

SANTA FE COUNTY

Ordinance No. 1991 - 11

1
2
3 AN ORDINANCE ADOPTING THE SANTA FE EXTRATERRITORIAL
4 SUBDIVISION REGULATIONS, WHICH SHALL APPLY TO ALL
5 SUBDIVISIONS IN SANTA FE COUNTY WHICH ARE WITHIN FIVE (5)
6 MILES OF THE CITY OF SANTA FE MUNICIPAL BOUNDARIES, AS
7 AMENDED FROM TIME TO TIME.

8
9
10 WHEREAS, these Santa Fe Extraterritorial Subdivision
11 Regulations are authorized by the Joint City/County
12 Extraterritorial Zoning and Subdivision Agreement entered
13 into by the City and County of Santa Fe on March 25, 1981,
14 as amended, and by provisions of New Mexico Statutes,
15 Annotated, 1978, as amended, in particular,

16
17 Sections 3-19-1 through 12 (planning & platting);
18 Sections 3-20-1 through 16 (municipal subdivision act);
19 Sections 47-1-1 through 29 (New Mexico Subdivision
20 Act); and
21

22 WHEREAS, it is the intention of the County in adopting and
23 enforcing these Regulations to exercise all relevant powers
24 conferred by the laws of the State of New Mexico; and
25

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1
2 WHEREAS, on July 10, 1990 the Board of County Commissioners
3 approved Resolution No. 1990 - 59, authorizing publication
4 of title and general summary of this Ordinance; and
5

6 WHEREAS, the Extraterritorial Zoning Commission reviewed the
7 draft of these Regulations and made changes and
8 recommendations in a series of 15 public work sessions held
9 between July, 1990 and April 1991, held a public hearing on
10 June 25, 1991, held public work sessions on July 16 and 23,
11 1991 to consider comments received, and on July 30, 1991
12 approved a motion to forward the draft Regulations, with
13 amendments, to the Board of County Commissioners and the
14 Santa Fe City Council for public hearing and adoption; and
15

16 WHEREAS, a public hearing has been held before the Board of
17 County Commissioners and duly noticed to the public and
18 state agencies as required by law;
19

20 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
21 COMMISSIONERS OF SANTA FE COUNTY, that the Santa Fe
22 Extraterritorial Subdivision Regulations which are attached
23 hereto and incorporated herein, are hereby adopted.
24

25 EFFECTIVE DATE: This Ordinance becomes effective on the
26 30th day after recording in the office of the County Clerk
27 and filing in the office of the State Records Administrator.
28

1
2 PASSED, APPROVED, AND ADOPTED THIS 9TH DAY OF
3 SEPTEMBER, 1991

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4 SANTA FE BOARD OF COUNTY COMMISSIONERS

5 Linda Grill
6 LINDA GRILL, CHAIRWOMAN

7
8 Approved as to legal form
and sufficiency:

ATTEST:

9
10 Terrence P. Brennan
11 TERRENCE P. BRENNAN,
COUNTY ATTORNEY

Jona G. Armijo
JONA G. ARMIJO, COUNTY
CLERK

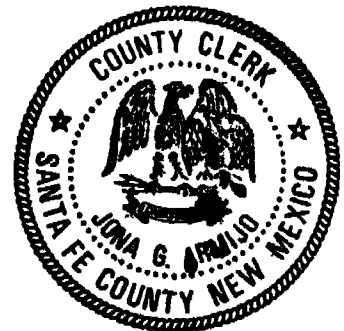
12
13 CERTIFICATE OF FILING

14 I, 748,904 Jona G. Armijo, County Clerk, do hereby certify that the
15 foregoing ordinance designated at Ordinance No.
16 1991-11 was filed in my office on the 12 day of
September, 1991, in Book Number 752 Pages 952-100.
at 2:14 PM
17 SANTA FE COUNTY CLERK

18 JONA G. ARMIJO
19 JONA G. ARMIJO

Julio P. Arce
Deputy

20
21 (seal)



SANTA FE EXTRATERRITORIAL SUBDIVISION REGULATIONS

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SANTA FE EXTRATERRITORIAL SUBDIVISION REGULATIONS

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3.1 GENERAL PROVISIONS

3.1.1 TITLE AND SHORT TITLE--This ordinance, as amended from time to time, may be cited as "The Santa Fe Extraterritorial Subdivision Regulations", hereinafter referred to as the "Subdivision Regulations" or "Regulations".

3.1.2 ENACTMENT--These Regulations were passed, approved, and adopted as a Joint Municipal - County Ordinance by the Santa Fe County Board of Commissioners (Ordinance No. 1991-11 on September 9, 1991) and the Santa Fe City Council (Ordinance No. _____ on _____, 19____).

3.1.3 EFFECTIVE DATE--This ordinance becomes effective on October 12, 1991 which is the 30th day after recording of the Subdivision Regulations in the office of the County Clerk, the office of the City Clerk, and the State Records Administrator.

3.1.4 PURPOSE--The purpose and intent of these regulations is to promote the general health, safety and welfare of the citizens of Santa Fe County and to establish standards for subdivision design to provide for harmonious development within the area of concurrent City-County subdivision jurisdiction by:

A. Establishing a single joint subdivision ordinance for the Extraterritorial Area in order to coordinate land development according to orderly physical patterns and to provide a more efficient means to process subdivision applications;

B. Establishing standards which preserve and protect natural features such as native vegetation and native biological diversity, erodible soils, drainage courses, unusual natural landmarks such as escarpments and historical, cultural, and archaeological sites as community assets which add attractiveness and value to the area and benefit its residents; and by avoiding unwarranted deterioration and destruction of these natural, historic or other community assets in approving subdivisions of land in the Extraterritorial Area.

C. Providing performance and improvements standards for extraterritorial subdivisions which accommodate a transition between rural subdivisions in outlying County areas and urban subdivisions within the city limits;

D. Establishing adequate provisions based on sound planning and engineering principles for light and air, public open spaces, utility services, traffic, drainage, flooding and erosion control, and public facilities;

E. Ensuring the efficient use of regional water resources and conservation of ground water resources;

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E. Ensuring the efficient use of regional water resources and conservation of ground water resources;

F. Ensuring appropriate and adequate liquid and solid waste disposal systems, coordinated with protection of water resources;

G. Ensuring proper street and driveway location, arrangement, width and design in relation to existing and planned roadways in order to facilitate traffic circulation and safety, improve pedestrian access and safety, and minimize growth impacts;

3.1.5 AUTHORITY--These Subdivision Regulations are authorized by the Joint City/County Extraterritorial Zoning and Subdivision Agreement entered into by the City and County of Santa Fe on March 25, 1981, as amended, and by provisions of New Mexico Statutes, Annotated, 1978, as amended, in particular,

Sections 3-19-1 through 12 (planning & platting);
Sections 3-20-1 through 16 (municipal subdivision act);
Sections 47-1-1 through 29 (New Mexico Subdivision Act)

It is the intention of the City and the County in adopting and enforcing these Regulations to exercise all relevant powers conferred by the laws of the State of New Mexico.

3.1.6 JURISDICTION--

A. APPLICATION--The Subdivision Regulations shall apply to all lands in Santa Fe County which are within five (5) miles of the City of Santa Fe municipal boundaries, as amended from time to time, which is the area of Concurrent County and City Subdivision Jurisdiction, the boundary and area of which are delineated on the Jurisdiction and Land Status Map for the Santa Fe Extraterritorial Area. See Appendix A. Land divisions which are not subdivisions as defined by New Mexico Statutes or these Regulations are not subject to the provisions of these Regulations, and shall be approved pursuant to the zoning ordinance in effect for the location. See 3.11, infra. and Appendix B.

B. INCORPORATION OF MAP--The Santa Fe Extraterritorial Area Jurisdiction Map is hereby incorporated into and made a part of these Regulations. The official Extraterritorial Area Jurisdiction Map shall be filed in the office of the County Clerk and the Office of the Municipal Clerk. Copies of the official map shall be located in the office of the County Land Use Administrator. A reduced copy of the official map is attached to these Regulations for the convenience of users. See Appendix A. Procedures for amendment to the Extraterritorial subdivision jurisdiction boundaries are set forth in 3.10, infra.

3.1.7 INCORPORATION OR REPEAL OF OTHER ORDINANCES--

A. All Subdivision Regulations of the County of Santa Fe and of the City of Santa Fe effective prior to the adoption of these Subdivision Regulations are hereby repealed as they pertain to the five mile Area of Concurrent City and County Subdivision Jurisdiction.

B. Such repeal does not affect any prior approvals granted, or requirements imposed, or penalties incurred by virtue of such previous regulations. Proposed subdivisions for which complete application is submitted prior to the effective date of this ordinance shall be subject to the subdivision regulations in effect on the date the complete application is filed. Proposed subdivisions which have been granted a preliminary plat approval under prior regulations may submit a final plat meeting the requirements of such previous regulations within twelve (12) months of the effective date of this ordinance; thereafter such subdivisions shall be subject to the requirements of this ordinance.

3.1.8 INTERPRETATION--

A. LIBERAL INTERPRETATION--These Regulations shall be liberally interpreted to carry out the purposes and intents specified herein. The provisions of these Subdivision Regulations shall be considered the minimum requirements to meet the purpose expressed in Section 3.1.4.

B. Whenever there is a discrepancy or conflict between minimum standards, limitations or requirements in these Subdivision Regulations or between these Regulations and those contained in any other ordinance, regulation or law in effect for the Extraterritorial Area, the more restrictive standard as to each requirement shall apply.

C. MEANING--The Land Use Administrator of the County of Santa Fe or his/her designee shall interpret the meaning of the provisions of these Regulations. Disagreement with an interpretation may be appealed to the Extraterritorial Zoning Commission (EZC).

3.1.9 SEVERABILITY--If any part of these Regulations or the application thereof to any persons or circumstances is held to be invalid, the remainder of these Regulations and their application to other persons or circumstances shall not be affected.

3.1.10 ENFORCEMENT--

A. NO SUBDIVIDING PRIOR TO APPROVAL AND RECORDING.--It is unlawful to transfer, advertise for sale, lease or sell, or contract to sell land from within a subdivision or to commence construction on subdivided land prior to the approval of the subdivision plat by the Land Use Administrator, Extraterritorial

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Zoning Commission, or Board of County Commissioners and prior to the recording of the plat in the office of the County Clerk.

B. COMPLAINTS REGARDING VIOLATIONS--Whenever a violation of these regulations occurs or is alleged to have occurred, any person may file a complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Land Use Administrator. He shall record such complaint, investigate, and take action thereon as provided by law. He shall maintain as a public record in his office the disposition made of the complaint.

C. PENALTIES--

1. In addition to any penalty or other remedy of law, any person who is found to have committed a violation of any provision of these Subdivision Regulations shall be punished by a fine of up to one thousand dollars (\$1,000.00).

2. Each lot sold, leased, offered to be sold or offered to be leased shall constitute a separate violation of these Subdivision Regulations.

D. CONDITIONS--Violations of conditions and safeguards established or imposed in connection with grants of subdivision approvals or variances shall constitute a violation of these Regulations, and shall be punishable by the fines imposed under 3.1.10 C, supra, and/or by action commenced in the First Judicial District Court, and/or by rescission of approval.

E. FALSIFIED SUBMITTALS--Subdivisions which are approved on the basis of submittals containing false information or data shall be subject to revocation of approval for unsold portions of the subdivision and penalties imposed under this Section 3.1.10.

F. OTHER REMEDIES--Nothing herein contained shall prevent the County or City from taking such other lawful action, including, but not limited to, resort to equitable action, as is necessary to prevent or remedy any violation.

3.2 GENERAL SUBDIVISION POLICY

3.2.1 SUITABILITY OF THE LAND FOR SUBDIVISION--

A. The administrative staff, EZC and Board shall not approve the subdivision of land if from investigations conducted by all public agencies concerned, it has been determined and a finding is made, that in the best interest of the public health, safety or welfare the land is not suitable for platting and development of the kind proposed. See 3.3.5, 3.3.6, and 3.3.8, infra.

B. Findings that a parcel is unsuitable for subdivision shall consider the following: land subject to periodic flooding; land unsuited for development because of topography, as defined by the terrain management guidelines or standards; land which is habitat for endangered plant or animal species as defined by New Mexico law; 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; land which is designated a significant archaeological, historical, or cultural site or landmark; and other criteria specifically mentioned in these Regulations or in guidelines or regulations for development prepared by the New Mexico Environment Department, New Mexico State Engineer's Office, and the local Soil Conservation District and any public agencies involved in the review of subdivisions.

C. The use of clustering and other site planning techniques shall be required, where applicable, to alleviate hardship in cases where portions of a parcel are determined to be unsuitable for subdivision.

3.2.2 CONFORMITY WITH OTHER REGULATIONS.--

A. ZONING APPLICABILITY--All subdivisions shall conform to the zoning and land use regulations in effect for the particular location. Within the Extraterritorial Zoning District, the zoning regulations of the Extraterritorial Zoning Ordinance shall apply. Outside of the Extraterritorial Zoning District but within the five mile concurrent platting jurisdiction, the zoning regulations of the Santa Fe County Land Development Code shall apply.

B. MASTER PLAN AND DEVELOPMENT PLAN SUBMITTAL--A proposed subdivision plat shall not be considered by the Extraterritorial Zoning Commission (EZC) until any required Master Plan, Preliminary and/or Final Development Plan has been submitted for approval. The development plan and plat may be considered concurrently.

1. Within the Extraterritorial Zoning District, development plans shall be submitted to the EZC. Where the Extraterritorial Zoning Ordinance has been amended to specify master plan or development plan requirements, that ordinance shall apply to subdivisions; until such time as the Extraterritorial Zoning Ordinance amendments are completed or the Extraterritorial Land Development Code is adopted, development plan requirements of the County Land Development Code shall apply for the remainder of land uses in subdivisions.

2. Outside of the Extraterritorial Zoning District but within the five mile concurrent platting jurisdiction, development plans shall be submitted to the County

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Development Review Committee (CDRC). Master Plan requirements of the County Land Development Code, Article V, Section 5.2, shall apply to Type I, Type II, and Type IV subdivisions and all subdivisions to be developed in phases.

3.2.3 SUCCEEDING DIVISIONS--

A. SUMMARY SUBDIVISION PROCEDURES - ONE TIME APPROVAL-- Summary approval by EZC of a subdivision of four (4) lots or less will be allowed only once on any area of land; succeeding divisions and resubdivisions on that same area of land shall be subject to review and approval of the EZC and Board pursuant to 3.3.5, infra.

