the land is involved. Development standards and criteria and submittal requirements are set forth in Sub-sections 4.4 and 4.5.

8.3 A development permit shall not be required for, and provisions of the Code shall not apply to, utility easements, utility rights-of-way, and construction of utility line extensions.

In addition to the above requirements, any development involving a water or sewer utility must be in conformance to an adopted Community Land Use and Utility Plan, unless system capacity is limited to that needed to serve existing development.

SECTION 9 - PARKING REQUIREMENTS

9.1 The following parking requirements are established for the types of development listed:

TYPE OF USE	NUMBER OF PARKING SPACES
Wholesale	1 per 1 employee plus 1 per 500 sq. ft.
Office & Community Facilities	1 per 1 employee plus 1 per 300 sq. ft.
Medical Offices	1 per employee plus 1 per 250 sq. ft.

TYPE OF USE	NUMBER OF PARKING SPACES
Retail Centers	1 per 1 employee plus per 200 sq. ft.
Restaurants, Bars	1 per 1 employee plus per 150 sq. ft.
Gas Stations	1 per 1 employee plus 1 per 300 sq. ft. of garage space.
Industrial	1 per employee plus 1 per 500 sq. ft.
Small Scale Centers, Home Occupations	1 per 1 employee plus 1 per 400 sq. ft. of commercial space.
Large Scale Residential, Institutional, Residential Resorts	2 per dwelling unit
Churches, auditoriums, theaters, arenas, spaces used for public assembly	1 for each 4 seats
Uses not listed	As determined by the County

- 9.2 Multiple use projects shall calculate cumulative parking needs for each type of use in the project to be developed.
- 9.3 Minimum size of parking space shall be 300 square feet which includes the parking stalls and aisles.
- 9.4 Commercial, industrial, other non-residential and large scale residential uses shall provide for handicap parking.

History. 1980 Comp. 1980-6. Section 9, Parking Requirements was amended by County Ordinance 1990-11 adding requirements for auditorium uses, multiple uses and handicap access.

SECTION 10 - LOT SIZE REQUIREMENTS

10.1 Relationship of Lot Sizes to Water Policies

The General Plan sets forth the policy that future population growth in the County should be supported by adequate long term water availability and concentrate population growth in Urban and Metropolitan Areas and Traditional Communities. Development within these areas will generally be served by one or more regional water systems, or community water systems. Development outside of the Urban, Metropolitan Areas and Traditional Communities using domestic wells (Section 72-12-1 wells) should consider estimated long term water availability and protect water resources for existing County residents having domestic wells. Development may also be permitted if the applicant for a development permit demonstrates that he/she has water rights, excluding rights permitted under 72-12-1 NMSA 1978 or 75-11-1 NMSA 1953, recognized and permitted by the Director of Water Resources Department of Natural Resources Division of the State of New Mexico which are approved for transfer by the Director of Natural Resources Division to the site of the Development, and the permitted water rights are sufficient to support the proposed development.

10.1.1 Water Policies Governing Lot Sizes Where the Development will Utilize Permitted Water Rights

Applicants seeking a development permit may base their application on water rights authorized and permitted by the Director of Water Rights Division of the Natural Resources Department of the State of New Mexico, (with the exception of water rights permitted under Section 75-11-1 NMSA 1953 or 75-12-1 NMSA 1978). The applicant shall provide evidence that he/she owns or has an option to purchase the permitted water rights in an amount adequate to meet the needs of the development as shown by Article VII, Section 6.6.2, Water Budgets and Conservation Covenants. Any development permit approved and issued by the County shall be expressly conditioned upon the applicant obtaining final non appealable order or final non appealable approval from the Director of Water Rights Division of the Natural Resources Department of the State of New Mexico authorizing the change in use and change in point of diversion to meet the needs of the proposed development. The minimum lot size permitted by this Section shall be 2.5 acres, unless the proposed development is within an Urban, or Metropolitan Area or a Traditional Community, in which case further adjustments of the lot size shall be permitted as provided by Sections 10.4, 10.5.2 and 10.5.3.

10.1.2 Water Policies Governing Lot Sizes Where Developments Will Not Utilize Permitted Water Rights

BASIN ZONE: Minimum lot size shall be calculated based upon ground water storage only. Water that is in storage beneath the lot in the Basin Zone may be depleted over a 100-year lifetime. The lot must be large enough to have ground water in storage beneath the lot for a 100 year supply of water without consideration of recharge of the ground water.

BASIN FRINGE ZONE: Same as Basin Zone.

HOMESTEAD ZONE: Minimum lot size shall be calculated based either upon ground water storage or recharge of ground water, but not both. Water that is in storage beneath the lot in the Homestead Zone may be depleted over a 100 year lifetime. The lot must be large enough to have ground water in storage beneath the lot for a 100 year supply of water. Calculation of recharge in any specific case shall be done in a manner approved by the County Hydrologist. Recharge should be sufficient to supply water over a 100 year lifetime. However, applicants should be aware that studies done in the development of the General Plan indicated that in most areas of the Homestead Zone minimum lot sizes based on storage in this zone would be larger than those based on recharge.

MOUNTAIN ZONE: Same as Homestead Zone.

METROPOLITAN AREAS-BASIN AND BASIN FRINGE: For Basin and Basin Fringe zones within a Metropolitan Area as shown on Code Maps 12, 14 and 15, it is anticipated that regional water systems will eventually be developed. Therefore, water that is in storage beneath a lot within a Metropolitan Area may be depleted over a 40 year lifetime. The lot must be large enough to have ground water in storage beneath the lot for a 40 year supply of water without consideration of recharge of the ground water.

METROPOLITAN AREAS-HOMESTEAD AND MOUNTAIN ZONE: For Homestead and Mountain Zones within a Metropolitan Area, the minimum lot size shall be calculated based either upon ground water storage or recharge of ground water, but not

both. Water that is in storage beneath the lot in the Homestead Zone may be depleted over a 40 year lifetime. The lot must be large enough to have a ground water in storage beneath the lot for a 40 year supply of water. Calculation of recharge in any specific case shall be done in a manner approved by the County Hydrologist. Recharge should be sufficient to supply water over a 40 year lifetime. However, applicants should be aware that studies done in the development of the General Plan indicated that in most areas of the Homestead and Mountain Zones, minimum lot sizes based on storage in these zones would be larger than those based on recharge.

10.2 Calculation of Minimum Lot Size

Calculation of the minimum lot size under Section 10.1.2 shall be determined by the formula:

$$\frac{\text{Acre Feet}}{\text{Use (Year) x acres}}$$

Minimum Lot Size (Acres)=Water Available in acre feet per acre/year

$$MLS = \frac{U \times \text{acres}}{A}$$

Where:

MLS is the minimum lot size in acres; it is the size of a lot needed to supply anticipated water needs.

U is the anticipated water needs for the lot; it is the use of water which will occur from the intended development of the lot, measured in acre-feet per year. The standard values listed for A were derived using the procedures set forth in the water appendix of the Code. The standard value for U is set forth in Section 10.2.2. A is the amount of water available in the aquifers which are beneath the lot, measured in acre-feet per acre per year using recharge or storage as described in 10.1.2.

10.2.1 Standard Values for A and Adjustments. The standard values for A shall be as follows:

<u>BASIN ZONE:</u>	0.1 acre-feet per acre per year
<u>BASIN FRINGE ZONE:</u>	.02 acre-feet per acre per year
<u>MOUNTAIN ZONE:</u>	.0125 acre-feet per acre per year
<u>HOMESTEAD ZONE:</u>	.00625 acre-feet per acre per year

The minimum lot sizes which result from the use of these standard values are as follows:

<u>BASIN ZONE:</u>	10 acres
<u>BASIN FRINGE ZONE:</u>	50 acres
<u>MOUNTAIN ZONE:</u>	80 acres
<u>HOMESTEAD ZONE:</u>	160 acres

The standard values of A may be adjusted if the applicant submits a hydrology report, either a detailed report (see Section 6.4 of Article VII), or a reconnaissance report (see Section 6.7 of Article VII). Values of A determined in such reports shall be reviewed by the County Hydrologist, who shall recommend to the Code Administrator whether or not

the value is reasonable, and if not, shall recommend a value appropriate for the use in determining minimum lot size.

The actual value of A used shall be based on the information submitted by the applicant, by the County Hydrologist or by others submitting information. If water conservation measures are used, as provided in Section 10.2.4b, and an actual value of A is determined, in most cases minimum lot sizes will be reduced below those listed in Section 10.2.1. However, applicants are advised that because of varying geologic conditions in Santa Fe County there is no assurance that a hydrology report will determine that the water supply in an area is more abundant than indicated by the standard value of A. In cases where the actual study shows a value of A which is less than the standard value (that is, there is less water available than assumed by the standard value), minimum lot size requirements may be increased beyond those indicated in this Section.

10.2.2 Calculation of Use

U shall have a standard value of 1.0 acre feet per year per dwelling unit for residential use. For all other uses U shall be equal to the actual anticipated consumptive use for the development. The standard value for residential use may be adjusted if an applicant proposes to utilize water conservation measures. There shall be no adjustments for conservation in Urban, Traditional Community and Agricultural Valley Areas.

The Code Administrator shall maintain an application form upon which are listed potential water conservation measures. This form shall indicate the effect of each conservation measure of the value of U. As a minimum, the measures shall include: restrictions on use of water for irrigation purposes (including watering of lawns, gardens and shrubbery); restrictions on use of water for swimming pools; restrictions on the number of bathrooms per dwelling unit; restrictions on garbage disposal units; devices which reduce the utilization of water by appliances, kitchen fixtures, and bathroom fixtures; and pressure-reduction devices on in-coming water lines.

Any applicant who uses the application form as a basis for proposing conservation measures shall be allowed to reduce U in accordance with the effectiveness of the measures proposed. The maximum reduction in U which shall be considered achievable using this approach shall be a reduction of U to no less than 0.25 acre feet per year per dwelling unit. An applicant who proposes water conservation measures sufficient to reduce U to less than 0.25 acre feet per year per dwelling unit shall be required to prepare a water conservation report: See Section 6.6 of Article VII.

The actual value of U, and the minimum lot sizes which result, will depend on the conservation measures proposed by the applicant. In general, applicants who substantially restrict the use of irrigation (lawn and garden) water will be assumed to have a U of 0.5 acre feet per year per dwelling unit, while those who further restrict other types of water use will be assumed to require even less water. For reference purposes, the following lot sizes would be allowed if U is equal to 0.5 acre feet per year per dwelling unit.

<u>BASIN ZONE:</u>	5 acres
<u>BASIN FRINGE ZONE:</u>	25 acres
<u>MOUNTAIN ZONE:</u>	40 acres
<u>HOMESTEAD ZONE:</u>	80 acres

For reference purposes, the following lot sizes would be allowed if U is equal to 0.25 acre feet per year per dwelling unit.

<u>BASIN ZONE:</u>	2.5 acres
<u>BASIN FRINGE ZONE:</u>	12.5 acres
<u>MOUNTAIN ZONE:</u>	20 acres
<u>HOMESTEAD ZONE:</u>	40 acres

10.2.3 Special Standards for Calculation of Use for Small Scale Commercial Development

Special standards which set forth specific limitations on use for small scale commercial developments are set forth in this subsection. Applicants who propose small scale commercial development are required to prepare a written estimate of water use. The value of U shall be determined by that estimate unless otherwise determined by the Code Administrator. The Code Administrator shall have on file, a list of standard water consumption requirements for commercial activities. The applicant may use these figures in lieu of the written estimate of water use. Applicants may use standardized values for A as set forth in Section 10.2.2, or they may submit a hydrology report which contains an actual estimate of A for the land which is to be developed.

10.2.4 Special Standards for Calculation of Water Availability for Metropolitan Areas

Special standards which set forth limitations on water availability for metropolitan areas shown in Code Map 12, 14, and 15 are set forth in this Sub-section.

a. Standard Values of Water Availability

Because the policy for water management in Metropolitan areas allows for depletion of storage over a 40 year period, standard values for A are as follows:

<u>BASIN ZONE:</u>	.25 acre feet per acre per year
<u>BASIN FRINGE ZONE:</u>	.05 acre feet per acre per year
<u>MOUNTAIN ZONE:</u>	.0125 acre feet per acre per year

The minimum lot sizes which result from the use of these standard values are as follows:

<u>METRO BASIN ZONE:</u>	4 acres
<u>METRO BASIN FRINGE ZONE:</u>	20 acres
<u>METRO MOUNTAIN ZONE:</u>	80 acres

b. Adjustments for Water Conservation

For the division of land into four (4) or less lots, the minimum lot size may be adjusted using the procedures set forth in Section 10.2.2. For reference purposes, the minimum lot sizes which result if U = 0.25 acre feet per year per dwelling unit or commercial use are:

<u>BASIN ZONE:</u>	2.5 acres
<u>BASIN FRINGE ZONE:</u>	5 acres
<u>MOUNTAIN ZONE:</u>	20 acres

10.3 Exceptions to Minimum Lot Size Requirements

The minimum lot sizes calculated under Sections 10.1 and 10.2 shall not apply to the areas described in this Section and the minimum lot size contained in this Section shall control.

10.3.1 Metropolitan Area - Community Water Systems

Where a community water system provides water service to a development within the Metropolitan Areas, as shown on Code Maps 12, 14 and 15, the minimum lot sizes shall be:

<u>BASIN ZONE:</u>	1 acre
<u>BASIN FRINGE ZONE:</u>	2.5 acres
<u>MOUNTAIN ZONE:</u>	5 acres

10.3.2 Agricultural Areas

In the Estancia Valley Agricultural Area, minimum lot sizes shall be 50 acres for the Basin Fringe Zone and 10 acres for the Basin Zone. Adjustments for water conservation and water availability will not be allowed. In the Northern Valley Agricultural Area, the minimum lot size for lands with permitted water rights shall be five (5) acres. Adjustments to lot sizes in these areas are conditioned on the finding in each case by the County Development Review Committee that it is in the best interest of the County to convert water rights from agricultural to commercial or residential use.

10.3.3 Traditional Communities

The minimum lot size in traditional communities as shown on Code Maps 40-57, shall be .75 acres, except as follows:
14,000 sq. ft. - Where community water service and community sewer service systems are utilized, or a Local Land Use and Utility Plan is adopted.

10.3.4 Urban Areas

The minimum lot size in Urban Areas shall be 2.5 acres, except as follows:
1 acre - Where community water or community liquid waste disposal systems are utilized.
.50 acre - Where community water and community sewer systems are utilized.

10.4 Density Transfer

The minimum lot sizes specified in this Section 10 shall be taken as gross figures for the purposes of determining the total number of dwellings allowed in a particular development. The arrangement of dwellings in clusters or in such locations as to take advantage of topography, soil conditions, avoidance of flood hazards, access and reduced cost of development, shall not violate the lot size requirements of the Code so long as the total number of acres per lot conforms with the requirements of the Code.

SECTION 11 - IMPORTING OF WATER

11.1 Location Requirements

Developments which import water from the surface Rio Grande or other locations outside Santa Fe County to any location in Santa Fe County designated in the Development Code as other than urban or metropolitan locations are permitted to locate anywhere in the County provided they meet all requirements of the Code, except that in lieu of the density requirements as specified in Article III, Section 10, the proposed development shall meet the following criteria.

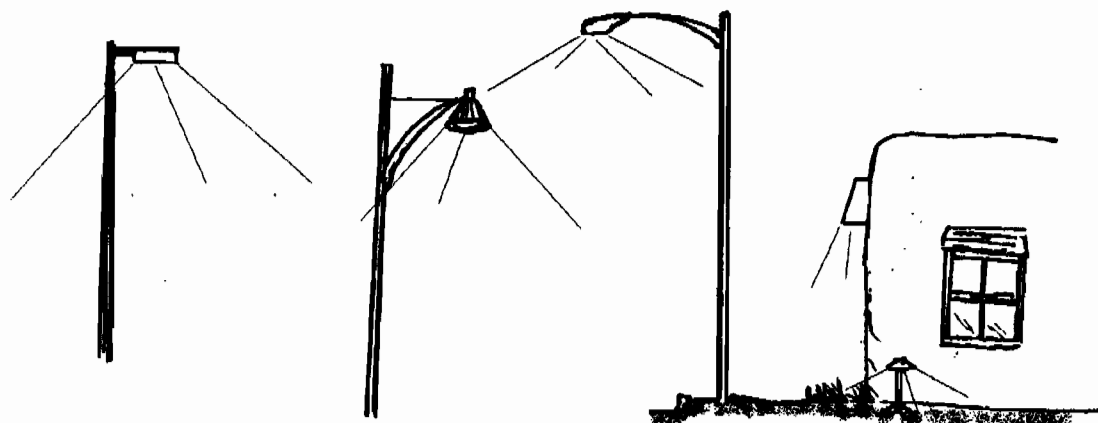
11.2 Criteria

The following criteria may be used to determine the density of a development which imports water:

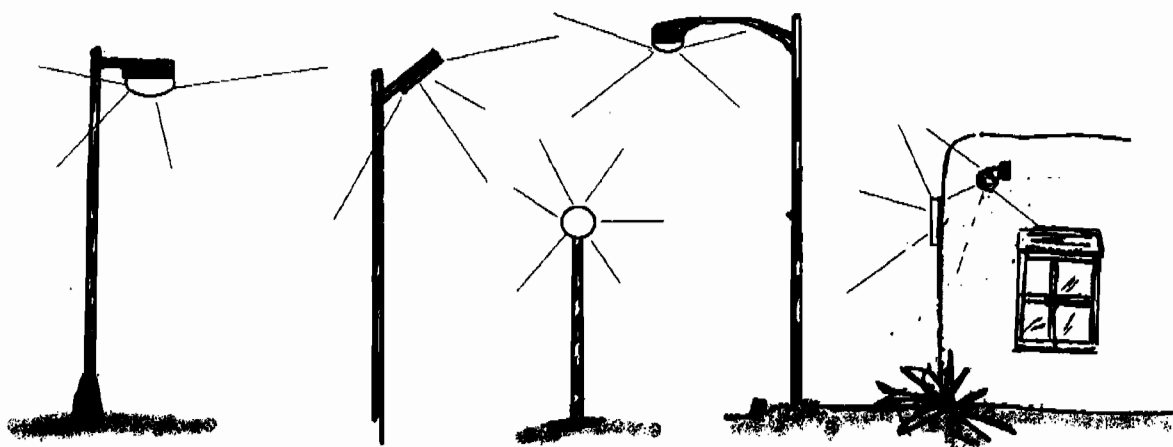
- 11.2.1 Traffic Generation. The amount of traffic generated by the proposed activity shall not at any time impede traffic flow, cause a public road to operate at over capacity, nor contribute to excessive air pollution. The Code Administrator may refer an application to the New Mexico Environmental Improvement Division for their comments on the impact of additional development upon air quality.
- 11.2.2 Energy Consumption. Proposed development which is not near employment or shopping facilities shall serve to minimize commuting and shopping trips by such methods as reducing density, provision of employment and shopping in the proposed development, and provision of mass transit facilities.
- 11.2.3 Provision by Local Government of Public Facilities and Services. The proposed development shall not cause undue burden to the local government in the provision of public facilities and services.
- 11.2.4 Compatibility with Adjoining Residences. The proposed development shall be of a character and density that will not be intrusive to the adjoining residential areas as they now exist or may develop as permitted by the Development Code. The development:
 - a. Shall correlate with the residential life style of adjoining residences as expressed in intensity of use and size of structures;
 - b. Shall provide a sense of the open space of rural areas that corresponds to adjoining locations; and
 - c. Shall generate corresponding amounts of vehicular traffic.

APPENDIX 3.A - SHIELDING STANDARDS FOR OUTDOOR LIGHTS

All light bulbs and light sources shall be shielded so that they are not directly visible from any adjacent lot or public roadway and so that no light rays are emitted by the installed luminaire at angles above the horizontal plane at the lowest part of the fixture, as certified by photometric test report. See Article III, Section 4.4.4, Development and Design Standards. See also Appendix F for streetlight design.



Examples of lights which DO MEET shielding standards.



Examples of lights which DO NOT MEET the standards for shielding.

APPENDIX 3.B - STREELIGHT DESIGN CRITERIA

Reference Article III, Section 4.4.4, Development and Design Standards. Also see Appendix 3.A.

RECOMMENDED LIGHTING LEVELS*			
	Commercial	Industrial	Residential
Pedestrian areas:			
Sidewalks	0.9	0.6	0.2
Pedestrian ways	2.0	1.0	0.5
Roadways:			
Freeways	0.6	0.6	0.6
Major roads & expressways	2.0	1.4	1.0
Collectors	1.2	0.9	0.6
Local streets	0.9	0.6	0.4
Alleys	0.6	0.4	0.2
Parking areas:			
Self-parking	1.0	-	-
Attendant parking	2.0		
Buildings:			
Entrance & doorway areas	5.0	-	-
General grounds	1.0		

* Values are given in minimum average maintained horizontal footcandles source: *IES Lighting Handbook*, 4th ed., Illuminating Engineering, New York.

RECOMMENDED AVERAGE-TO-MINIMUM UNIFORMITY RATIOS	
For Roadways in:	Recommended Ratios
Commercial Areas	3:1
Intermediate Areas	3:1
Residential Areas	6:1

APPENDIX 3.C - XERISCAPE PRINCIPLES AND PLANTING GUIDELINES**SECTION 1 - BOTANICAL LIST FOR SANTA FE COUNTY**

The Landscaping Botanical Appendix for Santa Fe County follows in this Section. Other sources for appropriate plants for local use include the Plant List for the Santa Fe Area, New Mexico by The Santa Fe Xeriscape Council. See the Landscape Irrigation Requirements in New Mexico by the NM State Engineer's Office for water use requirements Santa Fe County.

KEY

Size:	S - small; M - medium; L - large
Purpose:	O - ornamental; SC - screening; SH - shade
Water use:	L - low; M - moderate; H - high
Growth:	S - slow; M - medium; F - fast
Habit:	SP - spreading; CLM - climbing; HDG - hedge
Type:	N - native; I - introduced; D - deciduous; E - evergreen
Maintenance:	L - low; M - medium; H - high

Landscape Botanical Appendix - GROUNDCOVERS	
Botanical Name	Common Name
<i>Euonymus fortunei</i>	Wintercreeper Euonymus
<i>Festuca ovina glauca</i>	Blue Fescue
<i>Hedera helix</i>	English Ivy
<i>Hemerocallis spp.</i>	Daylily
<i>Hypercium calycinum</i>	Arron's Beard
<i>Juniperus horizontalis</i>	Creeping Juniper
<i>Santolina chamaecyparissus</i>	Santolina
<i>Sedum acre</i>	Stonccrop
<i>Vinca major</i>	Vinca, periwinkle
<i>Vinca minor</i>	Vinca, periwinkle
<i>Cerastium tomentosum</i>	Snow-in-summer

Landscape Botanical Appendix - VINES					
Botanical Name	Common Name	Purpose	Water Use	Type	Maintenance
<i>Ajuga reptans</i>	Aguga, bugleweed	O	M	ND	
<i>Campsis radicans</i>	Trumpet Vine	O	LM	ND	
<i>Clematis paniculata</i>	Clematis	O	LM	ND	H
<i>Lonicera semperuirens</i>	Honeysuckle	O	LM	ND	
<i>Parthenocissus tricuspidata</i>	Boston Ivy	O	LM	ND	
<i>Parthenocissus quinquefolia</i>	Virginia creeper	O	LM	ND	
<i>Polygonum aubertii</i>	Silverlace	O		ND	
<i>Wisteria sinensis</i>	Chinese wisteria	O	LM	ND	

Landscape Botanical Appendix - TREES									
Botanical Name	Common Name	Size	Purpose	Height at Maturity	Growth	Habit	Water Use	Type	Maint- enace
<i>Acer saccharinum</i>	Silver maple	M	O, SH	30 ft	Fast	-	H	I	H
<i>Ailanthus altissima</i>	Tree of heaven	L	O, SH	35 ft	F	SP	L	I	M
<i>Betula pendula</i>	Europn. white birch	M	O, SH	30 ft	Medium	SP	H	I	H
<i>Catalpa speciosa</i>	Western catalpa	S	O, SH	25 ft	M	-	M	I	M
<i>Celtis occidenta</i>	Hackberry	L	O, SH	35 ft	Slow	-	M	I	-
<i>Cercis accidentalis</i>	Eastern redbud	S	O, SH	15 ft	M	-	M	I	M
<i>Crataegus laevigata</i>	English hawthorn	S	O, SH	20 ft	S	CLM	M	I	M
<i>Elegrus angustifolia</i>	Russian olive	M	O, SC, SH	25 ft	F	SP, HDG	L	I	M
<i>Forestiera neomexicana</i>	NM olive	M	O, SC	20 ft	-	-	L	N	L
<i>Fraxinus pcnnsylvanica</i>	Green ash	L	O, SH	40 ft	M	-	M	I	L
<i>Fraxinus velvtira modesto</i>	Modesto ash	L	O, SH	-	-	-	M	-	M
<i>Ginko biloba</i>	Ginko	L	O, SH	40 ft	F	-	M	I	L
<i>Gleditsia triacanthos</i>	Honey locust	L	O, SH	35 ft	M	-	M	I	L
<i>Juniperus scopulorum</i>	Rocky mtn. Juniper	M	O, SC	25 ft	-	-	L	N	L
<i>Juniperus monosperma</i>	One seed juniper	S	O, SC	10 ft	-	-	L	N	L
<i>Koelrauberia paniculata</i>	Golden raintree	L	O, SH	15 ft	S	-	M	I	M
<i>Liriodendron tulipifera</i>	Tuliptree	L	O, SH	40 ft	-	-	H	I	H
<i>Malus spp.</i>	Flowering crabapple	M	O, SH	25 ft	M	-	M	I	L
<i>Morus alba</i>	Mulberry	M	O, SH	30 ft	M	-	M	I	M
<i>Pinus edulis</i>	Pinon	M	O	20 ft	-	-	L	N	M
<i>Pinus nigra</i>	Austrian black pine	M	O, SC	30 ft	M	-	M	I	L
<i>Pinus thunbergiana</i>	Japanese black pine	M	O, SC	20 ft	S	-	M	I	L
<i>Platanus acerifolia</i>	London plane	M	O, SH	30 ft	M	-	M	I	H
<i>Populus alba "bolleana"</i>	Bolleana poplar	M	SC	30 ft	F	CLM	H	I	H
<i>Populus spp.</i>	Cottonwood	L	O, SH	50 ft	-	-	M	I	M
<i>Prunus cerasifera</i>	Flowering plum	M	O, SH	20 ft	M	-	H	-	M
<i>Purus calleryana</i>	Bradford pear	M	O	25 ft	M	SP	M	I	L
<i>Robinia ambigua</i>	Idaho locust	M	O, SH	30 ft	M	-	M	I	L
<i>Robinia New Mexicana</i>	New Mexico locust	M	O	20 ft	-	SP	M	N	L
<i>Robinia pseudoacacia</i>	Black locust	L	O	40 ft	M	-	M	I	L
<i>Salix babylonica</i>	Weeping willow	L	SC, S H	40 ft	F	-	H	I	M
<i>Salix matsudana tortosa</i>	Corkscrew willow	M	O, SH	25 ft	F	-	M	I	L
<i>Sodous aucuparia</i>	European mtn. Ash	M	O, SH	35 ft	M	-	M	I	M
<i>Tilia codata</i>	Littleleaf linden	M	O, SH	40 ft	M	-	L	-	M

Landscape Botanical Appendix - SHRUBS							
Botanical Name	Common Name	Size	Purpose	Height at Maturity	Water Use	Type	Maint- enance
<i>Aarimesia tridertata</i>	Big sagebush	M	O	4 ft	L	E	L
<i>Abelia grandiflora</i>	Glossy abeilia	M	O	3 ft	M	I, D	M
<i>Atiplex canescens</i>	4-wing saltbush	M	O, SC	4 ft	L	N, D	L
<i>Berberis thunbergii</i> spp.	Japanese barberry	-	O	3 ft	M	I, D	M
<i>Cercocepus montanus</i>	Mtn. Mahogany	L	O	15 ft	L	N, E	L
<i>Chaenomeles speciosa</i>	Flowering quince	L	O	2 ft	M	I, D	L
<i>Chrysothamnium nausacasus</i>	Chamisa	M	O	4 ft	L	N, D	L
<i>Cotoneaster horizontalis</i>	Rock cotoneaster	-	O, SC	2 ft	H	I, D	M
<i>Cytisus scoparius</i>	Scotch broom	M	O	4 ft	L	I, E	L
<i>Euonymus alata</i>	Winged euonymous	M	O, SC	4 ft	M	I, D	L
<i>Euonymus japonica</i>	Japanese euonymous	M	O	6 ft	L, M	I, E	M
<i>Fallugia paradoxa</i>	Apache plume	M	O	5 ft	L	N, D	L
<i>Forsythia intermedia</i>	Forsythia	M	O, SC	4 -12 ft	L, M	I, D	L
<i>Hibiscus syriacus</i>	Rose of Sharon	M	O	10 ft	L, M	I, D	L
<i>Juniperus chinensis</i>	Pfitzer juniper	M	O	2 - 4 ft	M, H	I, E	L
<i>Ilex coruta burfordii</i>	Burford holly	M	O	10 ft	M	I, E	L
<i>Lexvomitorea nana</i>	Dwarf yaupan	M	O	10 ft	M	I, E	L
<i>Mahonia aquifolium</i>	Oregon grape	M	O	4 ft	M	I, E	L
<i>Mahonia bealei</i>	Leather leaf mahonia	M	O	-	M	I, E	L
<i>Nandina domestica</i>	Heavenly bamboo	M	O	3 ft	M	I, D	L
<i>Oercocarus ledifolius</i>	Curlleaf mtn mahogany	M	O	15 ft	L	N, E	L
<i>Photinia fraseri</i>	Frasers photinia	M	O	3 ft	M	I, E	M
<i>Pinus mugo</i>	Mugo Pine	M	O	2 ft	M	I, E	L
<i>Pyracantha coccinea</i>	Pyracantha	M	O	6 -15 ft	L	I, E	L
<i>Rhus tirlibata</i>	3-leaf sumac	M	O, SC	3 - 8 ft	L	N, D	L
<i>Ribes Aurem</i>	Golden current	M	O, SC	6 ft	M	N, D	L, M
<i>Spiraea vanhoutii</i>	Vanhoutle spirea	M	O	5 ft	M	I, D	M
<i>Spiraea thungergii</i>	Babys breath spirea	M	O	3 ft	M	I, D	M
<i>Spiraea prunifolia</i>	Bridal wreath spirea	M	O	5 ft	M	I, D	M
<i>Syringa vulgaris</i>	Common lilac	M L	O, SC	6 - 15 ft	L, M	I, D	L, M
<i>Viburnum burkwodii</i>	Burkwood viburnum	M	O, SC	5 ft	M	I, D	L, M
<i>Viburnum opulus</i>	European cranberry bush	M	O, SC	8 ft	M	I, D	M
<i>Yucca filmentosa</i>	Adams needle yucca	-	-	-	-	N, D	-

SECTION 2 - XERISCAPE PRINCIPLES

1. **DEVELOP A GOOD DESIGN.** A good landscape design incorporates existing conditions such as soils, slopes, exposure and existing vegetation with further landscape treatments and conservation of water.
2. **CHOOSE LOW-WATER USE PLANTS** approved for Santa Fe County.
3. **IMPROVE THE SOIL** by tilling at least two inches of organic material in the areas to be landscaped with vegetation.
4. **USE MULCH.** A mulch covers the soil, prevents moisture loss, inhibits weed growth, slows erosion and modifies extreme soil temperatures. Use two to four inches of mulch around trees and shrubs, in flower gardens and in landscaped areas.
5. **IF LAWNS ARE TO BE PLANTED, USE NATIVE GRASS.**
 - Seeded areas should be protected with mulch, biodegradable mats or soil binders.
 - During the first full growing season, lawns should be irrigated to become established.
 - Consider using wildflowers.
6. **WATER EFFICIENTLY.** Put water where plants need it. Learn to tell when a plant needs water and water often enough to avoid drought stress.
7. **PRACTICE GOOD MAINTENANCE.** Maintenance keeps plants healthy and attractive. Weeds, injured or dead limbs or sickly plants, detract from the landscape and cost in water usage and replacement.

Also see:

The Enchanted Xeriscape, A guide to Water-wise Landscaping in New Mexico, State Engineer Office Water Conservation Program

Xeriscape: Seven Steps to a Low-water Use Landscape, prepared by Brian C. Wilson, P.E. for the New Mexico State Engineer Office, Nov. 1995.

SECTION 3 - BASIC TRANSPLANTING GUIDELINES

1. Time of transplanting existing trees is important. September through April is best, with the optimal time being February and March.
2. Rootball size should be a minimum of one foot diameter for each inch of caliper size. Scrape off and stockpile the nebka (rotting pine needle mat under tree or shrub.) Carefully dig a large rootball, using the backside of the shovel against the rootball and cutting roots over 6" thick with sharp lopers or a saw. Wrap the ball securely in burlap. A broken rootball is almost certain death to a tree. Use a boom to lift large trees.
3. Planting hole should be wider than the rootball but not deeper. The top of the rootball should be level with surrounding terrain. Soil amendments should be minimal consisting of compost, humates, and root stimulant.
4. Water the tree well and put the plant on irrigation for a minimum of two full growing seasons. Reapply the nebka to the area beneath the transplanted tree or shrub. A crescent mound of earth

bermed on the downhill side of the transplant at the dripline will capture runoff and provide supplemental water for years to come. November through March - water deeply every 7 to 10 days; April through November - water deeply twice weekly.

5. Preventive: Recommend spraying transplanted (i.e. stressed) trees with an effective preventive pesticide once in March by a licensed pesticide applicator. This will prevent Ips beetles from infesting stressed pinion and ponderosa on the property. A landscape professional can recommend a safe and effective solution to protect the valuable trees.

SECTION 4 - PRESERVATION OF SIGNIFICANT NATIVE TREES

Significant native trees are those of a size to be approximately 75 years or older. Along with the natural understory vegetation, they play a significant role to stabilize slopes, retain moisture, prevent erosion, provide habitat for wildlife, prevent air and noise pollution, and enhance natural scenic qualities in the County.

1. Significant trees are defined as:
 - any trunk type tree in good health and form which is eight inches or more in diameter as measured four and one-half feet (4.5') above natural grade; and
 - any bush-form or character tree (pinion, juniper) which is eight feet high and has a spread of eight feet.
2. Removal of significant trees or damage to the critical root zone of significant trees outside of the development site is discouraged.
3. Significant trees requiring removal from the development site may be transplanted to designated landscape areas or other locations on a parcel, donated to public parks or made available for landscaping elsewhere in the community.
4. Significant trees should not be removed from the slopes greater than thirty percent (30%).

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III - 102

SANTA FE LAND COUNTY DEVELOPMENT CODE

ARTICLE IV - CONSTRUCTION CODES

SECTION 1 - ADOPTION OF NEW MEXICO CONSTRUCTION CODES

The following codes adopted by the New Mexico Construction Industries Division under the New Mexico Construction Industries Licensing Act, Sections 67-35-1 through 67-35-63, New Mexico Statutes Annotated (1953 Comp.), as it may be amended, are hereby adopted as codes of the County:

<u>Code Title</u>	<u>Date of Adoption</u>
Uniform Building Code, as amended (1979 Edition)	May, 1980
National Electrical Code, as amended (1978 Edition)	January, 1978
State of New Mexico Electrical Code (1978 Edition)	January, 1978
Uniform Mechanical Code, as amended (1979 Edition)	April, 1980
Uniform Plumbing Code, as amended (1979 Edition)	April, 1980
Uniform Swimming Pool Code, as amended (1979 Edition)	April, 1980
Uniform solar Energy Code, as amended (1979 Edition)	April, 1980

A copy of each of these codes shall be available for inspection at the office of the Code Administrator during regular business hours.

SECTION 2 - STATE APPROVAL OF COUNTY INSPECTORS

Inspectors who make construction code inspections shall first have been certified as provided by law.

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ARTICLE V - SUBDIVISION REGULATIONS

A regulation to promote in accordance with present and future needs, the safety, morals, order, convenience, prosperity, and general welfare of the citizens of Santa Fe County, New Mexico, and to provide for efficiency and economy in the process of development, for convenience of traffic and circulation of goods, for good civic design and arrangement, and for adequate public utilities and facilities by prescribing rules and standards for the subdivision of land and for the accomplishment of said purposes to provide for the administration and enforcement hereof.

SECTION 1 - TITLE AND AUTHORITY

These regulations shall be known, referred to, and cited as "Santa Fe County, New Mexico, Subdivision Regulations". These regulations are passed, adopted and approved by the Board of County Commissioners of Santa Fe County by Resolution No. 1973-55 on August 27, 1973, as authorized by and in accordance with the New Mexico Subdivision Act, Chapter 348 of the Laws of 1973, 31st Legislature, First Session, the Legislature of the State of New Mexico.

SECTION 2 - PURPOSE

These regulations are to promote the general health, safety and welfare of the citizens of Santa Fe County by providing for the harmonious development of areas within Santa Fe County not within the boundaries of a municipality; ensure the efficient use of water resources; ensure appropriate and adequate liquid and solid waste disposal systems; provide for appropriate terrain management plans; provide for the coordination of streets within subdivisions and other existing or planned streets or with other features of the General Plan of Santa Fe County; assist school districts within Santa Fe County in planning for and providing quality facilities for public education; provide for adequate open spaces for traffic which will tend to create conditions favorable to health, safety convenience and prosperity.

SECTION 3 - JURISDICTION

These "Subdivision Regulations" shall govern all platting or replatting of areas within Santa Fe County not within the boundaries of a municipality or the City of Santa Fe Extraterritorial Zone unless otherwise expressly stated in the EZ Code.

SECTION 4 - GENERAL POLICY REQUIREMENTS

4.1 Acceptance of Public Lands

The recommendation for approval of a subdivision by the County Development Review Committee shall not constitute an acceptance by the County, of the streets, alleys or other public ways or easements, and parks or other public lands dedicated on the subdivision plat by the owners. The dedication of any of these lands for public use of any nature within the County shall be accepted by the County only by action of the Board. Acceptance of offers of dedication on a final plat shall not be effective until the final plat is filed in the office of the County Clerk or a resolution of acceptance by the Board is filed in such office.

4.2 Community Assets

All features such as natural vegetation, erodible soils, drainage courses, historical sites and structures, and similar community assets shall be preserved where in the opinion of the Board and/or the County Development Review Committee they will add attractiveness and value to the

area or the County or avoid unwarranted deterioration and destruction of these natural, historic or other community assets.

4.3 Suitability of the Land for Subdivision

The County Development Review Committee or the Board shall not approve the subdivision of land if from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public health, safety or welfare the land is not suitable for platting and development purposes of the kind proposed. Criteria for determining land unsuitable for subdivision shall include:

- land subject to periodic flooding;
- land unsuited for development because of topography;
- soils subject to excessive erosion;
- land subject to seasonally high water tables;
- soils which due to shallow depth or slow percolation rates are unsuitable for sewage absorption fields;
- inadequate water supply for the requirements of the fully developed subdivision;
- projects which would place an unacceptable burden on local school districts; and
- other criteria specifically mentioned in guidelines for subdivision regulations prepared by the New Mexico Environment Department, New Mexico State Engineer's Office, New Mexico Highway and Transportation Department, Office of Cultural Affairs and the local Soil and Water Conservation District.

4.4 Master Plan and Development Plan

If the proposed preliminary subdivision plat is the first part of a large scale development (as described in Article III, Section 6) or a large subdivision (Types I, II and IV), then the proposed plat shall not be considered by the County Development Review Committee until a Master Plan meeting the requirements of Section 5.2 has been approved by the County Development Review Committee and the Board. Preliminary and Final Development Plans for such developments shall conform with the requirements of Section 7 and shall be approved by the County Development Review Committee.

4.5 Staging/Phasing

For large scale developments and large subdivisions, the County Development Review Committee and Board may grant approval of an initial development stage only; and further, the County Development Review Committee may set criteria for development of the first stage as a condition for approval of subsequent stages. However, a subdivider may propose, and the County Development Review Committee and Board may approve, a phasing schedule which permits flexibility in the sequential development of the various stages as to timing and order of development.

4.6 Conflicts with Other Regulations

Whenever there is a discrepancy or conflict between minimum standards or dimensions noted herein and those contained in zoning regulations, building codes, or other official rules and regulations of the County and/or the State of New Mexico, applicable for land within the County, the highest or most restrictive standard shall apply.

4.7 Consulting Other Agencies

Before acting on a preliminary plat, the County Development Review Committee and/or the Board shall request a report from any person or agency as required by the New Mexico Subdivision Act or by these regulations to assist in determining whether or not a subdivider can

fulfill the proposals contained in the subdivider's disclosure statement and in determining whether or not the subdivider's provisions for a subdivision conform with County regulations.

4.8 Common Promotional Plans

The Code Administrator will review proposed applications to determine whether there is a common promotional plan to subdivide a property. If it is determined that the land division does constitute a common promotional plan, the project shall comply with the procedures provided for in this Article V.

SECTION 5 - PROCEDURES AND SUBMITTALS

5.1 Pre-application Procedures

Prior to the filing of an application for approval of a preliminary plat, the subdivider shall confer with the Code Administrator to become acquainted with these subdivision regulations. At this pre-application conference, the subdivider shall be advised of the following:

1. Submittals required by the Code.
2. Type and/or class of the proposed subdivision.
3. Individuals and/or agencies that will be asked to review the required submittals.
4. Required improvements.
5. Conditions under which Master Plans and Development Plans are required as described in Sections 5.2 and 7.
6. A determination will be made as to the appropriate scale and format for plans and plats and as to the appropriateness of applicable submittal requirements.

5.2 Master Plan Procedure

5.2.1 Introduction and Description

- a. Master plans are required in the following cases:
 - i. All Type I, Type II, and Type IV subdivisions with more than one development phase or tract;
 - ii. As required in Article III for developments other than subdivisions; and
 - iii. Such other projects which may elect to apply for master plan approval.
- b. A master plan is comprehensive in establishing the scope of a project, yet is less detailed than a development plan. It provides a means for the County Development Review Committee and the Board to review projects and the subdivider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a preliminary and final plat approval.
- c. The master plan submittal will consist of both plans and written reports which include the information required in 5.2.2 below. A typical submittal would include a vicinity map, a plan showing existing site data, a conceptual environmental plan with written documentation, a master plan map, a master plan report, a schematic utilities plan and the phasing schedule. Maps and reports may be combined or expanded upon at the discretion of the applicant to fit the particular development proposal as long as the relevant information is included.

5.2.2 Master Plan Submittals

- a. Vicinity Map. A vicinity map drawn at a scale of not more than 2,000 feet to one inch showing contours at twenty (20) foot intervals showing the relationship of the site to its general surroundings, and the location of all existing drainage channels, water courses and water bodies located on the parcel and within three miles of the Parcel.

The locations of all Federal, State, or County Roads within one thousand (1000) feet of the parcel shall be shown. In addition, location of future highways and arterials as designated on the appropriate master plan for roads in the County (see 3-19-9 N.M.S.A. 1978) shall be shown.

- b. Existing Site Data. A description of existing conditions on or adjacent to the site. Maps shall be at a scale of one (1) inch to one hundred (100) feet or other appropriate scale as determined by the Code Administrator and shall include the following:
- 1) Boundary lines: bearings and distances. The error of closure shall be of a third order survey, and no discrepancy between computed and measured distances shall exceed one (1) part in 1,280 parts;
 - 2) Easements: Location, width and purpose;
 - 3) Streets or Roads on and immediately adjacent to the tract, name and right-of-way width;
 - 4) Utilities on and immediately adjacent to the tract;
 - 5) Owners of record of unplatted land and existing subdivision plats by name and recordation, together with owners of record for affected lots shall be shown for property within one-hundred (100) feet of that tract not including public rights-of-ways.
 - 6) Title and certificates: Present tract designations according to official records in the County Clerk's Office, title under which the proposed development is to be recorded with name and address of owner, notation stating acreage, scale, true and magnetic north arrow, U.S.G.S. datum and benchmarks, if any, certification of the engineer or land surveyor licensed in accordance with the laws of the State of New Mexico who prepared the plat.
 - 7) Proof of legal access from a county or state road as required by the Code.
- c. Conceptual environmental plan shall include, when appropriate:
- 1) Graphic representation of existing topography, natural features, slopes, and floodplains,
 - 2) Soils maps and reports (SCS)
 - 3) Recreational and/or open space plan, or landscape concepts,
 - 4) Liquid waste disposal plan, and
 - 5) Water Supply plan.
- d. Master plan map(s) showing the proposed development in sketch form, including:
- 1) Proposed major vehicular and pedestrian circulation system,
 - 2) Designation and description of proposed land uses, including information about residential uses by type, area and density, and information about office, general commercial and industrial uses by area and intensity of development. Mixed uses shall not be prohibited,
 - 3) Logical and natural boundaries defining development limitations, and
 - 4) Any proposed sites for schools or other community facilities.
- e. A phasing schedule shall be included in the master plan giving a general description of each phase of the development.
- f. A schematic utilities plan showing location, locational cross sections, and approximate line sizes. It is recognized that there may be changes in the final utilities plan due to the requirements of utility companies or final engineering plans and specifications.

- g. Master plan report which includes the following:
- 1) A general description of the project, existing development on the parcel, location, adjacent properties, acreage, lot coverage, access, traffic impacts, terrain management, soils, landscaping, outside lighting, parking, signage, water, liquid waste, solid waste, archaeological sites and fire protection measures;
 - 2) If appropriate, market analysis and economic impact report which address: demand, projected sales and build-out; identifies a trade area; estimates retail sales and potential, and identifies the scale and extent of local competition.
 - 3) Preliminary fiscal impact estimates of net local public costs, including capital outlay and operating expenses, and revenues attributable to the proposed project.
 - 4) Preliminary environmental assessment, which identifies the possible effects of proposed development on natural resources or natural features. This may be combined with Section 5.2.2.c of this Article.
 - 5) A written preliminary traffic report prepared by a licensed traffic engineer or other qualified expert acceptable to the Code Administrator.
 - 6) Description of concepts for restrictive covenants proposed for the development if applicable, outlining the areas and extent of restriction or regulation. Detailed covenants are not required at this time.
 - 7) Schools impact report. A written report which projects the effects the proposed project will have on public schools, and which includes:
 - the proposed number, size, and price of residential units within the project;
 - a description of the project's target market; and
 - where applicable, any special educational needs of the project's school-aged residents.

The report will also identify the schools that service the area of the proposed project and their boundaries, the transportation available to those schools, and a list of any pending or approved residential developments within those schools' boundaries. Copies of the schools impacts notice shall be submitted to the school district in which the project is located and to the Code Administrator.

5.2.3 Master Plan Review

The master plan shall be submitted to the Code Administrator or his authorized representative with a written application for approval. The Code Administrator will review the plan and submit analysis, written comments and a recommendation to the County Development Review Committee and the Board. Master plans shall be reviewed by the County Development Review Committee which shall make determinations regarding compliance with the County General Plan or the Extraterritorial Plan and the Code and shall forward the plan to the Board with the Committee's recommendation. The Board may adopt, amend, supplement, or reject the County Development Review Committee recommendation.

5.2.4 Master Plan Approval

- a. The approved master plan shall show the area of residential use and general density measured in dwelling units per acre of land, less dedicated or conveyed rights-of-way, and the area and intensity of commercial and industrial use measured in gross square feet of building area or maximum gross floor area ratio. These shall constitute the maximum permitted number of dwelling units and maximum permitted area and intensity of commercial or industrial use.
- b. The County Development Review Committee and Board shall consider the following criteria in making determinations and recommendations for approval or amendment of master plans:
 1. Conformance to County and Extraterritorial Plan;

2. Suitability of the site to accommodate the proposed development;
3. Suitability of the proposed uses and intensity of development at the location;
4. Impact to schools, adjacent lands or the County in general;
5. Viability of proposed phases of the project to function as completed developments in the case that subsequent phases of the project are not approved or constructed;
6. Conformance to applicable law and County ordinances in effect at the time of consideration, including required improvements and community facilities and design and/or construction standards.

5.2.5 Filing of Approved Master Plan

The approved master plan with maps which has been approved by and received signatures of the County Development Review Committee Chairman and Board Chairman shall be filed of record at the County Clerk's Office.

5.2.6 Amendments and Future Phase Approvals

- a. Approval of the master plan is intended to demonstrate that the development concept is acceptable and that further approvals are likely unless the detailed development plans cannot meet the requirements of applicable law and County ordinances in effect at that time. Each phase of the development plan must be considered on its own merits.
- b. The Code Administrator may approve minor changes to the master plan. Any substantial change in land use or any increase in density or intensity of development in the approved master plan requires approval by the County Development Review Committee and the Board.
- c. Any changes approved by the Code Administrator pursuant to Section 5.2.6b of this Article shall be subject to the review and approval of County Development Review Committee and the Board at the time of development plan or plat approval.
- d. The phasing schedule may be modified by the Board at the request of the developer as economic circumstances require as long as there is no adverse impact to the overall master plan. (See Article V, Section 4.5)

5.2.7 Expiration of Master Plan

- a. Approval of a master plan shall be considered valid for a period of five years from the date of approval by the Board.
- b. Master plan approvals may be renewed and extended for additional two year periods by the Board at the request of the developer.
- c. Progress in the planning or development of the project approved in the master plan consistent with the approved phasing schedule shall constitute an automatic renewal of the master plan approval. For the purpose of this Section, "progress" means the approval of preliminary or final development plans, or preliminary or final subdivision plats for any phase of the master planned project.

History. 1980 Comp. 1980-6. Sections 4.4, 4.5, 5.1 and 5.2 were amended by County Ordinance 1987-1 to provide for the submittal of a master plan.

5.3 Preliminary Plat Procedure

5.3.1 Introduction and Description

- 5.3.1a Preliminary plats shall be submitted for Type-I, Type-II, Type-III, except Type-III subdivisions that are subject to review under summary procedure as set forth in Subsection 5.5 of this Section, and Type-IV subdivisions.

- 5.3.1b Application and Fees. Copies of the preliminary plat, required plans and data and a completed application form shall be submitted to the Code Administrator or his authorized representative. A cashier's check made payable to Santa Fe County in the amount required in the schedule of fees for preliminary plat review must accompany the application materials.
- 5.3.1c Conformance with Master Plan and Preliminary Development Plan. A preliminary plat may be submitted for only a phase or portion of the entire project so long as it conforms to the approved master plan and preliminary development plan submitted pursuant to Sections 5.2 and 7 of this Section, respectively.
- 5.3.1d Plat Deemed Complete. A plat shall not be deemed complete until all submittals, in completed form required by these regulations, have been delivered to the Code Administrator.

5.3.2 Preliminary Plat Submittals

- a. Preliminary Plat Format. As part of the application for preliminary plat approval, the subdivider shall submit a specified number of blue-line or black-line copies of the preliminary plat as agreed to in the pre-application conference, which shall be drawn at a scale of one (1) inch equals one hundred (100) feet. The preliminary plat shall be presented on a sheet or sheets twenty four (24) inches wide by thirty six (36) inches long within which are borders one half (1/2) inch wide on all sides. Where necessary the plat may be on more than one (1) sheet of the same size, showing the entire subdivision.
- b. Preliminary Plat Content. The plat shall show all proposals including the following:
- i. The subdividers' name and address;
 - ii. All items (1) - (24), listed in Article III, Section 2.4.2b.1(b);
 - iii. Streets: Names, right-of-way widths and distance between intersections and curve radii;
 - iv. Proposed easements: Location, width and purpose;
 - v. Minimum building set back lines; and
 - vi. The date of completion and/or amendment.
- c. Plans and Data.
The following plans and data are required with each preliminary plat application and shall be sufficient enough to permit the County and other public agencies to determine whether the subdivider can fulfill the requirements of this Code, the New Mexico Subdivision Act and the subdividers' disclosure statement.
- i. The subdividers' name and address shall be on all documents.
 - ii. The date of completion and/or amendment shall be on each set of plans.
 - iii. Proof that the parcel is a legal lot of record.
 - iv. Vicinity Map: A vicinity map drawn at a scale of not more than two thousand (2,000) feet to one (1) inch showing contours at twenty (20) foot intervals showing the relationship of the site to its general surroundings, and the location of all existing drainage channels, water courses and water bodies within three (3) miles of the subdivision site.
 - v. Existing Site Data Map: A description of existing conditions and all improvements on or adjacent to the site. Maps shall be at the same scale as the preliminary plat, one (1) inch to one hundred (100) feet, and shall include the following:
 - a. Boundary lines: bearings and distances. The error of closure shall be of a third order survey, and no discrepancy between computed and measured

- distances shall exceed one (1) part in one thousand two hundred eighty (1,280) parts.
- b. Easements: Location, width and purpose.
 - c. Streets on and immediately adjacent to the parcel including, name and right of way width and location, type, width of surfacing and sidewalks, curbs, gutters, culverts, etc.
 - d. Utilities on and immediately adjacent to the parcel: location, size, and invert elevation of storm and sanitary sewers, if any; the location and size of water mains, if any; location of gas lines, water mains, and sanitary sewers if they are located on or adjacent to the parcel, and the direction, distance and size of closest utilities shall also be indicated.
 - e. Owners of record of unplatted land and existing subdivision plats by name and recordation shall be shown for property within one thousand (1,000) feet of the parcel.
 - f. Zoning on and within one thousand (1,000) feet of the parcel.
 - g. Title and certificates: Present parcel designations according to official records in the County Clerk's Office, notation stating acreage, scale, true and magnetic north arrow, U.S.G.S. datum and benchmarks, if any, certification of the engineer or land surveyor licensed in accordance with the laws of the State of New Mexico who prepared the plat and a metes and bounds description of the parcel.
- vi. Topographical and Natural Features. As required by Article VII, Sections 1 and 3 of the Code.
 - vii. Soil Survey. As required by Article VII, Section 3 of the Code.
 - viii. Street and Access Plan. Pursuant to Sections 8 and 9 of this Article V, plans shall show satisfactory roads to each parcel, including ingress and egress for emergency vehicles and proof of legal access from a county or state road and shall include profiles showing existing ground surface and proposed street grades and typical cross sections of the proposed grading.
 - ix. Terrain Management Plan. As required by Article VII, Section 3 of the Code.
 - x. Water Supply Plans and Water Permits. As required by Article VII, Section 6 of the Code.
 - xi. Liquid Waste Disposal Plan. As required by Article VII, Section 2 of the Code.
 - xii. Solid Waste Plan. As required by Article VII, Section 7 of the Code.
 - xiii. Community Facilities Plan. Community facilities may be required, which are reasonably necessary for and related to the projected population of the subdivision. The Community Facilities Plan shall contain the type, location and size of proposed facilities. Responsibility for development and maintenance of Community Facilities shall be stated. Community Facilities shall include, but are not limited to:
 - a. Parks, open space, trails and recreation facilities;
 - b. Schools;
 - c. Fire and police stations or substations;
 - d. Gas lines, power lines, telephone lines or fiber optic cable, cable TV, and substations; and
 - e. Hospitals, emergency medical service facilities, ambulance facilities and related services.
 - xiv. Environment and Economic Impact Statement. The County Development Review Committee may recommend to the Board and the Board may require that the subdivider provide an environmental and/or economic impact statement for the proposed subdivision. If an environmental impact statement is required, it shall be in such form and contain such information as the Board may request in order

for them to be able to fully assess the cumulative and long range impact of the proposed subdivision on the environment of Santa Fe County. If an economic impact statement is required, it shall be in such form and contain such information as the Board may request in order for them to be able to fully assess the cumulative and long range impact of the proposed subdivision. The economic impact statement shall include, but is not limited to:

- a. additional services that will be required of the governmental entities within Santa Fe County, including but not limited to services such as public schools, fire and police protection;
- b. additional services to be provided by utility companies;
- c. additional medical services and/or facilities; and
- d. impact of the project on the economy of Santa Fe County.

If an environmental and/or economic impact statement is required by the Board, no final plat approval shall be granted to such subdivisions until such requested statement or statements for the subdivision is approved by the with recommendations from the County Development Review Committee.

xv. Disclosure Statement. As required by Article V, Section 10 of this Code

xvi. Schedule of Compliance.

xvii. Schools Impact Report. A written report which projects the effects the proposed project will have on public schools, and which includes:

- a. the proposed number, size, and price of residential units within the project;
- b. a description of the project's target market; and
- c. where applicable, any special educational needs of the project's school-aged residents.

The report will also identify the schools that service the area of the proposed project and their boundaries, the transportation available to those schools, and a list of any pending or approved residential developments within those schools' boundaries. Copies of the schools impacts notice shall be submitted to the school district in which the project is located and to the Code Administrator.

xviii. Copies of all covenants, deeds or homeowners association by-laws for development and maintenance of subdivision improvements.

5.3.3 Preliminary Plat Reviews

a. Density Review

The Code Administrator shall review the application for compliance with the density regulations of the Code.

b. Special District Review

The Code Administrator shall review the plat and shall inform the applicant of any additional submittals or reviews required under Article VI - Special Review Districts.

c. Environmental Review

The Code Administrator shall review the plat and shall inform the applicant of the additional submittals or reviews required under Article VII - Environmental Requirements.

d. Agency Review

- i. Within ten (10) working days after the date that the preliminary plat is deemed complete, the Code Administrator shall forward a copy of the preliminary plat and supporting documentation to the following state and local agencies with a request for review and opinions:
 - (a) New Mexico State Engineer;
 - (b) New Mexico Environment Department;
 - (c) New Mexico Highway and Transportation Department;
 - (d) Soil and Water Conservation District in which the proposed subdivision is located; and
 - (e) Any other public agencies the County considers necessary to determine whether there are adequate facilities to accommodate the proposed subdivision.
- ii. Agency Response. The state and local agencies shall have thirty (30) working days from their receipt of the preliminary plat to review and return an opinion regarding the preliminary plat.
- iii. Hearing Deadlines for Favorable Opinion or Failure to Render an Opinion. If the opinions received from all agencies are favorable, the County shall schedule a public hearing for consideration and action on the preliminary plat within thirty (30) working days following the receipt of such favorable opinions. If the County does not receive a requested opinion within the specified thirty (30) working days, it shall proceed with the public hearing.
- iv. Procedure for Adverse Opinion. If any opinion from a public agency is adverse or if a public agency does not have sufficient information on which to base an opinion, the Code Administrator shall forward a copy of the adverse opinion to the subdivider and request that additional information be provided to the County within thirty (30) working days to respond to the concerns of the agency. The Code Administrator shall forward such additional information upon receipt to the appropriate agency which shall have thirty (30) working days after the date the subdivider submits the additional information in order to revise its opinion. The County shall schedule a public hearing for consideration and action on the preliminary plat within thirty (30) working days after the receipt of the second opinion, whether favorable or adverse, from the appropriate agency. If the County does not receive any further opinion within the specified thirty (30) working days after the subdivider submits the additional information, it shall proceed with the required public hearing.
- v. Receipt Required. If requests for opinions or additional information is submitted to a public agency by mail, the County shall send them by certified mail "return receipt requested"; if hand delivered a receipt shall be obtained by the County showing the day the opinion request or additional information was received by the agency.

e. Other Reviews

The Code Administrator shall review the disclosure statement (and opinions from public agencies regarding their review of the disclosure statement) to determine whether the subdivider can fulfill the proposals contained in the disclosure statement and whether the disclosure statement is consistent with the subdivider's restrictive covenants, deeds or homeowners association by-laws and the Code.

5.3.4 Public Hearings on Preliminary Plats

The proposed preliminary plat shall be reviewed by the County Development Review Committee and the Board according to the procedures set forth in Article II, Sections 2.3.2, 2.4 and 2.6 of this Code.

5.3.5 Preliminary Plat Approval

- a. Approval or conditional approval of a preliminary plat shall constitute approval of the proposed subdivision design and layout submitted on the preliminary plat, and shall be used as a guide to the preparation of the final plat.
- b. The Board shall not approve the preliminary plat if the subdivider cannot reasonably demonstrate that he or she can fulfill the requirements of the Code, the New Mexico Subdivision Act and the subdivider's disclosure statement.
- c. Action. Unless the applicant has agreed to a tabling, within thirty (30) working days after the Board's public hearing, the Board shall approve, approve with conditions, or disapprove the preliminary plat at a public meeting, the date, time, and place of which shall be announced publicly at the conclusion of the public hearing.

5.3.6 Expiration of Preliminary Plat

- a. Expiration. An approved or conditionally approved preliminary plat shall expire twenty-four (24) months after its approval or conditional approval. Prior to the expiration of the preliminary plat, the subdivider may request, from the Board, an extension of the preliminary plat for a period of time not exceeding thirty-six (36) months.
- b. Phased Development. If the preliminary plat was approved for phased development, the subdivider may file final plats for portions of the development, and the expiration date of the preliminary plat shall be extended for an additional thirty-six (36) months after the date of the filing of each final plat. The number of phased final plats shall be determined by the Board at the time of the approval or conditional approval of the master plan.
- c. Expiration effect. The expiration of the approved or conditionally approved preliminary plat shall terminate all proceedings on the subdivision, and no final plat shall be filed without first processing a new preliminary plat.

5.4 Final Plat Procedure

5.4.1 Introduction and Description.

5.4.1a Final plats shall be submitted for Type-I, Type-II, Type-III, except Type-III subdivisions that are subject to review under summary procedure as set forth in Subsection 5.5 of this Section, and Type-IV subdivisions. Following approval or conditional approval of a preliminary plat, and before the expiration of the plat, the subdivider may prepare a final plat in substantial conformity with the approved or conditionally approved preliminary plat. At the discretion of the Code Administrator, preliminary and final plats may be reviewed for approval simultaneously. Final plats for subdivisions proposed to be phased shall be submitted as indicated on the phasing schedule submitted with the master plan as specified in Section 5.2. above. The final plat shall comply with the New Mexico Subdivision Act and these regulations.

5.4.1b Application and Fees. A subdivider shall prepare a final plat and supporting documentation in accordance with the requirements provided in these regulations. Final plat submittal is initiated by completing an application on a form available

from the Code Administrator. A cashier's check made payable to Santa Fe County in the amount required in the schedule of fees (Section 6 of this Article) shall accompany the final plat application.

5.4.2 Final Plat Submittals

5.4.2a Final Plat Format

The original drawing of the final plat and all signatures shall be in black waterproof ink on mylar. Sheets shall be twenty four (24) inches wide and thirty six (36) inches long, one half (1/2) inch wide borders, drawn at a scale of one (1) inch to one hundred (100) feet. If the plat is drawn on more than two (2) sheets, they shall be accompanied by an index sheet of the same size showing the entire subdivision. The original drawing and fifteen (15) blue-line or black-line copies shall be submitted with the application for approval of the final plat. Required dimensions shall be shown to the nearest one hundredth (1/100) of a foot and angles to the nearest one second.

5.4.2b Final Plat Content

The final plat shall show the following information:

- i. Title, scale, true and magnetic north arrows, and date;
- ii. Primary control points or ties to primary control points, approved by the County Engineer, to which all dimensions, angles, bearings and similar data shall be referred. All primary control points shall be permanent monuments;
- iii. Subdivision lines, all roads and right-of-way streets, easements, and other rights-of-way, property lines of residential lots and other sites, legal access to, roads to and utility easements for each parcel; with accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves. If the access or easements are based upon an agreement, the County Clerk recording data for the agreement must be shown;
- iv. Names and width of each street or other right-of-way and centerlines of street rights-of-way with dimensions between intersection centerlines or tract boundary lines; location, dimensions and purposes of any easements;
- v. Each parcel numbered in progression, giving its acreage and dimensions, and the dimensions of all land dedicated for public use or for the use of the owners of parcels fronting or adjacent to the land;
- vi. State plane coordinates on one primary corner within the development;
- vii. Portions of the subdivision that are located in a flood plain shall be delineated;
- viii. Offers of dedications of public right-of-ways, easements, and public sites shall be shown on the subdivision plat and made a part of the plat and the plat affidavit.
- ix. Minimum building setback lines on all lots and other sites;
- x. Names of record of landowners of adjoining unplatted land;
- xi. References to recorded subdivision plats of adjoining platted land by record name and County Clerk records book and page;
- xii. The certification of a land surveyor registered in the State of New Mexico certifying to the accuracy of the survey and plat, the date of the survey and that the same has been prepared by him.
- xiii. Affidavit. Statement on the final plat signed by the subdivider or his authorized agent stating that:

- (a) the subdivider is the landowner;
 - (b) that the subdivision as it appears on the plat is with the free consent and in accordance with the desires of the subdivider;
 - (c) the land being subdivided is subdivided as shown on the final plat;
 - (d) roads, other rights-of-way, public sites or improvements, or public use easements are offered for dedication for public use freely and with full consent of the subdivider; and
 - (e) the land lies within the subdivision jurisdiction of Santa Fe County.
- xiv. Signatures of the County Development Review Committee Chair, the Board Chair, the Land Use Administrator, Fire Marshal, and if required, the Public Works Director.
 - xv. Signatures of the appropriate utility companies.
 - xvi. Certificate stating that the Board accepted, accepted subject to improvement or rejected, on behalf of the public, any land offered for dedication for public use in conformity with the terms of the offer of dedication and any covenants, deeds
 - xvii. The recording information from the County Clerk's office regarding the disclosure statement and any covenants, deeds, or home-owners association by-laws shall be referenced on the plat.

5.4.2c. Plans and Data

The following information is required with each final plat application:

- i. Copies of all covenants, deeds or homeowners association by-laws for development and maintenance of subdivision improvements;
- ii. A disclosure statement pursuant to Section 10 of this Article V.
- iii. Water permit pursuant to Article VII, Section 6 of the Code.
- iv. Such other certificates, affidavits, endorsements, or deductions as may be required by the Board or the County Development Review Committee in the enforcement of these regulations, or as may be specified elsewhere herein.

5.4.3 Review Process

The Code Administrator shall review the proposed final subdivision plat and cause the plat to be reviewed by the County Development Review Committee within thirty (30) working days of the plat being deemed complete and according to the procedures set forth in Article II, Sections 2.3.2, and 2.5 of this Code.

5.4.4 Approval

5.4.4a If the final plat is approved by the Board, such approval shall be recorded on the face of the original drawing of the final plat and on two copies thereof and such approval shall be dated and verified thereon by the signatures of the Chairman of the Board and the Code Administrator, the Chairman of the County Development Review Committee and the appropriate utility companies in the space provided for such, and such dates and signatures shall be in black waterproof ink after all conditions of the final plat have been complied with. One signed copy shall be returned to the subdivider and the other shall become a part of the files of the Code Administrator's Office. The original drawing shall be used for recordation purposes and thereafter retained in the files of the Code Administrator.

5.4.4b The Board shall not deny a final plat if it has previously approved a preliminary plat for the proposed subdivision if: 1) the preliminary plat was approved after July 1, 1996; 2) all preliminary plat conditions have been or are in the process of

being met; and 3) it finds that the final plat is in substantial compliance with the previously approved preliminary plat.

5.4.4c Denial. If the final plat is denied by the Board, the reasons for the denial shall be referenced and attached to two (2) copies of the final plat and such action shall be dated and verified by the signatures of the Chairman of the Board and the Code Administrator affixed to said copies. One signed copy shall be returned to the subdivider and the other shall become a part of the files of the Code Administrator's Office. The original drawing shall be returned to the subdivider.

5.4.4d Failure to Act. If the Board does not act upon a final plat within the required period of time, the subdivider shall give the Board written notice of its failure to act. If the Board fails to approve or reject the final plat within thirty (30) working days after that notice, the Board shall, upon demand by the subdivider, issue a certificate that the final plat has been approved.

5.4.5 Filing

The final plat, subdivision covenants and final disclosure statement shall be recorded by the County Clerk. The Code Administrator or his authorized representative shall notify the subdivider of the date of such recordation. Final plats, approved by the Board, shall be recorded within ten (10) working days after all conditions of approval have been met.

5.4.6 Expiration of Final Plat

Any approved or conditionally approved final plat, approved after July 1, 1996 shall be recorded within twenty-four (24) months after its approval or conditional approval or the plat shall expire. Upon request by the subdivider, an additional period of no more than thirty-six (36) months may be added to the expiration date by the Board.

5.4.7 Acceptance of Dedications and Improvement Agreement

Acceptance of offers of dedication on a final plat shall not be effective until the final plat is filed in the office of the county clerk or a resolution of acceptance by the Board is filed in such office. Acceptance of a public dedication by the County does not imply the maintenance by the County of such dedication. Maintenance of public dedications require a separate action of the Board pursuant to Section 8.1.9 of this Article.

5.4.8 The final plat will not be signed by the Code Administrator until the subdivider has either installed all required improvements or filed a surety bond or other acceptable security as required in Section 9.9 of this Article.

5.4.9 A copy of the final plat shall be provided to every purchaser, lessee or other person acquiring an interest in the subdivided land prior to sale, lease or other conveyance.

5.4.10 Copies of all brochures, publications and advertising relating to subdivided land, as required by the New Mexico Subdivision Act, shall be filed with the Board and the Attorney General within fifteen (15) days of initial use by the subdivider.

5.5 Summary Review Procedure

5.5.1 Qualifications. The following types of subdivisions shall be submitted to the County for approval under summary review procedures:

- a. Type III subdivisions containing five (5) or fewer parcels of land, unless the land within the proposed subdivision has been previously identified in the County General

- Plan or this Code as an area subject to unique circumstances or conditions that require additional review; and
- b. all Type V subdivisions.
- 5.5.2 Pre-application Conference. A pre-application conference is recommended before application for summary review and approval. The pre-application process is described in Section 5.1 of this Article.
- 5.5.3 Submittal Requirements. The submittal requirements of Article III, Section 2.4.2.b.1 and any additional requirements listed below shall apply to summary review subdivisions.
- 5.5.4 Review and Approval Procedures
- a. In addition to requirements set forth in this Section 5.5, Type III and Type V subdivisions containing five (5) parcels or fewer shall be reviewed and approved or disapproved under the procedures set forth in Article II, Section 2.3.1. and Article III, Sections 2.4.2.b.2 and 3.
 - b. In addition to requirements set forth in this Section 5.5, Type V subdivisions containing six (6) or more parcels shall be reviewed and approved or disapproved under the procedures set forth in Article II, Section 2.3.2 and Article III, Sections 2.4.2.b.2 and 3, however, County Development Review Committee review is not required and the project shall go directly to the Board for final approval.
 - c. All applicable public notice and hearing requirements set forth in Article II, Sections 2.3.1, 2.3.2 and 2.4 shall apply to summary review subdivisions.
- 5.5.5 Appeals. Appeals of summary review cases shall follow the appeal procedures set forth in Article II, Section 2.3.4.
- 5.5.6 Road Requirements. All summary review subdivisions shall comply with the requirements of Article III, Section 2.4.2b.3 and Sections 8 and 9 of this Article, as applicable.
- 5.5.7 Covenants, Deeds and By-laws. For all Type V subdivisions containing 6 to 24 parcels, copies of all covenants, deeds and homeowners association by-laws for development and maintenance of subdivision improvements shall be submitted with the application for development permit. The Code Administrator shall review this material for compliance with the Code and consistency with the disclosure statement.
- 5.5.8 Disclosure Statement. For all summary review subdivisions, a disclosure statement shall be prepared in accordance with the standardized format provided in Appendix 5.C of the Code. It is unlawful to sell, lease or otherwise convey land in a subdivision until the required disclosure statement has been filed with the County Clerk, the Board, and the Attorney General's Office; and the prospective purchaser, lessee or other person acquiring an interest in the subdivided land has been given a copy of the disclosure statement. Any subdivider who has satisfied the disclosure requirement of the Interstate Land Sales Full Disclosure Act may submit the approved statement of record in lieu of the disclosure statement required by the New Mexico Subdivision Act. However, any information required in the New Mexico Subdivision Act and not covered in the subdivider's statement of record shall be attached to the statement of record.
- 5.5.9 Dedication. The summary review plat shall contain a certificate stating that the Board or its' designee has accepted, accepted subject to improvement, or rejected, on behalf of the public, any land offered for dedication for public use in conformity with the terms of the

offer of dedication. Upon full conformity with County road construction standards, the roads may be accepted for maintenance by the County. Acceptance of offers of dedication on a summary review plat shall not be effective until the summary review plat is filed in the office of the County Clerk or a resolution of acceptance by the Board is filed in that office. Maintenance of public dedications require a separate action of the Board pursuant to Section 8.1.9 of this Article.

5.5.10 A copy of the summary review plat shall be provided to every purchaser, lessee, or other person acquiring an interest in the subdivided land prior to sale, lease or other conveyance

5.5.11 Advertising. The advertising requirements covering the sale, lease, or other conveyance of subdivided land provided in Section 5.4 of this Article V shall be applicable to summary review plats.

5.6 Administrative Approval of Lot Layout

5.6.1. Procedure. In commercial, industrial or high density residential subdivisions which are to be developed in phases or in cases where a condominium proposes to convert to a subdivision, the Board may delegate authority to the Land Use Administrator to administratively approve a specific lot layout plan when it determines that due to the size, scale or marketing requirements that approval of a plat with a specific lot layout is in the best interest of the County and developer. Before seeking approval of a plat, the developer shall first file a petition with the Board requesting that it be permitted to obtain approval pursuant to this Section. If the Board approves the petition, it will direct that the development request be submitted to the County Development Review Committee. Before final plat approval, the Board may rescind its intent to delegate if it determines that such delegation is not in the best interest of the County.

5.6.2 Master Plats. After such a delegation is made, the County Development Review Committee and Board shall establish development standards applicable to the subdivision as authorized by the Code and other applicable ordinances and laws, establish the maximum number of lots to be permitted, intensity of use, and required improvements, and may then approve both the preliminary and final plat which will be known and designated as a master plat. The master plat and all subsequently filed plat amendments shall be filed with the County Clerk. The County Clerk is authorized to accept for filing amended "master plats" approved by a signed certificate of the Land Use Administrator stating that the master plat has been approved by the Board and County Development Review Committee pursuant to this Code Section and that he has been delegated authority to approve plat amendments establishing new lots.

5.6.3 Conformance. Once the authority is delegated, the Land Use Administrator will review lot layout proposals and may approve such proposals if they are consistent with the Code and General Plan, the development plan and plat approved by the Board and County Development Review Committee, sound planning principles, the County's master road plan with applicable County policies and ordinances, and with applicable laws. After administrative approval is made, a plat amending the master plat approved by the Board and County Development Review Committee shall be filed with the County Clerk, which amended plat shall include all lots previously approved.

History. 1980 Comp. 1980-6. Section 5.6 of Article V is added material by County Ordinance 1987-7.

5.7 Vacation of Plats

- 5.7.1 Cause. Any final plat filed in the office of the County Clerk may be vacated or a portion of the final plat may be vacated if:
- a. the owners of the land proposed to be vacated sign an acknowledged statement, declaring the final plat or a portion of the final plat to be vacated, and the statement is approved by the Board; or
 - b. the Board finds that a plat was obtained by misrepresentation or fraud and orders a statement of vacation to be prepared by the County.
- 5.7.2 Action. Action shall be taken at a public meeting. In approving the vacation of all or a part of a final plat, the Board shall decide whether the vacation will adversely affect the interests of persons on contiguous land or of persons within the subdivision being vacated. In approving the vacation of all or a portion of a final plat, the Board may require that roads dedicated to the County in the final plat continue to be dedicated to the County.
- 5.7.3 Filing. The approved statement declaring the vacation of a portion or all of a final plat shall be filed in the office of the County Clerk
- 5.7.4 Utilities. The rights of any utility existing before the total or partial vacation of any final plat are not affected by the vacation of a final plat.

5.8 Requirements Prior to Sale, Lease or Other Conveyance

It is unlawful to sell, lease, or otherwise convey land within a subdivision before the following conditions have been met:

- a. Final plat approval. The final plat shall be approved by the Board and shall be filed with the County Clerk. If a subdivision lies within more than one county, the final plat shall be approved by the Board of each county in which the subdivision is located and shall be filed with the County Clerk of each county in which the subdivision is located.
- b. Relevant documents. The subdivider shall furnish the Board a sample copy of sales contracts, leases and any other documents that will be used to convey an interest in the subdivided land.
- c. Permanent markers. All corners of all parcels and blocks within a subdivision shall be permanently marked with metal stakes in the ground and a reference stake placed beside one corner of each parcel.

5.9 Succeeding Subdivisions

Any proposed subdivision may be combined and upgraded for classification purposes by the Board with a previous subdivision if the proposed subdivision includes:

- a. Part of a previous subdivision that has been created in the preceding seven (7) year period; or
- b. Any land retained by a subdivider after creating a previous subdivision when the previous subdivision was created in the preceding seven (7) year period.

History. Section 5 was updated and revised by Ordinance 1996-8 for the purpose of clarification and to bring this Section into compliance with the NMSA.

SECTION 6 - FEES AND LEVIES**6.1 Standard Fees**

Any person desiring to subdivide land in the County shall pay the current administrative fees set by the County. A fee schedule, which may be periodically amended, is available from the Code Administrator.

6.2 Additional Fees for Unusual Circumstances

Where additional review by the County is required above and beyond normal review requirements due to complex, unforeseen, or unique circumstances relating to the proposed plan or plat, such as complex hydrological considerations, then the County may charge an additional review fee to defray the cost of such review. Review fees shall be only for professional services rendered to the County in the case that the County does not have qualified personnel to assist in reviewing such reports, plans and plats. When an additional fee is deemed necessary, the fee shall be arrived at between the County and the subdivider.

SECTION 7 - DEVELOPMENT PLAN REQUIREMENTS**7.1 Preliminary Development Plans****7.1.1 Pre-application conference**

- a. Prior to the application for approval of a preliminary development plan for any phase or for an entire project, the subdivider may confer with the Code Administrator regarding the plan submittal and requirements of the Code according to Section 5.1 of this Article.
- b. At this time a determination will be made as to the appropriate scale and format for plans and plats and as to the appropriateness of applicable submittal requirements.

7.1.2 Information to be submitted

- a. Evidence of legal lot of record;
- b. Contour intervals of two feet or such other appropriate scale as determined by the Code Administrator;
- c. Arrangements, location and size of buildings, where applicable;
- d. Off-street parking and loading or dumping facilities, where applicable;
- e. Internal vehicular and pedestrian circulation, and ingress and egress;
- f. A drainage, grading, and erosion control plan including existing and proposed contours for roads and utilities; a preliminary/conceptual grading plan around buildings, when applicable;
- g. A landscaping plan providing a schedule specifying conceptual methods, to include type, size, and location of vegetative and non-vegetative landscape material, and a preliminary description of the irrigation system to be used;
- h. Walls, fences and earth berms; their approximate locations and identifying types of fences and walls, if applicable;
- i. Size, location, orientation, lighting and type of signage, where applicable;
- j. Conceptual plan for outdoor lighting, including type, size, location of fixtures, if applicable;
- k. Easements, rights-of-way and street design;
- l. Access to telephone, gas, and electric utility service;
- m. Utility plan for water and sanitary sewer;
- n. Residential densities/gross acres;

- o. Intensity of non-residential development, including lot coverages, gross floor area ratios or gross square feet of building area;
- p. A vicinity map showing the boundaries of the project, owners of record within one hundred feet of the tract including public rights-of-way and existing conditions and development, including adjacent streets and utilities, for at least two hundred feet from the project boundaries;
- q. If appropriate, the phases and approximate dates of development of the phases;
- r. The plan shall be drawn at a scale of one hundred feet (100') to the inch or such other appropriate scale as determined by the Code Administrator;
- s. Proposed community facilities and/or sites and recreational areas, if any, and proposed ownership of such;
- t. A schedule of on-site and off-site public improvements with the time of construction related to the phasing schedule;
- u. Information as required by state agencies;
- v. The preliminary subdivision plat may be submitted concurrently with the preliminary development plan, but is not required. Submittal of a schematic or sketch subdivision plat showing proposed lot layout, approximate dimensions and lot areas together with topography and natural features; and
- w. A written traffic report prepared by a licensed traffic engineer or other qualified expert as determined by the Code Administrator.
- x. Schools Impact Report. A written report which projects the effects the proposed project will have on public schools, and which includes: the proposed number, size, and price of residential units within the project; a description of the project's target market; and where applicable, any special educational needs of the project's school-aged residents. The report will also identify the schools that service the area of the proposed project and their boundaries, the transportation available to those schools, and a list of any pending or approved residential developments within those schools' boundaries. Copies of the schools impacts notice shall be submitted to the school district in which the project is located and to the Code Administrator.
- y. Water Supply Plan - Water System. As required by Article VII, Section 6 of the Code and Table 5.1, of Section 9.3 of this Article V.
- z. Solid Waste Disposal Plan. As required by Article VII, Section 7 of the Code.
- aa. Liquid Waste (Disposal) Plan. As required by Article VII, Section 2 of the Code.
- bb. Timing and Phasing of Development. Projections for 5 to 10 years.
- cc. Copies of deed restrictions and protective covenants must be submitted.

7.1.3 Review

- a. A preliminary development plan may be only a phase or portion of the area covered by an approved master plan, so long as the preliminary development plan substantially conforms to the approved master plan.
- b. A preliminary development plan shall be submitted prior to or concurrent with submission of a preliminary plat.
- c. The application for preliminary development plan approval shall be presented to the County Development Review Committee for review with a staff report. The staff report shall include a description of the proposed project, an evaluation of pertinent planning issues, and a statement on the compliance of the project with the County General Plan and Code. The report may include recommended conditions of approval. The report shall include all comments from appropriate State or Federal agencies, the County Fire Marshal, the County Hydrologist, and other appropriate County personnel. Particular attention shall be given in the staff report to public

agency comments which relate to potential limitations of lot size, intensity, or character of development.

7.1.4 Criteria for development plan phase approval

- a. Conformance to the approved master plan;
- b. The plan must meet the criteria of Section 5.2.4 of this Article V.

7.2 Final Development Plan

7.2.1 Submittals

A final development plan conforming to the approved preliminary plan and approved preliminary plat, if required, and containing the same required information shall be submitted. In addition, the final development plan shall show, when applicable, and with appropriate dimensions, the locations and size of buildings, heated floor area of buildings, and minimum building setbacks from lot lines or adjoining streets. Documents to be submitted at this time are: proof of ownership including necessary title documents, articles of incorporation and by-laws of owners' association; required disclosure statements; final engineering plans and time schedule for grading, drainage, and all improvements including roads, water system, sewers, solid waste, utilities; engineering estimates for bonding requirements; development agreements; and final subdivision plats, if required.

7.2.2 Review

The final development plan shall be submitted to the County Development Review Committee accompanied by a staff report. The County Development Review Committee shall review the plan and make a determination as to its compliance with the County General Plan and Code. The County Development Review Committee may recommend changes or additions to the plan as conditions of its approval. The final development plan as approved by the County Development Review Committee shall be filed with the County Clerk. The approved final development plan becomes the basis of development permits and for acceptance of public dedications. Any changes in the plan must be approved by the County Development Review Committee.

History. 1980 Comp. 1980-6. Section 7 of Article V was amended by County Ordinance 1987-1 adding language relating to master plans.

SECTION 8 - SUBDIVISION DESIGN STANDARDS

These standards shall be binding upon the subdivider unless modifications are justified by sound engineering principles. Such modifications from these standards may be approved by the Board after a review by the County Development Review Committee upon presentation of documented justification by a licensed professional engineer.

8.1 General Policy on Roads

8.1.1 General

The arrangement, character, extent, width, grade and location of all roads shall be considered in relation to convenience and safety, and to the proposed uses of land to be served by such roads. Prior to grading or roadway cuts, all applicable permits shall be granted by the Code Administrator.

8.1.2 The Santa Fe County Master Plan For Roads

- a. Pursuant to 3-19-9 N.M.S.A., 1978, the Santa Fe County Master Plan for Roads establishes the general location of existing and proposed highway and arterial roads for the purpose of assuring a coordinated system of roads in Santa Fe County.
- b. The Santa Fe County Master Plan for Roads may be amended by resolution from time to time to accommodate changing or changed conditions.

8.1.3 Legal access shall be provided to each lot and each lot must directly access a road constructed to meet the requirements of Section 8.2 of this Article. Parcels to be accessed via a driveway easement shall have a twenty (20) foot all weather driving surface, grade of not more than 11%, and drainage control as necessary to insure adequate access for emergency vehicles.

8.1.4 Dead end roads may not serve more than thirty (30) dwelling units, except that the Code Administrator with the concurrence of the Fire Marshal may approve the development of more than thirty (30) lots on a dead end road. The Code Administrator may require a second access for any development with fewer than thirty (30) dwelling units where issues of public health, safety and welfare exists.

8.1.5 Coordination of Roads With Surrounding Property

- a. The arrangement of roads in a development shall provide for the continuation or appropriate projection of existing or proposed highway or arterial roads in surrounding areas according to the Santa Fe County Master Plan for Roads, and shall provide reasonable means of ingress and egress to surrounding property.
- b. Where land is subdivided into large tracts or where there is a potential for further subdivision or development of subsequent phases exists, the proposed development shall be designed to provide for a coordinated road system for the entire tract.
- c. Where it is in the public interest to establish a right-of-way or access to property which adjoins a proposed development, the right-of-way shall be extended to the boundary of the property which is the subject of a development application. The right-of-way shall either be dedicated to the County or granted to the Owner's Association, subject to a conditional dedication governed by Article V, Section 8.1.9. Such right-of-way shall be designated on the master or phase development plan and on the plat as a public access.

8.1.6 Access to highways and arterials: buffering requirements

- a. Where a proposed subdivision contains lots abutting or adjacent to an arterial or highway, it shall be planned so as to avoid having lots having frontage on said thoroughfares.
- b. The subdivision shall be laid out to have a minimum number of intersections with arterials or highways, and where appropriate, shall provide at least two separate points of ingress and egress to assure adequate access, and shall be designed for all weather conditions. Driveways from lots shall access local roads and may access collector roads on a limited basis as approved by the County Development Review Committee.
- c. Where the subdivision is traversed by or is adjacent to a state or federal highway, and in addition to these regulations, the subdivision must satisfy the New Mexico State Highway Department Regulations Covering Design and Construction of Driveways on Non-Controlled Access Highways in New Mexico, a copy of which is on file in the office of the Code Administrator for public inspection.
- d. Where a subdivision borders on or contains a railroad right-of-way or a limited access highway right-of-way, a parallel road or frontage road may be required at a distance suitable for the appropriate use of the intervening land. Such distances shall also be

determined with due regard for the requirements of approach grades and future grade separations.

- e. An open space setback shall be provided between residential lots and the right-of-way boundary of any major arterial, limited access highway, railroad, or established major center district, for the purpose of protecting adjacent or proposed residential uses from noise, fumes or other nuisances associated with such facilities. The open space setback shall consist of one of the following alternatives:
- 1) An open space setback of one hundred (100) feet in width;
 - 2) An open space setback of seventy five (75) feet in width of which twenty five (25) feet shall be a landscaped buffer planted with trees with a minimum height at maturity of twenty four (24) feet. The trees shall be planted to achieve a ratio of one (1) tree for every two hundred and fifty (250) square feet of the landscape buffer. The introduced trees shall be at least six (6) feet in height at the time of planting and have a caliper or diameter of one and one-half (1.5) inches. Existing trees may be utilized in determining the number of trees to be planted;
 - 3) An open space setback of fifty (50) feet in width of which twenty five (25) feet shall be a landscaped buffer planted with a combination of trees with a minimum height at maturity of thirty-six (36) feet and shrubs with a minimum height at maturity of twelve (12) feet. The trees shall be planted to achieve a ratio of one tree for every three hundred (300) square feet and one shrub for every two hundred and fifty (250) square feet of the landscape buffer. The introduced trees shall be at least six (6) feet in height and have a caliper or diameter of one and one-half (1.5) inches, and the shrubs shall be five gallon size at the time of planting. Existing trees may be utilized in determining the number of trees to be planted;
 - 4) Further reductions of the landscape buffer, but not the open space setback, may be considered where a combination of trees and the construction of a solid masonry wall is proposed, or a combination of trees and an earth berm of six (6) to ten (10) feet in height is to be constructed. The ratio of trees to square footage will depend on the variables of the site and nuisance factors to be mitigated; and
 - 5) A landscape plan for the open space setback area shall be submitted. Landscape materials to be used shall be listed and drawn to scale as they will appear at maturity. At least one third of the trees in landscape buffers shall be evergreen. A list of suitable plant materials for the southwest region is on file at the County Land Use Office to assist the subdivider in preparing the landscape plan.