B. SERIAL SUBDIVISION--Subdivision or replat of existing lots or parcels in an approved subdivision which results in an increase in the total number of lots shall be subject to subdivision procedures of 3.3.5, infra. In reviewing such applications, the EZC and Board shall make findings as follows:

1. Whether the proposed increase in total lots changes the subdivision classification and the requirements of design, environmental or improvements standards for the new subdivision type;

2. What required improvements or standards of these Regulations must now be met in order to allow creation of additional lots.

3. Whenever there is an issue arising which involves a serial subdivision, the applicant may be required by the Land Use Administrator to produce evidence of title to set forth the history of ownership and sale and/or platting of the land and surrounding land, if applicable, purported to be subdivided.

3.2.4 PHASED DEVELOPMENT--

A. The EZC may recommend and the Board may require, with or without the request of the subdivider, staging or phased development for large developments and subdivisions (Type I, II, or IV). Further, the Board may determine that completion of an initial phase of a subdivision to the level of standards and requirements imposed at plat approval shall be a condition for approval of subsequent phases.

1. Phases should conform to the approved master plan for zoning for the development as required by the applicable zoning ordinance. See 3.2.2, supra.

2. Phasing plans may be amended pursuant to the procedures for amendments and future phasing approvals for master plans. Amendments to phasing plans may be submitted concurrent with the plat submittal.

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B. Subdivision improvements shall be designed and planned to meet the requirements of an entire development as set forth in the approved master plan, not only an initial phase. Final engineering and construction, however, shall be completed or bonded for each phase at the time of filing of the final plat for that phase.

1. All improvements which are necessary to the compliance of a proposed subdivision phase with the requirements of these regulations and any requirement or condition imposed at the time of approval shall be completed or fully guaranteed for completion by a surety bond, irrevocable letter of credit, escrow account, or other institutional guarantee at the time of approval for that phase. Developers shall construct improvements in initial phase(s) to a size or standard to accommodate subsequent phases or shall be required to upgrade improvements in the initial phase(s) whenever approval of the next subsequent phase(s) requires a higher improvement or design standard due to cumulative impacts.

2. EZC and the Board may approve a schedule for filing of final plats and completion of improvements by phases for subdivisions where the entire development has received preliminary approval. Such phasing schedule shall be clearly set forth in the final plat approval, including the approved Subdivision Improvements Agreement, Schedule of Compliance, and Disclosure Statment, and shall specify whether time limits for the filing of plats of 3.3.5 C, infra are waived.

3. The phasing schedule of required improvements shall be clearly set forth in final plat submittal documents, the Subdivision Improvements Agreement, Schedule of Compliance and Disclosure Statement. See 3.8, infra.

3.2.5 CONSULTING OTHER AGENCIES--All County subdivisions shall be submitted to the appropriate State agencies for review. Municipal subdivision applications may be referred to the appropriate State agency for review. The purpose of review is to assist in determining whether or not a subdivider's provisions for a subdivision conform with these Regulations and other applicable State or Federal regulations.

3.3 PROCEDURES AND SUBMITTALS

3.3.1 ADMINISTRATION

A. The Santa Fe County Land Use Administrator is the administrative official responsible for enforcement of the provisions of these Regulations.

1. The County Land Use Administrative staff is responsible for:

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a. assisting applicants and the public with understanding requirements or procedures of these Regulations;

b. receiving applications for subdivisions, variances, and appeals and distribution of materials to City and State or other agencies.

c. approvals of plats for land divisions pursuant to the zoning ordinance in effect for the location. See 3.11, infra.

d. approvals of plat amendments, replats or resubdivisions, and lots within approved master plats, pursuant to 3.3.8, infra;

e. inspections of sites, improvements, and submittal documents;

f. administration and enforcement of the Regulations and of all conditions of approval;

g. reporting findings-of-fact and making recommendations to the EZC and Board in applications requiring a public hearing;

h. record keeping.

2. The City Planning and Land Use Department share in the review of subdivision applications proposing connection to or extension of the regional water system, the municipal sewer, or City streets; and provide advice relating to findings-of-fact, including but not limited to drainage, traffic, and fire protection, on subdivisions in the Extraterritorial Area which are subject to a public hearing.

3. Specific duties and responsibilities of City and County staff shall be determined by the current joint services or joint powers agreement between the County and the City on staffing for review, inspections, and enforcement of these and other adopted Regulations for the Extraterritorial Area.

B. Extraterritorial Zoning Commission (EZC)

1. The EZC reviews preliminary and final plats of subdivisions of five (5) lots or more and makes recommendations to the Board of County Commissioners for the approval of these subdivisions.

2. The EZC reviews and approves all preliminary and final plats of subdivisions of four (4) lots or less and all inheritance or family transfer subdivisions.

3. The EZC also hears and makes recommendations on requests for variances and hears appeals of administrative decisions.

C. Board of County Commissioners (Board)

1. The Board is a governing body with the authority to regulate subdivisions and to grant final approval of subdivisions as defined by the New Mexico Subdivision Act, N.M.S.A. 47-6-1, et, seq., 1978, as amended.

2. The Board hears and acts on requests for variances from the strict compliance with standards set forth in these Regulations.

3. The Board is the authority empowered to accept dedications of land or easements for public purposes and/or to accept public right-of-ways, easements or facilities for maintenance. The Board may, with the concurrence of the City Council, deed certain dedicated lands to the City for construction, operation and maintenance of City facilities or infrastructure.

4. The Board hears appeals of EZC decisions pursuant to 3.3.11, infra. and holds public hearings concerning any adverse agency reports pursuant to 3.3.5, infra.

D. City Council of the City of Santa Fe (Council)

1. The Council is a governing body with the authority to regulate subdivisions as defined by N.M.S.A. Sec. 3-20-1, 1978, as amended. The Council has delegated final approval of such subdivisions to EZC and administrative staff pursuant to the Joint City/County Extraterritorial Zoning and Subdivisions Agreement, 1981, as amended.

2. The Council may, with the concurrence of the Board, accept transfer by deed of certain dedicated lands for construction, operation and maintenance of extensions of City infrastructure prior to annexation.

E. State or Other Agencies

The following state or other agencies review and make recommendations on various aspects of development proposals.

1. New Mexico Environment Department (NMED): Liquid and solid waste disposal, water quality; water system construction.

2. New Mexico State Engineer: Water rights; water system construction; fire flow requirements.

3. New Mexico State Highway and Transportation Department (NMSHTD): Traffic analysis; driveway construction; improvements to highways; safety; new road engineering; adequate drainage within highway rights-of-way.

4. Soil and Water Conservation Districts (SCD): Terrain management; grading and drainage; re-vegetation and landscaping; soils surveys and soils classifications for liquid waste disposal systems.

5. Santa Fe County Hydrologist: Water budget reports; water quality reports; geo-hydrology and hydrology reports; water rights.

6. Santa Fe County Fire Marshal and City Fire Chief: Fire protection plans.

7. New Mexico Historic Preservation Division: Archaeology reports; historic and archaeological sites.

8. City of Santa Fe Staff: Plans relating to construction of extensions of city streets, sewer connections and regional water extensions. City staff also performs general review of applications as set forth in 3.3.1 A, supra.

9. Santa Fe Public Schools: Impact on school facilities, existing or planned. The Superintendent of Santa Fe Public Schools may comment on subdivisions containing twenty-five (25) lots or more.

10. Metropolitan Water Board (MWB): Plans for extending the service area or creating new service areas for community water systems, including the regional water system.

3.3.2 PUBLIC HEARINGS

A. A public hearing before the EZC is required for a recommendation or approval for the following types of development applications:

1. Preliminary and final plats for subdivisions;
2. Variances;
3. Appeals of administrative actions.

Public hearings are held by the EZC once each month at its regularly scheduled meeting; EZC may also schedule special meetings.

B. A public hearing is required before the Board of County Commissioners for the following:

1. Final plat approval for subdivisions of five (5) lots or more;
2. Variances;
3. Appeals of EZC decisions, including appeals of administrative decisions from the EZC.
4. Adverse agency reports; See 3.3.5, infra.

Public hearings are held by the Board once each month, at its regularly scheduled meeting; the Board may also schedule special meetings.

C. PUBLIC NOTICE.

1. Posting of Notice - All plats -- For all plats submitted for approval and all variances pursuant to these Regulations, the applicant shall post notice of the application, using the poster provided by staff, prominently on the land which is the subject of the application and shall provide written certification of the posting of the notice to the Land Use Administrator. Notice shall be posted and shall continue for at least fifteen (15) consecutive days before the date of the scheduled public hearing or administrative action.

2. Published Notice - Variances and Appeals -- Notice of public hearing shall be published in a local newspaper of general circulation at least fifteen (15) calendar days before the date of a public hearing for any variance request or appeal. Such notice shall include a brief description of the nature of the request and the date, time, and place of the public hearing.

3. Notice to Adjacent Property Owners - Family Transfers, Variances, and Appeals --

a. At least fifteen (15) calendar days before the date of the scheduled public hearing, applicants seeking approval of a family transfer plat shall notify by certified mail 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) and shall provide an affidavit of the mailing to the Land Use Administrator.

b. At least fifteen (15) calendar days before the date of the scheduled public hearing, applicants requesting a variance or appealing an administrative or EZC decision shall notify by certified mail 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 parcel(s) for which the variance or appeal is being requested and shall provide an affidavit of the mailing to the Land Use Administrator.

3.3.3 PRE-APPLICATION CONFERENCE

Prior to submitting an application, the Land Use Administrator may require, or the subdivider may request, that the applicant meet with the administrative staff, including City staff as appropriate, to review applicable regulations, submittal requirements, suitability of the land or parcel for subdivision, capacity of access roads, applicable on-site or off-site required improvements, and hearing dates.

In advising a prospective subdivider, the staff does not assume any responsibility for a lack of understanding of these Regulations on the part of the subdivider. Such advice to the applicant shall not be construed to result in any responsibility of the City or the County, their officers, agents or employees for damages to the subdivider as a result of his reliance thereon. Nor does it limit the discretion of the EZC or Board with regard to conditions of approval of the proposed development not anticipated at the time of the pre-application conference.

3.3.4 SUBMITTALS

A. PRE-APPLICATION

1. A sketch plan and any applicable supplementary data which will assist the staff and applicant in determining the feasibility of the proposal should be presented for discussion.

a. The sketch plan should include a map or survey plat of the tract proposed to be developed and general subdivision information and sketch drawings showing the general location of the proposed lots as those relate to the following, where applicable:

- (1) existing roads and utilities
- (2) proposed roads and utilities
- (3) flood plains
- (4) slope greater than 25%
- (5) soils and soil conditions
- (6) density of development
- (7) parks and open space
- (8) driveway access
- (9) water resources
- (10) archaeologic or historic resources
- (11) public property
- (12) adjacent development

b. Supplementary data includes any other information which may be helpful in determining the feasibility of developing the tract or which may require additional review such as availability of water rights, public dedications, variances or other adjustments.

B. PRELIMINARY PLAT FORMAT AND SUBMITTALS

1. 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; the location of all existing drainage channels, water sources and water bodies located on the parcel and within three (3) miles of the parcel; locations of all Federal, State or County Roads within one thousand (1000) feet of the parcel and the location of any planned highways and arterials as designated on the Extraterritorial Arterial Road and Corridor Plan or the MPO Major Thoroughfare Plan.

2. A preliminary plat or survey plat drawn at a scale of one (1) inch to one hundred (100) feet, or as approved by the Land Use Administrator, showing the following:

a. Proposed divisions of land with lot lines to scale, lot and block numbers.

b. Boundary lines: bearings and distances. The error of closure shall conform to the Minimum Standards for Land Surveying in New Mexico, as amended.

c. Easements: location, width and purpose;

d. Streets: names, rights-of-way, width, approximate grades, and distances and curve radii between intersections with center lines of other streets or tract boundary lines; similar data for alleys, if any.

e. Total acreage of the tract and proposed platting, including number of lots, typical lot width, depth, easements and building setback; any required landscape buffers; general location of parks, trails or open space; and any acreage proposed for public uses or community facilities other than streets.

f. Title and certificates: Present tract designations according to official records in the County Clerk's Office, title under which the proposed subdivision is to be recorded with name and address of owner; notation stating acreage, scale, true north arrow, U.S.G.S. datum and benchmarks, if any; certification of the professional surveyor registered in accordance with the laws of the State of New Mexico who prepared the plat, which certification is mandatory, and a metes and bounds description of the tract.

3. Existing Characteristics: A description of existing conditions on or adjacent to the site. Maps shall be at the same scale as the preliminary plat, and shall include the following:

a. Boundary lines: bearings and distances. The error of closure shall conform to the Minimum Standards for Land Surveying in New Mexico, as amended.

b. Streets on and immediately adjacent to the tract within one thousand (1000) feet; name and right-of-way width and location; type, width and elevation of surfacing; legally established centerline elevations; sidewalks, curbs, gutters, culverts, etc;

c. Utilities on and immediately adjacent to the tract (within 1000 feet): location, size, and invert elevation of storm and sanitary sewers if any; location and size of water mains and location of wells or other water sources for community water systems; location of gas lines, fire hydrants, electric and telephone lines, street lights. If water and sewer mains are not located on or adjacent to the tract, indicate the direction, distance to and size of the nearest ones;

d. Easements: location, width and purpose;

e. 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 the tract, not including public rights-of-ways;

f. Zoning of all property on and within one thousand (1,000) feet of the tract to be subdivided;

4. Supplementary Plans and Data

A report and plans describing general data for the proposed subdivision as follows:

(See 3.3.6, *infra* for submittal modifications for subdivisions of four (4) lots or less)

a. A development plan as required by the Zoning Ordinance in effect for the location; See 3.2.2, *supra*.

b. Existing or proposed restrictive covenants;

c. A water supply plan; See 3.6.1, *infra*, including proposed fire protection; See 3.6.3, *infra*, and preliminary engineering plans or drawings for water systems, if applicable;

d. A liquid waste disposal plan, including subsurface conditions on the tract which demonstrate the feasibility of on-site sewage disposal and/or preliminary engineering plans or drawings for liquid waste disposal systems, where applicable; See 3.6.2, *infra*;

e. Proposed improvements, including preliminary engineering plans or drawings, where applicable, to existing public streets or facilities, and/or extensions of utilities to the site such as natural gas, electricity, telephone or cable television and, if applicable, existing water or liquid waste disposal systems; See 3.5 and 3.6, *infra* for required improvements;

f. A traffic generation report; See 3.5.3, *infra*;

g. An archaeologic report and treatment plan, as applicable;

h. Other conditions on the tract such as flood plains, water courses or arroyos, rock outcrops, or other natural features;

i. A terrain management plan which depicts both existing topographic, vegetative, and soils types, and plans for grading, storm drainage, floodplain management, revegetation/landscaping, and erosion control on the site;

j. A proposed disclosure statement; See 3.9, *infra* and Appendices O and P, Disclosure Statements;

k. Other documents as deemed appropriate for the review of the project such as water rights, proposed subdivision improvement agreements, proposed owners association documents and the like.