8.1.7 Required Setbacks

Along County, State or Federal designated scenic corridors, or a Highway Corridor District, a greenbelt or scenic easement, of a width deemed appropriate by the County Development Review Committee or the Board, shall be reserved from development. For highway locations that have been designated as Highway Corridor Districts, new development will be subject to the design standards set forth in Article VI, Section 1.

8.1.8 Road Names

Road names or numbers shall not duplicate or be similar to the names or numbers of existing roads; if the proposed road is an extension of an existing road, then the proposed road shall have the name of the existing road. All road names and numbers shall be approved by Santa Fe County Rural Addressing Division.

8.1.9 Coordination of dedication and maintenance responsibilities and notice thereof

- a. In order to coordinate roads and facilitate transportation between subdivisions or other developments and so to assure that proposed roads are well planned and conform to

- adjoining or planned roads which may carry traffic from more than one development or subdivision, the Board may require dedication of roads, which dedication may be accepted for maintenance at such time as the Board determines appropriate.
- b. A road not accepted for maintenance by the County shall be maintained by the developer or Owner's Association.
 - c. A disclosure statement shall set forth whether the roads will be accepted by the County for maintenance or whether the developer or the Owner's Association will be responsible therefor. If an Owner's Association is responsible for maintenance, such a requirement shall be incorporated in its by-laws. The by-laws shall establish a method acceptable to the County for charging each lot owner for an equitable portion of the maintenance and repair expenses; require the establishment of an account for holding such monies; and require a maintenance and repair plan which shall require periodic maintenance designed to assure the quality of travel and integrity of the roadway. The developer shall be responsible for charges attributable to unsold lots. The by-laws shall also provide that a lot owner who sues to enforce such terms shall be compensated for attorneys fees and court costs by the Owner's Association, should he prevail. Any covenants relating to road maintenance responsibilities may not be amended without County Development Review Committee approval.
 - d. No road will be accepted for the County road maintenance program that has not been brought to the minimum construction standard required by this Code as determined by the average daily traffic carried on or to be carried by the road. Upon full conformance with county road construction standards, roads may be accepted for maintenance by the County.
 - e. Construction and design standards for new roads or improvements to existing roads whether publicly or privately maintained, shall be dictated by the level of service and projected use of the road, as indicated by traffic impact studies required by master plan or preliminary development plan or other submittals. Guidelines for required improvements are set forth accordingly by Appendix 5. A - Road Classification and Design Standards.
 - f. Cut and fill or slope easements are permitted in lieu of additional rights-of-way to accommodate terrain constraints.
 - g. Reservation or dedication of right-of-way for partial roads at the perimeter of a new subdivision is discouraged. If circumstances render the reservation or dedication of full road right-of-way impracticable, then adequate provision for the concurrent dedication or reservation of the remaining portion of the road must be assured by the subdivider. Where there exists a partial road at the perimeter of an adjoining subdivision, the remaining half shall be provided by the adjacent developer.
 - h. When a tract to be developed borders an existing road having a right-of-way insufficient to conform to the minimum standards required by these regulations, which right-of-way will be used by the proposed development, sufficient right-of-way shall be platted, and dedicated or reserved in such a way as would make the resulting right-of-way or road conform with Code requirements
- 8.1.10 Where appropriate, a plan prepared by a licensed engineer for signs, striping, signals and other traffic safety devices shall be submitted by the developer.
- 8.1.11 Bonds, letters of credit or other acceptable forms of security shall be required to assure road improvements are installed as approved. Release of said security instruments shall be subject to County inspections to assure compliance with the approved standards. Certification by a licensed professional engineer shall be required to assure the road or related improvements have been built according to specified project standards. The Board shall adopt by resolution a schedule for road inspection fees,

which schedule is on file at the Office of the Public Works Director and the Land Use Office.

- 8.1.12 Construction of roads or other required improvements may be phased according to a schedule that is part of an approved master or development plan.
- 8.1.13 Local roads shall be laid out so that their use by through traffic will be discouraged.

8.2 Road Design

Construction and design standards shall be according to sound engineering practice as follows:

8.2.1 Classification of Highways, Streets and Roads

8.2.1a Arterial Roads and Highways

A major arterial road or highway has from two to six driving lanes, may be divided with a median, and has sufficient additional right-of-way to provide for turning lanes and additional width at major intersections. Major arterials have an average daily traffic of more than 5000 vehicles and a minimum right-of-way of one hundred feet (100'). A minor arterial road has an average daily traffic of 2000 to 5000 vehicles, serves 200 to 1000 dwelling units or lots, and has a minimum right-of-way of sixty six (66) feet. Asphalt paving is required for major arterials at a minimum depth of five (5) inches and for minor arterials to a minimum depth of four (4) inches. Separated driving lanes or park-ways are encouraged. See Appendices A, B.1, B.2 and B.3 for further detail.

8.2.1b Collector Roads

A collector road has two (2) twelve (12) foot driving lanes. It serves 61 to 199 dwelling units or lots and has an average daily traffic volume of 601 to 1999 vehicles and a minimum right-of-way of fifty (50) feet; paving shall achieve a minimum depth of three (3) inches. See Appendices A, B.1, B.2 and B.3.

8.2.1c Local Roads

A local subcollector road has two (2) twelve (12) foot driving lanes, serves 31 to 60 dwelling units or lots, and carries an average daily traffic volume of 301 to 600 vehicles with a minimum right-of-way of fifty (50) feet. A local subcollector road has a six (6) inch minimum surface thickness of crushed gravel base course material, provided it can be shown that such minimum thickness is adequate based on subgrade soil conditions; a plasticity index of eight (8) to twelve percent (12%) shall be provided. A local lane, place or cul-de-sac road serves 0 to 30 dwelling units or lots and carries an average daily traffic volume of 0 to 300 vehicles with two (2), ten (10) foot driving lanes with a minimum right-of-way of fifty (50) feet. Local lanes, places and cul-de-sac roads shall be constructed with the same sub-grade and base course specifications as the subcollector road. See also Appendices A, B.1, B.2 and B-3 and Section 8.3 of this Article.

8.2.1d Cul-de-sacs

Cul-de-sacs (dead end roads) shall not be longer than five hundred (500) feet. At the closed end there shall be a turn around having a minimum driving surface radius of at least forty-two (42) feet for roads under 250 feet long and of at least fifty (50) feet for roads 250 feet and longer. A suitable alternative, such as a hammerhead turn around, may be acceptable if approved by the Code Administrator and the Fire Marshal. All turn around areas shall be designed to protect existing vegetation and steep terrain. There shall be a minimum right-of-

way diameter at the closed end of one hundred (100) feet. In low density residential areas the length of cul-de-sacs may be adjusted by the County Development Review Committee with the changes consistent with public safety factors. For local roads designated as a lane or place and designed to a twenty foot (20') width, the turn-around area remains the same as specified above.

8.2.1c Other Road Standards

Design standards are further exhibited on Appendix 5. A - Road Classification and Design Standards.

8.2.2 Curve Radii and Superelevation

Vertical and horizontal curves and the superelevation of the horizontal curves shall conform to the requirements as set forth in the American Association of State Highway Transportation Officials publications "A Policy on Geometric Design of Rural Highways", hereinafter described as AASHTO Standards, a copy of which is available for review at the Office of the Code Administrator.

8.2.3 Intersections

Streets shall be laid out to intersect each other as nearly as possible at 90 degree right angles; under no condition shall intersection angles be less than 70 degrees. Off-set intersections of less than one hundred and twenty five (125) feet shall not be permitted. Property lines at street intersections shall be rounded with a minimum radius of twenty-five feet (25') or a greater radius when necessary to permit the construction of a curb and sidewalk and shall provide for arc radius, as required for arterial roads.

8.2.4 A tangent of sufficient distance shall be introduced between reverse curves on all roads and streets according to AASHTO Standards.

8.2.5 When connecting road centerlines deflect from each other at any point by more than ten degrees, they shall be connected by a curve with a radius adequate to ensure a sight distance as required by AASHTO Standards.

8.2.6 Curvature in intersection design alignments shall not be less than stopping distances required for the design speed of the road or street as per AASHTO Standards.

8.2.7 Grade percentages

Except as otherwise provided by the terrain management regulations, vertical road grades shall not exceed the following:

- a. Major and minor arterial roads or highways of 4 lanes or more with a speed limit of 55 miles per hour or greater as permitted by law: six to eight percent grade;
- b. Collector roads of 2 lanes with a speed limit of 25-35 miles per hour: ten percent grade;
- c. Local roads of 2 lanes with a speed limit of 10 miles per hour: eleven percent grade;
- d. Grades at the approach to intersections shall not exceed 3% for 100 linear feet, excluding vertical curve distance; and
- e. No horizontal road grade shall be less than one percent.

8.2.8 Cut and Fill

All roads shall be located so as to minimize areas of cut and fill and shall be located to conform to sound terrain management principles. In general, fill slopes shall not exceed a 3:1 ratio and cut slopes shall not exceed a 2:1 ratio unless it can be demonstrated with

additional submittals prepared by a licensed engineer that subject soils are stable enough to sustain higher cut and fill ratios.

8.2.9 Roads and Driveways in Steep Terrain

Where roads or driveways traverse natural slopes of fifteen percent (15%) or greater, or where cut or fill slopes would exceed ten (10) vertical feet, the developer shall propose alternative terrain management techniques to limit excessive grading and removal of vegetation. See Article VII, Section 3.4.4, Roads and Driveways for alternative standards.

8.3 Local Gravel Roads

8.3.1 Soil classification and subgrade conditions shall determine the base course thickness required. A minimum of six (6) inches of base course shall be required in all cases and more than six (6) inches may be required if soil conditions so indicate. In wet or swampy ground, rock or an acceptable alternative to rock as recommended by a licensed soils engineer shall be placed so as to establish a sub-base for placement of base course. Base course shall be watered and rolled to a compaction of not less than ninety-five (95) percent of maximum density, according to methods specified by the AASHTO, T-180 moisture density test.

8.3.2 Base course and sub-base aggregate shall meet the gradation requirements specified in Table 304, Class I, II or III, NMSHD 'Standard Specifications for Road and Bridge Construction' and shall have a plasticity index of eight to twelve percent (8 to 12%), a copy of which is on file for public inspection in the office of the Code Administrator. Plasticity index does not apply to roads to be constructed for a paved surface.

8.3.3 There shall be a minimum of three percent (3%) crown in the driving surface for water runoff.

8.3.4 Adequate provisions for drainage shall be installed at all waterway crossings. Culverts shall be sized to accommodate a one hundred (100) year storm. Culverts shall also be of sufficient gauge or thickness and length, and placed appropriately deep to withstand projected traffic loading and storm runoff. Where necessary to accommodate roadside drainage, driveways entering roads shall have culverts installed of eighteen inch (18") minimum diameter, so as not to impede flowing water. Driveways shall also be designed and constructed so as to prevent flowing water from entering onto or crossing the roadway. A paved dip section may be constructed, under appropriate conditions, to accommodate minor drainage for local roads. Drainage flows must be less than 100 cfs. All dip-section designs must be approved by the Code Administrator. Only areas which can also be accessed during a 100 year storm via another route, may have dip-sections.

8.3.5 The New Mexico State Highway Department (NMSHD) "Standard Specifications for Road and Bridge Construction", NMSHD "Standards and Criteria for Safer Off System (SOS) projects and System Bridge Replacement (BRO) projects", and the NMSHD Geometric Design Guide shall apply to all road projects in the County. A copy of each is available for public inspection in the office of the County Public Works Director.

8.4 Sidewalks and Paths - Requirements

8.4.1 When appropriate for purposes of public safety, sidewalks or walking paths may be required with paved roads of arterial classification. Surfacing of public sidewalks along

roads may include concrete or brick. Other hard surface materials may be used if evidence is shown that they are coordinated with streetscape and project design.

- 8.4.2 For subdivisions of twenty-five (25) or more parcels, non-vehicular trails shall be required with roads of arterial, collector and subcollector classification. In lieu of this requirement, an internal, off-road trail system may be substituted, if the result connects existing trails, trail easements, or assists in the creation of an area-wide trail network on adjacent lands.
- 8.4.3 Where a subdivision is traversed by a trail, recognized by Santa Fe County, a trail easement shall be platted which conforms substantially with the trail. In lieu of this requirement an alternative trail connection or access may be substituted.

8.5 Curb and Gutter Requirements - Waivers

Where development conditions indicate, curbs and gutters may be required for collector or arterial roads in order to control storm water run off or facilitate the movement of traffic. Curbs and gutters may be waived if the following conditions are met to the satisfaction of the Board:

- 8.5.1 An alternative design is provided showing that the waiver will not contribute to the deterioration of the pavement edge. Alternative design means a design according to AASHTO Standards.
- 8.5.2 Drainage report, a site-by-site drainage and storm water control plan, or other analysis is provided showing curbing is not necessary to channel storm water; or
- 8.5.3 Substantial evidence is provided showing the curbing is not necessary to confine driveway access to specific locations to maintain the function of the road or street.

8.6 Utility or Drainage Easements

- 8.6.1 Utility easements shall be located such that each lot can be served by all proposed utilities. Utility easements shall be centered on the lot lines. Such easements shall be located according to a plan approved by the appropriate utility companies and the Board. Easements placed diagonally across tracts shall be avoided. Utility easements shall be at least ten (10) feet wide.
- 8.6.2 Utility easements are encouraged to be placed parallel to access easements so that maintenance of electric, gas or water lines will not create the need to disturb the road or street. In the event utility installation or maintenance requires disturbance of a road or street, such road or street will be restored to a condition equal to or better than its original status.
- 8.6.3 Where a subdivision is traversed by a water course, drainageway, channel or stream, there shall be a storm water or drainage right-of-way which will conform substantially with the lines of such water course.
- 8.6.4 Access and utility easements are normally combined unless topographical, existing utility easements, or other conditions prevail and may be located outside of or adjacent to right-of-way reserved for roads.

8.7 Blocks

The length of blocks shall be between 400 and 1,500 feet. The width of the block shall be sufficient to provide two (2) rows of lots. A block may be one lot in depth where a single tier of lots is required to separate residential development from a highway or arterial road or a non-residential use.

8.8 Lots

8.8.1 Shapes and location of lots shall be governed by topographic conditions, use and surrounding or adjacent areas.

8.8.2 Every lot shall have egress and ingress to a public or private road network or system.

8.8.3 Double frontage lots should be avoided. Backing a lot up to an existing highway or arterial is not considered as double frontage, provided a buffer strip or extra depth has been added to the lot. The front of the lot and driveway access shall be designated on the plat.

8.8.4 Side lot lines shall be substantially at right angles or on a radial line to street lines.

8.9 Parking

Depth and width of properties reserved or laid out for commercial use and industrial purposes shall be adequate to provide for the off-road services and parking facilities required by the type of use and development contemplated as specified in the provisions of the Code.

8.10 Street Lights

8.10.1 Street lights are required in the following circumstances:

- a. on paved streets and roads where curb, gutter and sidewalk are required;
- b. for safety purposes on arterial roads or at intersections of any road with a highway or arterial.

8.10.2 Standards for all outdoor lighting are found in Article III, Section 4.4.4h of the Code.

8.11 Conflict

Whenever there is a conflict between these standards and those contained in a zoning ordinance, building code or other official regulation, the most stringent standard shall apply.

SECTION 9 - REQUIRED IMPROVEMENTS

9.1 Monuments

All primary subdivision boundary corners and the intersections of road centerlines shall be marked with permanent monuments at that point or if necessary with an offset marking. A permanent monument shall be concrete with a brass or aluminum cap. The concrete monument shall be a minimum of six (6) inches in diameter and shall be extended thirty (30) inches below the finished grade; in addition, a) any described mark shall be permanently affixed to rock or concrete through the use of an expansion bolt, set in a drilled hole with a ferrous metal rod (rebar or pipe) of a minimum length of forty eight (48) inches, or b) a survey post approved by the Bureau of Land Management, or c) any monument of higher standards may be substituted. Secondary monuments may be rebar, pipe or other metal rod, not less than 1/2" diameter and 16" in length with surveyor's registration number on cap which may be aluminum, plastic, brass or comparable material. Secondary monuments shall be set at all lot corners, points of curve and boundary angle points.

9.2 Roads

9.2.1 Construction Schedule. Roads within a subdivision shall be constructed only on a schedule approved by the Board. In approving or disapproving a subdivider's road construction schedule, the Board shall consider:

- a. the proposed use of the subdivision;
- b. the period of time before the roads will receive substantial use;
- c. the period of time before construction of homes will begin on the portion of the subdivision serviced by the road;
- d. the county regulations governing phased development; and
- e. the needs of prospective purchasers, lessees and other persons acquiring an interest in subdivided land in viewing the land within the subdivision.

9.2.2 Safety. All proposed roads shall conform to minimum County safety standards

9.2.3 Demonstration of use/access. The Board shall not approve the grading or construction of roads unless and until the subdivider can reasonably demonstrate that the roads to be constructed will receive use and that the roads are necessary to provide access to parcels or improvements within twenty-four (24) months after the date of construction of the road. Roads shown on the approved plat, but not to be used within 24 months, shall be bonded to ensure their construction and the existence of such unbuilt roads shall be noted in the subdivider's disclosure statement. The bonding period shall not exceed five years. It is unlawful for the subdivider to grade or otherwise commence construction of roads unless the construction conforms to the schedule of road development approved by the Board.

9.2.4 Required road improvements depend upon the number of lots within the proposed subdivision and the average daily traffic (ADT) as specified in Appendix 5. A - Road Classification and Design Standards.

History. Comp. 1980-6. Sections 8 and 9 of Article V were extensively amended by County Ordinance 1987-3.

9.3 Water and Sewer Systems

9.3.1 Community water, sewer systems, and nitrate removal liquid waste systems shall be required according to the number and size of lots in the proposed subdivision as specified in Table 5.1 as follows:

TABLE 5.1 REQUIRED IMPROVEMENTS FOR COMMUNITY WATER SYSTEMS, SEWER SYSTEMS AND NITRATE REMOVAL SYSTEMS⁽¹⁾⁽²⁾⁽³⁾					
NUMBER OF LOTS	<u>MINIMUM NET LOT SIZE (ACRES)</u>				
	LESS THAN 1 ^(3b)	1 TO 2 ½	MORE THAN 2 ½ TO 10	MORE THAN 10 TO 40	GREATER THAN 40
2-4	-	-	-	-	-
5-24	A + B	A	-	-	-
25-99 ^(3c)	A + B	A + B or C	A	-	-
100+	A + B	A + B	A	A	-

A = Community Water Systems

B = Community Liquid Waste Disposal Systems

C = Nitrate Removal Liquid Waste Systems

- (1) In areas where ground water quality indicates elevated levels of nitrates, the Board may require a nitrate removal liquid waste system or a community liquid waste system for any development to protect the public health, safety and welfare.
- (2) To protect ground water resources, the Board may require community liquid waste disposal systems in areas where the cumulative number of lots exceeds or potentially exceeds 99.
- (3) In order to promote cluster development, the following provisions apply:
 - a. Cluster developments may provide liquid waste disposal system easements within the designated open space;
 - b. Cluster developments with net lot sizes of less than 1 acre per dwelling unit may use clustered or shared wells;
 - c. Cluster developments containing 25 or more dwelling units shall use community water and liquid waste disposal systems.

9.3.1 Further requirements for community water systems are located in Article VII, Section 6.3 and for liquid waste disposal systems in Article VII, Section 2.

9.3.2 All water systems, including individual water systems and clustered or shared wells, and individual sewage disposal systems shall be approved by the Board only when meeting the requirements of the New Mexico Environment Department, the State Engineer's Office and County standards, as specified in the Code.

9.3.3 The proposed water supply and sewer system shall be identified in the preliminary plat application and the subdivider's disclosure statement.

9.4 Utilities

All utilities shall be placed underground.

9.5 Solid Waste Disposal

The subdivider shall comply with the requirements of Article VII, Section 7 of the Code. The proposed means of solid waste disposal shall be identified in the preliminary plat application and in the subdivider's disclosure statement.

9.6 Drainage Structures

The subdivider shall comply with the requirements of Article VII, Section 3of the Code.

9.7 Parks and Recreation

For subdivisions of twenty five (25) lots or more, open spaces shall be provided for parks and recreation on a ratio of ten (10) acres per 1,000 residents; provided however, that no such open spaces shall contain less than one (1) acre per subdivision. Said open spaces shall be of a nature and location suitable for park development.

9.8 Fencing

It shall be the duty of the purchaser, lessee or other person acquiring the subdivided land to fence out livestock, where appropriate, in conformity with Section 77-16-1 NMSA 1978.

9.9 Improvement Guarantees

In order for the County to be assured of the completion of required improvements, the subdivider shall comply with one (1) of the following;

- a. That all improvements have been installed in accordance with the requirement of these regulations; or
- b. A surety bond or other security acceptable to the Board has been filed with the Code Administrator in sufficient amount to assure completion of all required improvements. The surety bond shall be based on a county approved engineering cost estimates. The improvements shall be installed and ready for acceptance within eighteen months.

SECTION 10 - DISCLOSURE STATEMENT REQUIREMENTS

For all subdivisions, a disclosure statement shall be prepared in accordance with the standardized format provided in Appendix 5.C.1 and 2 of the Code. It is unlawful to sell, lease, or otherwise convey land in a subdivision until the required disclosure statement has been filed with the County Clerk, the Board, and the Attorney General's Office; and the prospective purchaser, lessee or other person acquiring an interest in the subdivided land has been given a copy of the disclosure statement. The disclosure statement shall be signed by the subdivider, notarized and recorded with the County Clerk. The final plat shall reference the recording information for the disclosure statement.

SECTION 11 - RESERVATION OF JURISDICTION

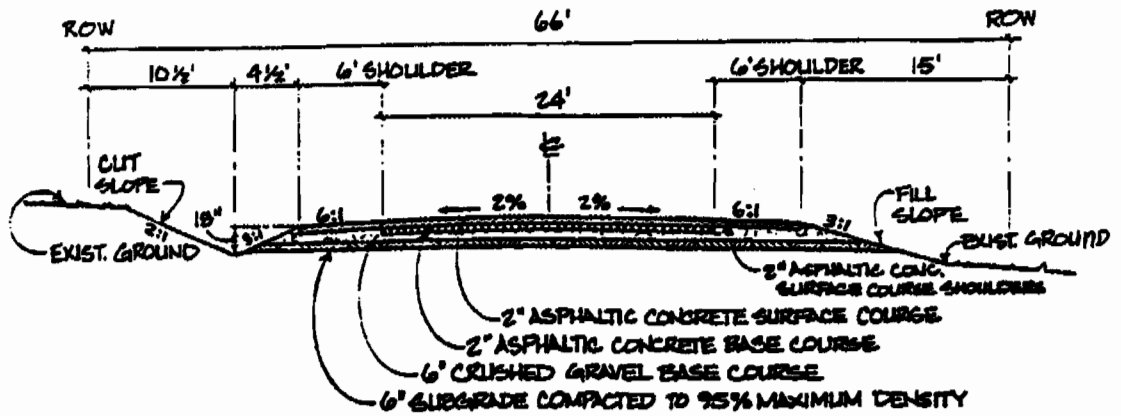
Upon approving a subdivision plat, the Board expressly reserves jurisdiction to subsequently determine whether plat approval should be suspended or revoked because of:

- A. Any material misstatement or error of fact in the disclosure statement or in any information upon which the Board relied;
- B. A subsequent failure to comply with a material provision of the disclosure statement or a subsequent failure to comply with County regulations; or
- C. The subdivider's failure to meet the schedule of compliance approved by the Board.

APPENDIX 5.A - ROAD CLASSIFICATION AND DESIGN STANDARDS									
	Average Daily Traffic**	# Of Lots Or Units	Number Of Driving Lanes	Min. R-O-W Reqrnts.	Design Speed (Mph)	Max. % Grade	Min. Aggregate Base Course	Min. Plant Mix Bituminous Pavement	Footnote Reference For Other Requirements
Footnote Reference*	3	4	3, 7, 10	1	-	-	5, 6, 7, 8, 9, 12	11	1, 2, 3, 4, 6, 7
Major Arterial Or Highway ¹⁴	5000+	N/A	2-6	100'	45 - 55	6%	6"	5"	1, 2, 3, 4
Minor Arterial ¹⁵	2000 to 4999	200+	2-4	66'	45 - 55	8%	6"	4"	1, 2, 3, 4, 5, 6, 7, 10
Collector ¹⁶	601 to 1999	60 to 199	2	50'	35	10%	6"	3"	1, 2, 3, 4, 5, 6, 7, 10
Local ¹⁷ -Subcollector	301 to 600	31 to 60	2	50' ¹⁸	25	11%	6"	N/A	1, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13
-Place, Lane Or Cul-De-Sac	0 to 300	0 to 30	2	50' ¹⁸	10	11%	6"	N/A	

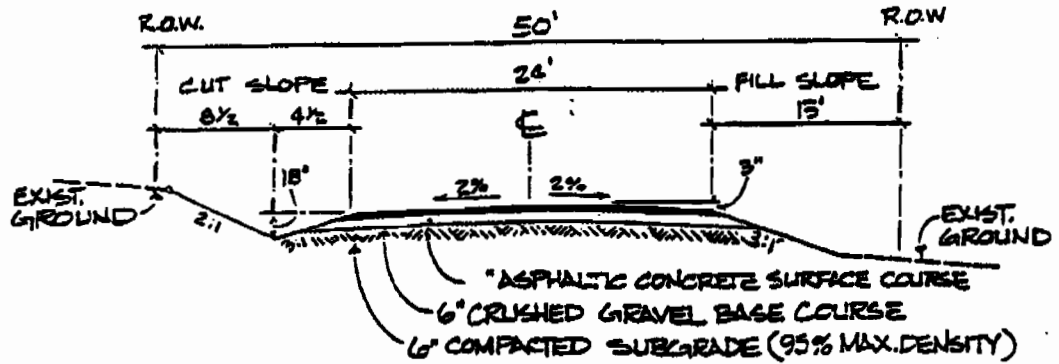
1. Improvements such as turning lanes, acceleration/deceleration lanes, additional right-of-way, signs or other markings, additional base course, additional driving surface, shoulder construction, widened sections, or paving may be required.
 2. Sidewalk and curb and gutter may be required (depending on density or density transfer).
 3. To be determined by traffic impact study, NMSHD counts, and/or County counts; as well as number of lots or units adding traffic to a road.
 4. Determined by submittals.
 5. Structural pavement design report shall be required.
 6. Construction in accordance with AASHTO standards.
 7. Bridge, sidewalk, curb, and gutter, culvert or other construction in accordance with AASHTO standards and the NMSHD Road and Bridge requirements.
 8. A plasticity index of 8-12% required.
 9. Up to 12" of base course material may be required if soil conditions indicate.
 10. Lanes may be separated by a parkway; construction and paving may be phased.
 11. Local roads do not have a paving requirement.
 12. A minimum preparation is required or greater depending on location or soil conditions.
 13. Cut and fill easements may be platted in lieu of additional right-of-way where terrain constraints require wide curves.
 14. An arterial road has multiple 12' driving, acceleration, or deceleration lanes as required to accommodate the average daily traffic, turning functions, and safety.
 15. A minor arterial is a paved road with a 24' driving surface and a constructed shoulder with a 6:1 ratio
 16. A collector road is a paved road with a 24' driving surface.
 17. A local road is a gravel road with a 20' or 24' driving surface.
 18. Right-of-way requirements may vary for projects submitted under Article III, Section 2.4.2.
- * Footnotes refer to both the horizontal and vertical categories.
** Average daily traffic assumes 10 trips per day per dwelling unit or building lot.

MINOR ARTERIAL

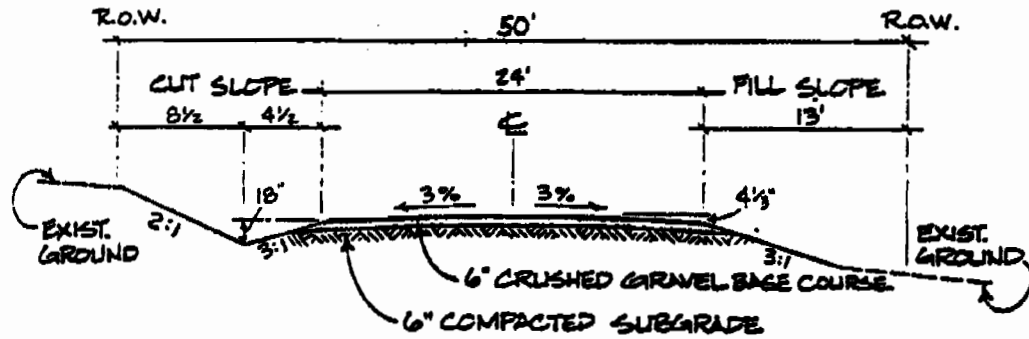


- NUMBER OF LOTS: 200+
- ESTIMATED A.D.T.: 2000 - 4999
- Shoulder area to be constructed with a 6:1 ratio.
- The plasticity index does not apply to roads that are to be paved.

COLLECTOR ROAD



- NUMBER OF LOTS: 100 - 199
- ESTIMATED A.D.T.: 1000 - 1999
- The plasticity index does not apply to roads that are to be paved.

LOCAL ROAD

- NUMBER OF LOTS: 0 - 99
- ESTIMATED A.D.T.: 0 - 999
- A plasticity index of 8% to 12% is required.
- 95% maximum density compaction is required.
- This standard applies to all local roads including subcollectors, places, lanes and cul-de-sacs.

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SANTA FE COUNTY LAND DEVELOPMENT CODE

APPENDIX 5.C.1

DISCLOSURE STATEMENT

FOR ALL SUBDIVISIONS CONTAINING FIVE (5) OR MORE PARCELS

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

This disclosure statement is intended to provide you with enough information to permit you to make an informed decision on the purchase, lease or acquisition of the property described in this statement. You should read carefully all of the information contained in this statement before you decide to buy, lease or otherwise acquire the described property.

Various public agencies may have issued opinions, on both the subdivision proposal and the information contained in this disclosure statement. They may be favorable or unfavorable. You should read them closely.

The Board of County Commissioners has examined this disclosure statement to determine whether the subdivider can fulfill what the subdivider has said in this disclosure statement. However, the Board of County Commissioners does not vouch for the accuracy of what is said in this disclosure statement. In addition, this disclosure statement is not a recommendation or endorsement of the subdivision by either the County or the State. It is informative only.

The Board of County Commissioners recommends that you inspect the property before buying, leasing or otherwise acquiring it. If you have not inspected the parcel before purchasing, leasing or otherwise acquiring it, you have six (6) months from the time of purchase, lease or other acquisition to personally inspect the property. After inspecting the parcel within the six (6) month period, you have three (3) days to rescind the transaction and receive all of your money back from the subdivider when merchantable title is revested in the subdivider. To rescind the transaction, you must give the subdivider notice of your intent to rescind within three (3) days of your inspection of the property.

County regulations require that any deed, real estate contract, lease or other instrument conveying an interest in a parcel in the subdivision be recorded with the Santa Fe County Clerk.

Building permits, wastewater permits or other use permits must be issued by state or county officials before improvements are constructed. You should investigate the availability of such permits before you purchase, lease, or otherwise acquire an interest in the land. You should also determine whether such permits are required for construction of additional improvements before you occupy the property.

1. NAME OF SUBDIVISION

(name of subdivision)

2. NAME AND ADDRESS OF SUBDIVIDER

(name)

(address)

3. NAME AND ADDRESS OF PERSON IN CHARGE OF SALES, LEASING OR OTHER CONVEYANCE IN NEW MEXICO

(name)

(address)

(telephone number)

4. SIZE OF SUBDIVISION BOTH PRESENT AND ANTICIPATED

Present

Anticipated

(number of parcels)

(number of parcels)

(number of acres in
subdivision)

(number of acres in
subdivision)

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

(size of largest parcel in acres)

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

(size of smallest parcel in acres)

7. PROPOSED RANGE OF PRICES FOR SELLING, LEASING OR OTHER CONVEYANCE

(\$= lowest amount) (size of parcel sold or leased)

(\$= highest amount) (size of parcel sold or leased)

8. FINANCING TERMS

(interest)

(term of loan or contract)

(minimum down payment)

(service charges and/or escrow fees)

(premium for credit life or other insurance if it is a condition for giving credit)

(closing costs)

(any other information required by the Truth in Lending Act if not set forth above)

9. NAME AND ADDRESS OF HOLDER OF LEGAL TITLE

(name of person who is recorded as having legal title)

(address)

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

10. NAME AND ADDRESS OF PERSON HAVING EQUITABLE TITLE

(name of person recorded as having equitable title)

(address)

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

11. CONDITION OF TITLE

Include at least the following information where applicable:

(number of mortgages)

(name of each mortgagee)

(balance owing on each mortgage)

(summary of the release provisions in each mortgage)

(number of real estate contracts on the subdivided land for which the subdivider is making payments as a purchaser)

(name and address of each person holding a real estate contract as owner of the subdivided land for which the subdivider is making payments as a purchaser)

(balance owing on each real estate contract)

(summary of the release provisions in each real estate contract)

(statement of any other conditions relevant to the state of the title)

(statement of any other encumbrances on the land)

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

(state all deed and plat restrictions affecting the subdivided land, including water restrictions and archeological easements)

13. ESCROW AGENT

(name)
(address)

(statement of whether or not the subdivider has any interest or financial ties with the escrow agent)

14. UTILITIES

(name of entity providing telephone service, if available) (estimated cost)

(name of entity providing electricity, if available) (estimated cost)

(name of entity providing gas service, if available) (estimated cost)

(name of entity providing water if available) (estimated cost)

(name of entity providing liquid waste disposal, if available) (estimated cost)

(name of entity providing solid waste disposal, if available) (estimated cost)

15. INSTALLATION OF UTILITIES

(water) (date)

(telephone) (date)

(electricity) (date)

(gas) (date)

(liquid waste disposal) (date)

(solid waste disposal) (date)

16. UTILITY LOCATION

(state if all utilities are to be provided to each parcel in the subdivision.)

(If utilities are to be provided to some but not all parcels in the subdivision, state which utilities will be provided to each parcel.)

(state whether or not the subdivider's proposal conforms with the County's regulation to place all utilities underground.)

17. WATER AVAILABILITY

(describe the maximum annual water requirements of the subdivision including water for indoor and outdoor domestic uses)

(describe the availability and sources of water to meet the subdivision's maximum annual water requirements)

(describe the means of water delivery within the subdivision)

(describe any limitations and restrictions on either indoor or outdoor water use in the subdivision)

(summarize the provisions of any covenants or other restrictions requiring the use of water saving fixtures and other water conservation measures)

(describe what measures, if any, will be employed to monitor or restrict water use in the subdivision)

18. FOR SUBDIVISIONS WITH COMMUNITY WATER SYSTEMS

(name and address of entity providing water)

(source of water and means of delivery)

(summary of any legal restrictions on either indoor or outdoor usage)

(statement as to whether or not individual wells are prohibited)

19. FOR SUBDIVISIONS WITH INDIVIDUAL DOMESTIC WELLS OR SHARED WELLS

(state whether wells will be provided by the subdivider or by the prospective purchaser/lessee/conveyee)

(if wells are provided by purchaser/lessee/conveyee, state the estimated cost to complete a domestic well, including drilling, pressure tank, control devices, storage and treatment)

(if wells are provided by the subdivider, state the cost, if any to the purchaser/lessee/conveyee)

(summary of legal restrictions on either indoor or outdoor usage)

(average depth to groundwater and the minimum and maximum well depths to be reasonably expected)

(recommended total depth of well)

(estimated yield in gallons per minute of wells completed to recommended total depth)

20. LIFE EXPECTANCY OF THE WATER SUPPLY

(state the life expectancy of each source of water supply for the subdivision under full development of the subdivision)

21. SURFACE WATER

(provide a detailed statement of the source and yield of the surface water supply and any restrictions to which the surface water supply is subject)

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

Include here the approved summary of the opinion made by the New Mexico State Engineer regarding:

(whether or not the subdivider can furnish water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses)

(whether or not the subdivider can fulfill the proposals in this disclosure statement concerning water, excepting water quality)

23. WATER QUALITY

(describe the water quality in the subdivision and whether it is fit for human consumption)

(describe any quality that would make the water unsuitable for use within the subdivision)

(state each maximum allowable water quality parameter that has been exceeded and the name of the element, compound, or standard that has exceeded that parameter)

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

Include here the approved summary of the opinion from the New Mexico Environment Department regarding:

(whether or not the subdivider can furnish water of an acceptable quality for human consumption and measures to protect the water supply from contamination in conformity with state regulation)

(whether or not the subdivider can fulfill the water quality proposal made in this disclosure statement)

(whether or not the subdivider's proposal for water quality conforms to the County's regulations on water quality)

25. LIQUID WASTE DISPOSAL

(describe the precise type of liquid waste disposal system that is proposed and that has been approved by the Board for use within the subdivision)

NOTE: No other liquid waste disposal system may be used in a subdivision other than the system approved by the Board.

26. NEW MEXICO ENVIRONMENT DEPARTMENT'S OPINION ON LIQUID WASTE DISPOSAL

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

(whether there are sufficient liquid waste disposal facilities to fulfill the requirements of the subdivision in conformity with state regulations)

(whether or not the subdivider can fulfill the liquid waste disposal proposals made in this disclosure statement)

(whether or not the subdivider's proposal conforms with the County's regulations on liquid waste disposal)

27. SOLID WASTE DISPOSAL

(describe the means of solid waste disposal that is proposed for use within the subdivision)

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

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

(whether or not there are sufficient solid waste disposal facilities to fulfill the needs of the subdivision in conformity with state regulations)

(whether or not the subdivider can fulfill the solid waste disposal proposals made in this disclosure statement)

(whether or not the subdivider's proposal for solid waste disposal conforms to the County's regulations on solid waste disposal)

29. TERRAIN MANAGEMENT

(describe the suitability for residential use of the soils in the subdivision as defined in the Soil and Water Conservation District's soil survey for Santa Fe County)

(describe any measures necessary for overcoming soil and topographic limitations and who will be responsible for implementing these measures)

(identify by lot and block numbers all parcels within the subdivision located in whole or in part on slopes in excess of 15%)

(identify by lot and block number all parcels within the subdivision that are subject to flooding)

(describe the subsurface drainage for all lots in the subdivision)

(describe the surface drainage for all lots in the subdivision)

(describe the nature, location and completion dates of all storm drainage systems constructed in the subdivision, including the completion date of any required to be constructed)

(describe restrictions and other development requirements if lots are located on 15% slopes or ridgetops)

(describe detention pond requirements for each lot)

(describe restrictions of development within buildable areas per approved plans and County terrain management regulations)

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

Include here the summary of the opinion received by the Board from the Soil and Water Conservation District regarding:

(whether on not the subdivider can furnish terrain management sufficient to protect against flooding, inadequate drainage and soil erosion)

(whether or not the subdivider can satisfy the terrain management proposals made in this disclosure statement)

(whether or not the subdivider's proposal conforms with the County's regulations on terrain management)

31. SUBDIVISION ACCESS

(name of town nearest subdivision)

(distance from nearest town to subdivision and the route over which the distance is computed)

(describe access roads to subdivision)

(state whether of not any roads are required within the subdivision which will not be built until a future date, e.g. connection roads to future developments on adjoining parcels.)

(state whether or not subdivision is accessible by conventional vehicle)

(state whether or not subdivision is ordinarily accessible in all seasons and under all weather conditions)

(describe width and type of surfacing of all roads within the subdivision)

32. MAINTENANCE

(state whether the roads, drainage improvements and other improvements within the subdivision will be maintained by the County, subdivider or an association of lot owners)

(if the roads within the subdivision have not been accepted for maintenance by the County, state how the roads will be maintained and describe lot owner's responsibilities and obligations with respect to road maintenance)

(describe what measures have been taken to make sure maintenance takes place)

33. STATE HIGHWAY DEPARTMENT'S OPINION ON ACCESS

Include here the approved summary of the opinion received by the Board from the State Highway Department regarding:

(whether or not the subdivider can fulfill the state highway access requirements for the subdivision in conformity with state regulations)

(whether or not the subdivider can satisfy the access proposals made in this disclosure statement)

(whether or not the subdivider is conforming with the County's regulations on access)

34. CONSTRUCTION GUARANTEES

(describe any proposed roads, drainage structures, water treatment facilities or other improvements that will not be completed before parcels in the subdivision are offered for sale)

(describe all performance bonds, letters of credit, or other collateral securing the completion of each proposed improvement)

NOTE: Unless there is a sufficient bond, letter of credit or other adequate collateral to secure the completion of proposed improvements, it is possible that the proposed improvements will not be completed. Caution is advised.

35. ADVERSE OR UNUSUAL CONDITIONS

(state any activities or conditions adjacent to or nearby the subdivision, such as feedlots, cement plants, dairies, airports and the like, that would subject the subdivided land to any unusual conditions affecting its use or occupancy)

36. RECREATIONAL FACILITIES

(describe all recreational facilities, actual and proposed, in the subdivision)

(state the estimated date of completion of each proposed recreational facility)

(state whether or not there are any bonds, letters of credit or other collateral securing the construction of each proposed recreational facility and describe any such bond, letter of credit or other collateral)

37. FIRE PROTECTION

(statement as to whether or not on-site fire protection will be provided)

(distance to nearest fire station from subdivision)

(state whether the fire department is full-time or volunteer)

(state whether or not a fire hydrant is within 1000 feet of the buildable portion of each lot.)

(state whether or not a residential sprinkler system meeting NFPA standards is required.)

38. POLICE PROTECTION

List the various police units that would patrol the subdivision:

(sheriff's department, if applicable)

(municipal police, if applicable)

(state police, if applicable)

39. PUBLIC SCHOOLS

(name of and distance to nearest public elementary school serving the subdivision)

(name of and distance to nearest public junior high or middle school serving the subdivision)

(name of and distance to nearest public high school serving the subdivision)

40. HOSPITALS

(name of nearest hospital)

(distance to nearest hospital and route over which distance is computed)

(number of beds in nearest hospital)

41. SHOPPING FACILITIES

(description of nearest shopping facilities including number of stores)

(distance to nearest shopping facilities and route over which that distance is computed)

42. PUBLIC TRANSPORTATION

(Describe all public transportation that serves the subdivision on a regular basis.)

43. COMPLETION DATES

(state the projected dates upon which the items mentioned in #36 through #42 above will be available if they are not yet available)

APPENDIX 5.C.2

DISCLOSURE STATEMENT

FOR ALL SUBDIVISIONS CONTAINING NO MORE THAN FOUR (4) PARCELS

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

This disclosure statement is intended to provide you with enough information to permit you to make an informed decision on the purchase, lease or acquisition of the property described in this statement. You should read carefully all of the information contained in this statement before you decide to buy, lease or otherwise acquire the described property.

Various public agencies may have issued opinions, on both the subdivision proposal and the information contained in this disclosure statement. They may be favorable or unfavorable. You should read them closely.

The Board of County Commissioners has examined this disclosure statement to determine whether the subdivider can fulfill what the subdivider has said in this disclosure statement. However, the Board of County Commissioners does not vouch for the accuracy of what is said in this disclosure statement. In addition, this disclosure statement is not a recommendation or endorsement of the subdivision by either the County or the State. It is informative only.

The Board of County Commissioners recommends that you inspect the property before buying, leasing or otherwise acquiring it. **If you have not inspected the parcel before purchasing, leasing or otherwise acquiring it, you have six (6) months from the time of purchase, lease or other acquisition to personally inspect the property. After inspecting the parcel within the six (6) month period, you have three (3) days to rescind the transaction and receive all of your money back from the subdivider when merchantable title is revested in the subdivider. To rescind the transaction, you must give the subdivider notice of your intent to rescind within three (3) days of your inspection of the property.**

County regulations require that any deed, real estate contract, lease or other instrument conveying an interest in a parcel in the subdivision be recorded with the Santa Fe County Clerk.

Building permits, wastewater permits or other use permits must be issued by state or county officials before improvements are constructed. You should investigate the availability of such permits before you purchase, lease, or otherwise acquire an interest in the land. You should also determine whether such permits are required for construction of additional improvements before you occupy the property.

1. NAME OF SUBDIVISION

(name of subdivision)

2. NAME AND ADDRESS OF SUBDIVIDER

(name)

(address)

3. TITLE

Include at least the following information where applicable:

(name of legal title holder)

(names of any other persons in the chain of title between the legal title holder and the applicant, e.g. other buyers or sellers under outstanding real estate contracts on the same land)

(number of mortgages)

(name of each mortgagee)

(balance owing on each mortgage)

(summary of the release provisions in each mortgage)

(number of real estate contracts on the subdivided land for which the subdivider is making payments as a purchaser)

(name and address of each person holding a real estate contract as owner of the subdivided land for which the subdivider is making payments as a purchaser)

(balance owing on each real estate contract)

(summary of the release provisions in each real estate contract)

(statement of any other conditions relevant to the state of the title)

(statement of any other encumbrances on the land)

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

(state here all deed and plat restrictions affecting the subdivided land, including water restrictions and archeological easements)

5. UTILITIES

(name of entity providing telephone service, if available) (estimated cost)

(name of entity providing electricity, if available) (estimated cost)

(name of entity providing gas service, if available) (estimated cost)

(name of entity providing water if available) (estimated cost)

(name of entity providing liquid waste disposal, if available) (estimated cost)

(name of entity providing solid waste disposal, if available) (estimated cost)

6. INSTALLATION OF UTILITIES

(water) (date)

(telephone) (date)

(electricity) (date)

(gas) (date)

(liquid waste disposal) (date)

(solid waste disposal) (date)

7. UTILITY LOCATION

(state if all utilities are to be provided to each parcel in the subdivision)

(If utilities are to be provided to some but not all parcels in the subdivision, state which utilities will be provided to each parcel.)

(state whether each utility will conform to the County's requirement to locate utilities)

(water)

(telephone)

(electricity)

(gas)

(liquid waste disposal)

(solid waste disposal)

8. WATER AVAILABILITY

(describe the maximum annual water requirements of the subdivision including water for indoor and outdoor domestic uses)

(describe the availability and sources of water to meet the subdivision's maximum annual water requirements)

(describe the means of water delivery within the subdivision)

(describe any limitations and restrictions on either indoor or outdoor water use in the subdivision)

(summarize the provisions of any covenants or other restrictions requiring the use of water conservation measures)

(describe what measures, if any, will be employed to monitor or restrict water use in the subdivision)

9. FOR SUBDIVISIONS WITH COMMUNITY WATER SYSTEMS

1306095

(name and address of entity providing water)

(source of water and means of delivery)

(summary of any legal restrictions on either indoor or outdoor usage)
(statement as to whether of not individual wells are prohibited)

10. FOR SUBDIVISIONS WITH INDIVIDUAL DOMESTIC WELLS OR SHARED WELLS

(state whether wells will be provided by the subdivider or by the prospective purchaser/lessee/conveyee)

(if wells are provided by purchaser/lessee/conveyee, state the estimated cost to complete a domestic well, including drilling, pressure tank, control devices, storage and treatment)

(if wells are provided by the subdivider, state the cost, if any to the purchaser/lessee/conveyee)

(summary of legal restrictions on either indoor or outdoor usage)

(average depth to groundwater and the minimum and maximum well depths to be reasonably expected)

(recommended total depth of well)

(estimated yield in gallons per minute of wells completed to recommended total depth)

11. LIQUID WASTE DISPOSAL

(describe the precise type of liquid waste disposal system that is proposed and that has been approved by the Board for use within the subdivision)

NOTE: NO OTHER LIQUID WASTE DISPOSAL SYSTEM MAY BE USED IN A SUBDIVISION OTHER THAN THE SYSTEM APPROVED BY THE BOARD.

12. SOLID WASTE DISPOSAL

(describe the means of solid waste disposal that is proposed for use within the subdivision)

13. TERRAIN MANAGEMENT

(describe the suitability for residential use of the soils in the subdivision as defined in the Soil and Water Conservation District's soil survey for Santa Fe County)

(describe any measures necessary for overcoming soil and topographic limitations, and who will be responsible for implementing these measures)

(identify by lot and block numbers all parcels within the subdivision located in whole or in part on slopes in excess of 15%)

(identify by lot and block numbers all parcels within the subdivision that are subject to flooding)
(describe the subsurface drainage for all lots in the subdivision)

(describe the surface drainage for all lots in the subdivision)

(describe the nature, location and completion dates of all storm drainage systems constructed in the subdivision, including the completion date of any required to be constructed)

(describe restrictions and other development requirements if lots are located on 15% slopes or ridgetops)

(describe detention pond requirements for each lot)

(describe restrictions of development within buildable areas per approved plans and County terrain management regulations)

14. SUBDIVISION ACCESS

(name of town nearest subdivision)

(distance from nearest town to subdivision and the route over which the distance is computed)

(describe access roads to subdivision)

(state whether or not any roads are required within the subdivision which will not be built until a future date, e.g. connection roads to future developments on adjoining parcels.)

(state whether or not subdivision is accessible by conventional vehicle)

(state whether or not subdivision is ordinarily accessible in all seasons and under all weather conditions)

(describe width and type of surfacing of all roads within the subdivision)

15. MAINTENANCE

(state whether the roads, drainage facilities and other improvements within the subdivision will be maintained by the County, the subdivider or an association of lot owners)

(if the roads within the subdivision have not been accepted for maintenance by the County, state how the roads will be maintained and describe lot owner's responsibilities and obligations with respect to road maintenance)

(describe what measures have been taken to make sure maintenance takes place)

16. CONSTRUCTION GUARANTEES

(describe any proposed roads, drainage structures, water treatment facilities or other improvements that will not be completed before parcels in the subdivision are offered for sale)

(describe all performance bonds, letters of credit, or other collateral securing the completion of each proposed improvement)

NOTE: Unless there is a sufficient bond, letter of credit or other adequate collateral to secure the completion of proposed improvement, it is possible that the proposed improvements will not be completed. Caution is advised.)

17. ADVERSE OR UNUSUAL CONDITIONS

(state any activities or conditions adjacent to or nearby the subdivision, such as feedlots, cement plants, dairies, airports and the like, that would subject the subdivided land to any unusual conditions affecting its use or occupancy)

18. FIRE PROTECTION

(distance to nearest fire station from subdivision)

(route over which distance is computed)

(state whether the fire department is full-time or volunteer)

(state whether or not a fire hydrant is within 1000 feet of the buildable portion of each lot.)

(state whether or not a residential sprinkler system meeting NFPA standards is required.)

19. POLICE PROTECTION

List the various police units that would patrol the subdivision:

(sheriff's department, if applicable)

(municipal police, if applicable)

(state police, if applicable)

20. PUBLIC SCHOOLS

(name of and distance to nearest public elementary school serving the subdivision)

(name of and distance to nearest public junior high or middle school serving the subdivision)

(name of and distance to nearest public high school serving the subdivision)

ARTICLE VI - SPECIAL REVIEW DISTRICTS

All applications for development permits located within a Special Review District shall comply with the procedures and standards set forth for the Special Review District.

SECTION 1 - HIGHWAY CORRIDOR DISTRICTS**1.1 Location of Highway Corridor Districts**

Highway Corridor Districts shall consist of all land within 150 feet of the right-of-way of a federal highway in the County but not in an Urban Area as shown on Map 11 or 13, nor in a (Non-Residential) District, nor in a Traditional Community District.

1.2 Design Standards

In addition to the other requirements of the Code, any development within Highway Corridor Districts must meet the following standards:

- 1.2.1 All structures shall be set back 150 feet from the outer edge of the road pavement of a federal highway.
- 1.2.2 In the 150 foot setback, efforts shall be made to preserve any existing vegetation and natural topographic features.
- 1.2.3 A parcel located partly or wholly within highway corridor districts is not to be divided by a metes and bounds survey, subdivided, or otherwise developed with parcels parallel to the highway dependent upon the highway for access to each parcel.
- 1.2.4 The number of streets providing access from the highway to parcels shall be minimized. 1,500 or more feet between such access streets is desirable. Development of frontage roads parallel to the highway between access points is permitted.

SECTION 2 - AIRPORT LAND USE REGULATION DISTRICTS**2.1 Location of Airport Land Use Regulation District**

- 2.1.1 In order to carry out the provisions of this Article VI, Section 2 the Airport Land Use Regulation District shall be divided into the following zones:
 - (1) Ldn Zone
 - (2) Ldn Zone 2
 - (3) Ldn Zone 3
 - (4) Ldn Zone 4
- 2.1.2 The boundaries of the Airport Land Use Regulation District and the above zones are hereby established as shown in the Code Map 31 entitled "Airport Land Use Regulation Map for the Santa Fe Airport".
- 2.1.3 The boundaries of the above zones establish expected airport area intermittent noise levels, based on average ambient conditions and existing and projected aircraft operations. The effect of noise generated by any other specific use is not reflected in the Ldn contours. No

assurance is made or intended, nor should it in any way be interpreted, that a specific use considered compatible within an Ldn Zone area will meet the noise safety standards, and no use determined compatible shall be allowed unless it is determined that the use will meet the noise safety standards for that zone.

2.2 Land Use Regulation

- 2.2.1 Any development which is proposed that is in more than one zone shall be limited to the more restrictive zone.
- 2.2.2 No designation of compatible use contained in this Section 2 shall be construed to abrogate or contravene the other provisions of the Code or any other local, state or federal regulation and uses provided in this Section 2 are allowed only if allowed under the other provisions of the Code.
- 2.2.3 The following are designated compatible uses in Ldn Zone 4, and all other uses are designated incompatible uses in Ldn Zone 4:
- a. Open space
 - b. Mining, fishing and agriculture except mink and poultry production.
- 2.2.4 The following are designated as compatible uses in Ldn Zone 3, and all other uses are declared incompatible in Ldn Zone 3.
- a. All uses designated as compatible in Ldn Zone 4.
 - b. Playgrounds and parks, including amusement parks.
 - c. Golf courses, tennis courts, riding and hiking trails, and cemeteries.
 - d. Commercial establishments including wholesale, manufacturing, transportation, communication and utilities, but excluding outdoor theaters, stadiums and retail trade establishments.
 - e. Other agricultural uses.
- 2.2.5 The following are designated as compatible uses in Ldn Zone 2, and all other uses are designated incompatible uses in Ldn Zone 2:
- a. All uses designated as compatible in Ldn Zone 3 and 4.
 - b. Retail trade establishments.
 - c. Hotels and motels, provided that construction techniques provide ten decibels extra noise reduction over the industry average for similar structures and that such reduction is certified by a qualified architect, structural engineer or acoustical engineer registered in the State of New Mexico; and further provided that airport hazard insurance is available to the establishment.
- 2.2.6 Ldn Zone 1 shall be all the areas outside the Airport Land Use Regulation District established by this Article VI, Section 2 of the Code, and has only those use restriction found in the Land Development Code.

**SECTION 3 - HISTORIC AND CULTURAL SITES, LANDMARKS AND
ARCHAEOLOGICAL DISTRICTS**

3.1 Purpose and Intent

- 3.1.1 In order to preserve and enhance the unique heritage of the County of Santa Fe, special review requirements are established for historic and cultural sites, landmarks and archaeological districts. Such sites, landmarks and districts include, but are not limited to, structures which either are designated by the official register of cultural properties maintained by the New Mexico Cultural Properties Review Committee or are properties which may contain historic or pre-historic structures, ruins, sites or objects, desecration or destruction of which would result in an irreplaceable loss to the public of their scientific, educational, informational, or economic interest or value.
- 3.1.2 Preservation of historic and cultural sites, landmarks and archaeological sites shall be achieved by establishing a procedure for discovering, evaluating, reporting and treating such resources at the planning stage of development proposals.
- 3.1.3 This ordinance is adopted pursuant to the Zoning Act, Section 3-21-1, et. seq., N.M.S.A., 1978, the Historic Districts and Landmarks Act, Section 3-22-1, et. seq., N.M.S.A., 1978, and the Cultural Properties Act, Section 18-6-1, et. seq., N.M.S.A., 1978 as amended.

3.2 Definitions

- 3.2.1 Archaeological districts - districts as described on Code Map 34 which have high, medium or low potential for cultural remains.
- 3.2.2 Archaeological features - nonportable cultural remains including but not limited to hearths, storage pits, firepits, architecture, or undisturbed layers of deposited materials.
- 3.2.3 Archaeological site - a concentration of cultural remains inferred to be the location of specific human activities.
- 3.2.4 Archival research - research in primary documents likely to yield information concerning the human occupation of the site in question, including but not limited to deed, census, cartographic, judicial records, historic maps, and Archaeological Records Management Systems (ARMS) site files maintained by the State of New Mexico and other existing data.
- 3.2.5 Artifact - portable cultural remains that exhibit evidence of human use or alteration.
- 3.2.6 Culturally altered landscape - a landscape modified by human activity, including but not limited to roadways, agricultural fields, farming terraces, and irrigation ditches or other water control devices.
- 3.2.7 Cultural Site - a location or structure with historic, scientific, architectural, or other importance to the residents of Santa Fe County.
- 3.2.8 Cultural remains - the remains of prior human occupation or activity more than seventy-five years old whether portable or non-portable, including but not limited to, historic and prehistoric artifacts, archaeological features, human skeletal remains, animal skeletal

remains found in an archaeological context, rock carvings, and culturally altered landscapes.

3.2.9 Historical Site - a location, building or neighborhood more than 75 years old.

3.2.10 Landmark - a structure or site of historic interest.

3.2.11 Non-disturbance easement - an easement or covenant to avoid and protect significant sites as an alternative to treatment. No construction or alteration of the landscape may occur within a non-disturbance easement without prior approval of the Code Administrator.

3.2.12 Reconnaissance survey - a visual examination of land surfaces that are to be disturbed.

3.2.13 Significant Sites - those archaeological sites that have yielded, or may be likely to yield, information important in the study of prehistory or history. Significant sites shall be those:

- (1) with cultural remains that are more than seventy-five years old;
- (2) with cultural remains that are directly associated with events or developments that have made an important contribution to local history or prehistory;
- (3) with cultural remains that are directly associated with the lives of persons significant in local history;
- (4) areas where a substantial number of prehistoric cultural remains are present; or
- (5) areas having cultural remains known to rarely occur in the Santa Fe County area.

3.2.14 Treatment Plan - a plan for the recovery or protection of discovered cultural remains at those historical, cultural or archaeological sites or landmarks that are considered significant. A plan shall include proposed excavation or preservation methods, proposed analysis techniques, and plans for the final disposition of artifacts recovered.

3.3 Location of Historic or Cultural Sites, Landmarks and Archaeological Districts

3.3.1 Location of Historic or Cultural Sites and Landmarks

The following Historic or Cultural Sites and Landmarks are established, as amended from time to time, at the following locations:

- a. Apache Canyon Railroad Bridge, Canoncito; Mesita Huerfana (Tunyo), near San Ildefonso; Bouquet Ranch, Pojoaque; Cerrillos Opera House (Clear Light); Ciencguilla Pueblo; Colina Verde Ruin, Galisteo Basin; Cundiyo; Davey (Randall) House, Upper Canyon Road; El Santuario de Chimayo and Collections; Galisteo Historic District; Glorieta Pass Battlefield; La Bajada Ruin, U.S. Forest, near Village of La Bajada; La Iglesia y La Plaza de Santa Cruz de la Canada; Las Golondrinas Ranch Site, La Cienega; Madrid Boarding House; Madrid Historic District; Mount Chalchihuitl Turquoise Mine, north of Los Cerrillos; Nambe Archaeological District; Nuestra Senora de Luz Church and Cemetery in Canoncito; Old Cienega Village Museum; Oratorio de San Buenaventura, Chimayo Plaza; Otowi Bridge Historic District on the Rio Grande; Pigeon's Ranch, near Glorieta; Plaza del Cerro, Chimayo; Galisteo Pueblo, Lamy; Pueblo Blanco, Galisteo Basin; Pueblo Colorado (north), Galisteo Basin; Pueblo of San Ildefonso; Pueblo of San Lazaro (National Historic Landmark), Galisteo Basin; Pueblo of San Marcos; Pueblo of She, Galisteo Basin; Pueblo of Tesuque; Roybal (Ignacio) House, Jacona; Santa Cruz Dam; Santa Fe River Sites, south of Agua Fria; Santa Fe Waterworks Reservoir; Sol y Sombra (Los Llanos), Old Santa Fe Trail; Spanish Log Cabin, Upper Canyon Road; West Otto Site; Waldo

Coke Ovens; La Bajada Mesa Agricultural Site; Pueblo Largo; San Cristobal Pueblo; Los Cerrillos Mining District; Nambé Pueblo; Pfluger General Merchandise and Annex Saloon; Our Lady of Christ Church; and Narawi.

- b. Any parcel located in the County on which a structure is located which has been, or is after the effective date of the Code, placed on the official register of cultural properties maintained by the New Mexico Cultural Properties Review Committee or the National Register of Historic Places.
- c. Other areas of exceptional historical, archaeological scientific, architectural or cultural interest or value hereafter designated by the Board as Historic or Cultural Sites or Landmarks.

3.3.2 Location of Archaeological Districts

All areas shown on Code Map 34, as amended, having known or probable archaeological sites are hereby designated as Archaeological Districts. Code Map 34 has been prepared under the direction of the New Mexico State Historic Preservation Division and is based upon a data base maintained by that Division. Code Map 34 shall be updated periodically in consultation with the New Mexico State Historic Preservation Division .

3.4 Review and Report Procedures For Development in Areas Designated as Historic or Cultural Sites, Landmarks, or Archaeological Districts

3.4.1 General Requirements for Historic or Cultural Sites, Landmarks or Archaeological Districts

Pursuant to the requirements of Sections 3.4.2 and 3.4.3 below, applicants shall submit two copies of reports, drawings, and surveys, describing all proposed changes to structures, or development within a Historic or Cultural Site, Landmark or Archeological District. Unless a report is specifically required by the Code Administrator, individual permits for construction of single dwelling units, accessory structures, agricultural facilities, roads, utility installations and family transfers which do not alter any known Historic or Cultural Site or Landmark and lands which have been previously surveyed by a professional archaeologist and accepted by the Code Administrator are exempt from these reporting requirements.

3.4.2 Historic or Cultural Sites and Landmarks

A report and drawings describing all proposed changes to structures or development within a Historic or Cultural Site or Landmark listed in Section 3.3.1 of this Article shall be prepared by a professional qualified to evaluate, design and report on such changes. Two copies of this report shall be submitted to the Code Administrator prior to preliminary plat approval. The report shall include a treatment plan which provides methods by which the site or landmark affected by the development will be protected, preserved or salvaged. The treatment plan shall be reviewed by the County Development Review Committee, who shall decide on further course of action regarding treatment.

3.4.3 Archaeological Districts

a. Reconnaissance Survey and Report Required

Applicants proposing developments within an Archaeological District shall complete an archaeological reconnaissance survey and report prior to the County Development Review Committee approval of any preliminary development plans or plats unless the project area has been previously surveyed and a report has been prepared that is acceptable to the Code Administrator. Two copies of the report shall be submitted to

the Code Administrator. Code Map 34, as amended, describes Archaeological Districts in the County of Santa Fe which have high, medium or low potential for archaeological sites. The following development shall be required to conduct a reconnaissance survey and prepare a report subject to these regulations:

- i. Developments of 5.0 acres or more within areas designated as having high archaeological potential as shown on Code Map 34, as amended.
- ii. Developments of 2.0 acres or more within areas identified in a traditional community, as defined in Article VI, Section 4, as having high archaeological potential as shown on Code Map 34, as amended.
- iii. Developments of 10.0 acres or more within areas designated as having moderate archaeological potential as shown on Code Map 34, as amended.
- iv. Developments of 40 acres or more within areas designated as having low archeological potential as shown on Code Map 34, as amended. A 50% sample survey is required for low potential areas.
- v. The Code Administrator may waive the survey and reporting requirements, or may reduce the area to be surveyed and the sampling methods to be employed for developments that are located in areas with extensive surface disturbance, such as gravel quarries.

b. Professional Qualifications: Archaeologist

All archaeological reconnaissance surveys, reports and treatment plans required shall be conducted by a professional archaeologist who is permitted by the State Cultural Properties Review Committee to conduct surveys on State lands and who is also approved by the Code Administrator.

c. Standards and Criteria for Reconnaissance Surveys and Reports

i. The reconnaissance survey shall consist of:

- 1) research and analysis of the Archeological Records Management Systems (ARMS) site files; the State Register of Cultural Properties maintained by of the State of New Mexico, Historic Preservation Division; the Bureau of Land management historic plat records maintained in the BLM State Office public room; and
- 2) a visual examination of the property for evidence of archaeological features, artifacts or culturally altered landscape at least seventy-five years old following the archaeological survey procedural manual prepared by the Museum of New Mexico, Office of Archaeological Studies, Notes no 24A (1994), as amended. Linear transects shall be used. A sample of surface artifacts shall be analyzed during the field survey.

ii. If cultural remains are found, two copies of a report shall be submitted to the Code Administrator containing the following:

- 1) the name of the person who prepared the report and survey and the name of the property owner;
- 2) a description of the project site and proposed land altering development;
- 3) a vicinity map at a scale of at least one inch equals 2,000 feet (USGS 7.5 Quad);
- 4) a brief description and justification of the research design, methods and techniques used;
- 5) quantitative and qualitative summaries of cultural remains tested and analyzed during the field investigations including a description and the significance of the remains. If the remains are significant the requirements in Section 3.4.3d of this Article shall also apply;

- 6) a brief description of human occupation and land use, as evidenced through documentary and archaeological research; additional research of archival sources, land titles and historic maps, is required when historic period cultural remains are found;
 - 7) a complete listing of sources, including individuals with personal knowledge of a site, records and literature, which were consulted during the reconnaissance;
 - 8) documentation of the project site including a site map at a minimum scale of one inch equals 400 feet showing the location of field work; visible cultural sites or structures; photographs of sites or structures completed; State of New Mexico site inventory and activity forms which can be obtained from the New Mexico Historic Preservation Division; and an overview of previous work and findings in the vicinity;
 - 9) an assessment of the impact of the proposed development on the cultural remains of the site; and
 - 10) one of the following recommendations to the Code Administrator:
 - (a) the proposed development will not affect a significant site or the integrity of the district and no further treatment is required;
 - (b) the proposed development will adversely impact a significant site or structure or the integrity of the district, but the effects can be mitigated by a non-disturbance easement, through avoidance of the site by project redesign, or through a specified treatment plan as outlined in Section 3.4.3d of this Article; or
 - (c) the proposed development will adversely impact a significant site or structure or the integrity of the district, and the affected structures or sites are of such size or significance that an adequate treatment is not feasible. Therefore, a protective non-disturbance easement, avoidance of the site by project redesign, or other protective measure approved by the Board is required.
- iii. If cultural remains are not found, two copies of a report shall be submitted to the Code Administrator containing the following:
- 1) the name of the person who prepared the report and survey and the name of the property owner;
 - 2) a description of the project site and proposed land altering development;
 - 3) a vicinity map at a scale of at least one inch equals 2,000 feet (USGS 7.5 Quad);
 - 4) a brief description and justification of field methods and research techniques used;
 - 5) a brief summary of the findings of the ARMS, State Register and BLM historic plat reviews.
- d. Procedure for Treatment Plan for a Significant Archaeological Site
If an archaeological site is determined to be significant and a treatment plan is recommended the treatment plan shall be completed as follows:
- i. A sample of surface artifacts shall be collected and documented;
 - ii. If there is reason to believe that subsurface remains exist, excavations shall take place following current professional standards up to the maximum funding limit allowed pursuant to Section 3.7 of this Article. Excavations shall proceed to a depth where no archaeological features or artifacts are encountered.

- iii. Further archival research shall be conducted concerning human occupation and the land use of the site. A final report of the results of treatment is required and shall be submitted to the Code Administrator.
- iv. If test excavations are required to recover additional information about a site for the purposes of guiding subsequent treatment, then a preliminary excavation report for the results of the test excavations shall be submitted to the Code Administrator.
- v. If excavations do not exhaust retrievable information from a significant site, then a non-disturbance easement shall be created to protect the remaining portions of the site, at the discretion of the County Development Review Committee.
- vi. The cost of implementing the treatment plan and associated report shall not exceed the maximum funding limit pursuant to Section 3.7 of this Section.

3.4.4 Review Procedures: Historic or Cultural Sites, Landmarks or Archaeological Districts

- a. a survey and report are required for the proposed development, two copies shall be submitted to the Code Administrator during the preliminary stage of the development review process. The Code Administrator shall submit comments summarizing the report's findings to the County Development Review Committee and to the Board when the development is presented for review.
- b. If the applicant does not agree with the findings of the report and proposed treatment plan, the applicant may engage a consultant, who meets the qualifications of Section 3.4.4 or 3.4.2 of this Article, to review the findings and the proposed treatment plan and render a second opinion.
- c. If, after the second opinion, the applicant still does not agree with the findings, the applicant may request an opinion regarding the findings from the New Mexico State Historic Preservation Division. If necessary, the opinions and recommendations of the New Mexico State Historic Preservation Division or the consultant will be presented to the County Development Committee, who will decide the required action to be taken.
- d. A mapped and written record shall be kept by the County of all surveyed areas.
- c. The Code Administrator shall submit one copy of reports and surveys to the Archaeological Records Management System at the Historic Preservation Division for filing

3.5 Archaeological Review Districts - Unexpected Discoveries; Human Remains; Penalties.

- 3.5.1 A report of any unexpected discoveries of cultural remains during construction activities shall be made to the Code Administrator. Construction activities within the area of the discovery that in any way endangers the cultural remains shall cease. The applicant shall be responsible for having a qualified archaeologist visit the site within forty eight (48) hours, excluding weekends or holidays, and determine the archaeological significance and the data potential of the site. If the site is determined to be significant and to have data potential, then:
 - a. the archaeologist will determine a buffer area in which construction activities shall temporarily cease; and
 - b. the property owner shall present a treatment plan to the Code Administrator for approval. The treatment plan shall meet the requirements of Sections 3.4.3d. Alternatively, a non-disturbance easement may be platted to protect the significant site.
- 3.5.2 Human remains are considered part of an archaeological record, and shall be afforded special treatment pursuant to the provisions of New Mexico Cultural Properties Act

Section 18-6-11.2 NMSA 1978, which shall be followed whenever unmarked human remains are discovered. If the remains represent permanent interment in any church, church yard or cemetery, they may not be disturbed without a district court order, in accordance with Section 30-12-12 N.M.S.A. 1978, as amended.

3.5.3 Failure to report such finds shall result in the imposition of penalties provided in Article I, Section 11 of this Code in addition to those provided for under state law.

3.6 Public Use

If the owner of an archaeological, historic, or cultural site or landmark intends to make the premises open to the public or charge user fees to the public for visiting the site, the owner shall be subject to the provisions of this Code relating to non-residential or other development.

3.7 Maximum Funding Limit

In no case shall the applicant be required to spend more than two percent (2%) of the value of the proposed development shown on the development permit in preparing for and completing treatment

History. Section 3 amended by Ordinance 1988-8, providing for surveys and a review procedure relating to the archaeological resources of the County. Ordinance 1996-8 amended Section 3 to update and clarify language and to change the review procedure.

SECTION 4 - TRADITIONAL COMMUNITY DISTRICTS

4.1 Boundaries of Traditional Community Districts

La Puebla, Chimayo, Rio Chiquito, Cundiyo, the Pojoaque Valley (including Pojoaque, Nambe, Jacona, Jaconita, El Rancho and San Ildefonso), Chupadero, Rio en Medio, Tesuque, Cuyamungue, La Cienega, Canada de Los Alamos, Glorieta, Lamy, Galisteo, Los Cerrillos, Golden, Madrid, Stanley and Edgewood are established as Traditional Community Districts, in the locations shown on Code Maps 40 through 57. (The boundaries for Rio en Medio and Tesuque are to be amended according to the Las Tres Villas Plan.)

4.2 Alteration of Traditional Community Boundaries

The Board may alter the boundaries of a Traditional Community. If an interested party or parties applies for a development permit involving a change in the boundary of a Traditional Community District, in addition to the other requirements of law for amending the Code, the Board shall consider any existing approved Local Land Use and Utility Plan and shall seek the advice of the Community Development Review Committee, if any.

4.3 Local Land Use and Utility Plan

4.3.1 Residents of a Traditional Community District may cause a Local Land Use and Utility Plan to be prepared for a Traditional Community. In order to be considered by the Board for approval, a Local Land Use and Utility Plan for a Traditional Community shall:

- a. establish policies and provisions for land use and the provisions of water and liquid waste disposal services;
- b. establish policies and provisions for water consumption, community layout, improvement and maintenance of utilities, critical community population size based on a refined analysis of the County General Plan Community critical size,

environmental impact, if any, of development, housing, roads, open space and recreation, and historic, cultural and archaeological preservation;

- c. not include development proposals that might use or deplete a greater amount of local water resources than is provided for under the water policies of the Code and the County General Plan, unless the Plan demonstrates that water in an amount sufficient to adequately serve the additional population is available; and
- d. be consistent with any applicable State statutes or any County ordinances.

4.3.2 The Board may, after public hearing, approve a Local Land Use and Utility Plan for a traditional community. After approval by the Board, a Local Land Use and Utility Plan shall constitute an amendment to the County General Plan as it applies to the traditional community. To the extent that a Local Land Use and Utility Plan amends the Code, the procedures for adopting ordinances shall be followed in connection with adoption of a Local Land Use and Utility Plan.

4.4 Critical Community Population Sizes

When a Traditional Community has reached its critical population size, as established in the County General Plan, the County shall grant no development permits under this Section unless:

- (1) water is imported;
- (2) a hydrology report establishes that ground water sources in addition to those water sources described in the County General Plan are available;
- (3) water conservation practices provided for in the Code to reduce the use of local ground water are made legally enforceable in the Traditional Community District; or
- (4) a policy is established to utilize existing irrigation water rights and supplies for the purposes of supporting urbanization.

4.5 Neighborhood Center Uses in Traditional Communities

Uses allowed in neighborhood center districts are allowed anywhere within the boundaries of a Traditional Community, provided that any requirements of the Code, other than requirements concerning location of neighborhood center districts are met.

ARTICLE VII - ENVIRONMENTAL REQUIREMENTS

SECTION 1 - FLOOD HAZARDS**1.1 Requirements for a Flood Hazard Analysis**

All applications for a development permit shall be reviewed by the Code Administrator to determine if the proposed development involves land located in a Flood Hazard Area as defined in Section 1.3 of this Article VII. If the proposed development involves activities in a Flood Hazard Area which are not permitted by Section 1.4 of this Article VII, the development permit application shall be denied. Applicants shall also comply with related regulations in County Ordinance 1988-1 which sets forth minimum floor elevations for flood hazard areas pursuant to 3-18-7 NMSA 1978 and Federal Emergency Management Agency (FEMA) regulations in issuing development permits.

1.2 Procedures and Submittals**1.2.1 Types of Development Requiring Flood Hazard Analysis**

An applicant for a development permit involving a subdivision, a use authorized and located in a non-residential district, a large scale residential development, or mining uses, shall submit a map showing the location of all floodways, flood fringe areas, flood plains and flood hazard areas within the property which is the subject of the application, except that if no development is proposed within the flood hazard area, then only the flood hazard area shall be mapped. The map will be at the same scale as other detailed maps required under the Code, and shall be prepared as set forth in Section 1.3 of this Article. If the proposed development is located within a Flood Hazard Area, submittals as required in Section 1.2.3 are required in a report prepared by a professional engineer registered in the State of New Mexico, demonstrating that adequate drainage is provided to reduce exposure to flood hazards.

1.2.2 All Other Development

An applicant for a development permit not governed by Section 1.2.1 above shall be required to make the submittals required in Section 1.2.3 of this Article VII, if the Code Administrator determines that the proposed development is located in a Flood Hazard Area.

1.2.3 Submittals if Development is Proposed in a Flood Hazard Area

If an applicant proposes development within a Flood Hazard Area, then required submittals shall include the following:

- 1.2.3a A flood hazard analysis as described in Section 1.3 of this Article;
- 1.2.3b Plans drawn to scale showing the location, dimensions and elevation of proposed landscape alterations, existing and proposed structures, and the location of the foregoing in relation to the flood way, flood fringe, flood plain and flood hazard area;
- 1.2.3c Elevation in relation to mean sea level, of the lowest floor including the basement of all proposed structures;
- 1.2.3d Elevation in relation to mean sea level, to which any non-residential structure shall be flood-proofed;

- 1.2.3e Flood elevation data adjacent to the proposed development. If FEMA flood elevation data is unavailable, such information shall be provided by a New Mexico registered professional engineer;
- 1.2.3f Description of the extent to which any course or natural drainage will be altered or relocated as a result of proposed development; and
- 1.2.3g Additional submittals as necessary to establish conformance with Section 1.4 of this Article VII.

1.2.4 Special Submittals for Appeal Procedures

If any application for a development permit is denied at the first level of review under this Section, the Code Administrator, or his designee, shall perform a field inspection of the site if requested by the applicant. If the Code Administrator upholds denial of the permit, based on the reasonable possibility of a flood hazard to the development, the applicant may appeal the decision following the procedures set forth in Article II of the Code. The applicant shall be required to submit a detailed report, prepared by a professional engineer registered in the State of New Mexico, which addresses the following relevant factors:

- 1.2.4a The danger to life and property due to flooding or erosion damage.
- 1.2.4b The susceptibility of the proposed development and its contents to flood damage and the effect of such damage on the individual owner.
- 1.2.4c The danger that materials may be swept onto other lands to the injury of others or their property.
- 1.2.4d The compatibility of the proposed development with existing and anticipated development to adjacent properties.
- 1.2.4e The safety of access to the property in times of flood for ordinary and emergency vehicles.
- 1.2.4f The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems.
- 1.2.4g The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site of the development.
- 1.2.4h The availability of alternative sites, not subject to flooding or erosion damage, for the proposed development.

1.2.5 Review by State and Federal Agencies

All submittals for subdivisions which are required under this Article VII, Section 1, shall be reviewed by the local Soil and Water Conservation District and must conform to any standards and requirements set by that district. All other submittals may, at the discretion of the Code Administrator, be subject to review by a State or Federal agency having authority over matters pertaining to flood hazard areas, including, but not necessarily limited to: the Soil and Water Conservation District; the U.S. Soil Conservation Service; the U.S. Army Corps of Engineers; Federal Emergency Management Agency (FEMA); and the New Mexico State Engineer.

1.3 Location of Flood Hazard Areas

1.3.1 Flood Hazard Boundary Maps

- 1.3.1a Flood Hazard Areas identified by FEMA on its Flood Hazard Boundary Maps for Santa Fe County, Community No. 350069, dated November 4, 1988, and any revisions thereto are hereby adopted by reference and incorporated as part of the Code.
- 1.3.1b Where interpretation is needed as to the exact location of the boundaries of a Flood Hazard Area, for example, where there appears to be a conflict between a

mapped boundary and actual field conditions, the Code Administrator shall determine whether the proposed development is located in a Flood Hazard Area.

1.3.2 Other Flood Hazard Studies

In areas for which a flood information map or study has been professionally prepared, for example, by the U.S. Army Corps of Engineers, such a map or study shall be an acceptable source of definite information, provided that it can be interpreted to delineate Flood Hazard Areas, and that it provides no irreconcilable conflict with the maps described in Section 1.3.1.

1.3.3 Other Analysis

In areas for which inadequate or no flood hazard information is available, it will be acceptable to delineate floodways, flood fringes or flood plains by (a) using Soil Conservation Service soils ratings; (b) a simplified hydrologic model such as described in the Environmental Appendix to the County General Plan; or (c) an engineering analysis, prepared pursuant to Section 1.3.4 of this Article VII.

1.3.4 Engineering Analysis

If approved by the Board, a flood hazard analysis of any portion of the County may be performed by a professional engineer, registered in New Mexico. Such analysis shall: utilize recognized techniques for quantifying flood runoff and flood plain dimensions; take into account probable land use changes in upstream regions; and take into account possible changes in channel configuration above or below the site being evaluated which may be caused by potential development.

1.3.5 Other Methods

In the event that FEMA requires that methods other than those described above are to be utilized in determining Flood Hazard Areas, then such procedures shall take precedence over those which are set forth above. In the event that all the above methods fail to resolve the question as to the extent of a flood hazard area, the technical assistance of an agency such as the U.S. Army Corps of Engineers may be sought.

1.3.6 Modification of Flood Hazard Boundary Maps

If the Board determines that modification of FEMA Flood Hazard Boundary Maps is desirable, then the maps will be modified, with approval of the Flood Insurance Administration. Techniques used may include the Soil Conservation Service method cited in the Appendix for Santa Fe County General Plan; Environmental Chapter on Flood Plain Management, the U.S. Geological Survey method cited in said reference; or any other technique which is approved by the Code Administrator. The technique used must reflect future land use conditions, including probable development upstream of the site being analyzed, and documentation must be provided as to all input data utilized, including topography, vegetation, soils, precipitation and stream channel characteristics; all calculations used regarding runoff dimensions and channel capacities must also be presented.

1.4 Development Allowed Within Flood Hazard Areas

1.4.1 General

Applicants are encouraged to treat Flood Hazard Areas as aesthetic open space zones to be used for purposes such as recreation (hiking, riding trails), agriculture, wildlife habitat and water recharge zones. All portions of a Flood Hazard Area may be included in considering density regulation for any type of development.

1.4.2 Floodway Areas

No development is permitted in floodway areas except for road and utility crossings approved by the Code Administrator. Such structures must meet requirements set forth in Section 1.4.5 of this Article.

1.4.3 Flood Fringe Areas

Flood fringe areas may be used for purposes as described in Section 1.4.1 of this Article. No structure may be erected in a flood fringe, including a structure for the permanent sheltering and confinement of animals, with the following exceptions: crossings for traffic or utilities; special public facilities such as gauging station or flood control structures. Such structures must meet requirements set forth in Section 1.4.5 of this Article.

1.4.4 Flood Plain Areas

Flood plain areas may be used for purposes as described in Section 1.4.1 of this Article. Streets, parking lots and recreational facilities (except overnight camping) are permitted provided that the requirements of Section 1.4.5 are met. Development involving construction of a dwelling or other structure within a flood plain area may be approved if the following requirements are met:

1.4.4a The property does not contain a site on which the dwelling or other structure could be built outside the flood plain area. No new lots shall be created in which no building site and liquid waste system site exists outside of the flood plain area.

1.4.4b All structures and other improvements shall be anchored to prevent flotation, collapse or lateral movement. All structures and other improvements shall be constructed by methods and practices that minimize flood damage or erosion. All structures and improvements shall be constructed with materials and equipment resistant to flood damage.

1.4.4c New and replacement water supply systems and sanitary sewage systems shall be designed to minimize infiltration of flood waters into the system, or discharges from the systems into flood waters.

1.4.4d On-site wastewater and solid waste disposal are prohibited.

1.4.4e Dwellings shall be required to have the lowest floor, including basement, elevated to one foot above the elevation of the boundary of a flood plain area. A professional engineer, registered in the State of New Mexico, shall submit a certification to the Code Administrator that this requirement will be met.

1.4.4f Dwellings shall be flood-proofed so that any construction within the flood plain area is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A professional engineer, registered in the State of New Mexico, shall submit a certification to the Code Administrator that this condition will be met.

1.4.4g Mobile homes are not permitted.

1.4.5 Special Requirements

- 1.4.5a Any development permit which authorizes development within a Flood Hazard Area may be conditioned upon the requirement that the applicant provide runoff control measures which are approved by the local Soil and Water Conservation District for the purposes of preventing or reducing flood hazards.
- 1.4.5b All arterial crossings other than concrete dip sections must be designed to allow adequate passage for runoff which results from a storm having a return period of once per 100 years, and shall have their lowest horizontal structures placed at least one (1) foot above the level which would be reached by such runoff, after consideration is given to the flow by such runoff, and to the flow retarding effects of the structure. All such crossings must be designed by a professional engineer, registered in the State of New Mexico.
- 1.4.5c The hydraulic properties of any Flood Hazard Area which is projected to carry a flow of no less than 100 cubic feet per second due to runoff which results from a storm having a return period of once per 100 years shall not be modified unless the upstream and downstream effects of the modification are addressed in a report submitted to the Code Administrator, and prepared by a professional engineer registered in the State of New Mexico. Except at arterial crossings, no modification of these properties will be permitted which alters the cross-section, slope roughness, recharge potential, or hydraulic capacity of a Flood Hazard Area unless such a change can be demonstrated to reduce flood hazard both up and downstream of the modification.
- 1.4.5d No development shall result in any materials being placed in a Flood Hazard Area which may more easily be eroded or dislodged by flood waters than the native material in the Flood Hazard Area.

1.4.6 Mining in Flood Hazard Areas

Mining uses and mineral exploration shall be permitted within Flood Hazard Areas provided that it is determined by the Code Administrator or the Board, that there is no significant danger that materials or hazardous wastes may be swept onto the land of others to the injury of others. All requirements of Section I of this Article, Article III, Section 5 and Article XI shall be followed.

1.5 Waiver for Historic Preservation

The procedures set forth in this Section may be waived by the Code Administrator for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places.

1.6 Specific Administrative Procedures

The Code Administrator shall:

- a. Notify adjacent communities and the State Engineer prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA;
- b. Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished;
- c. Maintain a record of all approvals for development within a Flood Hazard Area and report to FEMA upon their request.

SECTION 2 - LIQUID WASTE DISPOSAL**2.1 Basic Procedures And Requirements**

Application for development permits shall be reviewed by the Code Administrator to determine if the proposed manner of disposal of liquid waste produced by the development meets the requirements of the Code. The determination shall be based upon submittals and criteria set forth in this Section. No development permit shall be issued unless the requirements set forth in this Section are met.

2.2 Required Liquid Waste Disposal Facilities By Development Type

Table 7.1 indicates the types of facilities required for liquid waste disposal and the applicable Section in this Article for each type:

TABLE 7.1 - LIQUID WASTE DISPOSAL REQUIREMENTS		
<u>DEVELOPMENT TYPE</u>	<u>SYSTEM REQUIRED</u> ⁽¹⁾⁽²⁾⁽³⁾	<u>APPLICABLE SECTION</u>
Any development adjoining a street in which an existing sewage system is available for use IF EXISTING SYSTEM NOT AVAILABLE, THE FOLLOWING SHALL APPLY:	must hook up to existing system	2.3
Commercial development	individual liquid waste disposal systems with nitrate removal, but if total project flows exceed 2000 gpd, community liquid waste disposal system required	2.7 or 2.5 and 2.6.11 when applicable
Land divisions, not constituting a subdivision	individual on-site disposal systems	2.4 as applicable
Small scale residential, 1 to 4 units on one parcel	individual on-site disposal systems	2.4
Large scale residential, 5 or more units on one parcel	single, central "individual" liquid waste disposal system, but if total project flows exceed 2000 gpd community liquid waste disposal system required	2.4 and 2.6 or 2.5
Subdivisions containing 5 or more parcels, any one of which is less than 1 acre; or 100 or more parcels, any one of which is less than 2.5 acres	community liquid waste disposal system	2.5
		...continued on next page

<u>DEVELOPMENT TYPE</u>	<u>SYSTEM REQUIRED</u> ⁽¹⁾⁽²⁾⁽³⁾	<u>APPLICABLE SECTION</u>
Subdivisions containing 25-99 parcels, any one of which is between 1 and 2.5 acres	individual liquid waste system with nitrate removal	2.7
All other subdivisions	individual on-site disposal system	2.6

- (1) In areas where ground water quality indicates elevated levels of nitrates, the Code Administrator may require a nitrate removal liquid waste system or a community liquid waste system for any development to protect the public health, safety and welfare.
- (2) To protect ground water resources, the Code Administrator may require community liquid waste disposal systems in areas where the cumulative number of lots exceeds or potentially exceeds 99.
- (3) Cluster developments where any lot size is less than 1 acre, may provide liquid waste system easements within the designated open space.