5. Format of the Preliminary Plat

a. Seven (7) copies of the preliminary plat and the supplementary report, along with one (1) clear copy of the plat reduced to 8 1/2" by 11", shall be submitted. Additional copies of the plat or supplementary materials may be required by the Land Use Administrator depending on the number of agencies reviewing a particular subdivision proposal.

b. The preliminary plat shall be presented in blue-line or black-line copies on a sheet or sheets of twenty-four (24) inches by thirty six (36) inches.

c. Plats of subdivisions where lots will be developed in phases shall include a vicinity map or key sheet showing the relationship of that phase to the whole subdivision.

d. Plats shall be prepared in accordance with Minimum Standards For Land Surveys in New Mexico, as amended.

6. Additional Submittals

Additional submittals or reports, where required to satisfy conditional approvals of preliminary plans or plats, shall be presented to the staff for review prior to application for final plan and plat approval.

C. FINAL PLAT FORMAT AND SUBMITTALS

1. The original drawing of the final plat shall be in black india ink, on drafting film such as "mylar" or acetate on sheets twenty-four inches by thirty-six inches (24"x36") within which are borders one-half inch (1/2") wide on all sides, and shall be drawn at a scale of one inch equals one hundred feet (1"=100'). Where necessary, the plat may be on more than one sheet. If the plat is drawn on more than two sheets, such sheets shall be accompanied by an index sheet of the same size showing the entire subdivision.

2. If the subdivision is to be developed in more than one phase, that phase to be filed with the County Clerk shall be submitted on (a) separate sheet(s) from the remainder of the lots to be developed.

3. The original drawing and four (4) blue-line or blackline copies thereof shall be submitted with the application for approval of the final plat. The final plat shall be prepared in accordance with the Minimum Standards for Land Surveying in New Mexico, as amended, and show the following:

a. Primary control points, approved by the County Surveyor or the City Engineer, or descriptions and "ties" to such control points, to which all dimensions, angles, bearings and similar data shall be referred;

b. Location and description of all monuments;

c. Tract boundary lines, right-of-way streets, easements, and other rights-of-way, and property lines of all lots and other sites; with accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves;

d. Name and right-of-way width of each street or other rights-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;

e. Location, dimensions and purposes for which public sites, if any, are to be dedicated or reserved;

f. Numbers to identify each block and each site or lot; each block number shall appear within a circle;

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g. Minimum building setback line, including landscape buffers, on all lots and other sites, if such is required by the Extraterritorial Zoning Commission;

h. Name of record of landowners of adjoining land;

i. Copies of all covenants, deeds and homeowners association by-laws for development and maintenance of the subdivision;

j. The final plat shall meet all requirements of final disclosure as required by the New Mexico Subdivision Act and these Regulations; a copy of the final Disclosure Statement shall be submitted; recording information shall be referenced on the plat.

k. A reference to recorded subdivision plats of adjoining platted land by record name and date and reception number or Plat Book and Page.

l. One hundred (100) year flood hazard zone and base flood elevation data, as applicable;

m. Certification of a land surveyor, who shall be licensed in accordance with the laws of the State of New Mexico, certifying to the accuracy of survey and plat, and that the same has been prepared by him;

n. Certification of title showing that the subdivider is the landowner, and that the subdivision as it appears on the plat is with the free consent and in accordance with the desires of the subdivider, which certification shall be signed by the subdivider;

o. A planning and platting affidavit stating that the subdivision is in the five (5) mile concurrent subdivision jurisdiction of the City and the County;

p. A signed statement by the subdivider dedicating streets and other rights-of-way, granting easements for public use and dedicating any sites for public use;

q. Title, scale, true north arrows and date;

r. Certification of approval by the Extraterritorial Zoning Commission;

s. Certification of approval by the appropriate utility companies, including the City for City sewers, that the utility easements shown on the plat are adequate for the intended purpose(s);

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t. Certification of approval by the Board and, as applicable, certificate of acceptance by the Board of the dedications of streets and other rights-of-way and dedications of any sites for public use. (See Appendix C for sample plat certificates).

4. Required dimensions shall be shown to the nearest one-hundredth of a foot and bearings to the nearest one-half minute.

5. All signatures shall be written with black india ink.

6. Proposed fees-in-lieu of land dedications shall be submitted for approval pursuant to 3.7 infra.

7. All plans, reports, preliminary plats and changes in these plans including conditions of approval shall become part of the final plat and its approval.

8. A certificate by a licensed engineer and the Land Use Administrator certifying that the subdivider has complied with one of the following:

a. That all improvements have been installed in accordance with the requirements of these Regulations; or

b. That a Subdivision Improvements Agreement, Schedule of Compliance and a surety bond, irrevocable letter of credit or other acceptable security sufficient to guarantee completion of all required improvements has been filed and approved pursuant to 3.8, infra.

9. Other data: such other certificates, affidavits, endorsements, or deductions as may be required in the enforcement of these Regulations, or as may be specified elsewhere herein.

3.3.5 REVIEW PROCEDURES: PRELIMINARY AND FINAL PLAT, SUBDIVISIONS OF FIVE OR MORE LOTS

A. PRELIMINARY PLAT PROCEDURES--Hearing, staff review, findings of fact, EZC action--Subdivisions of five (5) lots or more shall be:

1. Scheduled for a hearing before the EZC for review and recommendation. The applicant shall post notice on the property as set forth in 3.2.2, supra;

2. Submittals as required in 3.3.4, supra shall be presented to staff no less than twenty three (23) working days prior to the regularly scheduled EZC meeting, with a written application and any fees as set forth in 3.3.11, infra;

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3. The application will be reviewed for compliance with the provisions of these Regulations and findings of fact shall be made concerning:

a. suitability of the site for subdivision, see 3.2.1, supra;

b. the density regulations as set forth in the zoning ordinance in effect for the location;

c. special district location and standards, as set forth in the zoning ordinance in effect for the location, see 3.2.2, supra;

d. compliance with applicable environmental requirements as set forth in 3.4, infra;

e. required improvements, as applicable, meeting the design standards, as set forth in 3.4, 3.5, 3.6 of these Regulations.

4. The staff shall provide the EZC with a written report of its findings together with a recommendation that the preliminary plat for the subdivision be either approved, conditionally approved or disapproved. A recommendation to conditionally approve shall list the conditions, and a recommendation for disapproval shall list the reasons to disapprove.

State or other agencies may take sixty (60) days or more to review subdivision submittals. If the agency review is not completed and received by staff at least ten (10) days prior to the EZC meeting for which an applicant has requested a hearing, or if the Land Use Administrator determines that other submittal requirements are incomplete after sixty (60) days have elapsed from the date of request for agency review of submittals, the Land Use Administrator may determine that the application is incomplete and may then withhold the application and not place it on the EZC agenda until the agency reviews or complete submittals are timely received. The applicant may only be withheld administratively one regularly scheduled EZC meeting; after that time the Land Use Administrator shall place the application on the agenda and the EZC will decide whether to hear the application.

5. The EZC shall act at a public hearing or meeting on the proposed subdivision following a review of the preliminary plat and other materials submitted for conformity to these Regulations, consideration of the staff reports and recommendations, consideration of other agency comments and recommendations, negotiations with the subdivider on changes deemed advisable and consideration of the kind and extent of improvements to be made. The EZC shall act on the application within thirty-five (35) days of the meeting at which it first considers the preliminary plat unless an extension of time is

applied for in writing by the subdivider and is granted by the EZC.

6. The action of the EZC shall be noted on two (2) copies of the preliminary plat, and dated and verified by the signatures of the chairman and secretary of the EZC. Conditions, if any, or reasons for a disapproval shall be referenced thereon and attached. One copy shall be returned to the subdivider and the other retained in the files of the EZC.

7. A recommendation for approval or conditional approval of a preliminary plat shall not constitute approval of the final plat for the subdivision. Rather, it is an expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the final plat. The final plat shall be submitted for a recommendation from the EZC and for recordation, showing that the requirements of these Regulations and the conditions, if any, of a conditional approval of the preliminary plat have been satisfied.

8. Follow up: The applicant shall show compliance with any conditions imposed by the EZC to the satisfaction of the Land Use Administrator prior to submittal of the final plat.

9. The subdivider shall submit an application for final plat approval to the Board within twelve (12) months after a recommendation by EZC for approval or conditional approval of the preliminary plat; otherwise such approval or conditional approval shall become null and void unless an extension of time is applied for in writing by the subdivider and granted by the EZC. The EZC may grant an extension for up to twelve (12) months. If an extension of time is applied for, such application shall be submitted to the EZC prior to the agenda deadline for the EZC meeting at which it is to be considered.

B. AGENCY REVIEW AND HEARING--

1. Prior to approval, preliminary plats and data shall be submitted by staff for a review by those agencies described as applicable to the type of subdivision submitted. Such review shall include opinions from:

a. The State Engineer and the County Hydrologist who shall submit his or her opinion, advising the Land Use Administrator:

(1) whether or not a subdivider can fulfill the commitments and proposals in his plans and disclosure statement concerning water supply for the subdivision; and

(2) whether or not the subdividers' water availability report and water proposals conform with applicable County regulations or Extraterritorial ordinances;

b. The Metropolitan Water Board, the City Council and the Board of Commissioners concerning extensions of service and the service area for the regional water system; applicants shall be encouraged to seek approval of such extensions prior to submitting preliminary plats for approval; the Metropolitan Water Board for proposed service areas or service area extensions for community water systems;

c. The New Mexico Environment Department which shall submit its opinion, advising the Land Use Administrator:

(1) whether or not the subdivider can fulfill the proposals contained in his plans and disclosure statement for liquid and solid wastes; and

(2) whether or not the water proposed to be used is of an acceptable quality to conform with applicable County regulations or Extraterritorial ordinances; and

(3) whether or not the liquid and solid waste disposal proposals conform with applicable County regulations or Extraterritorial ordinances;

d. The New Mexico Highway and Transportation Department concerning the requirements of State Highway access and traffic analysis reports; and

e. The Soil and Water Conservation District which shall submit its opinion, advising the Land Use Administrator:

(1) whether or not the subdivider can fulfill the proposals contained in his plans and disclosure statement concerning terrain management; and

(2) whether or not the subdivider's proposals for terrain management conform with applicable County regulations or Extraterritorial ordinances.

2. If, in the opinion of each appropriate State agency, a subdivider can fulfill the proposals contained in his disclosure statement concerning water, liquid and solid waste disposal, and terrain management, and the subdivider has conformed with applicable County regulations or Extraterritorial ordinances in his subdivision proposal, then the Board and the EZC shall weigh these factors in determining whether or not to approve the subdivision plat.

3. State Engineer Adverse Opinion, Type I Subdivision--If, in the opinion of the State Engineer, the subdivider's water proposals do not conform with County regulations or Extraterritorial ordinances for a Type I subdivision or, if the State Engineer does not have sufficient information upon which to base an opinion, the subdivider shall be notified of this fact by the Board and the procedure set out below shall be followed:

a. If the State Engineer has rendered an adverse opinion, the Board shall give the subdivider a copy of the opinion;

b. The subdivider shall be given forty-five (45) days from the date of notification to submit additional information to the State Engineer through the Board;

c. If, within sixty (60) days of notification to the subdivider, the State Engineer does not change his opinion or issue a favorable opinion when one has been withheld because of insufficient information, the Board shall not approve the subdivider's plat unless:

(1) the subdivider requests the appointment of three qualified water scientists to be chosen by the Water Quality Control Commission and paid by the subdivider; and

(2) a majority of the water scientists chosen do not agree with the State Engineer's opinion that the subdivider's water proposals do not conform with County regulations or Extraterritorial ordinances;

d. If a majority of the water scientists do not agree with the State Engineer's opinion that the subdivider's water proposals do not conform with County regulations or Extraterritorial ordinances, then their opinions shall be submitted to the Board which may utilize the opinions in its final determination approving or disapproving the subdivision plat.

4. State Engineer Adverse Opinion, Type II Subdivision--If, in the opinion of the State Engineer, the subdivider's water proposals do not conform with County or Extraterritorial regulations for a Type II subdivision, or if the State Engineer does not have sufficient information upon which to base an opinion, the subdivider shall be notified of this fact by the Board and the procedures set out below shall be followed:

a. If the State Engineer has rendered an adverse opinion, the Board shall give the subdivider a copy of the opinion;

b. The subdivider shall be given forty-five (45) days from the date of notification to submit more information to the State Engineer through the Board;

c. If, within sixty (60) days of the date the subdivider was notified, the State Engineer does not change his opinion or issue a favorable opinion when one has been withheld because of insufficient information, the Board shall hold a public hearing devoted solely to determining whether or not the subdivider's water proposals conform with County regulations or Extraterritorial ordinances.

5. Adverse Opinions, Other Agencies, Type I or II Subdivisions--If, in the opinion of the appropriate State agency, a Type I or Type II subdivision proposal does not conform with County regulations or Extraterritorial ordinances for water of an acceptable quality, liquid and solid waste disposal, highway access, terrain management, or if the appropriate State agency does not have sufficient information upon which to base an opinion on any one of these subjects, the subdivider shall be notified of this fact by the Board, and the procedure set out below shall be followed:

a. If the appropriate State agency has rendered an adverse opinion, the Board shall give the subdivider a copy of the opinion;

b. The subdivider shall be given forty-five (45) days from the date of notification to submit more information to the State agency through the Board;

c. If, within sixty (60) days of the date of notification to the subdivider, the State agency does not change its opinion or issue a favorable opinion, when it has withheld one because of insufficient information, the Board shall hold a public hearing devoted solely to determining whether or not the subdivider has conformed with the applicable County or Extraterritorial regulation concerning which the state agency has rendered an unfavorable opinion or withheld an opinion because of insufficient information.