2.3 Requirements and Submittals for Use of Existing Community Liquid Waste Disposal Systems

2.3.1 The development shall conform to the plumbing code adopted in Article IV of the Code;

2.3.2 The applicant shall submit a legally binding agreement with the operator or owner of the sewage system to be used allowing the applicant to dispose of liquid wastes from the development into the sewage system. For subdivisions, this must be submitted with the preliminary plat application;

2.3.3 The Code Administrator shall be satisfied that the sewage system to be used is properly operating and that the system has capacity sufficient to process the additional liquid waste. The Code Administrator may refer the application to the New Mexico Environment Department for review and comment concerning the operating condition and capacity of the sewage system;

2.3.4 Development or construction on parcels within 200 feet of a public liquid waste disposal system must be connected to that public system. The design of such connection shall be approved by the public liquid waste disposal system authority; and

2.3.5 The applicant shall submit a New Mexico Professional Engineer's report and preliminary plans of the proposed extension to the existing liquid waste disposal system. For subdivisions, the report and plans must be submitted with the preliminary plat application.

2.4 Requirements and Submittals for Construction of an Individual Liquid Waste Disposal System

2.4.1 Individual liquid waste disposal systems shall be located, installed, operated and maintained in a manner which will not cause a hazard to public health or degrade ground water or surface water.

2.4.2 Individual liquid waste disposal systems shall not be installed where an existing community or public liquid waste system is available for use.

- 2.4.3 For a system with a capacity and expected discharge of 2,000 gallons per day or less, a copy of the completed and signed registration certificate issued by the New Mexico Environment Department must be submitted by the applicant prior to issuance of a development permit.
- 2.4.4 Lot size requirements of Article III, Section 10 shall be met.
- 2.4.5 No individual liquid waste disposal system registration certificate shall be accepted by the Code Administrator where the disposal system is intended for use on a parcel of less than 1.0 acre unless the disposal system discharges effluent containing no more than 45 milligrams per liter nitrate to the surface or the subsurface. Discharge to an evapotranspiration field underlain by a permanent impermeable liner shall be considered to discharge no more than 45 milligrams per liter nitrate to the surface and subsurface, provided that the system is otherwise approved by the New Mexico Environment Department. All other systems including conventional septic tank with drain field, and aerated tank with drain field, shall be considered to discharge more than 45 milligrams per liter nitrate to the surface or to the subsurface, unless the applicant can demonstrate otherwise. This requirement may be waived by the Code Administrator for areas where the Environment Department states that use of a conventional disposal system will not, in conjunction with other systems in the area, lead to significant pollution of ground or surface water.
- 2.4.6 In no case will a plastic or fiberglass septic tank be used in areas where there is bedrock or fractured bedrock, clay soils with a high shrink or swell potential, or groundwater evident during tank excavation.
- 2.4.7 A septic leak test shall be conducted immediately after installation. Prior to back filling an inspection of the tank shall be conducted by Land Use Department staff. Leaking tanks shall be repaired and retested.
- 2.4.8 All septic tanks shall have adequate vehicular access to accommodate vehicles transporting septage.
- 2.4.9 All septic tanks shall be equipped with an access riser. The access riser shall have a minimum 8-inch diameter and be child-proof.

2.4.10 Conventional liquid waste disposal systems shall not be installed in prohibitive soils as defined in Table 7.2:

TABLE 7.2 - SOIL CATEGORY FOR INDIVIDUAL LIQUID WASTE SYSTEMS			
Soil Characteristic	Soil Category^(a)		
	Suitable^(b)	Limiting^(c)	Prohibitive^(d)
Percolation Rate (minutes per inch)	5-60	Less than 5 or 61-120	More than 120
Slope (percent)	0-8	9-15	More than 15
Soil Depth to Seasonal High Water Table or Bedrock or Other Limiting Soil Layer (feet)^(e)	8 or more	4-8	Less than 4
Flood Plain	Outside	Outside	Within

Notes:

- (a) A soil category is determined by the most limiting soil characteristics.
- (b) A suitable soil is a soil suited for the installation and functioning of a conventional disposal system. Conventional disposal systems or alternative disposal systems may be used in suitable soil.
- (c) A limiting soil is a soil unsuited for the installation and functioning of a conventional disposal system. Alternative disposal systems shall be used in limiting soils.
- (d) A prohibitive soil is a soil unsuited for the installation and functioning of any types of disposal system. Conventional liquid waste disposal systems can not be used in prohibitive soils.
- (e) Soil depth clearance is measured from beneath the liquid waste disposal system drainfield, bed, or pit bottom to bedrock or the seasonal high water table.

2.4.11 Individual liquid waste disposal systems shall meet all setback distances as defined in Table 7.3:

TABLE 7.3 - SETBACK DISTANCES FOR INDIVIDUAL LIQUID WASTE SYSTEMS			
Object	Optimum Separation (feet)	Required Minimum Setback Distance (feet)	
		Treatment Unit	Disposal System
Individual Water Supply System Source	300+	50	100
Public and/or Community Water Supply System Source	1000+	100	200
Edge of Watercourses Except Canals and Arroyos	slope away from watercourse	50	100
Edge of Unlined Canals and Arroyos	slope away from canal and arroyos	15 + depth of channel	25 + depth of channel
Edge of Lined Canals	slope away from canal	10 + depth of channel	10 + depth of channel
Public Lakes	slope away from lake	50 ^(a)	100 ^(a)

Notes:

(a) Setback distance to artificially controlled lakes and reservoirs is measured from the closest projected shoreline at the maximum controlled water level.

2.5 Requirements and Submittals for Community Liquid Waste Disposal System

2.5.1 Requirements. A community liquid waste disposal system shall meet the following requirements prior to recording the final plat:

- 2.5.1a The system shall be designed, permitted, and constructed by the time required in the approved scheduling plan, in compliance with all applicable New Mexico Water Quality Control Commission Regulations.
- 2.5.1b Connection to the community system for the occupants of the subdivision or other development shall be in accordance with the requirements of the approved scheduling plan.
- 2.5.1c Provisions shall be made for the operation, maintenance and expansion of the system to meet the growth in population of the subdivision or other development in a manner consistent with the approved liquid waste disposal documentation package pursuant to Section 2.5.2 of this Section and as

necessary to insure that the system will comply with all applicable Water Quality Control Commission Regulations.

- 2.5.1d Documentation of the New Mexico Environment Department's approval of a discharge permit will be required when an application is submitted for a final plat or development plan or prior to granting of a permit to construct the system.
- 2.5.1e Surface irrigation with unchlorinated effluent will be permitted in fenced areas with restricted access only and in accordance with all New Mexico Environment Department discharge permit requirements.
- 2.5.1f Prior to recording of a final plat or granting a system construction permit, an improvement agreement is required which guarantees:
 - (i) The construction and operation of any liquid waste disposal system approved by the County and shown in the plat documents and plans;
 - (ii) If not constructed prior to final plat recordation, collateral in the form of a performance bond or other security to adequately assure the complete construction and operation of the system in accordance with design and specifications;
 - (iii) Written confirmation from the New Mexico Environment Department that the operator of the system has met all of the requirements of the New Mexico Utility Operators Certification Board; and
 - (iv) Copies of documents establishing a legal entity with authority to operate and maintain the system.

2.5.2 Submittals

A liquid waste disposal documentation package shall be submitted as part of an application for a subdivision preliminary plat or other development permit involving the construction of a community liquid waste disposal system. The liquid waste disposal documentation package shall be dated and include the following:

- 2.5.2a For a subdivision, a copy of the subdivider's disclosure statement on liquid waste disposal. The disclosure statement and covenants must state that all lots within the subdivision must connect to the community liquid waste disposal system at the time of occupancy.
- 2.5.2b A legal description of the location of all construction easements, and rights-of-way necessary for the installation of the community liquid waste disposal system.
- 2.5.2c An engineering report and preliminary plans for the proposed liquid waste disposal system. Final plans and specifications, prepared by a professional engineer registered in New Mexico, for the construction of the system must be submitted and approved by the Code Administrator prior to recording a subdivision plat or granting a permit to construct the system.
- 2.5.2.d A map showing the location of all water supply sources and the flood plain of all water courses and surface bodies of water within one thousand (1000) feet of the proposed liquid waste treatment and liquid waste disposal site.
- 2.5.2e The date the community liquid waste disposal system is proposed to be completed.

2.5.2f Documentation of the filing of a "Notice of Intent to Discharge" with the New Mexico Environment Department in accordance with the Water Quality Control Commission Regulations.

2.5.2g A report which indicates alternatives to the system which were considered, if any, and the reason for not selecting the alternatives.

2.6 **Requirements and Submittals for Subdivisions and Large Scale Residential Development Proposing Individual and Single, Central "Individual" Liquid Waste Disposal Systems**

A liquid waste disposal documentation package shall accompany an application for a development permit for a subdivision in which individual on-site liquid waste disposal systems will be utilized or large scale residential development for which a single, central "individual" liquid waste disposal system is required. The liquid waste disposal documentation package shall include the following:

2.6.1 A copy of the subdivider's disclosure statement relating to liquid waste disposal.

2.6.2 The location or proposed distance separation of all proposed and existing wells, sewage absorption areas, community sewage systems, and community water supply systems within the proposed subdivision or large scale residential development and existing wells and drain fields within 500 feet of the proposed subdivision or large scale residential development boundary.

2.6.3 A map showing the location of all arroyos, flood plains and bodies of water within the proposed subdivision or development and within 1000 feet of the proposed subdivision or development boundary.

2.6.4 A soil investigation report, including a soil survey, soil borings to a minimum depth of 8 feet, soil test results and an analysis of the soil survey, soil borings and soil tests. The report shall define soil depth to bedrock, seasonal high groundwater table or other limiting soil layer, and percolation rate for the soils present within the proposed development. There shall be a minimum of 1 boring and 1 percolation test per 10 lots; the locations of these borings and tests shall be distributed over the site to adequately represent the site soil conditions.

2.6.5 A liquid waste system feasibility map, superimposed on the subdivision plat or development plan delineating the areas of suitable, limited and prohibitive soils as defined in Table 7.2 and delineating required setback distances as defined in Table 7.3. The feasibility map shall delineate slopes of 9 to 15 percent and slopes of more than 15%.

2.6.6 The flood frequency of areas within the proposed subdivision or development.

2.6.7 A detailed description of the kind of individual liquid waste disposal systems, if any, that are to be used by the occupants of the subdivision or development. Preliminary plans for individual liquid waste disposal systems if a system will serve more than one connection.

2.6.8 The projected population of the subdivision or development.

2.6.9 The direction of movement of ground water in the subdivision or development.

2.6.10 An analysis which indicates that individual liquid waste disposal systems can be used for each lot in compliance with all applicable New Mexico Environment Department regulations in effect at the time the application is made and all requirements of Section 2.4 of this Article, without need for any variance from their requirements.

2.6.11 At the discretion of the Board, an applicant for a development permit may be required to analyze the effect of wastewater discharges on groundwater quality over a 100 year time frame to demonstrate that potable water supplies now available to wells within one mile of the development shall not be caused to be unpotable during the 100 year period as a result of the proposed development.

2.7 Requirements and Submittals for Individual Liquid Waste Disposal Systems with Nitrate Removal.

In addition to the submittals required in Section 2.6 of this Article VII, the developer must submit the following:

2.7.1 The individual liquid waste disposal system must reduce nitrate concentrations to less than 14 milligrams per liter as NO₃-N. The proposed system design and documentation proving the system can achieve the nitrate reduction requirements must be certified by a New Mexico Professional Engineer and submitted at the time of preliminary plat application.

2.7.2 Maintenance contracts and homeowners covenants shall be submitted indicating how maintenance of the nitrate reducing individual liquid waste disposal systems will be handled.

History. Ordinance 1996-8 amended this Article to be more consistent with Environment Department guidelines. Also, for certain subdivisions the use of septic systems which reduce nitrates is now required.

SECTION 3 - TERRAIN MANAGEMENT

3.1 Purpose and Intent

The intent of these terrain management regulations is to protect and promote the health, safety and welfare of citizens and landowners of Santa Fe County by establishing standards and special regulations to minimize soil and slope instability, erosion, sedimentation and water runoff and to protect water quality and the natural character of the land. The purposes of this ordinance include:

3.1.1 Protection and retention of rugged and steep terrain, natural landmarks and prominent natural features as open space;

3.1.2 Adaptation of development to the existing natural topography, soils, vegetation, geology, hydrology, landforms and other conditions existing on a lot or parcel prior to development; by retaining trees and natural vegetation; by minimizing cuts and fills and earth grading; by blending graded areas with undisturbed natural terrain; and by minimizing the amount of exposed raw earth at any time in a project by careful phasing of development and revegetation;

3.1.3 Preservation of natural drainage patterns, including overland sheet flow and protection of the public from the natural hazards of flooding, erosion and landslides;

- 3.1.4 To encourage minimum disturbance to the natural areas of a site by designating a Buildable Area and development site on each lot, tract or parcel;
- 3.1.5 Encouragement of density transfer and clustering of buildings to protect steep slopes, arroyos, open space and other No Build areas from development; and
- 3.1.6 Careful siting of road, driveway and utility installation to prevent unsightly cut and fill areas and minimize the scarring effects of hillside construction.

3.2 Requirements for Terrain Management Plan

3.2.1 Construction of One Dwelling

An application for a development permit involving the construction of one dwelling shall include:

- a. Existing topography:
 - 1) All development permit applications shall require a preliminary analysis of topography and slope based on submittal of a topographic map at a scale of 1:24,000 (U.S.G.S. 7.5 min. Quadrangle map).
 - 2) A site specific slope analysis will be required in cases of local occurrences of steeper slopes, drainage, erosion, or slope stability problems on a lot or parcel with an average slope of ten percent (10%) or less at a scale of 1:24,000 and for any lot or parcel with an average slope in excess of ten percent (10%) at a scale of 1:24,000.
 - 3) A site specific slope analysis shall show the existing topography of the Buildable Area and development site including building locations, utility corridors and sites, access corridors and landscaped areas with contour line intervals of not more than five feet (5') where the slope is zero to fifteen percent (0%-15%) and not more than ten feet (10') where the slope is fifteen percent (15%) or greater or as approved by the Code Administrator. A slope analysis of the entire lot or parcel may be required by the Code Administrator in cases of local occurrences of steeper slopes, drainage, erosion or slope stability problems.
 - 4) Slope analysis shall clearly indicate all areas with natural slopes between fifteen percent (15%) and thirty percent (30%), and thirty percent (30%) or greater as calculated between every contour interval on the map. If the slope analysis is not accurate and clear, the Code Administrator may require that a slope analysis be signed and sealed by a registered land surveyor, professional engineer or other qualified professional.
- b. A storm drainage and erosion control plan and analysis pursuant to Article VII, Section 3.3.5; an administrative approval for detention/retention in lieu of the plan required by Section 3.3.5 may be allowed by the Code Administrator for applications meeting criteria set forth in Article III, Section 2.4.1.
- c. A terrain management plan pursuant to Article VII, Sections 3.3 and 3.4 is required for lots or parcels if any portion of land within a development site has a fifteen percent (15%) or greater natural slope prior to development. For construction of one dwelling or accessory structures, the terrain management plan shall address the land proposed to be disturbed only.

3.2.2 Other Development

An application for a development permit involving a subdivision, large scale residential development or non-residential development, including mining uses and all other development shall include a terrain management plan as described in Section 3.2 of this

Article and the applicant shall engage in a terrain management practices which meet the standards of Section 3.3 of this Article VII.

- 3.2.3 Required terrain management plans shall be submitted for review with the development permit application, preliminary development plans or master plans, as applicable and reviewed pursuant to this Code.
- a. All terrain management plans submitted for subdivisions shall be referred to the appropriate Soil and Water Conservation District and/or the Santa Fe County Office of the U.S. Natural Resource Conservation Service for review and comment.
 - b. If a master plan or a development plan which includes a terrain management plan has been submitted and approved by the County, subsequent plans, plats and development permits shall conform to the approved plan. Submittals need not be duplicated unless the Code Administrator determines that conditions have changed which require reassessment of the terrain management plan in order to protect health, safety or welfare.

3.3 Submittals for a Terrain Management Plan

3.3.1 Natural Features and Topography

- a. The applicant shall submit a natural features map of the parcel proposed for development at a scale of one inch to one hundred feet (1" = 100') or at a scale approved by the Code Administrator which better demonstrates the site and its natural features, and shall show either directly or by overlay to the development plan map:
 - 1) the boundaries of the lot or parcel and the development site
 - 2) the existing topography of the Buildable Area and development site including building locations, utility corridors and sites, access corridors and landscaped areas with contour line intervals of not more than five (5) feet where the slope is zero to fifteen percent (0%-15%) and not more than ten feet (10') where the slope is fifteen percent (15%) or greater or as approved by the Code Administrator;
 - 3) A slope analysis of No Build Areas may be required by the Code Administrator in cases of local occurrences of steeper slopes, drainage, erosion or slope stability problems and proximity to 100 year floodplains.
 - 4) Slope analysis shall clearly indicate all areas with natural slopes between fifteen percent (15%) and thirty percent (30%), and thirty percent (30%) or greater as calculated between every contour interval on the map. If the slope analysis is not accurate and clear, the Code Administrator may require that a slope analysis be signed and sealed by a registered land surveyor, professional engineer or other qualified professional.
 - 5) The location of all drainage ways, watercourses, waterbodies, alluvial fans, washes, arroyos, floodways, flood fringes, and floodplains.
 - 6) The location of all major rock outcroppings, faults and geologic features and structures or hazardous conditions.
 - 7) The location and density of all major vegetation types. The location of major vegetation types and density of cover may be depicted directly or by overlay to the development plan.

3.3.2 Soil Survey

The applicant shall submit a soil survey for the development including:

- a. A map or an overlay of the natural features map showing the location of each different soil types;

- b. A description of the soil types. Soil profiles may be required where found to be reasonably necessary by the Code Administrator based on technical review and recommendations;
- c. Interpretations of use limitations from a detailed soil survey; and
- d. Areas of severe soil limitation for the intended use clearly shown on the soils map or overlay. Areas of adverse soils may be identified from the soils survey data available from the Soil Survey of Santa Fe Area, New Mexico (Santa Fe County and Part of Rio Arriba County), latest revision, by the Natural Resource Conservation Service, USDA.

3.3.3 Clearing and Grading Plan

The applicant shall submit a clearing and grading plan which shall include:

- a. A Natural Features and Topography Map as described in this Article VII, Section 3.3.1;
- b. A map or an overlay of the natural features map showing the location of all proposed lots or parcels, driveways, all areas where clearing of vegetation is proposed, roads, bridges, water and erosion control structures, and utility easements;
- c. A map or an overlay of the natural features map using contour intervals equal to or less than those on the natural features map submitted which depicts the existing and proposed finished contours of the development, the location of all cuts and fills, including the grades, lengths and depths thereof, and profiles of the existing ground surface and proposed street grades and typical cross sections of the proposed grading;
- d. A description of methods of stabilization in areas of cut and fill, embankment, compaction, and revegetation; and
- e. A report describing all measures required to meet the requirements set forth in Section 3.4 of this Article VII with regard to grading.

3.3.4 Revegetation and Landscape Plan

The applicant shall submit a landscape plan and map or an overlay of the natural features map showing the following:

- a. An inventory of existing vegetation which includes significant native trees;
- b. Areas where vegetation is proposed to be removed and areas proposed for revegetation; trees to be removed shall be identified on the site for inspection by the Code Administrator.
- c. Additional submittals, as applicable, required by Article III, Section 4.4.4f, Landscaping, or Section 2.3.10, Landscaping (Residential Uses). Such submittals need not be duplicated, but may be submitted as one plan meeting the requirements of the Code.
- d. Location and type of materials to be used in revegetation and slope stabilization;
- e. A description of methods for vegetation protection;
- f. Duration of exposure of disturbed areas;
- g. Vegetation characteristics after re-vegetation;
- h. For mining uses, a reclamation plan complying with Section 5, Article III shall be submitted instead of the landscape plan required by this Section.

3.3.5 Storm Drainage and Erosion Control Plan

The applicant shall submit a storm drainage and erosion control plan demonstrating on and off site drainage compliance with Article VII, Section 3.4.6, Performance Standards, Storm Drainage and Erosion Control, to include:

- a. A topographic map indicating the boundaries and total acreage of on-site and off-site drainage areas pertaining to the site. For off-site conveyance a U.S.G.S. quadrangle map may be used. For drainage generated or conveyed on-site, the topographic map

- shall be at a scale and contour interval which adequately delineates the drainage pattern as determined by a licensed surveyor or professional engineer and approved by the Code Administrator. If the topographic map is not accurate and clear, the Code Administrator may require that a topographic map be signed and sealed by a registered land surveyor, professional engineer or other qualified professional.
- b. A map at the same scale as the plat, development plan, or site plan, as applicable, indicating pre-development and post-development drainage conditions, soil types, areas contained within a floodway, and areas contained within a flood fringe.
 - c. Calculation of quantities of water, measured in cubic feet per second (cfs) for a one hundred (100) year frequency, twenty-four (24) hour duration storm, reaching and being expelled from the site, for conditions existing prior to construction of the development; and, for conditions representing the development after completion of all phases of construction predicting runoff prior to and after any site mitigation measures to regulate runoff.
 - d. A minimum of three (3) typical cross sections shall be surveyed for each major watercourse with a design storm discharge "Q" in excess of one hundred cubic feet per second (100 cfs) if any development is proposed in or within fifty feet (50') of the edge of the drainage way; additional information may be required if the "Q" is one thousand cubic feet per second (1000 cfs) or greater.
 - e. The location, type, size, and design of proposed mitigation measures to regulate excess storm water runoff; the conveyance capacity; the calculated flow, maximum water depth, and velocity for a 100 year frequency, 24 hour duration storm for each control structure; and all other appropriate design details necessary to ~~shall~~ clearly explain the construction and operation of all surface and subsurface drainage and erosion control structures.
 - f. Pursuant to paragraphs a. through e. of this subsection and the storm water and erosion control standards of Section 3.4.6, the applicant shall design and construct check dams, energy dissipaters or other drainage improvements in order to control and reduce runoff from the development site. The design and specifications for these drainage facilities shall be prepared by a professional engineer registered in the State of New Mexico and submitted to the Code Administrator for approval.

3.3.6 Construction Schedule

Prior to issuance of a development permit, and prior to commencing construction, the applicant shall submit an estimated schedule of construction for the purpose of scheduling site visits and other inspections, to include:

- a. The start and finish of all clearing and grading activities;
- b. Duration of exposure of disturbed areas;
- c. Stabilization date for disturbed areas;
- d. Installation date of storm drainage systems;
- e. Installation date for all roads and driveways;
- f. Paving date of roads and parking areas;
- g. Installation date of each utility to be provided;
- h. Installation date for all buildings and other structures; and
- i. Installation date for all revegetation and landscaping.

3.4 Performance Standards

3.4.1 Natural Features and Topography, Slope and Buildable Areas

- a. To the greatest extent practicable the natural drainage of any site shall be preserved.

b. **Buildable Areas.** Each lot shall have a Buildable Area which shall meet the following criteria:

- 1) The natural slope is less than thirty percent (30%);
- 2) New lots shall contain an area suitable for building, including areas suitable for access corridor and utility sites and corridors which can be developed in accordance with these terrain management regulations and other requirements of the Code.
- 3) Meet all required setback standards for ridgetops, drainage ways, etc.
- 4) Contain a site with slope of less than fifteen percent (15%) and soils adequate by type and thickness in order for installation of a septic tank with leach field to be approved. In all other cases, alternative liquid waste disposal will be required.

c. **No Build Areas**

- 1) The following areas shall be set aside from use for development:
 - a) areas of rock outcropping, wetlands, arroyos and natural drainage ways;
 - b) A minimum of twenty-five feet (25') set back is required from the natural edge of streams, waterways, drainage ways or arroyos that may convey a discharge ("Q") of one hundred cubic feet per second (100 cfs) or more, generated by a design storm (100 year recurrence, 24 hour duration); the required setback may be increased if the Code Administrator determines that a clear hazard exists because of slope stability and hydrologic/hydraulic conditions. In evaluating the need to increase the setback, the Code Administrator shall consider property and channel slope, velocity of channel flow, hydraulic radius, roughness coefficient and sectional area of the particular drainage way. A requirement for increased setback imposed by the County shall not be interpreted to be an engineered development plan for development or encroachment to any FEMA designated 100 year floodplain or significant tributary thereof.
 - c) Natural slopes of thirty percent (30%) or greater. Exceptions may be approved by the Code Administrator for :
 - i. access corridors, utility corridors and landscape areas proposed on natural slopes in excess of thirty percent (30%) that disturb no more than three (3) separate areas of no more than one thousand (1000) square feet each, provided the applicant demonstrates that no alternative development location is available; and
 - ii. arroyo crossings may be approved which disturb more than one thousand (1000) square feet in each instance provided that slope stability and hydrologic/hydraulic conditions are not changed from pre-development values; and
 - iii. siting of structures to preserve remaining traditional agricultural lands and uses.
 - iv. The applicant shall demonstrate that crossing such slopes has minimal impact to terrain or to visual quality and otherwise would conform to the purposes and standards set forth in Article III, Section 2.3 and Article VII, Section 3.4. See the Guidelines for Site Planning and Development in Santa Fe County.
- 2) No Build Areas may be used as part of the dedicated open space or may be included in lots as conservation easements or may be platted as common area within a subdivision or land division.

d. Development Site

- 1) Development of lots for buildings, access, utilities and required landscaping shall occur only within approved development sites within the Buildable Area. (see Article X, Definitions). (Note: if soils are not suited for septic tanks, alternative liquid waste disposal systems or treatment methods shall be proposed, see Article VII, Section 3.4.2, Soils).
- 2) Only land within approved development sites shall be graded, paved or built upon;
- 3) Excavation, grading and cut-and-fill for the purposes of site development shall be limited to approved development sites and kept to a minimum to maintain existing land forms and contours (See Article VII, Sections 3.4.3. and 3.4.5 for grading and vegetation performance standards);
- 4) The development site on a ridgetop must be set back from the shoulder toward the crest of a hill or ridge. The shoulder is defined as the line where the profile of the upper slope of an elevation (hill, ridge, mountain, escarpment, etc.) changes from thirty percent (30%) or greater slope to less than thirty percent (30%) slope.
 - a) All buildings shall be setback-horizontally from the shoulder in order to accomplish the following purposes:
 - (1) protection of slope stability where soil conditions are prone to severe erosion; and
 - (2) siting of structures so that existing vegetation is used to screen visual impacts of development or to preserve native trees from disturbance or removal; and
 - (3) siting of structures so that their form does not dominate prominent skylines or disrupt significant views or unique landforms which have been identified by the County for protection; and
 - (4) siting of structures to preserve remaining traditional agricultural lands and uses. See the Guidelines for Site Planning and Development in Santa Fe County.
 - b) Temporary fences or construction barriers shall be erected during construction in order to prevent disturbance and protect the shoulder and slope from erosion or failure.
 - c) Subsection Reserved for future set back requirements due to wildfire hazards.
- 5) Roads, driveways and utilities shall be constructed only within approved development sites;
- 6) Buildings shall be constructed only within development sites. For a structure built on a natural slope of over twenty percent (20%), the finished floor elevation at any point shall not exceed five feet (5') above the natural grade below that point;
- 7) Density transfers are encouraged to take advantage of naturally occurring development sites below ridgetops and to set aside ridgetop areas for open space.
- 8) Any legal nonconforming lot, that is, a legal lot of record which was created before April 30, 1996 (Ordinance N. 1996-3 adopted March 12, 1996) and which does not contain a Buildable Area as defined in Article VII, Section 3.4.1.b of the Code, is eligible for application for a variance to the Buildable Area standard. See Article I, Section 3, Variances.

3.4.2 Soils

- a. Proposed developments must demonstrate the suitability of soils for all proposed land uses, including but not limited to: building foundations, fill, road construction, liquid waste disposal, underground utilities, and drainage control measures pursuant to the applicable Soil And Water Conservation District and New Mexico Environment Department requirements.

- b. Depth of soils that are naturally occurring where any on-site leach field is to be located shall be at least eight feet (8') and there shall be a minimum of four vertical feet (4') of suitable soil between the leachfield infiltration surface and the groundwater table, bedrock or other limiting layer.
- c. Where soils with severe limitations are proposed for development, the terrain management plan must indicate how the limitations will be mitigated or avoided.

3.4.3 Grading and Clearing

- a. A detailed grading schedule shall be followed (See Section 3.3.6). the grading plan shall be coordinated with the revegetation and landscape plan (Article VII, Section 3.3.4) and the preservation of significant trees and native vegetation. Topsoil shall be stockpiled for use in revegetation.
- b. All grading shall be performed in a manner which has no adverse effect on adjacent properties; clearing shall be kept to a minimum, and stabilization of bared surfaces shall begin promptly upon completion of construction activity.
- c. Portions of a site to be graded shall be clearly marked on the site prior to any grading or clearing. Construction equipment shall be permitted to grade only within marked areas. No grading is permitted within one (1) foot of a property line, except for streets, roads driveways and utilities.
- d. All development, including roads, buildings, parking areas, and driveways shall be located so as to minimize areas of cut and fill. In general, fill slopes shall not exceed a three to one (3:1) ratio and cut slopes shall not exceed a two to one (2:1) ratio. Cut and fill slopes combined shall not exceed the height of the trees on the downhill side of the road, or a maximum height of twenty feet (20'). Where cut or fill slopes would exceed ten feet (10') in height, such as depressed roadways to minimize sound and visual impacts, the applicant shall propose alternative terrain management techniques to limit excessive grading and removal of vegetation. Such alternatives may include, but are not limited to, split road beds, steeper cuts and fills where soils are stable enough to sustain higher cut and fill ratios, terracing with reverse grades for revegetation with trees and shrubs, and rock plating or retaining walls. Retaining walls shall not exceed ten feet (10') in height and shall approximate the earth tone color and texture of the adjacent natural soils and shall be screened pursuant to the requirements of Article III, Section 2.3.10, Landscaping (Residential Uses), and Section 4.4.4f, Landscaping Design Standards.
- e. In order to permit the normal rounding of the cut and fill slope edges without encroaching on the abutting property, the top or bottom edges of slopes caused by an excavation or fill up to ten (10) vertical feet shall be at least three (3) horizontal feet from property lines, unless a permanent slope easement adjacent to a street right of way line has been provided.
- f. All structures except retaining walls or soil stabilization improvements shall be set back from the crest of fills or the base of cuts for a minimum distance equal to the depth of the fill or the height of the cut, unless a structurally sound retaining wall is built for the cut or fill slope. Retaining walls may be part of a building.
- g. Unvegetated or disturbed area exposed to wind or water erosion during the course of construction are to be immediately stabilized utilizing erosion control measures acceptable to local agency and Natural Resource Conservation Service standards and permanently revegetated pursuant to the standards of the Code.
- h. No on-site borrow is permitted except as part of necessary cuts; all excess soil and vegetation shall be disposed of at an authorized landfill or other location acceptable to the Code Administrator.
- i. Grading shall round cut and fill edges, and approximate the prior existing natural terrain; no changes in natural drainage lines or flood plains should occur unless it is

demonstrated that these will have minimal effect on the hydraulics/hydrology of storm water runoff.

- j. Slope stability, and slope of cut and fill surfaces shall comply with the standards of the Uniform Building Code.
- k. Dust control measures shall be utilized to control unnecessary dust from equipment operation within a parcel where such dust causes a hazard to vehicular traffic on a public road, or causes a substantial nuisance on adjacent or nearby property.

3.4.4 Roads and Driveways

- a. In general, roads and driveways shall conform to requirements of Article V, Section 8, Subdivision Design Standards of the Santa Fe County Land Development Code or Section 3.5, Road Requirements and Standards of the Santa Fe Extraterritorial Subdivision Regulations, as applicable.
- b. However, where the natural slope on a development site exceeds fifteen percent (15%) or where cut or fill slopes would exceed ten (10) vertical feet, the developer shall propose alternative terrain management techniques to limit excessive grading and removal of vegetation. Such alternatives may include, but are not limited to, split road beds, steeper cuts and fills where soils are stable enough to sustain higher cut and fill ratios, terracing with reverse grades for revegetation with trees and shrubs, or rock plating or retaining walls.
- c. Hillside roads and streets should reflect a rural rather than urban character. Road alignments located parallel to contours in valleys or on ridges minimize terrain disturbance. If steep terrain must be traversed to access the building site of a parcel or lot, i.e. where a road or driveway must be cut across contours, multi-lane road beds shall be designed using split directional lanes. This reduces the depth of a single cut or fill for a full width road bed to two half-deep cuts or fills for the two road lanes. The median between split directional lanes shall not exceed the slope of two feet (2') horizontal for each one foot (1') vertical. Natural vegetation shall be maintained wherever possible or all such medians shall be revegetated according to the standards of this Code.
- d. Roads in steep terrain may intersect at a minimum angle of sixty (60) degrees, and horizontal and vertical curvature may be reduced provided standards for sight distance can be maintained and the Code Administrator approves the specific design.
- e. Sharing of driveways is encouraged in order to minimize the number of hillside cuts and the number of drives exceeding eleven percent (11%) grade.
- f. Narrower road widths may be approved under certain circumstances when:
 - 1) The applicant proves that a narrower road will reduce grading impacts; and
 - 2) The topography of the small number of lots served and the projected future traffic is such that narrower widths can be justified without compromising safety; and
 - 3) The County Fire Marshal approves the plan for fire protection and public safety factors.

3.4.5 Vegetation and Revegetation

Purpose and Intent. To require retention of trees and other natural vegetation which stabilize steep slopes, retain moisture, prevent erosion and enhance the natural scenic qualities; and where necessary, require revegetation to maintain and stabilize cut and fill slopes and minimize erosion;

- a. Grading and clearing of existing native vegetation shall be limited to only approved development sites, including areas to be used for structures, roads, driveways, parking areas, recreation or park landscaping or rural agricultural uses. No significant tree may be removed from slopes greater than thirty percent (30%). Cleared or graded

areas, or cut and fill areas, shall be revegetated to the approximate original density and type of vegetation existing prior to disturbance.

- b. Permanent revegetation of graded areas designated for landscaping or revegetation shall be installed and inspected in the first growing season after completion of construction. Where construction is not completed by September 1 and bared surfaces will remain exposed after the optimum growing season, temporary protection such as a cover crop or a mulch shall be used on land which is to be revegetated to prevent wind or soil erosion and a bond or other financial warranty shall be provided in an amount reasonably satisfactory to the Code Administrator for completion of the revegetation. The applicant may be required to submit a cost estimate by a licensed landscape architect.
- c. Standards for revegetation are found in Article III, Section 2.3.10, Landscaping (Residential Uses), and Section 4.4.4f, Landscaping Design Standards.

3.4.6 Storm Drainage and Erosion Control

- a. Calculation of the design peak discharge of storm water shall be based on a one hundred (100) year frequency, twenty-four (24) hour duration rainstorm;
- b. The peak discharge of storm water resulting from the development shall not exceed the peak discharge calculated prior to the development and differences between pre- and post-development discharge shall be detained or retained on site;
- c. Provisions for design storm drainage shall detain or safely retain storm water. Runoff discharge accumulated into drainage channels, storm sewers or natural watercourses shall not cause increased damage or increased flooding downstream, decreased time of concentration, lag time, time to peak flow or "Q", or alter downstream drainage patterns;
- d. Storm drainage facilities shall have the sufficient carrying capacity to accept peak discharge runoff from the development in addition to that originating upstream;
- e. Incorporation of landscaped areas in the storm drainage and erosion control plan for the retention and use of excess storm water is encouraged. Any ponding areas used in drainage control facilities shall be landscaped. The landscaping may consist of native grasses or other vegetation for the slopes of the pond and bottom. A landscaping plan for ponding areas shall be submitted as part of the storm drainage and erosion control plan;
- f. Pursuant to paragraphs a. through d. of this subsection, the applicant may be required to design and construct berm ditches along the top of cut slopes in order to intercept the tributary drainage above the cut slope. The design for these berm ditches shall be submitted with the storm drainage and erosion control plan;
- g. No on-site building, development or construction activity shall disturb any existing watercourse or other natural drainage system, whether on-site or off, in a manner which causes a change in watercourse capacity or time to peak, time of concentration or lag time or other natural drainage system or increase of the pre-development "Q".
- h. All floodways shall be designated as drainage easements or drainage rights-of-way. All natural drainage ways and arroyos which traverse or affect one or more lots or development sites shall be identified on the plan and/or plat with a notation indicating the approximate areal extent or area of inundation of the one hundred (100) year floodplain or tributaries thereof.
- i. An applicant requesting a development on lands where periodic flooding occurs is encouraged to establish the area contained within the floodplain as permanent open space with a drainage easement. See also Article VII, Section 1, Flood Hazards.
- j. In order to avoid flood and erosion hazards, a twenty-five foot (25') minimum set back from the natural edge of streams, waterways, drainage ways or arroyos that have a capacity to convey a "Q" of one hundred cubic feet per second (100 cfs) or more,

generated by a design storm (100 year recurrence, 24 hour duration) is required; such drainage ways shall be set aside as No Build Areas. The "edge of stream" shall be determined based on analysis of the drainage plan submitted pursuant to Article VII, Section 3.3.5 of the Code. The required setback may be increased if the Code Administrator determines that a clear hazard exists based on slope stability and hydrologic/hydraulic conditions. In evaluating the need to increase the setback, the Code Administrator shall consider property and channel slope, velocity of channel flow, hydraulic radius, roughness coefficient, and sectional area of the particular drainage way. Development of roads and bridges to cross such drainage ways to access the building site of a lot may occur with approval by the Code Administrator. A requirement for increased setback imposed by the County for a particular project shall not be considered an engineered development plan for purposes of development or encroachment to any FEMA designated 100 year floodplain or significant tributary thereof.

- k. The following note shall be added to plats or plans where a one hundred (100) year floodplain exists: "No alteration of or development within the 100 year floodplain can occur without the approval of the Code Administrator."

SECTION 4 - AIR QUALITY

4.1 Basic Requirements

The Board, at its discretion, may require an air quality management plan and may determine that a development involving a commercial or mining use be required to limit increases in air pollution as measured at the property line of the development.

4.2 Review Procedure

4.2.1 Initial Review

All applications for a development permit involving a commercial use or a mining use shall be reviewed by the Code Administrator for possible impacts on air quality. If the Code Administrator determines that the development may result in increased air pollution, he shall advise the Board and the Board in its discretion may require the applicant to prepare an air quality management plan. The plan shall be referred to the New Mexico Environment Department for review and comment. If the New Mexico Environment Department comments are not received by the Code Administrator within thirty (30) calendar days of the date it was submitted to the agency, the Code Administrator may proceed with his review and make a decision without the comments.

4.2.2 Air Quality Management Plan

An air quality management plan shall provide the following information:

- 4.2.2a An inventory of ambient air quality levels which may be raised as a result of the development;
- 4.2.2b A discussion of projected concentrations of all pollutants at full development and their possible effects on public health and safety;
- 4.2.2c A description of all measures which will be taken to reduce the emission of air pollutants; and
- 4.2.2d If the increase of any pollutant regulated by the State of New Mexico will be five percent (5%) or greater, compared to existing levels of that pollutant (measured on an average annual basis at the property line), then the plan shall provide evidence indicating any benefits to the citizens of Santa Fe County which would offset such degradation.

SECTION 5 - NOISE**5.1 Application**

An application for non-residential development shall be reviewed by the Code Administrator to determine if it is likely to produce unreasonably high temporary or long-term average levels of noise. Such levels may be projected or anticipated by the Code Administrator or an applicant by using any recognized method approved by the U.S. Environmental Protection Agency or the U.S. Department of Transportation.

5.2 Requirments

Any actual or projected measurement that exceeds the average conditions over a twelve (12) hour period, at the property line, of the following described limits may be considered grounds for denial of a development application, and will permit a code enforcement officer or law enforcement officer to issue a citation of code violations:

	<u>DAYTIME</u>	<u>NIGHTTIME</u>
Major Centers and Travelers Service	70 dBA or 10 dBA above ambient, whichever is less	55 dBA or 5 dBA above the ambient level, whichever is less
All Other Areas	55 dBA or 10 dBA above ambient, whichever is greater	45 dBA or 5 dBA above the ambient, whichever is less

5.3 Exceptions

The Board in its discretion may waive these requirements for uses which are seasonal or periodic in nature and which involve generation of noise on no more than twenty percent (20%) of all days of the year such as: fairgrounds, rodeo grounds, carnival grounds, drag strips, and race tracks; provided, however, that applicants for such uses shall be required to provide a buffer area between the site of noise generation and the property line, and shall take such other measures as are appropriate to reduce the generation of annoying or harmful noise.

SECTION 6 - WATER SUPPLY**6.1 General Review Procedures for Water Supply Plans**

The applicant shall provide a water supply plan which consists of the submittals required below in Section 6.2. All water supply plans shall be reviewed by the Code Administrator and the County Hydrologist. All water supply plans for proposed subdivisions of six (6) lots and greater shall be submitted by the Code Administrator to the New Mexico State Engineer's Office and the New Mexico Environment Department. Water supply plans for other types of developments may be referred to appropriate state agencies if, in the opinion of the County Hydrologist and Code Administrator, such referrals will provide information necessary to the determination of whether or not a proposed development is in conformance with the provisions of this Code.

6.2 General Requirements and Submittals for a Water Supply Plan

6.2.1 The requirements and submittals associated with water supply are dependent on the type and scale of development and the amount of water use, and are set forth in the following Sections of this Article:

Section 6.2.2 - Water Permits

Section 6.3 - Community Water Systems

Section 6.4 - Water Availability Assessments

Section 6.5 - Water Quality

Section 6.6 - Water Conservation

Section 6.7 - Fire Protection

Table 7.4 indicates which Sections of this Article shall be required for different types of development:

TABLE 7.4 - REQUIRED CODE SECTIONS FOR WATER SUPPLY	
<u>Development Type</u>	<u>Required Sections</u>
Any development which includes construction or expansion of a community water system	6.3, 6.4, 6.5, 6.6, 6.7
All subdivisions containing 6 or more lots	6.2.2 as applicable, 6.4, 6.5, 6.6, 6.7
All subdivisions containing 5 or fewer lots	6.2.2 and 6.3 if applicable 6.4.7, 6.5, 6.6
All subdivisions required to have community water systems as listed on Article V, Section 9, Table 5.1	6.2.2, 6.3, 6.4, 6.6, 6.7
All large scale residential development	6.4, 6.5, 6.6, 6.7, 6.3 if applicable
All non-residential development in which the project uses more than 0.25 acre feet of water annually or in which the applicant obtains water other than through a well which is permitted under Section [72-12-1 NMSA 1978 as it may be amended	6.4, 6.6, 6.7, 6.5 (depending on use)
All development in which the applicant requests a density adjustment based on water availability	6.4, 6.6, 6.7
All development in which the applicant requests a density adjustment based on water conservation.	6.4, 6.6, 6.7
All lots created in accordance with Article II, Sections 2.3.1a.ii (b), (d), (f), (g) and (h)	6.6.2

6.2.2. Required Water Right Permits

6.2.2a For all subdivisions containing twenty (20) or more parcels, any one of which is two (2) acres or less in size, the subdivider shall provide proof that the person providing the water has a valid water right permit issued by the State Engineer pursuant to Sections 72-5-1, 72-5-23, 72-5-24, 72-12-3 or 72-12-7 NMSA 1978,

sufficient in quantity to meet the maximum annual water requirements of the proposed subdivision. The Board shall not approve the final plat unless the State Engineer has issued a water permit for subdivision use.

- 6.2.2b For all subdivisions within a critical water basin identified by the Board, proof of valid water right permits other than domestic wells pursuant to Section 72-12-1 NMSA 1978 shall be provided prior to final plat approval.

6.3 Community Water Systems

Community water systems shall be required for subdivisions according to the number and size of lots as indicated in Article V, Section 9.3, Table 5.1.

6.3.1 Requirements for Community Water Systems

- 6.3.1a When a community water system is required, the developer shall provide water from existing or proposed water supply systems for domestic use, fire protection, and any other use that the developer proposes.
- 6.3.1b The developer shall provide for the completion of the proposed water supply systems, in accordance with applicable minimum design standards of the New Mexico Environment Department and the Construction Industries Division.
- 6.3.1c The developer shall meet the fire flow requirements set forth in Section 6.7 of this Article.
- 6.3.1d The developer shall provide sufficient potable water for full development of all properties within the proposed development.
- 6.3.1e If the development is in a Traditional Community District, the community water system shall be designed to minimize the use of local water resources. The applicant shall obtain water rights as the State Engineer requires. The community water system shall be consistent with the Local Land Use and Utility Plan, if any.
- 6.3.1f All distribution mains shall be a minimum of six (6) inches in diameter.
- 6.3.1g It shall be noted on the final plat and plans and in the covenants and disclosure statement that the drilling or use of individual and/or shared domestic wells is strictly prohibited.
- 6.3.1h The developer shall meet all applicable requirements of the Public Utility Act, Articles 1 through 6 and 8 through 13 of Chapter 62, NMSA 1978.

6.3.2 Submittals for Community Water Systems

The applicant shall submit a water supply plan which demonstrates that the system will comply with the requirements of Section 6.3.1 of this Article VII. The water supply plan shall be prepared by or under the supervision of a professional engineer and shall include the following:

- 6.3.2a Information showing the volume and peak rate of production of water required each month to supply each use at full use of the development.

- 6.3.2b Plans and specifications for production or diversion, storage and distribution facilities and a time schedule for their completion, prepared by or under the supervision of a registered professional engineer.
- 6.3.2c A legal description of the location of all construction, easements and right-of-way necessary for the installation of the water supply system.
- 6.3.2d Site plans showing topography, parcel boundaries, streets, wells, hydrants, and water storage and distribution system. The size or capacity of the system components shall be indicated.
- 6.3.2e Well plans indicating casing diameter, total depth, screened interval, and proposed pump setting.
- 6.3.2f An agreement providing for:
 - (i) The construction and operation of the water supply system as shown in the plat documents and plans.
 - (ii) Collateral, in the form of a performance bond or other means, to adequately assure the complete construction and operation of the system in accordance with design and time specifications.
 - (iii) Certification of the operator of the system.
 - (iv) Involvement as prescribed in the plat documents, of any Homeowners' Association, Mutual Domestic Association, or non-profit corporation for the purpose of operation and maintenance of the system.
- 6.3.2g If the developer is within a declared basin, the applicant shall obtain a valid water right permit issued by the State Engineer pursuant to Section 6.2.2 of this Section.

6.3.3 Review of Community Water Systems

- 6.3.3a In reviewing community water systems the Board shall consider:
 - (i) the availability of water for the system;
 - (ii) the potential for water conservation in areas served by the system;
 - (iii) the relationship of the system to adopted local or county land use and utility goals;
 - (iv) the proper disposal of wastewater from areas served by the system; and
 - (v) the conformance of the system to federal and state regulations.
- 6.3.3b In general, the Board shall encourage the use of such systems, and shall approve them unless the indicated reviews demonstrate that such systems, or the expansion thereof, will substantially conflict with the policies and goals of the County General Plan and this Code.

6.4 Water Availability Assessments

6.4.1 Requirements for Water Availability Assessments

The requirements of the water availability assessment are dependent on the source of water supply such that:

- 6.4.1a For developments where the source of water will be a new community well and community water system permitted pursuant to Section 72-12-3 or 72-12-7

- NMSA 1978, the applicant shall demonstrate a one hundred (100) year supply and shall submit a geohydrologic report and other information in accordance with Section 6.4.2, or a reconnaissance water availability assessment in accordance with Section 6.4.6, if applicable;
- 6.4.1b For developments where the source of supply will be a new surface water diversion and community system pursuant to Section 72-5-1, 72-5-23 or 72-5-24 NMSA 1978, the applicant shall submit a hydrologic report and other information in accordance with Section 6.4.3;
- 6.4.1c For developments where the source of supply will be an existing community or municipal water supply system permitted pursuant to Sections 72-5-1, 72-5-23, 72-5-24, or 72-12-3, the applicant shall submit a water availability assessment in accordance with Section 6.4.4; or
- 6.4.1d For developments where the source of water will be individual domestic wells or shared wells permitted pursuant to Section 72-12-1, the applicant shall demonstrate a one hundred (100) year supply and shall submit a geohydrologic report in accordance with Section 6.4.5, or a reconnaissance water availability assessment in accordance with Section 6.4.6, if applicable.
- 6.4.1e For developments of five (5) or fewer lots, the applicant shall provide water availability information in accordance with Section 6.4.7.
- 6.4.2 For new community wells and community water systems, the applicant shall submit a water availability assessment which includes the following:
- 6.4.2a A geohydrologic report which shall demonstrate that groundwater sufficient to meet the maximum annual water requirements of the development is physically available and can be practically recovered to sustain the development for a continuous period of one hundred (100) years. These analyses shall take into account the production of existing wells and shall demonstrate that the project wells, as proposed or as designed, will be capable of producing the full annual demand for at least one hundred (100) years.
- 6.4.2b The applicant shall drill sufficient exploratory wells to adequately characterize the aquifer in accordance with the requirements listed in Table 7.5. Tests made within one mile of the development may be utilized, provided that the report demonstrates that the geologic conditions at the site of such tests are comparable to those within the development. For developments involving more than 160 acres, at least one test shall be within the development. Except where geologic conditions are complex, the well test requirement shall not be interpreted to require more than one (1) test per four (4) dwelling units. Where cluster or shared wells are to be used throughout a development, the requirement should not be interpreted to require more than one (1) test per ten (10) dwelling units. These well test requirements may be waived by the Code Administrator upon recommendation of the County Hydrologist; provided that for subdivisions of Types I, II and IV and subdivisions requiring community water systems, at least one (1) test shall be made within the development.
- 6.4.2c The applicant shall provide a calculated one hundred (100) year schedule of effects on the development's production well(s) which may result from existing

demands and from the increase of groundwater withdrawals for the project. Analysis shall be performed to assess whether future water level declines will be within the limits of allowable drawdown in the project production wells as provided in Section 6.4.2d., below. Predicted draw downs shall be calculated in a conservative manner (which estimates maximum drawdown). These calculations shall include estimates of future water uses.

- 6.4.2d The applicant shall calculate the lowest practical pumping water level in the proposed project pumping wells by any of the following methods as appropriate, provided there shall be no presumption made as to additional available water below the bottom of the proposed production wells, and further provided that the total available drawdown shall be reduced by a factor of twenty percent (20%) as a margin of safety to account for seasonal fluctuations, drought allowance, reduction of well efficiency over time, and peak production requirements:
- (i) By using the results of acceptable on-site aquifer pump tests. The lowest allowable pumping level may be the lowest water level reached during the test.
 - (ii) By setting the level at the top of the uppermost screened interval.
 - (iii) In wells completed in fractured aquifers, the lowest practical pumping water level may be above the top of the fracture zone.
 - (iv) In wells completed in alluvial aquifers, the lowest practical pumping water level may be defined by a maximum allowable drawdown equal to seventy percent (70%) of the initial water column.
- 6.4.2e The geohydrologic report should present all hydrologic information pertinent to the study area including that available from past geohydrologic studies. All sources of information used in the report should be identified including basic data collected by the consultant who prepared the report. The report shall contain the following information:
- (i) All analyses and assessments as listed in Section 6.4.2a through 6.4.2d of this Section;
 - (ii) Geologic maps, cross-sections and descriptions of the aquifer systems proposed for production, including information concerning the geohydrologic boundaries, intake areas and locations of discharge of those aquifers;
 - (iii) Maps and cross sections showing the depth-to-water, water-level contours, direction of ground water movement and the estimated thickness of saturation in the aquifers; and
 - (iv) Probable yields of the proposed wells (in gallons per minute and acre feet per year) and probable length of time that the aquifer system will produce water in amounts sufficient to meet the demands under full occupation of the development. This information shall be based on pump test analyses, hydrologic boundaries, aquifer leakage and historic water level changes, logs and yields of existing wells and, when the County Development Review Committee deems necessary, test wells and aquifer performance tests. This information will give consideration to mutual interference of the proposed wells, and the interference of existing wells.
- 6.4.2f An estimate of water availability for the development, suitable for calculating any proposed density adjustments utilizing the formula set forth in Article III, Section 10.2 and specifically setting forth the value of the variable S shall be submitted. The estimate shall be made using procedures which are comparable to those used in the County General Plan, Hydrology Appendix or generally accepted scientific

models. Acceptable procedures will be described in a report approved by the County Hydrologist and on file with the Code Administrator.

- 6.4.3 For new surface water diversions and community water systems using surface water, the applicant shall submit a water availability assessment which includes the following: A hydrologic report which shall demonstrate that surface water sufficient to meet the maximum annual water requirements of the development is physically available. These analyses shall include the following:
- (i) Narrative and analytical demonstration that the surface water will be physically available for the proposed use given short-term and long-term fluctuations (base-flow analysis) due to climatic cycles or other factors such as induced recharge due to groundwater diversion, analyses of relevant historical runoff records, and projected water supply available for the project requirements. Applicable legal or water rights constraints on water availability shall be considered.
 - (ii) If the analysis of the historical runoff record indicates possible shortages in the projected water supply available for the project requirements, the applicant shall provide for either storage or a supplemental groundwater supply sufficient to meet the shortage.
 - (iii) If a supplemental groundwater supply is proposed, the applicant shall prepare a geohydrologic assessment in accordance with Section 6.4.2.
 - (iv) Transfer of surface irrigation water rights are discouraged by the Santa Fe County General plan because of loss of valuable agricultural land and the attendant cultural values. Sec Article III, Section 10.3.2.
- 6.4.4 For community water systems for which existing utility companies are proposed as the source of water supply, the applicant shall submit a water availability assessment which includes the following:
- 6.4.4a For all municipal or county owned water utilities:
- (i) Name of the utility proposed as the source of supply and a letter of intent from the utility that they are ready, willing, and able to provide the maximum annual water requirements for the development. The letter must also state any requirement for the applicant to provide water rights.
- 6.4.4b For water utilities other than municipal or county owned water utilities:
- (i) Name of the utility proposed as the source of supply and a letter of intent from the utility that they are ready, willing, and able to provide the maximum annual water requirements for the development including fire protection for at least 100 years. The letter must also state any requirement for the applicant to provide water rights.
 - (ii) Documentation showing the quantity of water presently produced annually, quantity of water supply commitments to date, and proof of sufficient water rights to meet both existing commitments and the requirements of the development for at least 100 years.
 - (iii) For New Mexico Public Utilities Commission (PUC) certified utilities, a copy of the most recent annual report submitted to the PUC.
 - (iv) Plans for the existing water system to which the proposed system will connect into. The plans shall show diversion point locations, and water storage and distribution system. The size or capacity of the water system components should also be indicated on the plans.
 - (v) Any other information, including any or all of the requirements of Sections 6.4.2 and 6.4.3, required by the Board or the County Development Review

Committee to make a determination that the utility has the capability to meet the water requirements of the development.

6.4.5 For subdivisions containing six (6) or more lots and developments where the source of water will be individual domestic wells or shared wells permitted under Section 72-12-1 NMSA, the applicant shall submit a water availability assessment which includes a geohydrologic report conforming to the requirements of Section 6.4.2 and Table 7.5.

6.4.6 Reconnaissance Water Availability Assessment

6.4.6a A reconnaissance water availability assessment may be substituted for a geohydrologic report if all of the following circumstances prevail:

- (i) the total amount of water to be withdrawn by the development will not exceed three (3) acre feet per annum, as demonstrated in a water conservation report (Section 6.6);
- (ii) no density adjustment due to water availability is being requested which increases the density as set forth in Section 10 of Article III by more than twofold;
- (iii) the development will consist of no more than four (4) dwellings or parcels;
- (iv) each parcel will be no less than 2.5 acres in area unless a greater density is permitted by other Articles of this Code;
- (v) water will be provided to the development from one (1) well; and
- (vi) if after considering the reconnaissance water availability assessment and the County Hydrologist's comments, the County Development Review Committee finds that it has sufficient information from which to make a determination of water availability.

6.4.6b The report shall contain the following:

- (i) A log for an existing well which is located on the parcel for which the development permit is requested, which log indicates geologic conditions similar to those found in a nearby well which has been described in a detailed geohydrologic report, and which indicates that the well on the parcel provides a yield adequate for the use proposed;
- (ii) A summary of the findings of a detailed geohydrologic report which includes data from pump tests made within one (1) mile of the parcel for which the development permit is requested, which summary indicates the availability of water for the development.
- (iii) A description of measures the applicant will take to inform any person who may purchase the property as to the findings of the County General Plan regarding water availability and as to the water budget and conservation covenants which were included in the application for the development permit.

6.4.7 A water availability assessment for subdivisions of five (5) or fewer lots shall meet the following requirements:

6.4.7a If the source of water supply will be an existing community water system or municipal water system, the applicant shall submit the following information as their water availability assessment:

- (i) Name of the utility proposed as the source of supply;
- (ii) Letter of intent from the utility that they are ready, willing, and able to provide the maximum annual water requirements for the subdivision including fire protection.

- 6.4.7b If the source of water will be individual domestic wells or shared wells to be approved by the State Engineer pursuant to Section 72-12-1 NMSA 1978, the applicant shall submit the following information as their water availability assessment:
 - (i) At least one well log from an on-site well or from an existing well located within one mile of the property boundary completed in geologic conditions representative of the conditions within the proposed project;
 - (ii) A description of the water bearing formation including a statement of the maximum and minimum depths to water in the subdivision and the basis for these statements;
 - (iii) A statement of the estimated yield of wells in gallons per minute based upon well logs from existing nearby wells; and
 - (iv) Any additional information which is required by the Board that will enable it to determine whether or not the subdivider can fulfill the proposals contained in his disclosure statement.

- 6.4.7c If the subdivision is located within the Mountain Hydrologic Zone, the requirements of Section 6.4.5 shall apply.

- 6.4.7d If the applicant proposes to provide new wells or surface diversion for a community water system, the requirements of Section 6.4.2 or 6.4.3, whichever is applicable, shall apply.

- 6.4.7e Any further subdivision of parcels created after July 1, 1996 shall meet the relevant requirements of Section 6.4.1.

- 6.4.7f If the applicant proposes lots which are less than the minimum lot size, a geohydrologic report (and water conservation covenants) are required. See Article III, Section 10 and Section 6.6 of this Article VII.

TABLE 7.5 - WELL TEST REQUIREMENTS			
Area as shown on Code Map 1	Pumping Hours	Recovery Days	Additional Tests for Large Areas
INDIVIDUAL WELLS			
Miscellaneous locations	48	5	one per 40 acres
Part of Santa Fe Formation	36	5	one per 160 acres
Cretaceous	24	5	one per 40 acres
COMMUNITY WELLS			
All Areas	96	10	one per 40 acres

History. Section 6.4 was amended by Ordinance 1996-8 to follow State Engineer's guidelines.

6.5 Water Quality Requirements

6.5.1 Water Quality Documentation. For a subdivider to document conformance with the water quality requirements of this Code and the New Mexico Subdivision Act, a water quality documentation package shall accompany the preliminary plat submittal.

6.5.1a. The water quality documentation package shall:

- (i) state the subdivider's name and mailing address;
- (ii) state the date the package was completed;
- (iii) state the subdivider's proposal for meeting the water quality requirements of this Code;
- (iv) be accompanied by a copy of the subdivider's disclosure statement on water quality;
- (v) be accompanied by the information listed in Sections b, c, or d of this Section as applicable to the water supply proposal; and
- (vi) be accompanied by other relevant information as may be necessary for the determination of compliance with the water quality requirements of this Code.

6.5.1b. If a new community water system is proposed, the following information shall be submitted as part of the water quality documentation package:

- (i) a water quality analysis of a representative water sample for antimony, arsenic, alkalinity, aluminum, barium, beryllium, cadmium, chromium, cyanide, calcium, chloride, color, copper, fluoride, foaming agents, hardness, iron, lead, mercury, manganese, nickel, nitrate, nitrite, odor, pH, selenium, silver, sodium, sulfate, thallium, total dissolved solids, turbidity, and zinc;
- (ii) for areas where contamination of the proposed source of water has been documented, a water quality analysis of a representative water sample for other water quality parameters listed in Section 6.5.2 may be required;
- (iii) the location and description of the source of water sampled for the water quality analysis;
- (iv) an engineer's report and preliminary engineering plans for the proposed community water system; and,
- (v) maps identifying and showing the location of all potential sources of contamination and the flood plain of all watercourses and surface bodies of water within one thousand (1000) feet of the proposed community water system source.

6.5.1c. If a connection to or extension of an existing community water system is proposed, the following information shall be submitted as part of the water quality documentation package:

- (i) a water quality analysis of a representative water sample for alkalinity, aluminum, calcium, chloride, color, copper, foaming agents, hardness, iron, manganese, odor, pH, silver, sodium, sulfate, total dissolved solids, turbidity, and zinc;
- (ii) a statement of availability of water service signed by an official of the existing community water system; and
- (iii) an engineer's report and preliminary engineering plans for the proposed water system.

- 6.5.1d. If individual domestic wells or clustered or shared wells are proposed, the following information shall be submitted as part of the water quality documentation package;
- (i) a water quality analysis of a representative water sample for antimony, arsenic, alkalinity, aluminum, barium, beryllium, cadmium, chromium, cyanide, calcium, chloride, color, copper, fluoride, foaming agents, hardness, iron, lead, mercury, manganese, nickel, nitrate, nitrite, odor, pH, selenium, silver, sodium, sulfate, thallium, total dissolved solids, turbidity, and zinc;
 - (ii) for areas where contamination of the proposed source of water has been documented, a water quality analysis of a representative water sample for other water quality parameters listed in Section 6.5.2 may be required;
 - (iii) the location and description of the source of water sampled for the water quality analysis;
 - (iv) preliminary engineering plans for the water system if the system will serve more than one (1) connection; and,
 - (v) maps identifying and showing the location of all potential sources of contamination and the flood plain of all watercourses and surface bodies of water within the subdivision and within five hundred (500) feet of the proposed subdivision boundaries.
- 6.5.1e. Documentation of approval from the New Mexico Environment Department for the construction or modification of a community water system will be required before final subdivision plat approval.

6.5.2 Water Quality Requirements.

Conformance with the water quality requirements of this Section is required for preliminary plat approval.

- 6.5.2a. The level of a contaminant in water delivered to any user of a community water system or cluster, shared or individual well shall not exceed the maximum contaminant level (MCL) for any of the contaminants listed in Table 7.6.
- 6.5.2b. The level of a contaminant in water delivered to any user of a community water system or cluster, shared or individual well should not exceed the secondary maximum contaminant level (SMCL) for any of the contaminants listed in Table 7.7. If the level for any of the contaminants listed in Table 7.7 exceeds the SMCL, the subdivider must state in the disclosure statement on water quality the name of the contaminant exceeded; the contaminant level; the SMCL of the contaminant; the expected adverse effects of the contaminant for domestic water use; and, the recommended treatment method to reduce the contaminant level to or below the SMCL.
- 6.5.2c. A water supply source shall not be located at less than the setback distances shown in Table 7.8.
- 6.5.2d. The disclosure statement for the subdivision shall contain a statement describing the quality of water available for domestic use within the subdivision.

TABLE 7.6 - PRIMARY (HEALTH RELATED) CONTAMINANTS

Inorganic (IOC)		Microbiology	
Contaminant	MCL	Contaminant	MCL
Antimony	0.006 mg/l	Giardia lamblia ^(d)	TT ^(e)
Arsenic	0.05 mg/l	Legionella ^(d)	TT ^(e)
Asbestos	7 MFL ^(a)	Standard plate count ^(d)	TT ^(e)
Barium	2 mg/l	Total coliforms	Absent
Beryllium	0.004 mg/l	Turbidity ^(d)	PS ^(f)
Cadmium	0.005 mg/l	Viruses ^(d)	TT ^(e)
Chromium (total)	0.1 mg/l	Disinfection Byproduct	
Copper	1.3 mg/l	Total trihalomethanes	0.10 mg/l
Cyanide	0.2 mg/l	Volatile Organic (VOC)	
Fluoride	4.0 mg/l	Benzene	0.005 mg/l
Lead	0.015 mg/l	Carbon tetrachloride	0.005 mg/l
Mercury (inorganic)	0.002 mg/l	Dibromochloropropane	0.0002 mg/l
Nickel	0.1 mg/l	o-dichlorobenzene	0.6 mg/l
Nitrate (as N)	10 mg/l	p-dichlorobenzene	0.075 mg/l
Nitrite (as N)	1 mg/l	1,2-dichloroethane	0.005 mg/l
Nitrate+Nitrite (both as N)	10 mg/l	1,1-dichloroethylene	0.007 mg/l
Selenium	0.05 mg/l	cis-1,2-dichloroethylene	0.07 mg/l
Thallium	0.002 mg/l	trans-1,2-dichloroethylene	0.1 mg/l
Radionuclide		Dichloromethane	0.005 mg/l
Gross a particle activity ^(b)	15 pCi/l	1,2-dichloropropane	0.005 mg/l
Radium-226 & 228 ^(c)	5 pCi/l	Ethylbenzene	0.7 mg/l
Strontium-90	8 pCi/l	Ethylene dibromide	0.00005 mg/l
Tritium	20000 pCi/l	Monochlorobenzene	0.1 mg/l
Synthetic Organic (SOC)		Styrene	0.1 mg/l
Alachlor	0.002 mg/l	Tetrachloroethylene	0.005 mg/l
Atrazine	0.003 mg/l	Toluene	1 mg/l
Benzo[a]pyrene	0.0002 mg/l	1,2,4-trichlorobenzene	0.07 mg/l
Carbofuran	0.04 mg/l	1,1,1-trichloroethane	0.2 mg/l
Chlorodane	0.002 mg/l	1,1,2-trichloroethane	0.005 mg/l
2,4-D	0.07 mg/l	trichloroethylene	0.005 mg/l
Dalapon	0.2 mg/l	Vinyl chloride	0.002 mg/l
Di(2-ethylhexyl)adipate	0.4 mg/l	Xylenes (total)	10 mg/l
di(2-ethylhexyl)phthalate	0.006 mg/l	Synthetic Organic (SOC) cont.	
Dinoseb	0.007 mg/l	Methoxychlor	0.04 mg/l
Diquat	0.02 mg/l	Oxamyl (Vydate)	0.2 mg/l
Endothall	0.1 mg/l	Pentachlorophenol	0.001 mg/l
Endrin	0.002 mg/l	Picloram	0.5 mg/l
Glyphosate	0.7 mg/l	Polychlorinated biphenyls	0.0005 mg/l
Heptachlor	0.0004 mg/l	Simazine	0.004 mg/l
Heptachlor epoxide	0.0002 mg/l	2,3,7,8-TCDD (Dioxin)	3x10 ³ mg/l
Hexachlorobenzene	0.05 mg/l	Toxaphene	0.003 mg/l
Hexachlorocyclopentadiene	0.001 mg/l	2,4,5 -TP	0.05 mg/l
Lindane	0.0002 mg/l		

- Notes: (a) Million fibers longer than 10micrometers per liter.
 (b) Gross alpha particle activity including radium-226 but excluding radon and uranium.
 (c) Combined radium-226 and radium-228.
 (d) For systems using surface water.
 (e) Treatment Technique (filtration and disinfection) required.
 (f) Performance Standard 0.5 NTU to 1.0 NTU.

TABLE 7.7 - SECONDARY (ESTHETIC RELATED) CONTAMINANTS

Contaminant	SMCL	Contaminant	SMCL
Aluminum	0.05 to 0.2 mg/l	Manganese	0.05 mg/l
Chloride	250 mg/l	Odor	3 TON
Color	15 CU	pH	6.5 to 8.5
Copper	1.0 mg/l	Silver	0.1 mg/l
Corrosivity	Non-corrosive	Sodium	100 mg/l ^(a)
Fluoride	2.0 mg/l	Sulfate	250 mg/l
Foaming Agents	0.5 mg/l	TDS	500 mg/l
Hardness	250 mg/l	Turbidity	5 NTU
Iron	0.3 mg/l	Zinc	5 Mgl

Notes:

(a) Sodium concentration exceeding 20 mg/l must be noted in the disclosure statement.

TABLE 7.8 - SETBACK DISTANCES FOR WATER SUPPLY SOURCES

Potential Source of Contamination	Required Minimum Setback Distance (feet)	
	Community Water System and Clustered or Shared Wells	Individual Wells
Water Tight Sewers	50	25
Other Sewers	100	50
Community Liquid Waste Treatment System (e.g. aeration tank, chlorination facility)	300	150
Individual Liquid Waste Treatment System (e.g. septic tank)	100	50
Community Liquid Waste Disposal System (e.g. outfall, leachfield)	600	300
Individual Liquid Waste Disposal System (e.g. leachfield)	200	100
Flood Plain	outside	outside
Contamination Sources such as landfills, stockyards and feedlots	100	75

History. Section 6.5 was amended by Ordinance 1996-8 to more closely follow guidelines established by the New Mexico Environment Department pursuant to the NMSA.

6.6 Water Conservation Report

6.6.1 General Requirements

A water conservation report shall be submitted with a subdivision preliminary plat application or at the time of initial application for other types of development. The report shall contain a water budget for the proposed development, indicating the type and amount of water withdrawals and consumption projected at full development; and it shall contain a list of any water conservation measures which are adopted by covenant or other similar means which are intended to restrict water use to specified levels. Only water conservation measures which have been adopted in a form which, in the opinion of the County Attorney, is legally binding upon any person using water on the parcel shall be deemed to meet the requirements of the Code.

6.6.2 Water Budgets and Conservation Covenants

The maximum allowable annual water use for both indoor and outdoor purposes for each parcel in a residential subdivision shall be 1.0 acre foot per year. For developments with lot sizes less than those listed in Article III, Section 10.2.1, maximum allowable water use for both indoor and outdoor purposes shall be reduced per requirements presented in Article III, Section 10.2. Non-residential development must provide a detailed demand analysis. In all cases where the subject of water use is part of an application for development, the applicant shall submit a water budget, which shall be a listing of all activities within the development which will utilize water, and the amount of water so used. The Code Administrator shall maintain a file of representative water budgets. The applicant shall be required to adopt covenants or to take other measures necessary to ensure, with reasonable prospects of success, that the estimated water budget will be achieved. The Board may deny an application if, after review of the budgets or covenants proposed, the Board determines that the budgets and covenants will not reduce usage of water to the extent proposed. At a minimum, the following water conservation measures shall apply to all developments:

- 6.6.2a Water saving fixtures shall be installed in all new construction. Water saving fixtures shall include, but not be limited to, low flush toilets, low flow fixtures, and insulation of hot water pipes. Toilets shall use no more than 1.6 gallons per flush; shower head flows shall not exceed 2.5 gallons per minute; and faucet flow shall not exceed 2.5 gallons per minute.
- 6.6.2b Evaporative coolers must circulate bleed-off water.
- 6.6.2c Dishwashers shall use no more than 13 gallons in a regular cycle and shall have a cycle adjustment which allows reduced water to be used for reduced loads.
- 6.6.2d Washing machines shall use no more than 43 gallons in the regular cycle and shall have cycle or water level adjustments which permit reduced amounts of water to be used for reduced loads.
- 6.6.2e Low water use landscaping techniques applying the principles of xeriscaping shall be utilized. Drip irrigation is encouraged whenever possible. Low water use grasses, shrubs and trees may be watered as needed during the first and second years of their growth to become established. Thereafter, such vegetation shall receive only minimal water as needed by each species. Lawns of non-native grasses shall not exceed 800 square feet per parcel and shall only be watered with rain water collected by means confined to the property or with recycled

household gray water. Gray water systems shall meet the requirements of the New Mexico Construction Industries Division and the Uniform Plumbing Code.

- 6.6.2f All community water system service connections and all wells shall be metered with a Santa Fe County approved meter. Meter readings shall be recorded by the property owner annually within two weeks of January 1st. Meter readings shall be provided to the Code Administrator at his request.
- 6.6.2g Swimming pools, of a permanent or temporary nature are not permitted, except as commercially operated or publicly open community facilities. Temporary wading pools of a diameter not to exceed eight feet (8') and a depth not to exceed one foot (1') and covered spas are acceptable at each dwelling unit.
- 6.6.2h The water restriction covenants shall run with the land and bind all successors in interest.
- 6.6.3 All water distribution mains shall be pressure tested by the applicant in accordance with New Mexico Standard Specifications for Public Work Construction, Section 801.16.
- 6.6.4 Where water pressure at the customer service connection exceeds 80 pounds per square inch (psi), a pressure reducing valve shall be installed by the applicant on the service connection.
- 6.6.5 All applicable restrictions on indoor and/or outdoor water use prescribed under permits issued by the State Engineer, or pursuant to an order issued by a court of competent jurisdiction, shall be strictly adhered to.

History. Section 6.6 was amended by Ordinance 1996-8 adding new water conservation requirements.

6.7 Fire Protection Plan and Required Improvements

The applicant shall provide a fire protection plan and shall construct the elements of such plan, all of which shall be in compliance with this Code, the Uniform Fire Code, the Uniform Fire Code Standards, and applicable National Fire Protection Association (NFPA) codes. The plan shall be designed to provide adequate fire flow and fire protection for the safety of the residents or occupants of the proposed development. The plan shall include at least the following elements:

- 6.7.1 Storage capacity of the proposed water system;
- 6.7.2 Fire flow for the proposed water system in gallons per minute;
- 6.7.3 The facilities the applicant intends to use to provide fire protection to the development. If the applicant proposes to use an existing facility or fire district, the plan must include a letter from the existing facility or fire district commenting on the plan. The plan shall describe how the proposed development will affect the existing fire system or district and shall detail the assistance the applicant intends to provide to the existing facility or fire district in order to assure adequate fire protection for the proposed development; and
- 6.7.4 Insurance Services Office protection rating for the proposed development.

- 6.7.5 The engineering design plans for the fire protection system shall have approval signatures of the water utility company authority serving the project and the County Fire Marshal.
- 6.7.6 Any water line extensions installed to service the development shall have a fire hydrant at the point of connection if none exists, and one every 1000 feet thereafter. The applicant is responsible for the installation of these fire hydrants.
- 6.7.7 Residential subdivision fire hydrants shall be designed to flow at least 500 gallons per minute with 20 pound per square inch residual pressure. Fire hydrants which shall serve commercial developments shall be designed to flow at least 1000 gallons per minute with 20 pound per square inch residual pressure.
- 6.7.8 All fire hydrants shall be spaced so that the furthest buildable portion of a parcel shall be within one thousand feet (1,000') as measured along the access route.
- 6.7.9 All fire hydrants shall be tested and approved by the County Fire Marshal prior to the granting of any building permits.
- 6.7.10 To accommodate fire apparatus, all dead end roads longer than 250 feet shall have a cul-de-sac with a minimum driving surface radius of 50 feet.
- 6.7.11 The applicant shall install fire hydrants, storage tanks and fire protection infrastructure as provided in the approved fire protection plan.

History. Section 6.7 was amended by Ordinance 1996-8 to add new fire protection requirements.

SECTION 7 - SOLID WASTE MANAGEMENT

7.1 Requirements

The applicant of any subdivision, large scale residential development, or other development involving non-residential uses existing on the same parcel by more than one entity must either:

- 7.1.1 Provide a system for collection and disposal of solid waste at the time of first occupancy of the project;
- 7.1.2 Be located within five (5) miles of an existing sanitary landfill with a valid permit issued by the Environment Department or a County operated solid waste transfer station; or
- 7.1.3 Construct and maintain a collection and transfer station according to a Solid Waste Management Plan approved by the Environment Department. The transfer station must be in operation at the time of first occupancy of the development. All subdivisions with five hundred (500) occupied lots and greater shall have an Environment Department approved solid waste collective system to collect and transport solid wastes to the disposal facility.

7.2 Submittals

The proposed means of solid waste management shall be identified in the development permit application submittals.

- 7.2.1 The following are required for projects which will use a solid waste collection service:
- a. a statement of availability of solid waste collection and disposal services signed by an official of the solid waste collection service;

- b. the name, location and owner or operator of the solid waste disposal site used by the collection service.
- 7.2.2 The following are required for developments which will not use a solid waste collection service:
- a. the travel distance from the center of the development to the disposal site;
 - b. a statement of availability of solid waste disposal service signed by an official of the disposal site.
- 7.2.3 The Code Administrator may require additional relevant information to evaluate a solid waste management proposal.

ARTICLE VIII - SIGN REGULATIONS

These regulations apply to signs within the County.

SECTION 1 - PURPOSE AND INTENT

It is the intent of these sign regulations to encourage the use of signs which are coordinated with and complimentary to either the character of the area where the sign is located, a master plan design theme, or the premises and its architectural elements, and the overall scale and design elements of the proposed uses(s) to be advertised, for the purpose of preventing a clutter of signs which distract or otherwise create safety hazards or visual unpleasantness. For purposes of sign coordination, a comprehensive sign plan may be submitted with a master plan.

SECTION 2 - DEFINITIONS

Building mounted sign - a sign mounted on a building and includes canopy signs, marquee signs, projecting signs, and wall signs;

Combined commercial, shopping or office center sign - a sign for a group of two or more retail, office and/or commercial establishments built on a site which is managed as an operating unit related in its size, location and type of shops or offices to the trade area that the unit serves. The commercial, retail or office establishments may or may not be architecturally unified, may be single or multiple ownership and may be located on single or multiple lot development sites;

Canopy sign - a sign mounted upon or under a permanent awning, arcade or portal;

Directional sign - any sign utilized only for the purpose of indicating the location or direction of any object, place or area and containing absolutely no advertising;

Free standing sign - includes pole-mounted and pedestal signs, such as pole-mounted sign and sign structure are permanently affixed to the ground, supported by uprights or braces and not attached to any building or structure. A pedestal or ground-mounted sign is affixed to, painted on, or incised into a structural base, usually masonry, placed on or in the ground and not attached to a structure.

Footcandle - a unit of illumination produced on or reflected by a surface, measured with a footcandle meter or sensitive photometer, which measures the candle power distribution of a source of light.

Footlambert - a measure of the relative intensity of illumination from a source of light, measured in candles per square centimeter.

Marquee sign - a permanent canopy projecting above an entrance and over a sidewalk or terrain.

Portable sign - a free-standing sign, designed and constructed to be moved from one location to another, but not necessarily displaying changeable copy, including signs mounted upon or designed to be mounted on a trailer, wheeled carrier, or other nonmotorized structure. A portable sign which has its wheels removed shall still be considered a portable sign. A portable sign or similar structure mounted in or on or otherwise attached to any motorized vehicle or conveyance and parked for purposes of display or advertising shall be considered a portable sign.

Projecting sign - any sign which is attached to a structure and which extends beyond the facade of the structure.

Sign - any medium including its structure and component parts which is used or intended to display to public view and/or promote merchandise for advertising purposes, services or activities, either within a building or property, consisting of any letter, figure, poster, pictorial picture, stripe, line, trademark, reading matter, or illuminating device.

Sign area - the net geometric area enclosed by the sign, including all elements such as borders or frames, perforated or solid background, but not including the projected area of structural supports for ground signs, unless it is designed in such a manner as to form an integral part of the background of the display.

Sign height - the vertical distance, from grade to the highest point of the sign.

Temporary sign - a sign which relates to an event, function or activity of a specific, limited duration. Temporary signs include but are not limited to include flags, banners, and pennants.

Wall sign - a sign painted on, attached to or incised into, and/or supported by an outside wall of a structure or to a fence.

SECTION 3 - SIGN PERMITS, SUBMITTALS AND REVIEWS

- 3.1 Except as provided by Article XIII, Section 4, all new signs or any change to the design, size or placement of an existing sign, are required to have a sign permit.
- 3.2 An application for permit a sign permit shall include the following information:
 - a. The name, address and telephone number of the applicant; the name, address and consent of the owner of the building, structure, or land to which the sign is to be attached or erected; and
 - b. Name of the business and the date upon which the development permit or business license for the business was issued.
- 3.3 Required submittals for a sign permit include the following:
 - a. A scaled line drawing showing the design, height and dimensions of the sign;
 - b. A site plan or line drawing drafted to scale, showing the proposed location of the sign on the site and facade of the building, if applicable;
 - c. Said plan or drawing shall include the scale, design and location of all other existing signs maintained on the premises on which the applicant's sign is proposed.
- 3.4 The submittals shall be reviewed for compliance with these sign regulations by the Code Administrator pursuant to procedures set forth in Article II, Section 2 of the Code and shall be submitted with the preliminary development plan, if appropriate.
- 3.5 New signs requiring a permit but not part of a master plan or development plan which is subject to an approval of a County Board or Commission shall pay a fee as specified by the Santa Fe County Fee Schedule.
- 3.6 No certificate of occupancy shall be issued without a duly authorized sign permit, as required by this Ordinance.

SECTION 4 - EXEMPT SIGNS: STANDARDS

- 4.1 The following types of signs are allowed without a permit, provided the number of signs or the area of the sign does not exceed the following:
- a. One (1) sign, of up to one (1) square foot denoting the name and address of the occupants of a premises, a home occupation, private day care or kindergarten, or professional name plate.
 - b. One (1) sign is allowed for a temporary garage or yard sale which shall be located on the premises where the sale is conducted.
- 4.2 Applicants requesting additional signs or signs which exceed the standards set forth by subsection 4.1 shall submit an application for a sign permit pursuant to Section 3, supra.

SECTION 5 - TEMPORARY SIGNS

- 5.1 Permit Required: Time Limit
- a. Signs advertising temporary or one-time events require a permit pursuant to Section 3.
 - b. Temporary signs may be erected or maintained for a time period not to exceed thirty (30) calendar days unless the sign is denoting the architect, engineer or contractor placed on the premises where construction, repair or renovation is in progress. In such case the sign shall be removed prior to issuance of a certificate of occupancy or prior to the sale, lease or rent of the property, which sign shall be removed when the sale, lease or rental is accomplished.
- 5.2 Standards and Reviews
- a. No temporary sign shall exceed four feet in any one of its dimensions, or sixteen (16) square feet.
 - b. No temporary sign shall extend over or into any street, alley, sidewalk, right-of-way, visibility triangle, or other public thoroughfare.
 - c. Permits for temporary signs shall be pursuant to the procedures set forth in Article II, Section 2.

SECTION 6 - POLITICAL CAMPAIGN SIGNS

- 6.1 Political campaign signs are allowed as follows:
- a. No permit is required;
 - b. No sign shall exceed thirty-two (32) square feet;
 - c. The owner of property on which the sign is erected must give verbal permission for the placement of the sign prior to erecting the sign; and
 - d. The sign shall be removed within five days after the election.

SECTION 7 - DESIGN AND OTHER STANDARDS FOR PERMANENT SIGNS

- 7.1 Permits Required
Sign permits are required as provided in Section 3, infra. for any sign which does not meet the requirements of Section 4, 5, or 6, infra.
- 7.2 Allowable Number of Signs
For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements or where

there is reasonable doubt about the relationship of elements, each element shall be considered a single sign.

7.3 Height and Setback Standards

- a. Commercial and industrial non-residential zones or districts: the maximum allowable sign height for a free standing sign located at the front property line is five (5) feet. Sign height may be increased a maximum of five (5) feet in height for each twenty-five (25) feet the sign is set back from the front property line. Maximum allowable sign height shall not exceed twenty-five (25) feet.
- b. No sign may be located closer than ten (10) feet to any abutting property line.
- c. No sign may be located in such a way so as to limit the visibility at intersections, or in any public right-of-way.
- d. The minimum setback for ground-mounted masonry or pedestal signs is five (5) feet.
- e. The maximum allowable sign height for a building mounted sign is ten (10) feet above the highest point of the structures roof, but in no event shall the sign height be higher than any building code or County ordinance height restriction.

Note: Please refer to Appendix 8-A for sign design guidelines.

7.4 Sign Illumination

Sign illumination shall be either indirect with the source of light concealed from public view, direct, emanating through translucent materials of the sign itself, or by electrically activated gas tubing such as neon. Indirect or reflected illumination shall not exceed ten (10) vertical footcandles in mixed use or traditional community districts and twenty-five (25) vertical footcandles in non-residential districts. Direct or interior illumination shall not exceed one hundred and fifty (150) footlamberts in mixed use or traditional community districts and two hundred and fifty (250) footlamberts in non-residential districts.

7.5 Sign Design

Signs shall be designed in manner both complimentary and compatible with the building and/or premises, and shall be clearly readable through the use of simple lettering styles and subdued colors. General rules for readability are to use: no more than two (2) simple lettering styles, a simple shape, two colors, less than eight (8) words and three (3) lines, light letters on a darker background. If mounted on a building, the sign should be mounted on the building that the sign relates to. The use of free standing plastic internally illuminated signs is discouraged. Signs shall conform to and reflect local cultural traditions and decorative styles.

7.6 Sign Materials

- a. Signs shall be constructed in accordance with the Uniform Building Code requirements.
- b. No sign or part thereof shall contain reflective or shining metal.
- c. Free standing signs may be trimmed with a material such as wood, simulated wood, or wrought iron, to create an edge to the sign. Such trim shall be in proportion to the sign, not to exceed six (6) inches in width.

7.7 Sign Area

- a. The gross geometric area of the face of the sign shall be the sign area, including trim, wall area, or pedestal area.
- b. The area of double faced signs shall be computed for one face only.

- c. The supports, uprights or structure on which any sign is supported shall not be included in determining the sign area unless such supports, uprights or structure area is designed in such a manner as to form an integral part of the background of the display.

7.8 Free Standing Signs: Base

All free standing signs shall have a base area equal in length to the sign's length along its longest side, and not less than two (2) feet in width and sixteen (16) inches in height, to be installed and maintained by the owner using one or combining the use both of the following:

- a. A banco, planter or a low wall compatible and complimentary to the building or premises;
- b. Shrubs, flowers or a groundcover.

7.9 Wall Signs

- a. A wall or building mounted sign shall not project more than one foot from the wall on which it is displayed and shall not project over public property except where the building wall is less than one foot from the property line. In this case, the sign may project up to one (1) foot from the building wall, provided that it does not impede or endanger pedestrian or vehicular traffic; and
- b. A wall or building mounted sign shall, in no case, exceed ten (10) percent of the area of the wall on which it is displayed, or seventy (70) square feet in sign area, whichever is less;
- c. The sign area of wall signs shall be counted toward total sign area except as otherwise provided for non-residential districts where there are multiple occupants of a premises;
- d. The bracing for wall and building mounted signs must be installed below the parapet walls or otherwise screened from public view.