6. Hearings on Adverse Agency Reports, Types I and II subdivisions only.

Whenever a hearing is required because of an adverse report from a State agency that a subdivider's proposal does not meet a specified County regulation or Extraterritorial ordinance, or because a State agency has not furnished an opinion due to insufficient information, the Board shall adhere to the following requirements concerning the hearing:

a. Notice of the hearing shall be given at least thirty (30) days prior to the hearing date and shall state:

- (1) the subject of the hearing;
- (2) the time and place of the hearing;
- (3) the manner in which interested persons may present their views; and
- (4) where interested persons may secure copies of the adverse opinion and of the subdivider's proposal on the subject covered by the State agency's opinion or the opinion request. The Board may impose a reasonable charge for the costs incurred in reproducing and mailing the opinion and proposal to those persons requesting copies.

b. The notice shall be published in a newspaper of general circulation in the County.

c. Reasonable effort shall be made to give notice to all persons who have made a written request to the Board for advance notice of its hearings. Notice shall also be given to the State agency that prepared the adverse report or withheld a report on the basis of insufficient information.

d. At the hearing, the Board shall allow all interested persons a reasonable opportunity to submit data, views or arguments, orally or in writing, and to examine witnesses testifying at the hearing.

e. The Board shall approve or disapprove the subdivision plat within thirty (30) days of the termination of the hearing at a public meeting of the Board of County Commissioners.

C. FINAL PLAT PROCEDURES.

1. The final plat shall conform substantially to the preliminary plat as approved. If the final plat does not substantially conform to the approved preliminary plat, submittal and approval of an amended preliminary plat will be required. The final plat may constitute only that part or phase of the approved preliminary plat which the subdivider proposes to record and develop at the time; provided however, that such part conforms to all requirements of these regulations, and any conditions imposed at the time of preliminary plat approval. Further, the EZC or Board may require the subdivider to include or exclude whatever part of the preliminary plat the final platting of which at the time it deems necessary for orderly development consistent with the purposes of these Regulations, the approved development plan, and the Extraterritorial Comprehensive Plan. The final plat shall also comply with the New Mexico Subdivision Act and these Regulations.

2. Application for approval of the final plat shall be submitted in writing to the administrative staff not

less than twenty-three (23) working days prior to the EZC meeting at which it is to be considered. Conditions of preliminary plat approval must have been met at this point. The Land Use Administrator shall determine that all required filing and review fees have been paid in full. A cashier's check made payable to Santa Fe County in the amount required in the schedule of fees for the final plat approval must accompany the final plat application.

3. The Land Use Administrator shall submit a written report of staff findings together with a recommendation to approve or disapprove the final plat at the same time the final plat is submitted for consideration by the EZC.

4. The EZC shall recommend to approve or disapprove the final plat within thirty-five (35) days from the date of the meeting at which it first considers such plat, which date shall be considered as the date of final submission of the final plat, unless an extension of time is applied for in writing by the subdivider and granted by the EZC.

5. The subdivider shall submit an application for final plat approval to the Board within twelve (12) months after a recommendation by EZC for approval or conditional approval of the preliminary plat; otherwise such approval or conditional approval shall become null and void unless an extension of time is applied for in writing by the subdivider and granted by the EZC. The EZC may grant an extension for up to twelve (12) months. If an extension of time is applied for, such application shall be submitted to the EZC prior to the agenda deadline for the EZC meeting at which it is to be considered.

6. 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 (2) copies thereof and such approval shall be dated and verified thereon by the signatures of the Chairman of the Board of County Commissioners and the Land Use Administrator, the Chairman and Secretary of the EZC and the appropriate utility companies in the space provided. All such dates and signatures shall be affixed by the use of black india ink. 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 of County Commissioners and the Land Use Administrator affixed to said copies. In either event, one of said signed copies shall be returned to the subdivider and the other shall become a part of the files of the Land Use Administrator. If such plat is approved, the original drawing of the same shall be used in part for recordation purposes and thereafter retained in the files of the Land Use Administrator. If the final plat is denied, the original drawing shall be returned to the subdivider. None of the requirements of this paragraph shall be modified or waived.

7. All conditions of preliminary or final plat approval shall be fulfilled or incorporated into the Subdivision Improvements Agreement in substantial form as set forth in 3.8, infra, as applicable, prior to recording of the final plat. All fees, fees-in-lieu of land dedications, agreements and bonds, securities or other guarantees of improvements shall be paid or approved and filed with the Land Use Administrator or the City, where applicable, prior to recording of the final plat.

8. The final plat shall be recorded by the County Clerk. The Land Use Administrator or his authorized representative shall notify the subdivider of the date of such recording. Acceptance by the County of a public dedication shown on the plat does not necessarily imply the maintenance of such dedication.

9. All final plats shall be recorded within eighteen (18) months of the date of final approval by the Board; otherwise such approval shall become null and void unless an extension of time is applied for in writing by the subdivider and granted by the Board for good cause shown.

10. Acceptance for maintenance or operating responsibility for streets, alleys, or other public ways or easements, and parks or other public lands dedicated or granted on the plat shall be accomplished through approval of a resolution of acceptance by the Board in an action separate from and in addition to any action of plat approval. Prior to adopting a resolution of acceptance, the Board shall find that the streets, alleys, public ways, parks, or other improvements have been engineered, installed, and inspected to meet the standards of these and other applicable Regulations. See Section 3.8, infra.

3.3.6 SUMMARY REVIEW PROCEDURES: PRELIMINARY AND FINAL PLAT, SUBDIVISIONS OF FOUR (4) LOTS OR LESS; INHERITANCE OR FAMILY TRANSFER

A. SUBMITTALS

1. The preliminary plat submittals, supplemental plans and data, a written application and any applicable fees shall be submitted to the staff. Submittals as set forth in 3.3.4 B, supra, shall apply except that traffic generation reports and phasing plans shall only be required as set forth by the zoning ordinance in effect for the location.

2. The final plat shall conform to the format set forth in 3.3.4 C, supra, except that an approval certificate for the EZC shall substitute for such certificate(s) required for Board approval.

3. Preliminary plat documents and a final plat may be submitted for concurrent review and approval.

B. PRELIMINARY PLAT PROCEDURES

1. Subdivisions of four (4) lots or less and all inheritance or family transfer subdivisions shall be scheduled for an appearance before the EZC for approval. The applicant shall post notice on the property as set forth in 3.3.2, supra;

2. Submittals shall be presented to staff no less than twenty three (23) working days prior to the regularly scheduled EZC meeting, with a written application and any fees as set forth in 3.3.11, infra;

3. The application will be reviewed for compliance with the provisions of these Regulations and findings of fact shall be made concerning:

a. suitability of the site for subdivision;
see 3.3.2, supra;

b. the density regulations as set forth in the zoning ordinance in effect for the location;

c. special district location and standards, as set forth in the zoning ordinance in effect for the location;

d. compliance with applicable environmental requirements as set forth in 3.4, infra;

e. required improvements, as applicable, meeting the design standards, as set forth in 3.4, 3.5, 3.6 of these Regulations.

4. The staff shall provide the EZC with a written report of its findings together with a recommendation that the preliminary plat for the subdivision be either approved, conditionally approved or disapproved. A recommendation to conditionally approve shall list the conditions, and a recommendation for disapproval shall list the reasons to disapprove.

5. The staff may refer an application to an appropriate reviewing agency or official for an opinion, pursuant to 3.3.5 B, supra, concerning whether the application should be approved, disapproved, or approved with conditions or modifications and whether the application, as presented, conforms with applicable provisions of these regulations or in any other State, County or City regulation or law.

6. The EZC shall act at a public hearing or meeting on the proposed subdivision following a review of the preliminary plat and other materials submitted for conformity to these Regulations, consideration of the staff reports and recommendations, and negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be

made. The EZC shall act on the application within thirty-five (35) days of the meeting at which it first considers the plat unless an extension of time is applied for in writing by the subdivider and is granted by the EZC.

7. The action of the EZC shall be noted on two (2) copies of the preliminary plat, and dated and verified by the signatures of the chairman and secretary of the EZC. Conditions, if any, or reasons for a disapproval shall be referenced thereon and attached. One copy shall be returned to the subdivider and the other retained in the files of the EZC.

8. An approval or conditional approval of a preliminary plat shall not constitute approval of the final plat for the subdivision. Rather, it is an expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the final plat. The final plat shall be submitted for approval to the EZC and for recordation, showing that the requirements of these regulations and the conditions, if any, of a conditional approval of the preliminary plat have been satisfied. See 3.3.6 C, *infra* for time limits on submission of final plats.

9. Follow up: The applicant shall show compliance with any conditions imposed by the EZC to the satisfaction of the Land Use Administrator prior to submittal of the final plat.

C. FINAL PLAT PROCEDURES

1. The subdivider shall submit an application for final plat approval to the EZC within twelve (12) months after a recommendation by EZC for approval or conditional approval of the preliminary plat; otherwise such approval or conditional approval shall become null and void unless an extension of time is applied for in writing by the subdivider and granted by the EZC. The EZC may grant an extension for up to twelve (12) months. If an extension of time is applied for, such application shall be submitted to the EZC prior to the agenda deadline for the EZC meeting at which it is to be considered.

2. The final plat may be approved by the EZC according to the procedures set forth in 3.3.5 C, *supra*, except that the EZC shall act in its capacity as summary approval committee; no hearing before or approval by the Board of County Commissioners shall be required. The signature of the Chairman of the Board of County Commissioners shall be required only on those plats where public dedications are shown and have been accepted by the Board.

D. INHERITANCE OR FAMILY TRANSFER SUBDIVISIONS.

1. SUBMITTALS

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a. Plats for inheritance transfers shall be submitted with the following documentation:

(1) The court order or other appropriate legal instrument from probate proceedings;

(2) A deed(s) transferring the parcel(s) to the heirs or beneficiaries as set forth in the court order or similar document shall be recorded at the time the plat is filed.

b. Plats for family transfers shall be submitted with the following documentation:

(1) The person transferring the lot shall file an affidavit with the County Clerk containing the following which will be conditions of approval for a development permit:

(a) A legal description of the property being transferred;

(b) A statement that he or she has not made any transfers of any other lots to the same person under the family transfer provisions of these Regulations or the zoning ordinance in effect for the location.

(2) Proof that the land has been in the lawful possession of the family proper for no less than five (5) years and that the recipient is an adult or emancipated minor.

(3) A notation on the face of the plat stating that the subdivision is a family transfer.

(4) A deed(s) transferring the parcel(s) to family members shall be recorded at the time the family transfer plat is filed.

(5) 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 rights-of-way, of the proposed family transfer parcel(s). See 3.3.2, supra.

2. Review Procedures

a. Family transfer subdivisions which meet the development standards of the applicable zoning ordinance and of these Regulations (See 3.3.6 D supra and 3.4.8 infra) may be reviewed and approved by EZC pursuant to summary procedures set forth in this Section 3.3.6.

b. Family transfer subdivisions which do not meet the applicable development standards shall be subject to variance procedures of the applicable ordinance.

3.3.7 MASTER PLATS

A. INTENT-- The master plat procedure is intended to provide an option for subdividers to achieve approval for a subdivision concept - the master plat - with the surveyed final lot lines to be achieved later in phases by administrative approval. Approved master plats and subsequent amendments of the master plat shall not be considered a serial subdivision. Master plats may be especially useful for commercial or industrial subdivisions where the specific needs of future buyers regarding lot size and configuration are extremely difficult for the subdivider to predict. The procedural steps to be followed for master plat approval are:

1. Petition to the Board to be considered under the master plat provisions with delegation of authority to administratively approve the lot layout;
2. Review and approval of the master plat by EZC and the Board pursuant to 3.3.5, supra;
3. Submittal and approval of subsequent lot(s) under administrative procedures; see 3.3.8, infra.

B. DELEGATION OF ADMINISTRATIVE APPROVAL FOR LOT LAYOUT--In commercial, industrial or large scale 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 within a master plat.

1. Before seeking approval of a master plat, the developer shall first file a petition with the Board requesting that it be permitted to obtain approval pursuant to this Section. In order to approve a petition for master plat procedure the Board shall find that due to the size, scale or marketing requirements that approval of a master plat is in the best interest of the County.

2. If the Board approves the petition, it will direct that the development request be submitted to the EZC for review under subdivision procedures of 3.3.5, supra. Before final plat approval, the Board may rescind its intent to delegate approval to the Land Use Administrator if it determines that such delegation is not in the best interest of the County.

C. MASTER PLAT REVIEW--

1. Proposed master plats shall be reviewed by the EZC and Board under procedures for preliminary and final plats (3.3.5 supra.) and shall meet the standards and submittal requirements of these Regulations except for designation of a specific lot layout within the plat. The EZC and Board shall establish development standards applicable to the subdivision as authorized by these Regulations and other applicable ordinances and laws, establish the maximum number of lots to be permitted, establish required improvements, and may approve both the preliminary and final plat which will be known and designated as a "master plat".

2. The approved final 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 EZC pursuant to this Section and that he has been delegated authority to approve plat amendments establishing new lots.

D. ADMINISTRATIVE REVIEW AND APPROVAL

1. The administrative staff may approve a lot or lots within an approved master plat on an as needed basis pursuant to the administrative procedures of 3.3.8, infra, provided:

a. A petition to create a master plat has been authorized by the Board;

b. A master plat has been reviewed and approved by the EZC and the Board pursuant to all applicable provisions of these Regulations;

c. The master plat has been duly filed with the County Clerk;

d. The proposed lot(s) comply with all required standards and with the master plat approval and conditions of such approval, if any.

2. The master plat shall be amended as lots are approved. New lots may not be approved without an amended survey plat meeting all final plat standards; the amended plat shall include all lots previously approved.

3.3.8 ADMINISTRATIVE APPROVALS; SUBMITTAL AND REVIEW

A. SUBMITTALS:

1. This section on administrative approval shall apply to delegations of administrative approvals for lot layout under master plat procedures (3.3.6, supra), replats or

resubdivisions, plat amendments, and such other plat approvals as may be specifically delegated to staff by the City and/or the County. The preliminary plat submittals, supplemental plans and data, a written application and any applicable fees shall be submitted to the County staff. Submittals as set forth in 3.3.4 B, supra shall apply except that traffic generation reports and phasing plans shall only be required as set forth in the zoning ordinance in effect for the location.

2. The final plat shall conform to the format set forth in 3.3.4 C, supra, except that an approval certificate from the Land Use Administrator may substitute for such certificates required for EZC and Board approval.

3. Preliminary plat documents and a final plat may be submitted for concurrent review by staff.

B. REVIEW PROCEDURES:

1. The Land Use Administrator or his/her staff designee shall review the application for compliance with the provisions of these Regulations and make findings of fact concerning:

- a. suitability of the site for subdivision;
(see 3.2.2, supra)
- b. the density regulations as set forth in the zoning ordinance in effect for the location;
- c. special district location and standards, as set forth in the zoning ordinance in effect for the location;
- d. compliance with applicable environmental requirements as set forth in 3.4, infra;
- e. required improvements, as applicable, meeting the design standards, as set forth in 3.4, 3.5, 3.6 of these Regulations.