7.10 Canopy, Marquee and Projecting Signs

- a. The area of a canopy or marquee sign shall be counted as a part of the total allowable sign area.
- b. All canopy, marquee and projecting signs shall be at least seven (7) feet above grade. However, when such signs are erected over a driveway, the minimum height above the grade shall be fifteen (15) feet.

7.11 Clocks and thermometers when constructed within or as a part of sign or when displayed as a separate sign, shall in addition to other regulations herein for signs, conform to the following special regulations and exceptions;

- a. The hands of the clock and the motive mechanism shall not be classed as moving parts.
- b. Illuminated numerals shall not be classified as blinking or flashing lights.
- c. Clocks and thermometers shall not exceed sixteen (16) square feet.
- d. If no advertising is present, the area of such public service signs shall not be computed as part of the sign area.
- e. All clock signs shall keep accurate time and all thermometer signs shall accurately record the temperature. If these conditions are not complied with, the instruments shall be promptly repaired or removed.

7.12 No directional or information sign or historic marker shall exceed four (4) square feet.

7.13 Sign area in residential areas

Signs in mixed use or traditional community districts for special uses; or in large scale residential uses are allowed as follows:

- a. One (1) sign for the permanent identification of the entrance to the site of a special use shall be permitted, provided it is mounted on a permanent masonry or similar structure and the sign area does not exceed twenty (20) square feet.

- b. If the special use has an entrance on another street, a second sign not to exceed twenty (20) square feet will be permitted.

7.14 Sign Area Size: Commercial or Industrial Non-residential Districts

The allowable sign area that may be displayed by any business, professional, or industrial use shall be calculated by the following method for each type of location:

- a. Free standing buildings with a single occupying business or office shall be allowed two (2) identification signs.
- b. Each single sign on the premises shall not exceed seventy (70) square feet in sign area.
- c. Business offices or other business uses located in commercial or industrial buildings separated by common walls, or a premises where shopping centers or commercial uses or other businesses with multiple occupants, shall calculate permitable sign area based on the front footage of the space being occupied. The rate of calculation shall be one (1) square foot of signage for each linear foot of occupied frontage. The maximum allowable sign area per use shall not exceed seventy square feet.
- d. Business offices or other business uses located in industrial or commercial buildings separated by common walls or premises where a shopping center or multiple occupancy commercial uses or other businesses shall not be allowed to utilize individual free standing signs. There is permitted only one (1) directory sign or other free standing sign to identify the premises. The size of this sign is calculated by allowing one square foot for each linear foot of frontage of each business, not to exceed a sign area of one hundred and fifty (150) square feet.
- e. For buildings with two (2) front facades located at intersecting arterials, one additional sign is allowed. The maximum sign area for one (1) facade is one hundred (100) percent of the allowed sign and for the second facade the maximum sign size is fifty (50) percent of the allowed sign size.

7.15 Prohibited Signs

- a. Off-site advertising or billboards. The advertising on any sign shall pertain only to a business, industry or activity conducted on or within the premises on which such sign is erected or maintained.
- b. It is unlawful for any reason to display on any sign or other similar advertising structures any obscene, indecent or immoral matter.
- c. No sign shall flash, blink, vary in intensity, revolve or otherwise appear to be in motion.
- d. No sign shall have audible devices.
- e. No sign shall have movable parts, except for those signs or marquees having design features for changing of legend or inscription.
- f. Pennants, tinsel or fringe are not allowed on any sign.
- g. No portable sign as defined by Section 8.2 is allowed.
- h. Inflatable signs or oversized flags are not allowed.

7.16 Prohibited Locations for Signs

- a. No sign or other advertising regulated by the Code shall be erected or maintained:
 - 1) at the intersection of any street in a manner which obstructs free and clear vision;
 - 2) at any location where, by reason of position, shape or color, a sign may interfere with, obstruct the view of, or be confused with any authorized sign, signal, or device; or
 - 3) which makes use of the words "STOP", "LOOK", "DANGER" or any other words, phrases, symbol or character in such manner as to interfere with, mislead or confuse traffic or drivers of motor vehicles.
- b. No sign shall be erected or maintained:
 - 1) near a triangle sight area;

- 2) at an intersection, which shall include that portion of public right-of-way and any portion of a corner lot within a triangle formed by a diagonal line extending through points on the two property lines thirty (30) feet from the street corner intersection of the property lines (or the point of intersection of the property lines extended) and intersecting the curb lines. In no event shall such measurement be less than twenty-five (25) feet from the back of the curb at the corner apex.
- c. No sign shall be erected or maintained on or over public property. However, wall signs may project over a front property line where the building wall is less than one (1) foot from the property line, providing that such a sign shall not impede or endanger pedestrian or vehicular traffic and the sign projects no more than one (1) foot from the building wall.
- d. No sign or part thereof may be erected or constructed and/or maintained upon the roof of any building or on top of any structure.
- e. No signs shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape; no sign of any kind shall be attached to standpipes or fire escapes.

7.17 Sign Removal and Non-conforming Signs

- a. Any sign now or hereafter existing which no longer advertises a bona fide business conducted or a product sold on a premises shall be taken down and removed by the owner, agent or person having the beneficial use of the building, lot or structure upon which the sign may be found.
- b. Whenever a sign is removed from a building or structure, the building or structure shall be cleaned, painted or otherwise altered, and all sign supports, brackets, mounts, utilities or other connecting devices shall be removed so that there is no visible trace of the removed sign or the supports, brackets, mounts, utilities or other connecting devices.
- c. Upon failure to comply with the sign regulations as set forth in the Code, a Code Enforcement Officer is authorized to cause immediate removal of such sign, as follows:
 - 1) For temporary signs in the public right-of-way, verbal notification of the owner shall be given requesting removal within fifteen (15) days. If after this time, the sign is not removed, then the Code Enforcement Officer shall remove the sign at the owner's expense.
 - 2) For non-complying temporary signs on private property, written notification to the owner shall be given requesting compliance or removal within thirty (30) days. If after this time the sign is not removed, a Code Enforcement Officer shall remove the sign at the owner's expense in an amount to be determined by the Code Administrator;
 - 3) For non-complying temporary signs creating a threat to health, safety, and welfare, in a visibility triangle, on a sidewalk or for other reasons, a Code Enforcement Officer shall immediately remove the sign at the owner's expense and shall notify the owner by certified mail;
 - 4) For non-complying temporary signs for which no permit is required, the Code Enforcement Officer shall immediately remove the sign at the owner's expense and shall notify the owner by certified mail; and
 - 5) For non-complying permanent signs, the regular procedure for the violation of the Code shall be followed.
 - 6) Billboards or other non-conforming signs: owners or custodians of existing signs affected by this Code shall five years from the effective date of the Code to conform to the applicable sign provisions.

History. Article VIII was completely revised and amended by County Ordinance 1990-11.

1306155

ARTICLE IX - MOBILE HOME PARKS

SECTION 1 - SUBMITTALS**1.1 Mobile Home Parks Which are Subdivisions**

All mobile home parks which are subdivisions shall submit all submittals required by Article V and this Section.

For all mobile home parks, the applicant shall submit a development plan which:

- 1.1.1 Depicts proposed land use for the entire land area set forth in the application.
- 1.1.2 Encompasses the entire boundaries of the tract proposed for development and indicates existing conditions and development for the additional surrounding area at least two hundred feet (200') from the exterior tract boundaries;
- 1.1.3 Is drawn at a scale of either fifty feet (50') or one hundred feet (100') to the inch and which indicates topography at a two foot (2') contour interval; and
- 1.1.4 Depicts, with appropriate dimensions, an arrangement of buildings and their uses, off-street parking and loading facilities, internal automobile and pedestrian circulation, ingress and egress from adjoining streets, roads or highways, service area and facilities, drainage systems, landscaping, fences and walls, and the size, location orientation and type of all signs proposed.

SECTION 2 - PROTESTS

In case of a protest filed with the Code Administrator in writing against any proposed mobile home park signed by the owners of twenty percent (20%) or more, either of the area of:

- a. The lots and lands included in such proposed mobile home park or;
- b. Those immediately adjacent in the rear thereof extending 200 feet therefrom; or
- c. Those directly opposite thereto lying 200 feet from the street or road frontage of such opposite lots or lands.

SECTION 3 - PERFORMANCE STANDARDS

A mobile home park shall not be approved if it will significantly interfere with the existing use of property in the adjacent area.

SECTION 4 - DESIGN STANDARDS

All mobile home parks shall comply with the following design standards and a subdivision which is a mobile home park shall be reviewed for compliance with the following design standards. For mobile home parks which are subdivisions, the design standards set forth in this Article shall apply and the design standards set forth in Section 9 of Article V (Subdivision Regulations) shall not apply.

- 4.1 Location of the mobile home park on a well drained site, properly graded to insure rapid drainage of this site.

- 4.2 Provision of spaces that are well defined and delineated with a minimum lot size per mobile home unit of thirty five hundred (3,500) square feet, if a variance from the density requirements of the Code is obtained.
- 4.3 Each mobile home shall be supported in such manner as provided in the rules and regulations specified by the New Mexico Mobile Housing Commission.
- 4.4 A maximum of ten (10) mobile home spaces per acre within a mobile home park.
- 4.5 Location of mobile homes on each space so as to provide:
 - 4.5.1 At least a twenty foot (20') clearance between the mobile homes;
 - 4.5.2 Location of mobile homes not closer than ten feet (10') from any mobile home space or lot, or from any building on any adjacent property within the park, including small individual storage units, or other structures such as porches or portals or any property line of the park which does not abut upon a public street or highway;
 - 4.5.3 Location of mobile homes not closer than twenty five feet (25') from any property line of the park abutting upon a public street or highway, or such other distance as may be established by ordinance or regulation as front yard or setback requirement with respect to conventional buildings in the district in which the mobile home park is located.
 - 4.5.4 For the purpose of this Section, the distance between mobile homes must be calculated to include any porch, attached room or deck, or any similar addition or improvement.
- 4.6 Provision for two (2) off-street parking spaces for each mobile home space, which such parking places shall be paved in concrete or asphalt.
- 4.7 Provision for walkways from all mobile home spaces to all common areas within the mobile home park, and such walkways shall not be less than thirty six inches (36") in width and constructed of any hard surface material (e.g., concrete, asphalt, brick or flagstone).
- 4.8 All mobile home parks shall be adequately lighted at night.
- 4.9 Provision that:
 - 4.9.1 Private streets shall have a minimum six (6) inch base course and a minimum width of twenty four feet (24');
 - 4.9.2 Private collector streets shall have a minimum of six (6) inch base course and a minimum width of thirty feet (30'); and
 - 4.9.3 Public dedicated streets shall observe right of way requirements and subdivision design standards set forth in Article V, Sections 8.2 and 8.5 and Appendix 5.B of the Santa Fe County Subdivision Regulations .
- 4.10 The perimeter of the park shall be landscaped to blend as closely as possible with the surrounding land contours and vegetation.
- 4.11 Provision of a porch and step pad which such pad is to be located adjacent to the mobile home stand and constructed of hard surface material (e.g., concrete, asphalt, brick or flagstone, with a minimum area of seventy two (72) square feet and a minimum thickness of four inches (4").
- 4.12 Entrance roadways to the mobile home park shall be designed in accordance with current traffic engineering criteria and shall be subject to the approval of the Code Administrator.
- 4.13 Service buildings, if provided, shall comply with the standards prescribed by the New Mexico Mobile Housing Commission and the New Mexico Construction Industries Division.

- 4.14 All service buildings and grounds of the mobile home park shall be maintained in a clean condition and kept free of any conditions that will menace the health or safety of any occupant and the public and shall not constitute a nuisance.

SECTION 5 - DISCLOSURE STATEMENT

- 5.1 Developer to Provide Disclosure Statement. Prior to renting or leasing any space within a mobile home park, the developer shall provide the prospective tenant or lessee with a written disclosure statement in order that the prospective tenant or lessee may make an informed decision whether or not to rent or lease the space or property in the mobile home park.
- 5.2 Form of Disclosure Statement. The disclosure statement shall be headed in the manner and form substantially as shown on the following form. The disclosure statement requirements of Article V do not apply to mobile home parks.

ARTICLE X - DEFINITIONS**SECTION 1 - DEFINITIONS OF WORDS AND PHRASES USED IN THE CODE**

The following definitions apply to words and phrases used in the Code:

- 1.1 **Absorption field** - an area in which open, joint or perforated piping is laid in gravel-packed trenches, or excavations for the purpose of distributing the effluent discharged from a tank used as a part of an individual liquid waste disposal system for absorption into the soil.
- 1.2 **Access corridor** - the designated and approved area within a Buildable Area on which an approved road or driveway may be constructed.
- 1.3 **Aerobic disposal system** - an absorption field and a tank where air is introduced to the liquid waste by mechanical means.
- 1.4 **Airport** - an area of land designated for the landing and taking off of aircraft and utilized or to be utilized by the public as a point of arrival or departure by air.
- 1.5 **Area of land** - any land which is divided or proposed to be divided, whether contiguous or not, as part of a common promotional plan and where land is offered for sale or lease by a single developer, or a group of developers acting in concert, and such land is contiguous or is known, designated, or advertised as a common unit or by a common name. Such land shall be presumed, without regard to the number of lots covered by each individual offering, as being offered for sale or lease as part of a common promotional plan.
- 1.6 **Application** - all materials required to be submitted by an applicant to the Code Administrator, the County Development Review Committee, or the Board in support of a request for a development permit.
- 1.7 **Average slope** - average slope for any lot, tract, parcel or building site shall be calculated using the formula for "percent of slope" set forth in this Article X.
- 1.8 **Base flood** - the flood having a one percent (1%) chance of being equaled or exceeded in any given year.
- 1.9 **Block** - the distance measured along a street between intersection streets from center line to centerline and where the context requires, it also means the enclosed area within the perimeter of the streets or property lines enclosing it.
- 1.10 **Board** - the Board of County Commissioners of Santa Fe County, State of New Mexico.
- 1.11 **Body of water** - all water situated wholly or partly within or bordering upon this State, whether surface or subsurface, public or private.
- 1.12 **Buffer strip:**
 - a. The land adjoining a watercourse or drainage channel with a vertical bank of at least forty-five (45) degrees, and extending perpendicularly from the vertical bank of the watercourse or drainage channel to a distance three times the depth of the watercourse or drainage

- channel measured from the bottom of the watercourse or drainage channel to the top of the vertical bank; or
- b. The area adjoining highways or railroads.

- 1.13 Buildable Area - means that portion of a lot upon which buildings, structures or other development may be placed, limited by floodplains, slope or other terrain constraints, required buffer zones and setbacks, the maximum lot coverage standards or other design and development standards set forth in the Ordinance.
- 1.14 Building - a structure, having a roof supported by columns or walls and intended for the shelter, housing or enclosure of people, animals, property, equipment, goods or materials or business activity.
- 1.15 Building line - means a line on a plat between which line and a street no building or structure may be erected.
- 1.16 Caliper - American Association of Nurserymen standard for trunk measurement of nursery stock. Caliper of the trunk shall be taken six inches above the ground for and up to and including four-inch caliper size, and 12 inches above the ground for larger sizes.
- 1.17 Class I Water Supply System - a water supply system serving eleven (11) or more parcels.
- 1.18 Class II Water Supply System - a water supply system serving ten (10) or less parcels.
- 1.19 Cluster development - a form of development for subdivisions that concentrates lots and structures on a site to allow the remaining land to be used for recreation, open space, agriculture and/or preservation of environmentally sensitive area. Cluster subdivision permits a reduction in lot area provided there is no increase in the total number of lots allowed under the applicable zoning ordinance and the remaining land is reserved for open space.
- 1.20 Cluster wells - a well which provides water to more than one (1) dwelling but which is not part of a community water system.
- 1.21 Code Administrator - the Code Administrator of the County, appointed and having authority as set forth in Article II of the Code.
- 1.22 Code Map - means an original map approved by the Board and on file with the Code Administrator, of which a smaller scale facsimile reproduction appears in the County General Plan, a map approved by a County or Local Development Review Committee and by the Board as part of the Code, or any other map specifically identified in the Code.
- 1.23 Common Promotional Plan - any plan or scheme of operation, undertaken by a single subdivider or a group of subdividers acting in concert, to offer for sale or lease parcels of land where such land is either 1) contiguous to or part of the same area of land or 2) is known, designated or advertised as a common unit or by a common name.
- 1.24 Community Liquid Waste Disposal System - a liquid waste collection, treatment and disposal system governed by and having a valid National pollutant Discharge Elimination System (NPDES) permit or an approved discharge plan conforming with New Mexico Water Quality Control Commission Regulations, latest revision. Community liquid waste disposal systems may include the City sewer system or other public sewer system or a private collection system

and treatment plant. Such systems will normally serve five (5) or more dwelling units or treat more than 2000 gallons of liquid waste per day.

- 1.25 Community Water System - a water supply system which serves five (5) or more dwelling units or commercial units through facilities which are under central or common ownership and/or management using permitted water rights other than wells permitted by the State Engineer under Section 72-12-1 NMSA.
- 1.26 Compatible Use - as used in Article VI means a use which is presumed to be compatible for the Ldn Zone in which it is proposed and may be permitted pursuant to the Code. A compatible use shall not be regarded as a use by right.
- 1.27 County - Santa Fe County, New Mexico.
- 1.28 County Assessor - the County Assessor of Santa Fe County, State of New Mexico.
- 1.29 County Clerk - the County Clerk of Santa Fe County, State of New Mexico.
- 1.30 County Engineer - the County Engineer for Santa Fe County, State of New Mexico, or his duly authorized representative.
- 1.31 County Manager - the County Manager of Santa Fe County, State of New Mexico.
- 1.32 County Surveyor - the County Surveyor of Santa Fe County, State of New Mexico.
- 1.33 County General Plan - the comprehensive master plan for the land in the County which has been adopted pursuant to New Mexico law and shall include without limitation any Local Land Use and Utility Plan which has been incorporated as part of the County General Plan.
- 1.34 Crest - the highest point on a hill or the highest line along a ridge.
- 1.35 Critical root zone - a circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained or protected for the tree's survival. Critical root zone is one (1) foot of radial distance for every inch of tree diameter measured at 4.5 feet above the ground, or for trees that split into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split.
- 1.36 Cul-de-sac - a dead end road ending in a turn around.
- 1.37 Dead end road - a road with only one exit. Looped roads or branched roads with only one exit are dead end roads.
- 1.38 Design storm - a storm of one hundred (100) year recurrence interval and twenty-four (24) hour duration. Precipitation values for the design storm shall be derived from the current NOAA weather atlas or on-site data from U.S. Weather Service gauged stations.
- 1.39 Designated landscape areas - those areas on a lot or parcel in which plants shall be preserved or installed to meet the landscape, buffering, or revegetation requirements of the Code, including but not limited to, roadway or parking lot buffers, revegetation and buffering of cuts, fills, retaining walls and structures on steep terrain and ridgetops. Areas dedicated to recreational playfields or to the production of food crops such as vegetable gardens or orchards are not included.

- 1.40 **Development** - the making of any material change in the use or appearance of any structure or land or the performance of any building or terrain modification, including, without limitation:
- a. construction, reconstruction, alteration, repair, addition to or location of a structure;
 - b. use of land or a structure for commercial, industrial, agricultural, or residential purposes;
 - c. division of the surface area of land;
 - d. installation of water, sewer or other sanitation utility facilities; except wells for which a permit is obtained under Section 75-11-1 NMSA (1953 Comp) as it may be amended and individual on-site liquid waste systems.
 - e. construction of roads, streets, or driveways;
 - f. erection, alteration or destruction, within Historic Districts, of the exterior features of a structure which are subject to public view from any public thoroughfare or place; or
 - g. use of water which is inconsistent with the water management policies of the Code and the General Plan.
- 1.41 **Development Permit** - any permit issued by the County under the Code, whether or not so denominated, including a permit customarily called a building permit or a zoning permit or other action taken by the County having effect of permitting development as defined in this Code.
- 1.42 **Development Site** - the designated and approved area within a Buildable Area on which approved development may be constructed. The development site of a lot, tract or parcel includes building sites, access corridors, utility sites and corridors, and landscape areas.
- 1.43 **Disclosure Statement** - statement required to be given to persons acquiring an interest in subdivided land; this statement complies with the requirements of §47-6-17 NMSA 1978.
- 1.44 **Drainage channel** - any depression into which storm water flows along a defined course.
- 1.45 **Drainage way** - a channel formed by the existing surface topography of the earth or a man-made drainage network having a defined channel for the removal of water from the land, including both the natural elements of arroyos, streams, marshes, swales, and ponds, whether of an intermittent or continuous nature and man-made elements such as acequias, ditches, channels, retention facilities, and storm water systems.
- 1.46 **Dwelling**
- a. a structure or portion thereof used, or intended to be used, by a person or persons for residential use,
 - b. a mobile home, or
 - c. each unit occupied by a person or persons in any structure or portion thereof used or intended to be used for residential purposes by a person or persons.
- 1.47 **Easement** - a right or privilege that a person or persons may have in another's land, such as the right of passage.
- 1.48 **Engaged in the sale or lease of subdivided land** - an interest in subdivided land which is offered for sale or lease, or assisting in the sale or lease of subdivided land.
- 1.49 **Engineering interpretations** - the evaluation of soil properties that might affect intended uses.
- 1.50 **Erosion** - soil movement due to wind or water.

- 1.51 Erosion control structure - any man-made device preventing or controlling erosion.
- 1.52 Estancia Valley Agricultural Area - agricultural land within the Estancia Valley Water Basin but not within the Edgewood Metropolitan Area where water rights are permitted or declared.
- 1.53 Family Proper - lincal relations up to and including the third degree, i.e. grandparent, parent, child. Step relationships shall count as natural relationships so long as the step relationship is legally existent at the time of the transfer. Also including legal guardians who have performed the function of grandparent or parent to the person who is receiving the transferred lot.
- 1.54 Family Transfer - the division of land to create a parcel that is sold or donated as a gift to an immediate family member (as defined herein); however, this exception shall be limited to allow the seller or donor to sell or give no more than one parcel per tract of land per immediate family member;
- 1.55 Final Plat - map, chart, survey, plat, or replat, certified by a licensed, registered land surveyor, which contains a description of the subdivided land with ties to permanent monuments, with complete dimensions of all lines defining lots and blocks, streets, alleys, public areas and other designations required by this Code and prepared in a form suitable for filing of record.
- 1.56 Floodway - that part of a special flood hazard area which would be inundated by water or mud to a depth of six (6) inches or more in response to a storm event having a return period of once in 25 years.
- 1.57 Flood Fringe - that part of a special flood hazard area which would be inundated by water or mud to a depth of six (6) inches or more in response to a storm event having a return period of once in 50 years.
- 1.58 Flood Hazard Area - an area within a floodway, flood fringe or flood plain.
- 1.59 Flood Hazard Boundary Map (FHBM) - an official map of a community, issued by the Federal Insurance Administration, where the areas within the boundaries of special flood hazards have been designated as Zone A.
- 1.60 Flood Insurance Rate Map (FIRM) - an official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- 1.61 Flood Insurance Study - is the official report provided by the Federal Insurance Administration. The report contains flood profiles, the water surface elevation of the base flood, as well as the Flood Hazard Boundary-Floodway Map.
- 1.62 Flood Plain - means that part of a Special Flood Hazard Area which would be inundated in water or mud to a depth of six (6) inches or more in response to a storm event having a return period of once in 100 years.
- 1.63 Geohydrologic report - means a report on subsurface water availability.
- 1.64 Hydrologic report - means a report on surface water availability.
- 1.65 Home occupation - means an occupation conducted within a dwelling, or on a parcel on which a dwelling is located by the occupant of the dwelling.

- 1.66 Immediate Family Member - husband, wife, father, stepfather, mother, stepmother, brother, stepbrother, sister, stepsister, son, stepson, daughter, stepdaughter, grandson, stepgrandson, granddaughter, stepgranddaughter, nephew and niece, whether related by natural birth or adoption.
- 1.67 In the County, within the County - or similar phrases mean within the boundaries of the County, but not within the limits of any incorporated municipality.
- 1.68 Individual Liquid Waste Disposal System - means a disposal system which services an individual dwelling or parcel and includes, but is not limited to, septic tank systems, aerobic disposal systems and evapotranspiration systems.
- 1.69 Incompatible use - as used in Article VI means a use which shall not be permitted in the Ldn Zone where it is proposed.
- 1.70 Lcasc - to lease, or offer to lease, land.
- 1.71 Legal Lot of Record - a lot which either was created prior to the date of any applicable provision of law which required it to be approved as part of a subdivision or land division, or which has been created as part of a subdivision or land division created in accordance with all applicable laws or ordinances. Proof of legal lot of record may be provided by a duly recorded plat or by a written instrument which adequately describes the lot and is recorded with the County Clerk.
- 1.72 Light Reflective Value (LRV) - a measurement of the percentage of total visible light that is reflected from a surface. The LRV of a paint, stucco, or roof material is available from the manufacturer (many products are labeled with LRV ratings at the retail outlet); the LRV measures the amount of light reflected by a certain material and color
- 1.73 Liquid waste - domestic, commercial or industrial wastewater containing human excreta or other liquid carried waste.
- 1.74 Ldn - day/night equivalent sound level computed to United States Environmental Protection Agency Standards and Procedures.
- 1.75 Ldn Zone 1 - a designated area over which the noise rating is less than 65 Ldn.
- 1.76 Ldn Zone 2 - a designated area over which the noise rating is between 65 and 70 Ldn.
- 1.77 Ldn Zone 3 - a designated area over which the noise rating is between 70 and 75 Ldn.
- 1.78 Ldn Zone 4 - a designated area over which the noise rating exceeds 75 Ldn.
- 1.79 Local District - any Natural Resource Conservation District within the County in which the proposed subdivision is located.
- 1.80 Lot - a parcel of land, a plat of which prepared by a licensed land surveyor has been filed and recorded in the records of the County Clerk.
- 1.81 Maximum annual water requirement - the total annual diversion required from the source to meet the water use requirements of the subdivision, including conveyance losses.

- 1.82 mg/l - milligrams per liter
- 1.83 Mine site - the area of land in which the mine, mill recovery plant, crushers, buildings, structures, improvements, wells, excavations, dumps, waste piles, tailings ponds and other features normally utilized in mining operations are located and shall include all of the area of land containing the same, similar or related mineral bodies or deposits which the mine operator may excavate and mine which is lying within the same or contiguous mining zone. (Applies to Article XI only)
- 1.84 Mineral - an inanimate constituent of the earth, in solid, liquid, or gaseous state which, when extracted from the earth, is usable in its natural form or is capable of conversion into a usable form of metal, or metallic compound, a non-metal, a non-metallic compound, a chemical, an energy source, or a raw material for manufacturing, road building or construction material or oil, oil shale, natural gas, geothermal resources, but shall not include surface or subsurface water. (Applies to Article XI only)
- 1.85 Mineral exploration uses - the prospecting, geophysical and geologic surveying and sampling techniques, which include but are not limited to core or rotary drilling or making an excavation, performed in the search and evaluation of valuable mineral deposits when as a result of such activities minerals are not products for commercial sale. (Applies to Article XI only)
- 1.86 Mining use - means drilling drillholes, establishment or operation of placer mine, shaft, open pit mine, removal of overburden or other excavation from which minerals, ore or other mineral substances are to be removed or taken and the processing of minerals, ore or mineral substances. (Applies to Article XI only)
- 1.87 Mobile home - means any vehicle or transportable structure without motive power, that is equipped with wheels and axles, is designed with bathroom and kitchen facilities, and is intended for occupancy as a dwelling for unlimited periods of time.
- 1.88 Mobile home park - means any area of land upon which five or more mobile homes, occupied for dwelling or sleeping purposes are located, and where a charge is made for such accommodation or where mobile homes are proposed to be located and a charge made.
- 1.89 Mobile home space - means an area of land, within a mobile home park, designed for the accommodation of one mobile home in accordance with the requirements set forth in the Code.
- 1.90 Native vegetation - any plant species with a geographic distribution indigenous to the applicable life zone in Santa Fe County. Plant species which have been introduced by man are not native vegetation.
- 1.91 Natural slope - the Percent of Slope as calculated prior to development from the elevation difference between two adjacent contour lines (H - L) and the perpendicular horizontal distance (D) between them.
- 1.92 No Build Areas - the land area or areas on a lot or parcel which are restricted for development pursuant to standards of the Code, including but not limited to, slopes greater than 30%, wetlands, floodways, rock outcroppings, arroyos or other natural drainage ways.
- 1.93 Non-residential use - any use which does not involve the use of a structure as a dwelling.

- 1.94 Nonconformity - development which does not comply with the Code or amendments thereto, and which lawfully existed on the effective date of the Code or amendment.
- 1.95 Northern Valley Agricultural Area - agricultural land north of the Santa Fe Metropolitan Area and south of Espanola Metropolitan Area on which permitted or declared water rights are being put to beneficial use for agricultural purposes.
- 1.96 Owner - any person or his successor in interest who purchases or leases land within a subdivision from a subdivider.
- 1.97 Parcel - an area of land not dedicated for public or common use capable of being described with such definiteness that its location and boundaries may be established, and includes but is not limited to lots.
- 1.98 Parcel, double frontage - a parcel which is accessible from both parallel streets upon which it fronts.
- 1.99 Percent of Slope - means the vertical change in a land surface calculated as follows:

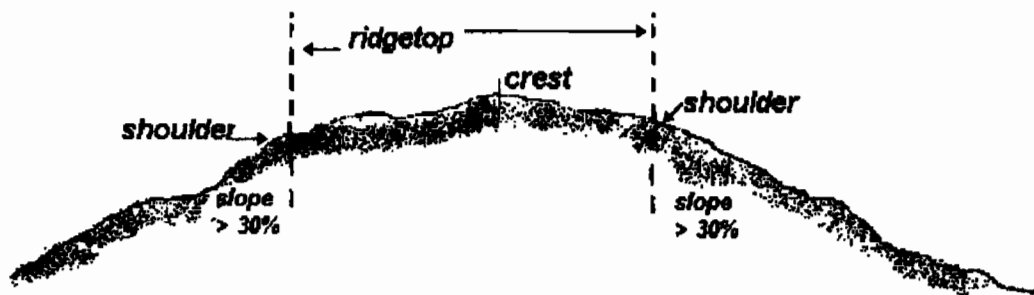
$$\frac{H - L}{D} \times 100 = \% \text{ slope}$$

where H is the highest elevation of the area for which slope is being determined; L is the lowest elevation of the area for which slope is being determined; and D is the horizontal distance between H and L measured perpendicular to the contour lines.

- 1.100 Permitted Rights - means the right to appropriate water to beneficial use as authorized by a permit issued by the New Mexico State Engineer other than a permit issued under the provisions of Section 72-12-1 NMSA 1978, as amended.
- 1.101 Person - any individual, partnership, estate, trust, receiver, cooperative association, corporation, Indian Tribe, company, firm club, joint venture, syndicate, the State, any political subdivision of the State and its agencies or any other entity.
- 1.102 Plat - means a map, chart, survey, plan or replat certified by a licensed registered land surveyor containing a description of subdivided land with ties to permanent monuments. As used in the Subdivision Regulations, "Plat" also means a map and other submittals as required by the subdivision regulations of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the proposed subdivision of land.
- 1.103 Preliminary Plat - map of a proposed subdivision showing the character and proposed layout of the subdivision and the existing conditions in and around it in sufficient detail to indicate the suitability of the proposed subdivision of land. The map need not be based upon an accurate and detailed survey of the land.
- 1.104 "Q" - the design capacity of a channel or conveyance or the volume of water generated by the design storm. "Q" is measured in cubic feet per second (cfs). Mannings or Chezy formulas apply; rational formula does not apply.
- 1.105 Reclamation - the employment during and after a mining operation of procedures reasonably designed to minimize as much as practicable the disruption from the mining operation and to provide for the rehabilitation of affected land through the rehabilitation of plant cover, soil

stability, water resources, or other measures appropriate to the subsequent beneficial use of such mined and reclaimed lands.

- 1.106 Reconnaissance hydrology report - an abbreviated geohydrology report submitted according to the requirements of Article VII, Section 6.
- 1.107 Residential - a structure which is arranged, designed, or used as a dwelling.
- 1.108 Ridgetop - the uppermost elevations, between the shoulder and crest, of any hill or ridge with a slope of thirty percent (30%) or greater. For purposes of these regulations, a ridgetop means the area measured horizontally from the shoulder across the crest to the parallel shoulder. A ridge formation which does not contain a development site of at least twelve hundred (1200) square feet will not be classed as part of the Buildable Area for purposes of construction of a primary residential structure. See also "Shoulder" defined below. Where a ridgetop measures more than three hundred feet (300') from shoulder to shoulder (a mesa), the ridgetop standards and requirements for architecture and buffers shall apply within one hundred fifty feet (150') of the shoulder of the ridge.



- 1.109 Sediment - means soil or other surface material transported by wind or surface water as a product of erosion.
- 1.110 Sell - to sell or offer to sell land.
- 1.111 Septic tank system - a tank which is designed and constructed to separate solids from the liquid and digest organic matter through a period of detention together with an absorption field.
- 1.112 Shoulder - the line where the profile of the upper slope of an elevation (hill, ridge, mountain, escarpment, etc.) changes from 30% or greater slope to less than 30% slope.
- 1.113 Significant tree - any existing native trunk-type tree in good health and form which is eight inches (8") or more in diameter as measured four and one-half feet (4 1/2') above natural grade; any existing native bush-form or character tree (pinon) which is eight feet (8') high and has a spread of eight feet (8').
- 1.114 Site - the location of a lot or parcel or a structure thereon.
- 1.115 Small Lot Inheritance Transfer - a lot created by a valid will or by order of a court in probate but not for the purpose of sale or lease, which lot does not meet the density requirements of the Code.

- 1.116 Small Lot Family Transfer - a lot created as a gift from a grandparent, parent or legal guardian to his or her natural or adopted child or grandchild or legal ward, which lot does not meet the density requirements of the Code. (These relationships are further defined in "Family Proper".) Any person may receive only one lot through Small Lot Family Transfer.
- 1.117 Soil profile - a vertical section of the soil through all its horizons and extending in to the parent material.
- 1.118 Soil survey - a national cooperative soil survey conducted by the United States Department of Agriculture in cooperation with the State Agriculture Experiment Station and other Federal and State agencies or any other survey containing information of comparable quality and detail approved by the Natural Resource Conservation District.
- 1.119 Soil type - a soil complex or association having similar characteristics of behavior in the natural landscape and similar properties that affect its management as described by the naming and classification scheme used by the Natural Resource Conservation Service (NRCS), U.S. Department of Agriculture.
- 1.120 Solid waste - any solid or semi-solid discarded material which results from household, commercial, industrial or other operations, but does not include water-carried waste in sewage systems.
- 1.121 Standard density - lot size considering the proposed water usage. For example, the standard lot size for the Basin Zone where water usage is proposed to be 1.0 acre feet is ten (10) acres.
- 1.122 Steep terrain - any land having an average natural slope of 15% or more.
- 1.123 Street - all real estate dedicated or intended for public use for access to abutting lands or subject to public easements therefor, whether improved or unimproved and whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, alley, avenue, boulevard, lane, place, circle, or however otherwise designated, and including median and divider strips, sidewalks, curbs, gutters and borrow ditches.
- 1.124 Street, Collector - a street that serves as a connection between several local streets and one or more arterial streets.
- 1.125 Street, Local - a street of relatively short length that provides direct access to a limited number of abutting properties.
- 1.126 Street, Roadway - that portion of the street available for vehicular traffic and, where curbs are laid, the portion from back-to-back of curbs.
- 1.127 State Engineer - the duly authorized State Engineer of New Mexico whose office has jurisdiction over surface and subsurface water rights.
- 1.128 State Environment Department - that duly authorized agency of the State of New Mexico whose agency has jurisdiction over water quality, water delivery systems, liquid waste disposal system(s) and solid waste systems.
- 1.129 State Highway Department - means that duly authorized agency of the State of New Mexico whose agency has jurisdiction over the construction and maintenance of all State highways.

- 1.130 **Structure** - means anything constructed or installed or portable, the use of which requires a location on, above or under a parcel of land, including without limitation a dwelling, a movable structure while it is located on land, usable for housing, business, commercial, agricultural or office purposes either temporarily or permanently; advertising signs, billboards; poles; pipelines, transmission lines and tracks; provided, however, that structure does not include fences and signs used for advertising consisting of less than three (3) square feet. "Structure" does not mean walls, fences, telephone booths, swimming pools, wells, septic tanks, drainfields, cesspools or privies
- 1.131 **Subdivide** - to divide a surface area of land into a subdivision
- 1.132 **Subdivider** - any person/agent who creates or who has created a subdivision, individually or as part of a common promotional plan, or any person engaged in the sale, lease, or other conveyance of subdivided land; however, "subdivider" does not include any duly licensed real estate broker or salesperson acting on another's account.
- 1.133 **Subdivision** - the division of a surface area of land within the County, including land within a previously approved subdivision, into two or more parcels for the purpose of sale, lease, or other conveyance; or for building development, whether immediate or future; however, "subdivision" does not include:
- a. the sale, lease, or other conveyance of any parcel that is thirty-five (35) acres or larger in size within any twelve (12) month period, provided that the land has been used primarily and continuously for agricultural purposes, in accordance with §7-36-20 NMSA 1978, for the preceding three (3) years;
 - b. sale or lease of apartments, offices, stores or similar space within a building;
 - c. divisions of land within the boundaries of a municipality;
 - d. the division of land in which only gas, oil, mineral or water rights are severed from the surface ownership of the land;
 - e. the division of land created by court order where the order creates no more than one parcel per party;
 - f. the division of land for grazing or farming activities, provided the land continues to be used for grazing or farming activities;
 - g. the division of land resulting only in the alteration of parcel boundaries where parcels are altered for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased ;
 - h. the division of land to create burial plots in a cemetery;
 - i. the division of land to create a parcel that is sold or donated as a gift to an immediate family member; however, this exception shall be limited to allow the seller or donor to sell or give no more than one parcel per tract of land per immediate family member;
 - j. the division of land created to provide security for mortgages, liens, or deeds of trust, provided that the division of land is not the result of a seller-financed transaction and provided that the parcel given for security is consolidated with the original parcel upon release of the mortgage, lien or deed of trust;
 - k. the sale, lease, or other conveyance of land that creates no parcel smaller than one hundred forty (140) acres;
 - l. the division of land to create a parcel that is donated to any trust or nonprofit corporation granted an exemption from federal income tax, as described in §501 (c) (3) of the United States Internal Revenue Code of 1986, as amended: school, college, or other institution with a defined curriculum and a student body and faculty which conducts classes on a regular basis; or to any church or group organized for the purpose of divine worship, religious teaching, or other specifically religious activity; or

- m. the sale, lease, or other conveyance of a single parcel from a tract of land, except from a tract within a previously approved subdivision, within any five (5) year period, provided that a second or subsequent sale, lease or other conveyance from the same tract of land within five (5) years of the first sale, lease, or other conveyance shall be subject to the provisions of the New Mexico Subdivision Act; provided further that a survey shall be filed with the County Clerk indicating the five (5) year holding period for both the original tract and the newly created tract. Summary Review
- 1.134 Summary Review Subdivisions - Type III subdivisions containing five (5) or fewer parcels of land, unless the land within a subdivision has been previously identified in the County General Plan or this Code as an area subject to unique circumstances or conditions that require additional review, and all Type V subdivisions
- 1.135 Tank - means a watertight receptacle which receives liquid waste from the sanitary drainage system of a building and in which bacterial assimilation of organic matter takes place.
- 1.136 Terrain Management - control of floods, drainage and erosion, and measures necessary to adapt proposed development to existing soil characteristics and topography.
- 1.137 Terrain Management Plan - an applicant's proposal for the control of floods, drainage and erosion, and measures required for adapting proposed development to existing soil characteristics and topography.
- 1.138 Time of Purchase, Lease or other Conveyance - time of signing any document obligating the person signing the document to purchase, lease, or otherwise acquire a legal interest in land.
- 1.139 Traditional Community - a Traditional Community located in the County as established by the Code.
- 1.140 Trailer - a house trailer or structure that exceeds neither a width of eight (8) feet nor a length of thirty two (32) feet designed to be transported and intended for human occupancy as a dwelling for short periods of time and containing limited or no kitchen or bathroom facilities.
- 1.141 Type I Subdivision - any subdivision containing five hundred (500) or more parcels, any one of which is less than ten (10) acres in size.
- 1.142 Type II Subdivision - any subdivision containing not less than twenty-five (25) but not more than four-hundred-ninety-nine (499) parcels, any one of which is less than ten (10) acres in size.
- 1.143 Type III Subdivision - any subdivision containing not more than twenty-four (24) parcels any one of which is less than ten (10) acres in size.
- 1.144 Type IV Subdivision - any subdivision containing twenty-five (25) or more parcels, each of which is ten (10) acres or more in size.
- 1.145 Type V Subdivision - any subdivision containing not more than twenty-four (24) parcels, each of which is ten (10) acres or more in size.

SUBDIVISION TYPES		
Type	Number Of Parcels	Size Of Smallest Parcel
I	500 or more	Less than 10 acres
II	25 to 499	Less than 10 acres
III	2 to 24*	Less than 10 acres
IV	25 or more	10 acres or more
V	2 to 24*	10 acres or more

* Also see definition of Summary Review Subdivisions

- 1.146 Utility site and utility corridor - the designated and approved area within a Buildable Area on which approved utilities may be located. Utilities include all water (including wells), sewage (including septic tanks and leach fields), electric, gas, telephone and cable facilities.
- 1.147 Vacation - act of rescinding all or part of a recorded subdivision plat, including legal dedications and grants of easements.
- 1.148 Water conservation covenant - a covenant running with the land which requires the owner to observe certain water conservation practices.
- 1.149 Watercourse - any river, creek, spring, stream or any other like body having definite banks and evidencing an occasional flow of water.
- 1.150 Water supply system - a system to provide water for domestic use of human consumption.
- 1.151 Xeriscape - a landscape design practice consisting of native and well adapted, non-native plants combined by like water needs to create a visually pleasing, drought tolerant garden, which once established, will require minimal supplemental watering.

SECTION 2 - DEFINITIONS IN SUBDIVISIONS REGULATIONS

The definitions provided in the Subdivision Regulations are incorporated as part of Article X of the Code and the definitions may be reproduced as part of Article X in any reproduction of the Code.

SECTION 3 - MISCELLANEOUS

When not inconsistent with the context, words used in the present tense include the future tense; words used in the plural form include the singular form. The word "shall" is mandatory, and the word "may" is permissive. The masculine includes the feminine form.

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SANTA FE COUNTY LAND DEVELOPMENT CODE

ARTICLE XI
ZONING FOR EXTRACTION OF CONSTRUCTION MATERIALS

SECTION 1 - MINERAL EXTRACTION: CONSTRUCTION MATERIALS

1.1 Applicability

Mineral extraction activity for construction materials, including but not limited to, stone, sand, gravel, aggregate, or similar naturally occurring materials, (hereinafter: construction materials) shall be allowed anywhere in the County, provided the requirements of this Ordinance are met.

1.1.1 Special Uses

Industrial, manufacturing and related office uses not related to mining uses are allowed in mining zones, provided they meet the requirements of the Santa Fe County Land Development Code 1980-6, as amended.

1.1.2 Conflicting Provisions

The provisions of this Article XI shall apply to zoning for extraction of construction materials; namely, stone, sand and gravel, and any provision in this Code which is contrary to this Article XI, shall have no application and shall be precluded by this Article XI.

1.1.3 Penalties

- A. Failure to comply with this Article XI of the Code shall result in the imposition of penalties as set forth in Article II, Section 5, of this Code.
- B. Penalties may also include suspension or revocation of the Mineral Exploration and/or Mining Land Use Permit.

1.2 Location Standards for Creation of New Mining Zones

The Santa Fe County Board of County Commissioners may create new mining zones, provided the following location standards are satisfied.

1.2.1 Demonstrated existence of significant mineral resources.

1.2.2 Use of the land for mining uses is reasonably compatible with other uses in the area affected by the mining use, including but not limited to traditional patterns of land use, recreational uses, and present or planned population centers or urban and metropolitan areas.

1.2.3 A history of significant mining activity in the area, if mining has been conducted in the area (not required for creation of new mining zones).

1.2.4 The area designated is particularly suited for mining uses, in comparison with other areas of the County, as set forth in Sections 1.2.1, 1.2.2 and 1.2.3.

1.3 Maximum Height

Structures shall be limited to a maximum height of thirty six (36) feet from the highest point of the surface of the ground at the perimeter of the structure. This height limitation shall also apply to temporary or portable drilling equipment. It is acknowledged that the provisions of this Section may be pre-empted by height restrictions of structures as imposed and regulated by the Federal Aviation Administration, and that such standards may be imposed upon mining operations, applications and permits. See Article II, Section 3.4 for additional information.

1.4 Submittals Required for Creation of Mining Zones

In addition to submittals required by Section 1.5, an applicant seeking the creation of a mining zone shall submit information showing that the proposed zone meets the locational standards set forth in Section 1.2.

1.5 Submittals for Mining Uses

1.5.1 Submittals for Mining Uses

All applications for mining uses shall contain:

- a. Vicinity map. A vicinity map showing the mine site and the area within a three (3) mile radius of the mine site drawn on a U.S.G.S. topographic quadrangle map.
- b. Existing site data. A map for the mine site, general survey, aerial photograph or any combination of the foregoing shall be at a scale of one (1) inch to five hundred (500) feet, or such other scale as approved by the Code Administrator, and shall include the following:
 - 1) A description of existing structures and improvements, including streets and utilities on and within two hundred (200) feet of the mine site unless otherwise required by the Code Administrator.
 - 2) A survey of the mine site showing the exterior boundary lines, bearings, and distances which, unless otherwise specified by the Code Administrator, shall be determined to a degree of precision such that no discrepancy between computed and measured distances shall exceed one (1) part in one thousand two hundred and eighty (1,280) parts.
 - 3) A notation stating acreage, scale, true and magnetic north arrow, U.S.G.S. datum and bench marks, if any, and certification of a professional engineer or a qualified land surveyor or other qualified person who prepared the existing site data.
 - 4) The location, width and purpose of any known or visible easements, right-of-way, or access to the mine site.
 - 5) Present tract designations or other identification according to official records in the County Clerk's office, if any, including the name and address of the owner of the property on which the mine site is located; and the name and address of the mineral owner of the property on which the mine site is located.
 - 6) Owners of record of property adjacent to the mine site.
- c. An operations plan consisting of the following:
 - 1) Maps, plans, graphics, descriptions, timetables, and reports which correlate and specify:
 - a) a detailed description of the method(s) or technique(s) of mining to be employed in each stage of the operation where any surface disturbance on affected lands will occur;
 - b) pursuant to the standards in Article VI, Section 3, Terrain Management of the Code, a description of all earthmoving activities which includes backfilling of cuts, and leveling or compaction of overburden;
 - c) if applicable, the location and size of all water diversions and impoundments or discharge of water used in mine operations;
 - d) the size and location of area(s) to be disturbed, which includes excavations, overburden spoils, topsoil stockpiles, driveways and roads;
 - e) areas to be used for storage of equipment and vehicles;
 - f) location and size of any structures;
 - g) areas designated to be reclaimed;
 - h) hours of operation and, if applicable, a description of outdoor lighting; and

- i) fire protection plans.
 - 2) A description of how construction materials will be processed on and/or removed from the site.
 - 3) A description of how each phase of exploration or extraction correlates to the reclamation plan.
 - 4) A time table for each phase of operations and reclamation.
 - 5) A description of the steps to be taken to comply with applicable air and water quality laws and regulations and any applicable health and safety standards.
 - 6) A drainage control plan showing methods which will be utilized to avoid erosion on and adjacent to the affected lands.
 - 7) A traffic generation report pursuant to Article III, Section 4.4.1, Submittals, Subsection 6).
 - 8) A description of all hazardous materials to be used and transported in connection with the mining activity and a description of steps that will be taken to insure that the use of such materials will have no adverse impact on the residents or environment of Santa Fe County.
- d. A plan to provide for reclamation of the mine site. For mining uses involving open pit mining operations, the mining operator shall be required to submit a plan for recontouring and reseeding or revegetation of the mine site or any phases thereof when the property or portions thereof has been mined. The plan for reseeding or revegetation may not require seeding or reseeding or revegetation of the open pit, but it shall require a plan to reseed or revegetate the remaining disturbed areas of the mine site, excluding roads, with reasonable allowances to recognize areas that cannot be practically seeded or revegetated because of slope, rock conditions or other limitation factors, in an attempt to provide roughly comparable vegetation to that which existed in the area prior to mining, through a single reasonable effort. The Board may require a security for completion of the reclamation required under the section. The security may be in the form of a:
- (1) surety bond issued by an insurance company which is rated "A" or better by Standard and Poors or a comparable rating service; or
 - (2) by a letter of credit in a form approved by the Board, issued by a state or national bank whose deposits are insured by the Federal Deposit Insurance Corporation; or
 - (3) if approved by the Board, by a corporate undertaking issued by the applicant corporation or its parent corporation listed on the New York or American Stock Exchange or major foreign stock exchange.
- e. If applicable, a description of hazardous materials produced or used by the operation, and a plan for disposal of the wastes, including comments by the New Mexico Environmental Improvement Division.
- f. An estimate of the average annual payroll, ad valorem taxes, gross receipts and other economic benefits for the proposed mining uses.
- g. A listing of the permits required to be obtained to engage in the mining use on the mine site. Upon obtaining copies of the required permits, submission of a copy of each of these permits to the Code Administrator. Copies of the submittals or other data presented in support of obtaining required permits shall be provided to the Code Administrator upon request and the listing of the regulatory agency under which this permit is required.
- h. The Code Administrator or the County Development Review Committee may recommend to the Board of County Commissioners and the Board of County Commissioners may require that the applicant provide an environmental impact statement for the proposed mining use. No impact statement shall be required until specific regulations are adopted by the Board setting forth the requirements for the scope, format, and content for environmental impact statements.

- i. Submission of an affidavit of ownership of mineral rights, in a form supplied by the Code Administrator.
- j. Exceptions and Substitutions for Submittals. Upon request of the applicant and approval of the Code Administrator, submittals may be substituted for submittals required by the Code. Upon request of the applicant and the approval of the Code Administrator, submittals required in this section may be omitted or modified.

1.6 Performance Standard

No mining use activity will be permitted if it is determined that the use will have a significant adverse affect on health, safety, morals or general welfare of the County or its residents.

1.7 Reviews for Mining Uses

Except as provided in this Section, mining uses as defined in the Code shall not be subject to the provisions of Article III, Section 10, Lot Size Regulations of the Code. The applicant shall submit evidence that the applicant has obtained an adequate water supply as evidenced by appropriate permits issued by the State Engineer's Office/Interstate State Stream Commission of the State of New Mexico.

1.7.1 Special District Review

The Code Administrator shall check the location of the proposed use and shall inform the applicant of any additional submittals or reviews required because of location of the proposed use within a Special Review District and make the applicable review.

1.7.2 Environmental Review

Except as otherwise provided in this Ordinance, mining uses shall not be subject to the Code. The applicant shall submit evidence of planned compliance with all federal and state environmental laws, rules and regulations, including but not limited to permits required by the U.S. Environmental Protection Agency, State of New Mexico; Environmental Improvement Division of the Health and Environment Department; Water Quality Control Commission of the New Mexico Environmental Improvement Division of the Health and Environment Department; and other appropriate federal and state agencies. In addition, the applicant shall be subject to the following sections of Article VII, Environmental Requirements of the Code:

- a. Section 1, except, Sections 1.2.3c, d; 1.2; 1.4.2; 1.4.3; 1.4.4, 1.4.4a, (Flood Hazards)
- b. Section 2. (Liquid Waste Disposal)
- c. Section 3, (Terrain Management)
- d. Section 4. (Air Quality)
- e. Section 6 (Water Supply) does not apply if the mining use will not be utilizing water or will utilize permitted water rights for its water supply.
- f. Section 7. (Solid Waste)

1.7.3 Procedures for zoning for extraction of construction materials are set forth in Article II of the Code.

1.8 Conformance to Building, Mechanical and Electrical Codes

The Code Administrator shall review the submitted plans, and specifications for compliance with the building, mechanical, and electrical provisions of the Code and for engineering design. Upon approval of a development permit, construction must begin within one year of the date of the issuance of the development permit, or it becomes void and a new application for a development permit must be made.

1.9 General Review

- A. The Code Administrator shall review the submittals, and the performance standard(s), make recommendations according to the procedures set forth in Article II, Section 2.3.2, and 3.1.
- B. Applications for permits to mine construction materials, to construct sand and gravel mine sites, and to construct road materials fabrication plants, that are temporary in nature, using mobile equipment, including but not limited to: crushers, stackers, conveyors, asphalt hot mix plants and concrete batch plants, for state, federal or local highway projects may be approved by the Code Administrator, according to this Section. Such temporary permits, not exceeding 180 calendar days, must comply with all provisions of this Ordinance except for the requirements for height. Height requirements shall be controlled by FAA regulations in those areas where applicable. If not located in an FAA regulated area, height of any improvement shall not exceed that dimension as approved by the Code Administrator. All materials stockpiles should be configured so as to prevent any sight safety distance conflicts from any road or access way. Temporary permits may be renewed once up to 180 additional calendar days, in discretion of the Code Administrator.
 1. Before any temporary permit or renewal of a temporary permit shall be granted by the Code Administrator under this Section, a public administrative hearing shall be held by the Code Administrator at which time sworn testimony shall be taken by the Code Administrator from the applicant, any person opposed to the application and the general public. The Code Administrator shall require the applicant to post notice, such notice provided or approved by the Code Administrator on the subject property for at least fifteen (15) calendar days prior to the posted hearing date on the matter. The applicant shall further publish in a newspaper of general circulation in the County of Santa Fe, a notice alerting the public to the date, place, time, and scope of the hearing to be held by the Code Administrator for approval of such mining application. The Code Administrator shall approve the content of the notice prior to publication.
 2. The applicant shall mail, by certified mail, return receipt requested, notice of the hearing to be held by the Code Administrator on the application, which mailing shall set forth the date, place, time, and purpose of such hearing in a form approved by the Code Administrator. The notice shall be sent to all property owners within one hundred (100) feet of the boundaries of the subject property.
 3. At the hearing held by the Code Administrator in this matter, the Code Administrator shall accept sworn testimony from interested persons as well as from the applicant. The applicant shall have the right to cross-examine any opponent to the application, and the Code Administrator may, in his discretion, permit the applicant to be cross-examined by competent interested parties. After the hearing, the Code Administrator may (a) grant the permit, (b) deny the permit, (c) grant the permit with conditions or (d) refer the entire matter to the County Development Review Committee. The Code Administrator may announce the ruling at the time of the hearing and shall follow the oral ruling by a written decision within five days. Should the Code Administrator not announce a ruling at the hearing, his written decision must be rendered within five days of the hearing. Copies of the written decision shall be supplied by regular mail to the applicant and all interested parties who request same at the hearing. The decision shall include a certification of mailing containing the date of mailing to the applicant and any interested parties.
 4. If there is no opposition to the application, the Code Administrator, upon being satisfied that all submittal requirements contained in this Ordinance have been complied with, may issue the temporary mining certificate to the applicant, five (5) working days after the Code Administrator enters the written decision.
 5. Any aggrieved party to the Code Administrator's decision may file an appeal of that decision by submitting, within five (5) working days of the decision in writing, a Notice of Appeal with the Code Administrator, requesting the matter of the application to be

heard by the County Development Review Committee. In such case, the Code Administrator shall not issue any permit to the applicant, but must schedule a hearing on the application before the County Development Review Committee. If appealed, the Code Administrator may send his opinion to the County Development Review Committee. Any request for appeal received more than five (5) working days after the date the Code Administrator's hearing shall have no force or effect.

6. If the decision of the Code Administrator is appealed, the County Development Review Committee shall follow those procedures set forth in Article 2, Section 2.4 of the Santa Fe County Land Development Code, Ordinance 1980-6, as amended.
7. The Board of County Commissioners may, in its discretion, decide to hear the matter of the application pursuant to Section 2.3.2e of the Santa Fe County Land Development Code. In that case, the County Development Review Committee shall not hear the matter of the application.
8. The issuance of the temporary permit shall not be considered by the County Development Review Committee or the Board of County Commissioners as justification for a permanent zoning change to permit sand and gravel mining on the subject property at a subsequent hearing by any applicant.
9. For the purposes of application for temporary sand and gravel, mining permits, this procedure supersedes the procedure set forth in Santa Fe County Ordinance 1980-6, Article 4, Section 2.3.1a.

1.10 Continuance of Existing Mining Uses

- A. The provisions of Article II, Section 4.5 of the Code shall apply to mining uses in existence on the effective date of this Ordinance. Mining uses in existence as of the effective date of this Ordinance shall not be subject to the requirements of this Ordinance except as follows.
 1. A description of current operations, which sets forth the following:
 - a. The area which the operator is currently mining or which is in a temporary state of cessation. This description shall be either a legal description, or a US Geological Survey map or comparable map, outlining, to the satisfaction of the County, the area of operation;
 - b. The type of mining operation;
 - c. The date the mining interest was acquired; and
 - d. The nature of the title of the ownership or possessory interest (fee simple, lease, and mining location) all of which are to be submitted within four (4) months of the effective date of this Ordinance, and
 2. A reclamation plan for the current operations which provides for the following requirements:
 - a. On all affected areas, the operator, in consultation with the surface estate owner and mineral estate owner, where possible, and in agreement with the County, whose agreement will not be unreasonably withheld, shall determine which parts of the affected area shall be reclaimed;
 - b. A detailed description of how the reclamation is to be achieved;
 - c. A detailed description of techniques proposed to be used in reclamation;
 - d. A detailed timetable for each phase of reclamation;
 - e. An estimated cost of accomplishing the reclamation plans, or an explanation of how the reclamation is to be done, with any bonding or financial responsibility requirements to be decided by the Code Administrator on a case-by-case basis;
 - f. A detailed description of the measures to be taken during the reclamation process to provide for the protection of the quantity and quality of surface and ground water systems, both on and off site, from adverse effects of the mining and

reclamation processes; all of which (a through f) are to be submitted within 18 months of the effective date of this Ordinance.

- g. In order for the County to determine present environmental conditions or land that the mining operation claims to be a pre-existing mining use under this Section and on which such mining operator intends to conduct mining activities:
- 1) Where such information can be lawfully obtained, a description of all streams, creeks, arroyos, and bodies of water within 1000 feet of the boundaries of the current mining activity;
 - 2) A detailed description and maps of the tailings, mineral waste, and geologic conditions on the tract;
 - 3) A scaled plan in cross-section by length and height, showing existing profiles of slope of the affected area, and the proposed mineral exploration and/or mining operation; and
 - 4) An inventory and detailed description of existing vegetation, wildlife and wildlife habitat according to species and density of occurrence.

- B. An existing mining use shall be permitted to continue as a non-conforming use in accordance with the provisions of this Ordinance, until it is abandoned. For purposes of this Ordinance "abandoned" means a mine site on which no significant mine use has occurred for more than 3 years. Mining uses and mining operations shall be deemed to be in existence on the mine site on the effective date of this Ordinance if actual construction has commenced on a substantial portion of any structures and improvements subsequently used in the mining use and/or a substantial portion of the planned mining operation has begun. However, an operator of a mining use or mining operation shall submit copies of any of its permits or approvals which it holds from the United States Environmental Protection Agency, the State of New Mexico Environment Department, the State of New Mexico Natural Resources Division, Water Resources, and the County of Santa Fe Blasting Permit, if any of these are required by the applicable governmental agency. Mining uses in existence on the effective date of the Ordinance may not be enlarged upon, expanded or extended without obtaining a development permit.

1.11 Penalties

- A. Failure to comply with this Article XI of the Code shall be subject to penalties as set forth in Article II, Section 5, Enforcement of the Code.
- B. Penalties may also include suspension or revocation of the mineral exploration and/or mining land use permit or the calling and exercise of the financial warranty. The penalties in this paragraph will be imposed only after a hearing before the board.

History. 1980 Comp. 1980-6. Article XI, Zoning for Extraction of Construction Materials, incorporating County Ordinance 1991-2 into the Code by County Ordinance 1991-9.

1306181

XI - 8

SANTA FE COUNTY LAND DEVELOPMENT CODE

ARTICLE XII - CAPITAL IMPACT FEES

SECTION 1 - FIRE AND RESCUE IMPACT FEES**1.1 Intent and Purpose**

This Ordinance is intended to assess and collect an impact fee in an amount based upon the gross covered floor area of both nonresidential and residential development in order to finance fire and rescue facilities and equipment, the demand for which is generated by development in designated service areas. The County intends to maintain a minimum level of service of ISO 7/9 for fire and rescue protection. The Board intends to impose impact fees within the entire unincorporated areas of the County. However, such fees will not be imposed within the extraterritorial jurisdiction until a joint powers agreement has been executed between the County and the Cities for imposition of such fees within the extraterritorial jurisdictions. The joint powers agreement will reflect the mutual aid response agreements. The County is responsible for and will meet all fire and rescue capital improvement needs associated with existing development within the unincorporated areas of the County. Only capital improvement needs created by new development in the designated service areas will be met by impact fees. Impact fees shall not exceed the cost to pay for a proportionate share of the cost of systems improvements, based upon service units, needed to serve new development. The impact fees shall be spent on new or enlarged capital facilities and equipment that substantially benefit those developments that pay the fees. The impact fees may also be spent on (1) the estimated cost of preparing and updating the fire capital improvements plan; (2) for the fees paid for services directly related to the construction of capital improvements of facility expansions and (3) for administrative costs associated with this Ordinance, such administrative costs not to exceed three percent (3%) of the total impact fees collected.

1.2 Definitions

Advisory Committee - the group of appointed citizens of Santa Fe County selected by the board pursuant to Section 5-8-37 NMSA 1978 and Resolution 1993-44.

Assess and assessment - a determination of the amount of the impact fee.

Capital improvements - the public buildings for fire and rescue services as well as essential vehicle and equipment costing ten thousand dollars (\$10,000) or more and having a life expectancy of ten years or more. Capital improvements does not include costs associated with the operation, administration, maintenance or replacement of capital improvements unless otherwise specified herein.

Collect and collection - the time of payment of the impact fee.

Development permit - the permit required for new construction and additions pursuant to the Code, as it may be amended. The term 'development permit', as used herein, shall not be deemed to include permits required for remodeling, rehabilitation or other improvements to an existing structure or rebuilding a damaged or destroyed structure, provided there is no increase in the gross covered floor area nor a change to a higher NFPA risk level.

Fire capital improvements plan - the plan required by the Development Fees Act that identifies capital improvements or facility expansion for which impact fees may be assessed.

Gross covered area - the total square feet of covered space on each floor or floors comprising the structure whether enclosed or not, including carports, garages, portales, breezeways, verandas and porches.

Impact fee - the charge imposed pursuant to the Ordinance on development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to the development.

Impact fee coefficient - the charge per square foot of development as calculated for each NFPA Class.

Land use assumptions - the analysis and projections of future growth and development prepared as the basis for planning future capital improvements. The land use assumptions include a description of the service area(s) and projects of changes in land uses, densities, intensities and population in the service area(s) over at least a five-year period.

NFPA - the National Fire Protection Act which classifies land use according to risk on a scale of 3 to 7 with 7 being the least risky of the classes.

Risk level - the classifications prepared by the NFPA for various types of buildings and structures and the risks for fire inherent in such classifications.

Service areas - those areas designated on the Fire Protection Service Areas Map, incorporated herein, to be served by the capital improvements or facility expansions specified in the fire capital improvements plan.

Service units - the gross covered area of a structure or building and the applicable NFPA risk level.

1.3 General Provisions

1.3.1 Applicability Of Impact Fee

This Ordinance shall be uniformly applicable to all development that occurs within a designated service area. However, impact fees shall not be imposed on development within the extraterritorial jurisdiction of any city until such time as a joint powers agreement is executed between that city and the county for imposition of such fees within the extraterritorial jurisdiction.

1.3.2 Advisory Committee

The Advisory Committee is a standing committee established pursuant to Resolution 1993-44. The Advisory Committee shall meet at the direction of the board or from the committee itself in order to file annual written reports with the board regarding the implementation of the fire capital improvements plan and advise the Board on the need to update or revise the land use assumptions, fire capital improvement plan and impact fee. The Land Use Department and Fire Marshal's Office shall serve as staff to the Advisory Committee.

1.3.3 Establishment of Service Areas

Service areas are established as shown on the Fire Protection Service Areas Map. The service areas include the unincorporated areas within Santa Fe County and are consistent with the service areas established in the fire capital improvements plan. The service areas provide a nexus between those paying the fees and the benefits received to ensure that those developments paying impact fees receive substantial benefits. Service areas may be deleted, added or modified by amendment to this Ordinance and the Fire Protection Service Areas Map. The service areas are:

- (a) Agua Fria
- (b) Chimayo/Cundiyo
- (c) Edgewood
- (d) Eldorado
- (e) Galisteo
- (f) Glorieta
- (g) Hondo
- (h) La Cienega
- (i) La Puebla
- (j) Madrid
- (k) Pojoaque
- (l) Stanley
- (m) Tesuque
- (n) Turquoise Trail

1.3.4 Land Use Assumptions

The land use assumptions provide a description of the service areas and projections of changes in land uses, densities, intensities, and population in the service areas over at least a five-year period. The Board hereby adopts the Santa Fe County Fire and Rescue Impact Fees Study: Land Use Assumptions approved by the Board on June 14, 1994, which is incorporated herein by reference. The Land Use Assumptions shall be reviewed and updated, if necessary, in conjunction with the update of the fire capital improvements plan described below.

1.3.5 Fire Capital Improvements Plan

- (a) The Fire Capital Improvements Plan identifies capital improvements or facility expansions for which impact fees may be assessed. The board hereby adopts the Fire Capital Improvements Plan, which is incorporated herein by reference, particularly as it relates to the allocation of a fair share of the costs of new facilities for fire protection and emergency services to be borne by new users of such facilities and services, and level of service to be provided to the citizens of the County for fire and rescue.
- (b) The Fire Capital Improvements Plan shall be updated at least every five years from the date of adoption of this Ordinance (July 11, 1995). Appropriate revisions and amendments to the impact fee schedule and this Section shall be made following such update, if necessary.

1.3.6 Presumption of Maximum Impact

New development shall be presumed to have maximum impact on the necessary fire and rescue capital facilities and equipment as permitted under the highest risk level based on the NFPA classifications for that development.

1.4 Assessment and Collection of Impact Fees

- 1.4.1 Development permits. No development permit shall be issued for development in a designated service area unless the impact fee is assessed and collected pursuant to this Section.
- 1.4.2 Business license. No business license shall be issued for a new business which involves a change of use or conversion of an existing structure to a higher NFPA risk level unless the impact fee is assessed and collected pursuant to this Section. The impact fee will be assessed by calculating the applicable fee for the higher risk level minus the fee which would have been applicable for the previous occupancy.
- 1.4.3 Mobile home parks. Mobile home parks shall be assessed impact fees based on the average size of a mobile home unit (adding the typical double-wide unit and typical single-wide unit together and dividing by two) multiplied by the total number of spaces provided in the mobile home park. (See Section 1.5, Schedule of Impact Fees.) Impact fees shall also be assessed for any community buildings located within the mobile home park. The applicable impact fee shall be collected at the time the owner of the mobile home park obtains the development permit for the park. Mobile homes located outside of established mobile home parks shall be assessed impact fees based on the gross covered area in the applicable risk level for a single family home. Mobile homes shall be exempt from the fifty (50') requirement in Section 1.9.8.
- 1.4.4 The County shall calculate and assess the impact fee at the earliest possible time.
- (a) For land that is platted after the effective date of this Ordinance (August 27, 1995), the impact fee shall be assessed at the time that the plat is recorded.
- (b) For land that was platted prior the effective date of this Ordinance or for development that occurs without platting, the impact fee shall be assessed at the time of issuance of a development permit.
- 1.4.5 The calculation and assessment of the impact fees shall be valid for a period of at least four (4) years from the date of such assessment.
- 1.4.6 Notwithstanding Section 1.4.5 above, the calculation and assessment of impact fees may be revised under the following circumstances:
- (a) If the number of service units in the specific development increases; or
- (b) If construction is not commenced within four (4) years from the date of development approval or issuance of the development permit, whichever date is earlier.
- (c) If the proposed use changes after the assessment is made but before the impact fees are collected, placing the development in a different risk level.
- 1.4.7 The County shall calculate the amount of the applicable impact fee due by:
- (a) Determining the applicable designated service area; and
- (b) Determining the NFPA Classes (3-7) of the development; and
- (c) Verifying the gross covered area of the development in each class; and
- (d) Determining the applicable impact fee coefficient(s) from the table below; and
- (e) Multiplying the gross covered area(s) by the impact fee coefficient(s).
- (f) If gross covered area is not known at the time of assessment, the impact fee shall be stated in terms of the applicable coefficient for such development.

1.4.8 If the development for which a development permit is sought contains a mix of uses in different NFPA classes, the County shall calculate the impact fee due for the highest risk and apply it to the entire structure. If the development consists of structures separated fifty feet (50') or more from each other, each structure shall be assessed separately according to the applicable NFPA class for each structure. Structures closer than fifty feet (50') to each other shall be considered in the same and highest NFPA class for purposes of assessing the impact fee.

1.4.9 The impact fee shall be due and payable at the time of issuance of a development permit or a business license, whichever is applicable.

1.5 Schedule of Impact Fees

The impact fee imposed by this Ordinance shall be determined by assignments of various types of structures and buildings to risk levels, and application of the impact fee coefficients below. In the event that a question arises as to which Risk Level applies to a particular development, the Fire Marshal shall make the final determination. Such determination may be appealed to the Board as provided in Section 1.7.2 below.

1.5.1 Risk Assignments

- a. Risk Level RL 3 - Occupancies in this classification shall be considered Severe Hazard Occupancies, where quantity and combustibility of contents are very high. Fires in these occupancies can be expected to develop very rapidly and have high rates of heat release. Such occupancies include: aircraft hangars, cereal/flour mills, chemical plants, chemical storage, chemical works, cotton processing, distilleries, explosive manufacturing, explosives storage, feed mills, grain elevators, grain warehouses, grist mills, hay bale storage, linseed mills, lumber yards, oil refineries, plastics manufacturing, plastics storage, sawmills, solvent extracting, straw bale storage, varnish/paint manufacturing, wood chip storage.
- b. Risk Level RL 4 - Occupancies in this classification shall be considered High Hazard Occupancies, where quantity and combustibility of contents are high. Fires in these occupancies can be expected to develop rapidly and have high rates of heat release. Such occupancies can be expected to develop rapidly and have high rates of heat release. Such occupancies include: auditoriums, commercial barns, bingo halls, casinos, convention centers, department stores, exhibition halls, feed stores, freight terminals, gaming parlors, mercantiles, paper/pulp mills, paper processing, repair garages, rubber manufacturing, rubber storage, commercial stables, theaters, storage warehouses, department store, furniture storage, general storage, paint storage, paper storage, liquor storage, woodworking shops.
- c. Risk Level RL 5 - Occupancies in this classification shall be considered Moderate Hazard Occupancies, where quantity and combustibility of contents are moderate and stockpiles of combustibles do not exceed twelve (12) feet in height. Fires in these occupancies can be expected to develop quickly and have moderately high rates of heat release. Such occupancies include: amusement parks, clothing manufacturing, cold storage warehouses, dairy barns, farm storage, grain storage, hatcheries, laundries, leather manufacturing plants, libraries (large rack), lithography shops, machine shops metalworking shops, pharmaceutical manufacturing, plant nurseries, printing plants, publishing plants, restaurants, rope/twine manufacturing, sugar

refineries, tanneries, textile manufacturing plants, tobacco barns, unoccupied buildings.

- d. Risk Level RL 6 - Occupancies in this classification shall be considered Low Hazard Occupancies, where quantity and combustibility of contents are moderate and stockpiles of combustibles do not exceed eight (8) feet in height. Fires in these occupancies can be expected to develop at a moderate rate and have moderate rates of heat release. Such occupancies include: armories, auto parking garages, bakeries, barber shops, beauty salons, beverage manufacturing, boiler rooms, breweries, brick/tile manufacturing, canneries, cement plants, churches, creameries, doctor's offices, electronics plants, foundries, fur processing plants, gas stations, glass products manufacturing, municipal/county buildings, post offices, slaughterhouses, telephone exchanges, undertaking establishments, watch/jewelry manufacturing, wineries.
- e. Risk Level RL 7 - Occupancies in this classification shall be considered Light Hazard Occupancies, where quantity and combustibility of contents are low. Fires in these occupancies can be expected to develop at a relatively low rate and have relatively low rates of heat release. Such occupancies include: apartments, colleges/universities, convalescent homes, detention centers, dormitories, dwellings, fire stations, fraternity/sorority houses, hospitals, hotels/motels, libraries (small rack), mental health uses, museums, nursing homes, business offices, police stations, prisons, reformatories, schools.

1.5.2 Impact Fee Coefficients

NFPA CLASS	VEHICLE FEE (sq. ft.)	STATION FEE (sq. ft.)	ADMIN. & PROJECT FEE (sq. ft.)	TOTAL IMPACT FEE (sq. ft.)
CLASS 7	\$0.17	\$0.095	\$0.01	\$0.275
CLASS 6	\$0.215	\$0.11	\$0.01	\$0.335
CLASS 5	\$0.215	\$0.13	\$0.01	\$0.355
CLASS 4	\$0.285	\$0.16	\$0.015	\$0.46
CLASS 3	\$0.355	\$0.21	\$0.015	\$0.585

1.5.3 Impact Fee Applicable to Mobile Home Parks

\$385 per mobile home space X (multiplied times) the number of spaces plus any and all applicable impact fees for community buildings.

1.6 Use of Impact Fees Collected

- 1.6.1 The funds collected pursuant to this Section shall be used solely for the purpose of administering, planning, acquisition, expansion and development of off-site related fire and rescue capital improvements determined to be needed to serve new development, including:
- estimated capital improvements plan cost; and
 - planning, surveying and engineering fees related to the construction of capital improvements or facility expansions; and
 - fees related to the preparation or updating of the fire capital improvements plan.

1.6.2 All funds shall be used exclusively within the service area from which they were collected and in a manner consistent with this section and the requirements of the Development Fees Act (Section 5-8-1 NMSA 1978.)

1.6.3 Notwithstanding the above, the County shall be entitled to retain three percent (3%) of the impact fees collected annually. The retained funds shall be utilized to offset the administrative costs associated with the collection and use of such funds.

1.7 Administrative Procedures Regarding Impact Fees

1.7.1 Variances

Petitions for variances to the application of the Ordinance shall be made to the Land Use Administrator in accordance with procedures to be established by resolution of the Board.

1.7.1 Administration of Impact Fees

- a. Transfer of funds to finance department. Upon receipt of impact fees, the county Finance Department shall be responsible for placement of such funds into separate accounts as hereinafter specified. All such funds shall be deposited in interest bearing accounts in a bank authorized to receive deposits of county funds. Interest earned by each account shall be credited to that account and shall be used solely for the purposes specified for funds of such account.
- b. Establishment and maintenance of accounts. The County Finance Department shall establish and maintain separate accounts for each service area described herein.
- c. Maintenance of records. The County Finance Department shall maintain and keep accurate financial records for each account that shall clearly identify the payer of the impact fee, the date of receipt of the impact fee and the amount received. The financial records shall show the disbursement of all revenues from each account. The County Finance Department shall prepare an annual report describing the amount of any impact fees collected, encumbered and used during the preceding year by service area.
- d. Public inspection. The records of the accounts shall be available for public inspection and copying during ordinary County business hours.

1.7.1 Refunds

- a. The current record owner of property on which an impact fee has been paid may apply for a refund of such fee if:
 - i. the County has failed to provide a capital improvement included in the fir capital improvements plan within that service area within seven (7) years from the date of payment; or
 - ii. the fire and rescue service is not available within a reasonable period of time after completion of construction considering the type of capital improvement or facility expansion to be constructed; or
 - iii. the development permit for which the impact fee has been paid has lapsed for noncommencement of construction.
- b. A petition for refund must be filed by the applicant within one (1) year of the event giving rise to the right to claim a refund.

- c. The petition for refund must be submitted to the Code Administrator or his duly designated agent on a form provided by the County for such purpose.
- d. Within thirty (30) days from the date of receipt of a petition for refund, the Code Administrator must provide the applicant, in writing, with a decision on the refund request including the reasons for the decision. If a refund is due the applicant, the Code Administrator shall notify the County Treasurer and request that a refund payment be made to the applicant.
- e. The applicant may appeal the determination of the Code Administrator to the Board within thirty (30) days of such determination, as provided in Section 56-8-3 NMSA 1978.

1.7.1 Credits

- a. A property owner may elect to construct or purchase a capital improvement listed in the Fire Capital Improvements Plan. If the property owner elects to make such improvement, the property owner must enter into a written agreement with the county prior to issuance of any development permit. The agreement must establish the estimated cost of the improvement, the schedule for initiation and completion of the improvement, a requirement that the improvement be completed to accepted County standards, and such other terms and conditions as deemed necessary by the County. The County must review the improvement plan, verify costs and time schedules, determine if the improvement is an eligible improvement, and determine the amount of the applicable credit for such improvement to be applied to the otherwise applicable impact fee prior to issuance of any development permit. In no event may the County provide a refund for a credit that is greater than the applicable impact fee. If, however, the amount of the credit is calculated to be greater than the amount of the impact fee due, the property owner may utilize such excess credit toward the impact fees imposed on other development permits for development on the same site and in the same ownership.
- b. The County shall reasonably provide for credits for other past and future monetary and nonmonetary contributions by the developer to the construction of the same capital improvements, as follows:
 - i. Present value of amounts contributed within the past two years for any land dedications, physical improvements, financial contributions, or property taxes;
 - ii. Present land dedications and physical improvements;
 - iii. Future land dedications, physical improvements and property taxes for a period of two years.
- c. No credit shall be given for the construction of local on-site facilities required by zoning, subdivision, or other County regulation intended to serve only that development.
- d. The applicant shall have the burden of claiming such credit at the time the impact fee assessment is made. The Code Administrator shall make the final determination regarding the applicable credits. The applicant may appeal the decision of the Code Administrator to the Board, as provided in Section 1.7.2 below.

1.7.2 Appeals

After calculation and assessment of the impact fee, an applicant may appeal the amount of the impact fee to the Board. The applicant must file a notice of appeal with the Code Administrator within thirty (30) days following the assessment of the impact fee. If the notice of appeal is accompanied by a bond or other sufficient surety satisfactory to County counsel in an amount equal to the impact fee assessed, the Code Administrator shall issue

the development permit. The filing of an appeal shall not stay the collection of the impact fee unless a bond or other sufficient surety has been filed.

1.7.3 Bonding of Excess Facility Projects

The County may issue bonds, revenue certificates, and other obligations of indebtedness in such manner and subject to such limitations as may be provided by law in furtherance of the provision of capital improvement projects. Funds pledged toward retirement of bonds, revenue certificates or other obligations of indebtedness for such projects may include impact fees and other County revenues as may be allocated by the Board. Impact fees paid pursuant to this Ordinance, however, shall be restricted to user solely and exclusively for financing directly, or as a pledge against bonds, revenue certificates, and other obligations of indebtedness for the cost of capital improvements as specified herein.

1.7.4 Effect of Impact Fee on Zoning and Subdivision Regulations

This Ordinance shall not affect, in any manner, the permissible use of property, density of development, design and improvement standards and requirements, or any other aspect of the development of land or provision of capital improvements subject to the zoning and subdivision regulations of the County, which shall be operative and remain in full force and effect without limitation with respect to all such development.

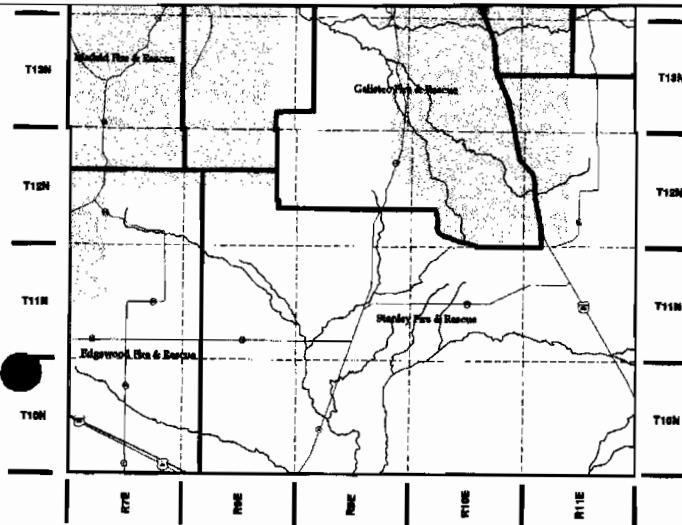
1.7.5 Impact Fee as Additional and Supplemental Requirement

The impact fee is additional and supplemental to, and not in substitution of, any other requirements imposed by the County on the development of land or the issuance of development permits. It is intended to be consistent with and to further the objectives and policies of the General Plan, the Fire Improvements Plan, and other County policies, ordinances and resolutions by which the County seeks to ensure the provision of public facilities in conjunction with the development of land.

1.7.6 Review and Amendment

The County Land Use Department and Fire Marshal shall review, update and propose any amendments to the land use assumptions, fire capital improvements plan and the impact fee at least every five years from the effective date of this Ordinance (August 27, 1995.) The Advisory Committee shall be consulted during such review and file its written comments concerning any amendments with the Board. The Board shall take action on any proposed amendments consistent with the provisions of the "Development Fees Act".

ARTICLE XII - CAPITAL IMPACT FEES



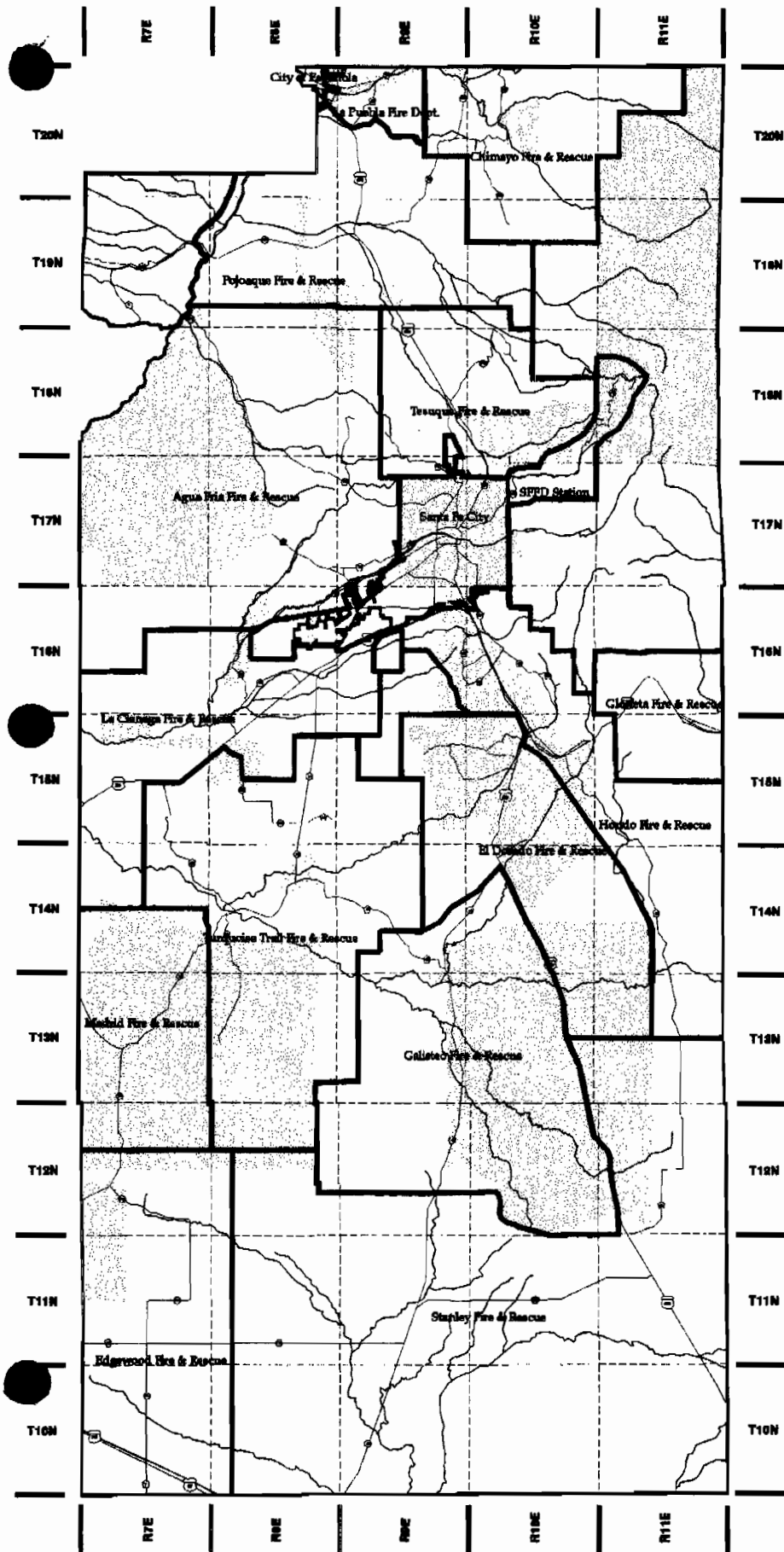
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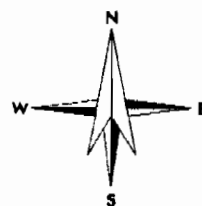
August 12, 1996

Fire Districts Santa Fe County



LEGEND

- Fire District Boundaries
- Santa Fe County Boundary
- Incorporated City Boundaries
- Township and Range Lines
- Major Roads and Highways
- Major Streams and Arroyos



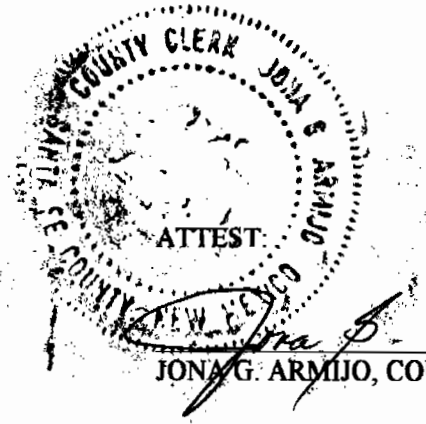
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August 12, 1996

PASSED, ADOPTED AND APPROVED this 10 day of SEPT., 1996, by the Santa Fe County Board of County Commissioners.



JONA G. ARMJO, COUNTY CLERK

Richard D. Anaya
RICHARD D. ANAYA, CHAIRMAN

959-280
COUNTY OF SANTA FE)SS
STATE OF NEW MEXICO)
I hereby certify that this instrument was filed
for record on the 10 day of SEPT. A.D.
19 96, at 4:40 o'clock 4 m.
and was duly recorded in book 1305-1306
page 912-192 of the records of
Santa Fe County.

Witness my Hand and Seal of Office
Jona G. Armijo
County Clerk, Santa Fe County, N.M.

Francisco L. Schutela
Deputy

APPROVED AS TO FORM:

Steven Kopelman
STEVEN KOPELMAN, COUNTY ATTORNEY



CERTIFICATE OF FILING

I, Jona G. Armijo County Clerk, do hereby certify that the foregoing ordinance, designated as Ordinance, No. 1996 - 10, was filed in my office on the 10 day of SEPT., 1996, in book Number 1305-1306 at Page 912-192

SANTA FE COUNTY CLERK

Francisco L. Schutela
JONA G. ARMJO
Chief Deputy County Clerk