2. The applicant shall post notice on the property as set forth in 3.3.2 C, supra.

3. The Land Use Administrator shall make and file a decision based on the findings, approving or disapproving the application, or approving the application with conditions or modifications, within twenty (20) working days from the date the application was completed and filed.

4. The action of the staff shall be noted on two copies of the preliminary or final plat, dated, and verified by the signature of the Land Use Administrator. Conditions, if any, or reasons for a disapproval shall be referenced thereon and

attached. One copy shall be returned to the subdivider and the other retained in the files of the Land Use Administrator.

5. The Land Use Administrator may hold an informal conference with the applicant and any interested person at any time prior to the making of the decision. The Land Use Administrator shall give at least three (3) 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.

6. The staff may refer an application to an appropriate agency or official of the State of New Mexico or other agency for an opinion, pursuant to 3.3.5 B, *supra*, concerning whether the application meets the requirements of State, County, or Extraterritorial regulations. The opinion of the State agency or official shall be advisory. The administrative staff may delay the decision while waiting for an opinion and for five (5) working days after receiving the requested opinion, if it is believed that such a delay is necessary in order to determine whether or not an application complies with applicable law in these regulations.

7. A recommendation for approval or conditional approval of a preliminary plat shall not constitute approval of the final plat for the subdivision. Rather, it is an expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the final plat. The final plat shall be submitted to the staff for approval and for recordation, showing that requirements of these regulations and the conditions, if any, of a conditional approval of the preliminary plat have been satisfied.

8. If the final plat is approved, such approval shall be recorded on the face of the original drawing of the final plat and on two (2) copies thereof and such approval shall be dated and verified thereon by the signatures of the Land Use Administrator and the authorized signatures of the appropriate utility companies in the space provided on the plat. All such dates and signatures shall be affixed by the use of black india ink. If the final plat is denied, 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 signature of the Land Use Administrator affixed to said copies. In either event, one of said signed copies shall be returned to the subdivider and the other shall become a part of the files of the Land Use Administrator. If such plat is approved, the original drawing of the same shall be used for recordation purposes and thereafter retained in the files of the Land Use Administrator. If the final plat is denied, the original drawing shall be returned to the subdivider. None of the requirements of this paragraph shall be modified or waived.

9. The final plat shall be recorded by the County Clerk. The Land Use Administrator or his/her authorized representative shall notify the subdivider of the date of such recording. Acceptance by the County of a public dedication shown on the plat does not necessarily imply the maintenance of such dedication. (See 3.8, *infra*.)

10. All final plats shall be recorded within eighteen (18) months after final approval; otherwise such approval shall become null and void unless an extension of time is applied for in writing by the subdivider and granted by the Land Use Administrator.

11. A decision of the administrative staff on an application shall become final five (5) calendar days after the decision is made, unless within the five (5) days an appeal of the decision has been submitted to the Land Use Administrator. Building permits shall not be issued until the administrative decision becomes final.

C. REPLATS OR RESUBDIVISIONS AND PLAT AMENDMENTS

1. Replats, lot line adjustments, scrivner's errors or corrections or amendments to previously approved plats may be approved by the Land Use Administrator as set forth in this Section 3.3.8, Administrative Approvals. The Land Use Administrator may waive preliminary plat submittals for such plats which do not increase the total number of lots platted.

2. Replats, lot line adjustments, or plat amendments which do not conform to the lot size and other requirements of the applicable zoning ordinance, or to standards of these Regulations, or to conditions of the original approval in the case of plat amendments, shall obtain approval for any necessary variances or other changes prior to approval of the plat. See variance procedures of the applicable zoning ordinance or 3.3.10, *infra*.

3.3.9 VACATION OR PARTIAL VACATION OF ROADS OR PUBLIC LANDS; VACATION OF PLAT.

A. VACATION OR PARTIAL VACATION OF ROADS OR PUBLIC LANDS. Pursuant to NMSA 1978, as amended, Sections 67-5-3 through 67-5-5, roads or other public property owned in fee by the County may be altered, vacated, or partially vacated by one of the following methods:

1. Pursuant to the same steps by which the land or road was acquired, such as by plat or replat.

2. Appointment of a board of viewers.

a. The board of viewers shall consist of three (3) freeholders of the County appointed by the Board.

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b. The board of viewers shall view such property to be acquired, altered or abandoned and make a report of its findings to the Board.

c. If the board of viewers recommends the discontinuance of the road or other public property, the Board may then issue an order of vacation.

3. By a petition of ten (10) freeholders residing within two (2) miles of the road or public property which is the subject of the petition of a vacation or partial vacation, said petition shall set forth a description of the alteration or point of termination of the road.

B. VACATION OF PLAT. The following procedures apply in requests for the vacation or partial vacation of plat:

1. Any plat filed in the office of the County Clerk may be vacated or a portion of the plat may be vacated if:

a. The owners of the land proposed to be vacated sign an acknowledged statement, or affidavit declaring the plat or a portion of the plat to be vacated; and

b. The statement is reviewed and approved by EZC for any request for vacation of a municipal subdivision pursuant to the public hearing procedures of 3.3.2, supra; and

c. The statement is approved by the Board at a public hearing pursuant to the procedures set forth in 3.3.2, supra, including notice to adjacent property owners.

2. In approving the vacation of all or a part of a plat, the Board shall determine whether or not the vacation will adversely affect the interest of persons on contiguous land or persons within the subdivision being vacated. In approving the vacation of all or a portion of a plat, the Board may require that streets or other public property dedicated to the County in the original plat continue to be dedicated to the County. The owners of lots on the vacated portion of the plat may enclose in equal proportions the adjoining streets and alleys which are authorized to be abandoned.

3. The statement or affidavit declaring the vacation of a portion or all of a plat which is approved by the Board shall be filed in the office of the County Clerk wherein the original plat is filed. The County Clerk shall mark the original plat with the words "VACATED" or "PARTIALLY VACATED" and refer on the plat to the volume and page on which the statement of vacation is recorded.

4. The rights of any utility existing prior to the vacation, total or partial, of any plat shall not be affected by the vacation of a plat. The Board may require that utility

easements or rights-of-way granted or dedicated on the original plat continue to be granted or dedicated.

3.3.10 VARIANCE

A. REVIEW CRITERIA.

1. The standards of these Regulations may be varied or modified by the Board, upon recommendation of the EZC, if a finding of fact is made that:

a. Special conditions or circumstances exist which are peculiar to soil conditions, the shape of the parcel, topography of the land, or the structure or building involved which are not applicable to other lands, structures or buildings in the same district; and

b. A literal interpretation of the provisions of these Regulations would deprive the applicant of rights commonly enjoyed by other properties governed by the terms of these Regulations; and

c. There are special conditions and circumstances which are not the result of actions by the applicant, such as medical or other hardship, and that the hardship is not self-imposed; and

d. Granting the variance requested will not confer on the applicant any special privilege that is denied by these Regulations to owners of other lands in the Area of Concurrent City and County Subdivision Jurisdiction; and

e. The application demonstrates that the request is a minimum easing of the requirements, making possible the reasonable use of the land; and

f. The granting of the variance is in harmony with the public interest, the general purpose and intent of these Regulations and is not injurious to the neighborhood or otherwise detrimental to the public welfare; and

g. The variance will not set a precedent which conflicts with the policies of the Extraterritorial Plan and applicable adopted ordinances.

B. SUBMITTALS.

1. A written application shall be submitted to the Land Use Administrator stating the rationale for the variance; such application shall be submitted with the preliminary plat.

2. The application for variance shall address each of the review criteria listed in subsection 3.3.10 A, supra.

C. PROCEDURES

1. The application for a variance shall be submitted to the EZC for a recommendation and to the Board according to the procedures set forth in Sections 3.3.2, Public Hearings;

2. In granting any variance, the Board may prescribe appropriate conditions and safeguards which will, in its judgment, substantially secure the objectives of these Regulations as modified.

3.3.11 APPEALS

A. SUBMITTALS

A petition to appeal administrative or EZC decisions shall be submitted by persons aggrieved, in writing, to the Land Use Administrator, stating the grounds for the appeal. The petition shall consist of specific statements of fact, specifying the sections of the Regulations upon which the appeal is based, and cause for appeal.

B. APPEAL OF ADMINISTRATIVE ACTIONS

1. Petitions for appeal which allege an error in any requirement, decision or determination by an administrative official in the application of these Regulations must be submitted within fifteen (15) calendar days after the decision is made.

2. The EZC shall hear such appeals and may, by a majority vote, and in conformance with the provisions of these Regulations, reverse, affirm, or make any change in a requirement, decision or determination of an administrative official.

3. The petition to appeal shall be subject to a public hearing before EZC as set forth in 3.3.2, supra.

C. APPEAL OF EZC ACTIONS

1. Any aggrieved person, or any department, commission, or board of the City or County that is affected by a decision of the EZC may appeal such decision to the Board. Such petition of appeal must be submitted within fifteen (15) calendar days from the date of the decision.

2. The Board may, in conformity with the provisions of these Regulations, reverse or affirm, wholly or partly, or may modify the requirement, decision or determination appealed from and may make such requirement, decision or determination as the Board deems appropriate.

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3. The petition to appeal shall be subject to public hearing and public notice as set forth in 3.3.2, supra.

D. TIME LIMITS--Decisions on appeals shall be made within sixty (60) days of the filing of the petition of appeal.

E. STAY OF PROCEEDINGS--The petition shall stay all proceedings or furtherance of action(s) which is the subject of the appeal.

3.3.12 FEES

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

B. Where additional review is required due to complex, unforeseen, or unique circumstances relating to a proposed plan or plat, such as complex hydrological, geological, terrain management or liquid waste 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 to assist in reviewing such reports, plans and plats. When an additional fee is deemed necessary, the fee shall be set by the County based on the value of services rendered.

3.4 BASIC SUBDIVISION STANDARDS

3.4.1 DESIGN GUIDELINES AND STANDARDS--

A. PURPOSES--The purpose of good subdivision and site design is to create a functional, attractive development, to minimize adverse impacts, and to preserve community assets. The standards and guidelines in these Regulations are intended to ensure that the design of new subdivisions adapts to existing site terrain, characteristics and conditions; enhances the scale and character of the existing neighborhood; continues or adapts to local historical development patterns and styles; creates neighborhood or community centers; and provides adequate roads, utilities and services which coordinate with existing and planned infrastructure for the surrounding area.

B. USE OF GUIDELINES AND STANDARDS--

1. Both the terms "guidelines" and "standards" are used in 3.4, 3.5, and 3.6 of these Regulations. For the purposes of this ordinance, guidelines shall provide a framework

for sound planning; standards shall set forth specific requirements for plats and improvements. All applications shall comply with the standards set forth in these regulations unless a variance is granted pursuant to 3.3.10, supra.

2. The design guidelines and standards for improvements are based on performance standards for protection of health and safety, the level of existing services and the intensity or density of a proposed development. In general, subdivisions at urban densities will require a higher level of services or construction of improvements than those at rural densities.

3.4.2 ENVIRONMENTAL REQUIREMENTS.--

A. REFERENCE TO ADOPTED STANDARDS--All subdivisions shall meet the requirements of the environmental standards as follows:

1. Except as provided elsewhere in these Regulations, the Extraterritorial Zoning Ordinance or an adopted Land Development Code for the Extraterritorial Zoning District, the following environmental standards of the Santa Fe County Land Development Code (Ordinance 1980-6 as amended) shall apply:

- a. Water Supply, Article VII, Section 6;
- b. Terrain Management, Article VII, Section 3.
- c. Air Quality, Article VII, Section 4;
- d. Noise, Article VII, section 5;
- e. Flood Hazards, Article VII, Section 1 and County Ordinance 1988-1, Flood Control Regulations for Santa Fe County.

2. At such time as a zoning or land development code containing environmental requirements and standards for the Extraterritorial Zoning District is adopted and becomes effective, the environmental standards of that Code shall apply within the Extraterritorial Zoning District. The above referenced environmental standards of the Santa Fe County Land Development Code shall apply to subdivisions lying outside of the Extraterritorial Zoning District but within the Area of Concurrent City and County Subdivision Jurisdiction.

3.4.3 FLOOD PROTECTION

A. All subdivision proposals shall be consistent with regulations for development in flood hazard areas found in the adopted Extraterritorial Land Development Code and County Ordinance 1988-1, Flood Control Regulations for Santa Fe County and shall be designed to minimize flood damage in flood hazard areas.

B. Where applicable, the one hundred (100) year flood hazard zone shall be shown on the preliminary and final plat as identified in "The Flood Insurance Study for Santa Fe County, New Mexico," dated October 5, 1987 with accompanying Flood Insurance Rate Maps and Flood Boundary - Floodway Maps. Base flood elevation data for the area of the subdivision shall be noted on the plat. The Flood Insurance Study and Maps are available for review in the office of the Land Use Administrator. It should be noted that the federal flood maps are not inclusive of all flood hazard areas found in Santa Fe County. Additional drainage studies completed for the required terrain management plan shall also identify potential floodplains and flood hazard areas on the preliminary and final plat pursuant to the terrain management performance standards in effect for the location. See 3.4.2 A, supra.

C. All public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damage.

3.4.4 MONUMENTS.--

A. All primary subdivision boundary corners and the intersections of road centerlines shall be marked with permanent monuments at that point or with an offset marking, if necessary, as approved by the Land Use Administrator. 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 finished grade. In addition, 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; a survey post approved by the Bureau of Land Management, or any monument of higher standards may be substituted, if approved by the County Land Use Administrator prior to placement.

B. Secondary monuments shall be set at all lot corners, points of curve and boundary angle points.

Secondary monuments may be rebar, pipe or other metal rod, not less than one half inch (1/2") diameter and sixteen inches (16") in length with surveyor's registration number on cap which may be aluminum, plastic, brass or comparable material.

3.4.5 SUBDIVISION NAMES.--

Subdivision names shall be sufficiently different in sound and in spelling from the names of any existing City, town, traditional community, tract or subdivision in Santa Fe County so as not to cause confusion or mislead the public. Replats or re-subdivisions shall reference the original subdivision name on the face of the plat.

3.4.6 BLOCKS.--

A. The lengths, widths and shapes of blocks shall be designed with due regard to:

1. Provision of adequate building sites suitable to the special needs of the type of use contemplated;

2. Zoning requirements as to lot sizes and dimensions;

3. Needs for convenient access, circulation, control and safety for street traffic and emergency services;

4. Topography of the land.

B. The length of blocks shall be between four hundred (400) and fifteen hundred (1500) feet. Longer blocks may be approved where average lot sizes are greater than five (5) acres.

C. 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 or where lots abut a single row of lots in an adjacent subdivision or a drainage course or other dominant natural terrain feature.

3.4.7 LOTS--

A. Shapes and location of lots shall be designed with regard to topographic conditions, public road or utility easements that may be present, proposed land use and surrounding or adjacent areas.

B. Every lot shall provide a building site and driveway access to the building site meeting adopted terrain management standards as follows:

1. Each lot shall have an area designated as suitable for building of not less than two thousand (2000) square feet, which can be developed in accordance with the terrain management performance standards; and

2. At least one-half (1/2) of the area designated as suitable for building shall not exceed a natural slope of twenty percent (20%). The other one-half (1/2) of the area may have a natural slope between twenty percent (20%) and thirty percent (30%). No structure may be built on a natural slope of over thirty percent (30%). For a structure built on a natural slope of over twenty percent (20%), the finished floor elevation at any point shall not exceed five (5) vertical feet above the natural grade below that point.

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3. Building sites and driveways shall be located so as to minimize cuts and fills, to reduce erosion and visual scars and to avoid removal of native trees.

4. Slopes greater than thirty percent (30%) shall remain undisturbed except that the Land Use Administrator, upon the recommendation of the City or County engineer or the Soils Conservation District, may approve grading or construction for arroyo crossings and isolated occurrences of sloped areas greater than thirty percent (30%). Areas involved in such grading or construction shall be limited to the absolute minimum area of disturbance needed to accomplish the improvement and meet acceptable engineering practice. Disturbances exceeding one thousand (1000) square feet must have the concurrence of City and County. Further waivers of the slope limitation shall require a variance pursuant to 3.3.10, supra.

C. Every lot shall have egress and ingress to a local or collector road capable of meeting driveway access standards of these Regulations. See 3.5.8 infra.

D. Double frontage lots shall be avoided. Backing a lot up to an existing subdivision, highway or arterial is not considered as double frontage, provided a buffer strip or extra depth abutting the highway arterial has been added to the lot. (See Buffer Requirements, Section 3.5.7 infra.) The front of the lot shall be designated on the plat.

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

F. Flag lots shall be avoided.

G. Where preservation of open space through the use of density transfer or clustering is proposed, lots shall be arranged to take advantage of such open space while limiting the length of road and utility extensions.

H. Nothing in these Regulations shall prohibit the use of variable lot shapes and patterns, such as "z" lots, circular or pinwheel clusters, zero lot line siting, or other creative lot design, where those are allowed or encouraged by the zoning ordinance in effect. Zero lot lines must be designated on the plat so that required yard setbacks on streets, ends of blocks or interior lots will be observed.

3.4.8 STANDARDS FOR INHERITANCE OR FAMILY TRANSFER
SUBDIVISIONS--Lots created by family transfer or inheritance shall meet requirements as follows:

A. WATER SUPPLY -- Provisions of water supply through one of the following, as applicable:

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1. Meeting minimum criteria for on-site wells for the particular hydrologic zone;

2. Employing water restrictive covenants, metering, and allocations for the particular hydrologic zone;

3. Service by extension of an existing community water system or the regional water system;

4. Creation of a new community water system.

B. LIQUID WASTE DISPOSAL -- Provision for liquid waste disposal by meeting standards for individual septic systems, community liquid waste disposal systems, or hook-up to the City sewer system. (See 3.6.2 of these Regulations).

C. FLOODWAYS AND DRAINAGE --

1. The natural drainage flow of all water courses, channels, and streams shall be indicated on the plat.

2. Where applicable, the one hundred (100) year flood hazard zone shall be shown on the plat as identified in "the Flood Insurance Study for Santa Fe County, New Mexico." dated October 5, 1987 with accompanying Flood Insurance Rate Maps and Flood Boundary - Floodway Maps, together with a notation of the Base Flood Elevation.

3. Where applicable, identified floodway areas shall be designated as drainage easements on the plat.

D. ROADS -- Construction of a common access roadway is required (see 3.5.3, infra) and the easement shall be designated on the plat. Standards for intersections and driveways, 3.5.8 of these Regulations, shall be the guidelines for location of access easements and drives. Installation of culverts may be required at intersections of common access roadways with County roads.

E. OTHER PERMITS -- Building and utility permits and certificates of occupancy will be required.

3.5 ROAD REQUIREMENTS AND STANDARDS

3.5.1 GENERAL ROAD DESIGN POLICIES.--

A. APPLICATION.--The following policies and standards for roads and streets shall apply to all highways, streets and roads, including those publicly and privately maintained, and the development of roads or streets in residential, commercial and industrial districts and uses, in the Area of Concurrent County and City Subdivision Jurisdiction. These standards shall be binding on the subdivider, unless

modifications are justified by sound engineering principles and approved by the Board.

B. MODIFICATIONS --

1. Such modifications from these standards may be approved by the Board after a review by EZC, upon presentation of documented justification by an engineer licensed by the State of New Mexico. See 3.3.10, supra for variance procedures.

2. In making a determination for any proposed modification to the standards for curb, gutter or sidewalks, the EZC and Board shall consider the following:

a. Proposed density of the subdivision; clustered subdivisions or master planned developments may propose roads without curb, gutter, and concrete sidewalks in order to effect a more rural character as long as pedestrian access, drainage, and levels of service can be provided for within the standards of these Regulations; See 3.5.3, 3.5.6, 3.5.7, infra.;

b. Continuity of improvements at the roadway edge between adjacent subdivisions or existing development, including whether the proposed street or road is an extension or loop of a City street with curb, gutter, and sidewalk or a County road with shoulder and ditch;

c. City and County staff recommendations concerning the proposed drainage plan, protection of the pavement edge, design elements for control of driveway access where applicable, potential for annexation or extension of a City service area, and conformance with the MPO Major Thoroughfare Plan and Extraterritorial Arterial Road and Corridor Plan. Copies of the Extraterritorial Arterial Road and Corridor Plan are available for review at the Office of the Land Use Administrator; the MPO Major Thoroughfare Plan can be reviewed at the City Public Works Dept.

C. TRAFFIC IMPACT--OFF SITE IMPROVEMENTS.--

1. The amount of traffic generated by a subdivision or development shall not at any time cause public roads to operate at over capacity as set forth in the Schedule of Required Road Improvements (See Appendix E) and standards of this Section 3.5 or as determined by the required traffic analysis report.

2. If the Land Use Administrator determines that a fair and substantial showing is made that a proposed subdivision or development will increase the burden on existing inadequate public roads or generate traffic which will exceed the capacity of an existing or proposed public road or street, the subdivider shall make such improvements or contribute a fair share of improvements required to increase the capacity of the

public road or street to the acceptable level of service. The required traffic analysis report shall address proposed improvements, cost estimates, construction schedule and extent of participation in these costs and improvements by the subdivider. See 3.5.3 F, infra, for description of a traffic analysis report.

D. CONFORMANCE TO ROAD PLAN.--

1. Design and layout of subdivision roads shall be in accordance with the Extraterritorial Arterial Road and Corridor Plan and/or the MPO Major Thoroughfare Plan in order to provide a coordinated system of vehicular access between a proposed development and surrounding areas.

2. Applications for new development shall be evaluated to determine if road or street corridors or alignments set forth by the Extraterritorial Arterial Road and Corridor Plan and/or the MPO Major Thoroughfare Plan traverse the property proposed for development. Should a road or street alignment or corridor occur in a tract proposed for development, the right-of-way or an easement shall be set aside so that access to the property or tract is coordinated with the above Plans. Areas reserved for future arterials may be included for calculations of gross density.

E. STREET OR ROAD LAYOUT.--

1. The arrangement of streets in a development shall provide for the continuation or appropriate projection of existing or future collector and arterial streets in surrounding areas, as indicated on the adopted plans for roads as set forth in 3.5.1 D, supra. Topographic or other conditions, which make continuance of or conformance to existing streets impractical, shall be considered in the street layout plan.

2. Local roads and streets shall be so laid out that their use by through traffic will be discouraged.

3. Where land is subdivided into large tracts which would permit further subdivision, or where development of subsequent phases of a project have been approved, or where vacant adjoining property may be subsequently proposed for development, such tracts and roads or streets shall be arranged to allow for a coordinated street system for the entire tract.

4. Where it is in the public interest to establish a right-of-way or street access across the proposed subdivision to adjoining property, the right-of-way or easement designated for right-of-way or street on the proposed plat shall be extended to the boundary of the adjoining property. The right-of-way shall either be dedicated to the County or granted to the Owners Association of the proposed subdivision and subject to a conditional dedication as set forth in Section. 3.8.3 C infra, Dedication and Maintenance Responsibilities. Such

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rights-of-way shall be designated on both the master and phase development plan and on the plat.

5. New half or partial roads and streets are prohibited. When a tract to be developed borders an existing road or street having a right-of-way width insufficient to conform to the minimum width standards required by these regulations, the necessary additional right-of-way shall be platted and dedicated so as to make the road or street conform to standards.

6. Where developments front arterial roads, the subdivider shall share the burden of land dedication with landowners on the other side of the road.

7. Placement of roads or road easements which bisect a tract in such a fashion as to create a substandard lot shall be avoided or the substandard parcel designated and dedicated as open space on the plat.

F. ACCESS TO HIGHWAYS AND ARTERIALS.--

1. Where a proposed subdivision or development contains lots abutting or adjacent to a major or minor arterial, it shall be planned so that lots do not front on the arterial. The subdivision or development shall be laid out to have a minimum number of road or street intersections with arterials; intersections and driveways shall meet the standards of 3.5.8 of these Regulations.

2. Where the subdivision or development contains or is adjacent to a state or federal highway, the subdivision or development must satisfy the New Mexico State Highway Department guidelines for access to the property as well as the requirements of 3.5.8 of these Regulations. Driveways which access onto State highways require a permit issued by the New Mexico State Highway and Transportation Department pursuant to NMSHTD Regulations for Driveways and Median Openings on Non-Access Controlled Highways, latest edition.

3. Where a subdivision or development abuts or contains an existing or proposed arterial street or road, the EZC shall require: limited access to the arterial from collector or local streets; rear lot landscape buffering or setbacks; or deep lots with rear private or on-site service alleys; or other treatment which may be necessary for adequate protection of residential properties, and to separate through and local traffic.

4. Where a subdivision or development borders on or contains a railroad right-of-way or a limited access highway right-of-way, the EZC may require a parallel street or frontage road, at a distance from the right-of-way suitable for the use of the intervening land. Such distances shall also be determined

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

G. RESERVE STRIPS --Reserve strips or parcels controlling access to adjacent streets shall be prohibited except when set aside for public purposes and approved by the Board.

H. TRAFFIC SAFETY IMPROVEMENTS --Where applicable, a plan prepared by a licensed engineer for signs, striping, signals and other traffic safety devices shall be submitted by the developer. See 3.5.3 G and 3.5.11 B, *infra*.

I. STEEP AND MOUNTAINOUS TERRAIN-- In order to minimize cuts and fills and the cutting of trees on hillside areas which can lead to erosion problems and visual scars, the EZC and Board may allow maximum road grades up to fifteen percent (15 %) with consideration for emergency access and maintenance and consistent with sound engineering practices for difficult terrain. Design options including, but not limited to, divided roadways and one-way loops or cul-de-sacs with medians of maintained natural vegetation shall be considered. Roadways shall follow the contour of the slope as much as possible.

3.5.2 CLASSIFICATION OF HIGHWAYS, STREETS AND ROADS

A. Streets and roads are classified in a hierarchy by function and designed to accommodate the traffic levels and purpose for which the road or street is intended.

1. Local roads and streets are designed to serve the needs of the neighborhood for access and safety while retaining neighborhood characteristics.

2. Collectors roads serve an intermediate function of collecting traffic from local roads, connecting smaller neighborhoods or connecting the neighborhood with arterials which provide access to the rest of the community.

3. Arterials provide a continuous route through an area and are designed to accommodate the needs of through traffic by efficient movement of higher traffic volumes.

B. The design specifications for each class of road or street are the minimum standards. Increased depths of paving, subgrade or base material, turning lanes, extra width at medians or other improvements may be necessary where projected traffic loads, type of traffic (trucks or heavy equipment, etc.) or soils conditions require a higher standard pursuant to AASHTO Standards. (American Association of State Highway Transportation Officials, Policy on Geometric Designs of Highways and Streets, latest edition).

C. Highways

Highways are classified, constructed, numbered and maintained by the federal or state government.

D. Arterials

1. Major arterials

A major arterial has from two (2) to six (6) lanes, may be divided with a median, has sufficient right of way to provide for turning lanes and additional width at major intersections. Major arterials serve an average daily traffic of more than 5000 vehicles and require a minimum right-of-way of eighty-six (86) feet. Asphalt paving is required to a minimum depth of five (5) inches and the pavement edge must be protected on both sides by two (2) foot curbs and gutters or by extension of the asphalt base course at least eighteen to twenty-four (18 to 24) inches beyond the edge of the final layer of asphalt. Divided roads with medians of natural landscaping are encouraged to accommodate the terrain, protect native vegetation, provide drainage and maintain a rural character.

a. a six lane major arterial has two (2) asphalt roadways thirty-six (36) feet wide with an eighteen (18) foot median, four (4) feet of utility corridor on each side of the roadway within the right-of-way, turning lanes at intersections and a minimum right-of-way of eighty-six to one-hundred-ten (86 to 110) feet;

b. a four lane major arterial has two (2) asphalt roadways twenty-four (24) feet wide with an eighteen (18) foot median, a minimum of four (4) feet of utility corridor on each side of the roadway within the right-of-way and a minimum right-of-way of eighty-six (86) feet;

c. a two lane major arterial has two (2) twelve (12) foot asphalt lanes, turning lanes, and potential additional width at major intersections. It has a median of up to eighteen (18) feet, four (4) foot utility corridors on each side of the roadway within the right-of-way and a minimum right-of-way of eighty-six (86) feet to provide for future expansion.

2. Minor arterials

A minor arterial has from two (2) to four (4) twelve foot (12') driving lanes, turning lanes and potential additional width at major intersections. Minor arterials serve an average daily traffic of 2000 to 5000 vehicles and require a minimum right-of-way of sixty-six (66) feet. Asphalt paving is required to a minimum depth of four (4) inches with pavement edge protection. Medians landscaped with natural or introduced vegetation may be designed to separate driving lanes in order to maintain a rural character and to accommodate the natural terrain and vegetation. Drainage shall be provided for in median and/or

shoulder areas through ditches, swales, ponds or other such natural features, or through the use of curb and gutter as provided for in 3.5.6, infra. Pedestrian sidewalks or paths are required. (See Appendix D).

E. Collectors

A collector has two (2) driving lanes with a turning lane at major intersections. Parking can be allowed on one or both sides of the street when eight (8) foot parking lanes with curb and gutter are provided. It serves 60 to 199 dwelling units or single family lots and/or an average daily traffic volume of 600 to 2000 vehicles. Asphalt paving is required to a minimum depth of four (4) inches. Four (4) foot utility corridors on each side of the roadway are required within a minimum fifty (50) foot right-of-way. Pedestrian sidewalks or paths are required (See 3.5.7 infra.) Drainage shall be provided for in median or shoulder areas through ditches, swales, ponds or other natural features or the use of curb and gutter. (See Appendix D)

F. Local Streets and Roads

1. Local Sub collectors

A subcollector has two (2) driving lanes, four (4) foot utility corridors on each side within a minimum right-of-way of fifty (50) feet. It serves 30-59 dwelling units or lots and an average daily traffic volume of 300 to 600 vehicles. Subcollectors may be gravel roads but paving may be required where density (lots of one half (1/2) acre or less), on-street parking, or continuity of the streetscape demand it. Pedestrian sidewalks or paths are required. (See 3.5.7, infra.)

a. A paved subcollector has an asphalt roadway of twenty-four (24) feet, with a four (4) inch minimum depth of paving and two foot (2') curb and gutters on each roadway edge. (See Appendix D)

b. Gravel subcollectors have a minimum roadway of twenty-four (24) feet with 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 sub-grade soil conditions; a plasticity index of 8% to 12% is required. (See Appendix D)

2. Local Lane, Place or Cul-de-sac

a. A place or lane has two (2) driving lanes and serves up to 30 dwelling units, or an average daily traffic volume of 1-300 vehicles. It may be constructed of either gravel or asphalt.

(1) An asphalt lane or place must have a twenty (20) foot roadway with a three (3) inch minimum depth. It has seven (7) feet of parkway on each side of which a minimum of four (4) feet on each side shall be a utility corridor, and a minimum right-of-way of thirty eight (38) feet. Curb and gutter may be required because of lot size, drainage, on-street parking, or control of driveway access. See 3.5.6, infra.

(2) A gravel lane or place must have a roadway of twenty-two (22) feet and a six (6) inch minimum thickness of crushed gravel base course material. It has eight (8) feet of shoulder with drainage on each side and a minimum right-of-way of fifty (50) feet.

b. Cul-de-sacs (dead end streets) are allowed for roads or streets classified as either a lane or place and shall be designed to the appropriate standards.

(1) A cul-de-sac may be either gravel or asphalt and shall be no longer than 500 feet except as provided below. At the closed end there shall be a turn around having a radius of at least 42 feet of driving surface and a minimum right-of-way diameter of 100 feet.

(2) In order to accommodate circumstances such as difficult terrain, large lots (10 acres or more), or cluster subdivisions with large open space tracts, the EZC may allow cul-de-sacs of up to one thousand (1000) feet in length as long as the average daily traffic of 300 vehicles is not exceeded and the County Fire Marshal approves the plan for fire protection and public safety factors.

3. Common Access Roadways

a. It is the intent of these Regulations to require local roads or streets for all subdivisions. However, it is recognized that there are circumstances where provision of a fifty foot right-of-way or of a paved street on a 38 foot right-of-way cannot be achieved. Common access roadway standards may apply in those cases.

b. Common access roadways are allowed for residential subdivisions in the following circumstances:

(1) subdivisions of four (4) lots or less where no through access will be required in the future;

(2) family transfer subdivisions;

(3) subdivisions of parcels less than 120 feet wide which were in existence prior to the adoption of these Regulations.

C. A common access roadway has two (2) ten foot (10') driving lanes with a six (6) inch thickness of crushed gravel base course material. It has at least one (1) four (4) foot utility corridor adjacent to the roadway and drainage shall be provided for in ditches, swales or culverts; the remainder of the easement or right-of-way may be unimproved with natural vegetation. The Land Use Administrator shall assure that adequate turn-around for fire protection and emergency vehicles is provided. No on street parking will be allowed on common access roadways. The minimum right-of-way or easement required is thirty eight (38) feet; additional drainage or cut and fill easements may be required where the access cannot be engineered or constructed within the 38 feet because of difficult terrain or drainage constraints. (See Appendix D)

3.5.3 REQUIRED IMPROVEMENTS FOR ROADS.--

A. Construction and design standards for new roads or improvements to existing roads whether publicly or privately maintained, shall be determined by the level of service and projected use of the road. Standards for required improvements are set forth by the Street and Road Classification and Design Standards Matrix (Appendix F, Figure 3.2) and the Schedule of Required on-site and off-site Road Improvements (Appendix E, Figure 3.1) which are hereby adopted and incorporated into these Regulations.

B. The design guideline for on-site and off-site roads for minimum level of service at peak hour shall be standard C as set forth in the Transportation Research Board, Special Report 209, Highway Capacity Manual, as updated. Where the amount of traffic generated by a development will cause the level of service at peak hour to exceed standard C or will further deteriorate the level of service on a road that already exceeds standard C, the subdivider shall make such improvements or contribute a fair share of improvements required in an amount to be determined by the Board to increase the capacity of the public road to an acceptable level of service pursuant to 3.5.1 B, *supra* and this Section 3.5.3.

C. Required on-site road improvements for residential subdivisions shall be determined by consultation of the Schedule of Required Road Improvements. Off-site improvements requirements shall be determined on the basis of a traffic analysis report.

D. Required road improvements for non-residential subdivisions shall be determined as applicable, for on-site and off-site road improvements, on the basis of a traffic analysis report and the standards designed by the American Association of State Highway Transportation Officials (AASHTO) Policy on Geometric Designs of Highways and Streets, latest edition, hereinafter referred to as AASHTO Standards.

E. Developments large enough to require several types of roads or streets shall submit a traffic distribution analysis to determine the types to be constructed. In developments where both local roads or streets and collector or arterial standards are shown to apply, local standards would apply to roads carrying traffic up to 600 ADT. Standards for collector roads or streets or arterials would apply to roads carrying higher ADT as set forth by the street and road classification and Fig. 3.1. Once a road or street is classified, by meeting the definition and standards of this Section 3.5, standards and specifications for the class of road or street shall apply to the whole length of the proposed road or street.

F. A traffic analysis report shall consist of the following:

1. A report describing existing conditions of roads providing access to the development including road conditions, traffic volumes, and level of service.

2. An analysis of average daily traffic generated by the proposed development and the impacts of the traffic generated on the operation of existing and proposed roads or streets providing access to the project site. The Institute of Transportation Engineers (ITE) Trip Generation Report, latest edition, shall be consulted for baseline traffic generation for individual types of land uses.

3. An engineer's report describing the types of improvements needed to mitigate any adverse conditions brought about by the development.

G. INTERSECTION IMPROVEMENTS AND TRAFFIC CONTROL DEVICES--

1. The subdivider shall be responsible for cost of purchase and installation of necessary traffic control devices and acceleration, deceleration and turning lanes required in connection with the particular subdivision. Such traffic improvements shall include those outside the boundaries of the subdivision which are deemed necessary for traffic safety as a result of increased traffic projected to be generated by the subdivision or the cumulative phases thereof on off-site roads or streets.

2. Where the need for traffic improvements is determined to be not solely attributable to a particular subdivision, the subdivider shall be required to deposit with the County or City its pro rata share of the cost of necessary traffic control devices and traffic lanes.

3. Needed traffic improvements shall be determined according to AASHTO Standards and the Manual of

Uniform Traffic Control Devices and shall be indicated on approved plans and in Subdivision Improvements Agreements for the particular subdivision.

H. Appendix D illustrating cross sections of road and street standards is hereby adopted and incorporated by reference into these Regulations.

3.5.4 CONSTRUCTION AND DESIGN STANDARDS FOR STREETS AND ROADS.--Construction and design standards, shall be according to sound engineering practice as follows:

A. Roads and streets shall be laid out to intersect as nearly as possible at right angles, and no street shall intersect another local street at less than seventy degrees. 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.

B. Property lines at street intersections shall be rounded with a minimum radius of ten (10) feet, or a greater radius when necessary to permit the construction of a curb and sidewalk and shall provide for a twenty-five (25) foot arc radius or greater, as required for gravel roads or streets. The sidewalk may not be curtailed at a street corner to less than width set forth in 3.5.7, infra.

C. Off-set intersections of less than one hundred twenty-five (125) feet shall not be permitted.

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

E. When connecting road or street lines deflect from each other at any point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to ensure a sight distance as required by AASHTO Standards.

F. Curve radii -- Vertical and horizontal curves and the super-elevation of the horizontal curves shall conform to the requirements set forth in the AASHTO Standards.

G. Grade percentages: grades shall not exceed the following:

1. Maximum grade percentages for each road type are set forth in Figure 3.2, Street and Road Classification and Design Standards. See Appendix F.

2. Grades at the approach to intersections shall not exceed 3% for 100 linear feet from the radius return of the intersection, excluding vertical curve distance.

3. No horizontal road or street grade shall be less than one percent (1%).

4. Maximum grade percentages up to fifteen percent (15%) may be allowed on steep or mountainous terrain. See 3.5.1 I, supra.

H. Cut and fill or slope easements are permitted in lieu of additional right-of-way to accommodate terrain constraints. All cuts and fill shall conform to Terrain Management regulations of the applicable ordinance.

I. The New Mexico State Highway and Transportation Department (NMSHTD) "Standard Specifications for Road and Bridge Construction," NMSHTD "Standards and Criteria for Safer Off System (SOS) Projects and System Bridge Replacement (BRO) Projects", and the Geometric Design Guide (AASHTO Standards) 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.

3.5.5 GRAVEL ROADS OR STREETS.--

A. 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 registered New Mexico professional engineer qualified in the area of soils mechanics 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 modified moisture density test.

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

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

D. Adequate provisions for drainage shall be installed at all waterway crossings. Culverts shall be sized to accommodate a 25 year storm, with provisions to safely pass a 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.

3.5.6 CURB AND GUTTER REQUIREMENTS

A. INTENT--The installation of concrete curbs and gutters at a roadway edge serves several functions including control of stormwater drainage, protection of the pavement edge, protection of pedestrian ways and roadside landscaping from vehicles which may park on shoulders, control of the location of driveway and intersection cuts, and creation of a more formal urban-style streetscape. It is the intent of these Regulations to require curb and gutter where it best serves these functions: where higher densities or a high proportion of impervious surface cause greater run-off and drainage problems, where rights-of-way are less than fifty (50) feet (except for common access roadways), where on-street parking is allowed, or to continue the City streetscape in areas adjacent to the City limits.

B. REQUIREMENT --Concrete curb and gutter are required for paved streets or roads in subdivisions where lots are one-half (1/2) acre or smaller.

C. Notwithstanding other requirements of this section, the EZC may require curb and gutter whenever that is the best option for drainage control or to protect the safety of pedestrians and traffic by controlling driveway or intersection locations.

3.5.7 SIDEWALKS, PATHS, TRAILS--

A. INTENT--It is the intent of these Regulations to encourage pedestrian access and alternatives to the automobile for residents of subdivisions within the Extraterritorial Area. The standards set forth in this section are intended to be flexible and promote a variety of pedestrian access designs or solutions in order to accommodate the variety of terrain conditions, densities, distances, existing rural character and village or cluster development potential in the area. For instance, extension of City sidewalks are appropriate in some areas adjacent to the City, but paths or trails internal to a subdivision may be more appropriate for rural or clustered development.

B. REQUIREMENT AND STANDARDS--Pedestrian sidewalks, paths or trails are required along paved streets and roads as follows:

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STREET/ROAD CLASSIFICATION	TYPE OF PEDESTRIAN WAY	WIDTH	
		NON RESIDENTIAL USES	RESIDENTIAL USES

Major or Minor Arterial

Paved with curb/ gutter	sidewalk	6'-8 ft.	4 ft.
Paved with shoulder	path or trail	4 ft.	4 ft.

Collector or Subcollector

Paved with curb/ gutter	sidewalk	6 ft.	4 ft.
Paved with shoulder	path or trail	4 ft.	4 ft.
Gravel road	Not required	-----	-----

Local Lane, Place, Cul-de-sac

Paved with curb/ gutter	sidewalk	6 ft.	3 ft.
Gravel road	Not required	_____	_____
Common access road	Not required	_____	_____

1. Notwithstanding other requirements of this section, the EZC may require sidewalks or pedestrian paths whenever needed to protect the safety of pedestrians due to the particular characteristics or location of the site.

2. Surfacing of public sidewalks along streets with curb and gutter may include four (4) inch thick concrete or brick. Other hard surface materials may be used if evidence is shown that they are coordinated with streetscape and project design. In residential subdivisions served by paved roads with no curb and gutter, gravel or unsurfaced walking paths may be substituted for hard surfaced public sidewalks. Such walking paths shall not be located on the roadway surface or in storm drainage or runoff channels.

3. Sidewalks, paths or trails that are not adjacent to roadways are encouraged. When developments are served by a sidewalk or path located in a common area, the requirements for sidewalks along streets may be omitted if approved by the EZC.

4. Width - Standards noted herein are minimums; sidewalks, paths or trails which are proposed for mixed uses (pedestrian/bicycles/equestrian) should be designed to safely combine those functions.

5. When a new sidewalk connects to an existing sidewalk which is wider than required herein, the new sidewalk shall maintain the width of the existing sidewalk. When a new sidewalk connects to an existing sidewalk which is narrower than required herein, the new sidewalk shall be designed with a transition to the wider standard at appropriate locations such as intersections, corners, driveways, or landscaped areas.

6. A wheel chair ramp shall be constructed where two (2) paved streets with curb, gutter and sidewalk intersect.

7. Planting strips may be required between the edge of the curb or pavement and the edge of sidewalks. Such planting strip shall have a width of not less than two feet (2') and may be landscaped and used for partial fulfillment of the landscape buffer required under 3.5.10, infra.

C. OPEN SPACE/EQUESTRIAN TRAIL SYSTEM--Wherever an open space pedestrian or equestrian trail designated by an adopted plan crosses a proposed subdivision, dedication or reservation of an easement for such trail may substitute for required sidewalks if approved by the EZC.

D. BIKEWAYS -- Wherever the EZC designates a bicycle route, the subdivider shall provide bikeways on both sides of the roadway.

E. MAINTENANCE OF PUBLIC PARKWAYS, SIDEWALKS, AND PATHS--Maintenance of the public parkway, including the utility corridor and the sidewalk, shall be the responsibility of the person owning or in charge or control of any lot or property contiguous to the parkway except for controlled access arterials. Paths, trails, or sidewalks which are not within the right-of-way shall be maintained by the owners association unless accepted for maintenance by Resolution of the Board. Maintenance shall be for the purpose of elimination of public nuisances and for insuring pedestrian and vehicular safety and visibility, and shall include, but not be limited to, weed eradication and trimming of trees and shrubs. (See 3.8.3 of these Regulations.)

3.5.8 INTERSECTIONS AND DRIVEWAYS.--

A. INTERSECTIONS OF STREETS AND ROADS--Subdivision streets shall be laid out to have the minimum number of intersections with highways and arterials, consistent with sound engineering practice and the access needs for emergency and service vehicles.

1. Guidelines for number of intersections:

- a. One arterial or highway intersection - subdivisions of four(4) lots or less, Type 3 and Type 5 subdivisions;

- b. Two arterial or highway intersections - Type 1, Type 2 and Type 4 subdivisions;
- c. Three or more arterial or highway intersections may be approved for Type 1 subdivisions or other types dependent on results of the traffic analysis report and review by the State Highway and Transportation Department.

2. Guidelines for intersection spacing:

- a. major arterial or highway - one (1) mile;
- b. minor arterial - 1500 to 2100 feet;
- c. collector - 400 feet up to 1500 feet;
- d. deviations from these minimum guidelines may be approved where locations of existing streets and roads, topographic conditions, or location of existing or historical development make conformance unreasonably burdensome as determined by the Board.

B. DRIVEWAY DESIGN AND SPACING--

1. Lots shall be laid out with frontages wide enough to provide adequate and safe driveway access for the type of proposed use.

2. Driveway profiles may be required for residential lots where topographic conditions (steep slopes, arroyos, limited sight distance) may limit access to lots.

3. All proposed subdivisions for large-scale residential and non-residential uses shall conform to the standards for driveway access set forth for commercial, industrial and other non-residential zoning districts in the zoning ordinance in effect for the location. See Section 24.2 D 3, a. Driveway Access, of the Extraterritorial Zoning Ordinance or Article III, Section 4.4.3 a. Driveway Access, of the Santa Fe County Land Development Code.

4. All driveways on non-residential lots must be clearly marked and access to the adjacent street controlled through the use of curb and gutter, bollards, walls, landscaped areas and the like as approved by EZC.

C. CLEAR SIGHT TRIANGLES.--

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1. SIGHT DISTANCE--Intersections and driveways shall be designed to meet the most current AASHTO standards for sight distance.

2. VISIBILITY AT INTERSECTIONS--On any corner lot, no fence, hedge or other planting or structure that will obstruct vision between a height of three feet (3') and nine feet (9') above the centerline grades of the intersecting streets shall be erected, placed or maintained within the site distance triangle required by AASHTO standards. An illustration of the requirement for visibility at intersections may be found in Appendix G.

3. VISIBILITY AT DRIVEWAYS--

a. On the front property line of lots, no structure, sign, fence, cut slope, wall hedge or planting that will obstruct vision between a height of three feet (3') and nine feet (9') shall be erected, placed or maintained within the triangular area formed by the edge of the driveway and the front lot line as required by AASHTO Standards. An illustration of the requirement for visibility at driveways may be found in Appendix G.

b. The provisions of this subsection (a) may be waived administratively for signs, fences, walls, hedges, or other plantings if it can be shown that visibility for motorists will not be restricted because of a turn-around driveway or dedicated parkway or shoulder wider than eight (8) feet.

3.5.9 PARKING.--

A. On-street parking is allowed when an eight (8) foot parking lane is provided, unless otherwise prohibited.

B. Depth, width, area and shape of lots shall be of adequate size to provide for off-street service and parking facilities with landscaping required for the type of use and development contemplated, as set forth in the applicable zoning ordinance.

3.5.10 LANDSCAPE BUFFERS.--

A. An open space setback shall be provided between lots and the right-of-way boundary of any limited access highway, railroad, or established non-residential 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 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 meeting these standards 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 twenty-four (24) 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 seven hundred fifty (750) square feet and one shrub for every two hundred 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 to ten feet in height is to be constructed. The ratio of trees to square footage will depend on such variables of the site as slope, orientation, and existing native vegetation, and nuisance factors to be mitigated. Small or shallow parcels in existence on the effective date of this ordinance may apply for a variance to further reduce the open space setback. Open space setbacks may be included in the calculation of gross density.

B. A landscape plan for the open space setback area shall be submitted. Existing native trees shall be preserved within the landscape buffer and indicated on the landscape plan. 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. Plant materials shall be chosen from a list of suitable plant materials for the southwest region on file at the County Land Use Office.

3.5.11 STREET LIGHTS, STREET NAMES, ADDRESSES--

A. STREET LIGHTS--

1. 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

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character or to require only lights meeting utility company plans. Subdividers may propose street lighting plans varying from utility company standards as long as the guidelines of this section are met. However, future public maintenance of street lights may be possible only on installations meeting utility company standards and requirements of the government entity.

2. Street lights are required only on paved streets and roads where curb, gutter and sidewalk are required. Street lights may also be required for safety purposes on arterial roads in rural locations pursuant to subsection 3.5.11 A 4 below.

3. Standards for street light installations:

- a. Lighting shall be provided in accordance with either a plan designed by the utility company pursuant to the standards set forth in this section or with a plan designed using guidelines and standards set forth by the IES Lighting Handbook, latest revision, and the standards set forth in this section. Recommended lighting levels and uniformity ratios are found in Appendix H.
- b. High pressure sodium lamps or other energy efficient sources shall be used in all installations.
- c. Cut-off or semi cut-off luminaires shall be used in order to prevent the spillover, nuisance or hazard effects of light and glare on any adjacent locations. Cobra head fixtures with skirting to shield the light source may be used.
- d. Street lights shall be located and designed to enhance the safety of motorists and pedestrians during evening hours. Location shall be planned to provide continuity and uniformity of lighting. No street lights shall be installed which create blind spots or dark shadows which are hazardous to drivers.
- e. The maximum height of standards (upright supports) shall not exceed twenty four (24) feet, except on public collectors wider than two (2) lanes and arterials where taller standards may be used.

- f. 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.
- g. All street light conductors shall be installed underground.

4. SAFETY--Notwithstanding other requirements of this section, the EZC 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.

5. 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. (See 3.8.3, *infra*.)

B. STREET SIGNS, NAMES, ADDRESSES--

1. Street name signs shall be installed at all street and road intersections in accordance with the standards of County Ordinance 1990-5, Rural Addressing System.

2. All required traffic control signs shall be installed in accordance with the Manual of Uniform Traffic Control Devices. (See 3.5.3 G, *supra*)

3. NAMES--Road or street names shall be sufficiently different in sound and in spelling from other street names in Santa Fe City and County so as not to cause confusion. Street names should conform to the character of the subdivision or neighborhood. A street which is planned as an extension or continuation of an existing street or road shall bear the same name. All road or street names shall be subject to the approval of the County.

4. ADDRESSES--All lots, buildings, and houses in Santa Fe County shall be numbered as assigned by the County rural addressing system. Assigned address numbers will be noted on a copy of the final subdivision plat, forwarded to the subdivider, and maintained in County records.

5. Maintenance of street name signs and traffic control signs shall be the responsibility of the subdivider or owners' association until such time as they are accepted for maintenance by the Board.

3.6 UTILITIES AND FACILITIES REQUIREMENTS AND STANDARDS

3.6.1 WATER SYSTEMS

A. APPLICATION OF TERMS--

1. For purposes of this Section, community water system may include any public or private central water system whether served by groundwater, by bulk sales from the regional or imported water supply, or a multiple source public system such as that operated by the Sangre de Cristo Water Company or its successor(s).

2. Cluster wells, which are individual wells serving more than one and up to four (4) lots or service connections, may be used as a water supply system in subdivisions. Cluster wells may be proposed as water sources for community water systems required by these or applicable state regulations; however, the proposed water supply, storage, and distribution system shall meet all design and engineering standards for community water systems pursuant to these Regulations and applicable State regulations.

3. Individual wells serve only one lot or service connection. Installation is normally the responsibility of the lot owner rather than the subdivider, except where required for fire protection purposes.

B. REQUIREMENT--

1. All subdividers shall provide water for the intended use of the subdivision (domestic, commercial/ industrial, recreation) either by meeting the standards of lot size and water availability for individual or cluster wells (see the zoning ordinance in effect for the location) or through installation or extension of a community water system as set forth in this Section 3.6.1.

2. COMMUNITY WATER SYSTEMS are required for subdivisions containing one or more lots less than two and one half (2 1/2) acres in size. However, subdivisions of four (4) lots or less may use cluster wells except as otherwise required in the zoning ordinance in effect for the location; further subdivision or creation of additional lots will require an upgrade to community water system standards pursuant to these Regulations. See 3.2.3, supra.

C. GENERAL WATER SYSTEM DESIGN POLICIES--

1. In order to ensure compatibility between central, community or regional water systems for provision of domestic and fire demands, water distribution systems and storage facilities shall be constructed to meet the minimum standards based on sound engineering practice and these Regulations.

Guidelines for Water Supply Systems and Treatment Works in New Mexico, NMED, latest revision, and Regulations Governing Water Supplies, NM Environmental Improvement Board, latest revision, shall be considered the minimum standards for purposes of these Regulations. Subdividers shall be responsible for complying with all applicable regulations and permit procedures of the State of New Mexico State Engineer's Office, NM Environment Department, and Public Service Commission.

2. Specific standards and guidelines for design of water systems are set forth in Appendix I, Standards for Water Systems and Fire Protection. These standards shall govern wherever they are more stringent than the State adopted minimum standards.

3. All water systems proposed for subdivisions, including individual or cluster wells, shall be approved by the EZC or Board only after NM Environment Dept. and State Engineer's Office review of the application to meet state requirements and provisions of environmental standards in the applicable land development code. All central water systems, including community and regional systems, shall obtain approval from the Metropolitan Water Board for the proposed service area or service area extension.

3.6.2 LIQUID WASTE DISPOSAL--

A. REQUIREMENT--All subdivisions shall provide for liquid waste disposal by meeting the standards and criteria set forth in this Section 3.6.2 for individual or cluster liquid waste disposal systems (septic tanks) or by installation of or extension of a community sewer system.

B. APPLICATION OF TERMS--

1. A community sewer system may include the City sewer system or other public sewer system or a private collection system and package treatment plant. Joint or shared septic systems with leach fields or holding tanks, including cluster liquid waste disposal systems, are not community sewer systems for the purposes of these Regulations.

2. A cluster liquid waste disposal system is a liquid waste disposal system which serves more than one (1) but less than six (6) lots or service connections and a total design flow of no more than 2000 gallons per day. Cluster systems may include approved conventional or alternative treatment systems. Such systems incorporate a common facility located on a designated common site; such facility could be a central treatment system and leach field or a common drainfield serving individual septic tanks.

3. Individual liquid waste disposal systems may include approved conventional or alternative treatment systems and serve only one lot or service connection. For the purposes of these Regulations cesspools, privies or holding tanks are not approved treatment systems. Installation is normally the responsibility of the lot owner rather than the subdivider.

4. Alternative disposal systems are generally of two types. One type seeks to achieve a better level of treatment than conventional systems and may be used in individual, cluster, or community systems. Such treatment systems include constructed wetlands, solar aquatic systems or other alternatives as approved by NMED. The other type are alternatives to conventional individual disposal systems where limiting soil conditions exist. Examples of such alternative disposal systems include deep trench, seepage pit, fill, sand filter, sand mound, and evapotranspiration as approved by NMED.

C. PLAN SUBMITTAL--Each subdivider shall submit a liquid waste management plan for liquid waste collection, treatment and disposal which meets the criteria, standards, and design policies of this section, and all applicable local, State and Federal regulations.

1. If the subdivider proposes a new community sewer system, the following information shall be submitted as part of the liquid waste management plan:

a. An engineer's report and preliminary plans for the proposed community sewer system including location of construction easements and rights-of-way necessary for installation, and

b. Maps showing the location of all domestic and community water supply system sources and the floodplain of all watercourses and surface bodies of water within one thousand (1,000) feet of the proposed liquid treatment and liquid waste disposal site.

c. The following documents shall accompany the Subdivision Improvements Agreement for final plat approval or release of collateral:

(1) Copies of documents establishing a legal entity with authority to operate and maintain the system; and

(2) Written confirmation from the NM Environment Dept that the operator of the system has met all of the requirements of the New Mexico Utility Operators Certification Board; and

(3) Written confirmation from the NM Environment Dept or County Engineer, as applicable, that the

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proposed system complies with all State and County regulations applicable to the system, including the New Mexico Water Quality Control Commission Water Quality Regulations.

2. If the subdivider proposes a liquid waste disposal system by connection to and extension of an existing community sewer system, the following information shall be submitted as part of the liquid waste management plan:

a. A letter signed by an official of the existing community sewer system indicating a commitment to accept the liquid wastes of the proposed subdivision and listing all conditions and restrictions applicable to the commitment; and,

b. An engineer's report and preliminary plans for the proposed extension of the existing community sewer system showing capacity to extend and manage treatment of the additional waste..

3. If the subdivider proposes individual liquid waste systems and/or cluster liquid waste disposal systems, the following information shall be submitted as part of the liquid waste management plan:

a. A description of the liquid waste disposal systems that are to be used by the occupants of the subdivision;

b. Preliminary plans for any individual liquid waste disposal system if the system will serve more than one (1) connection (cluster liquid waste system);

c. A soil survey and soil test results, including engineering interpretations of the soil survey and soil test results for soil depth to bedrock, percolation rate, soil depth to seasonal high water ground water table, and slope of the land, for all of the soil types within the proposed subdivision lots. Subdivisions of four (4) lots or less or Type V subdivisions may submit 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 Soils Conservation Service, USDA, et al. See Appendix J, Figure 3.3, Soils Limitations for Individual Liquid Waste Disposal Systems.

d. A liquid waste disposal system feasibility map, superimposed on the subdivision plat, delineating the areas of suitable, unsuitable and prohibitive soils categories as set forth in Appendix J, Figure 3.3;

e. Maps showing the location of all arroyos, drainage areas, floodplains of all watercourses, including mapped FEMA one hundred year flood plain boundaries, and surface bodies of water within the proposed subdivision and within five hundred (500) feet of the proposed subdivision boundaries;

f. The location and proposed distance separation of all proposed and existing wells, sewerage systems, community water supply systems and water supply sources, within the proposed subdivision and within 200 feet of the proposed subdivision boundaries; this distance may be reduced to 100 feet if there are no adjacent non-residential or community water supply systems or sources;

h. An analysis which indicates that individual liquid waste disposal systems can be used for each lot in compliance with the requirements of these Regulations and with all applicable NM Environment Dept or County health regulations in effect at the time the application is made, without need for any variance from these requirements.

i. Applicants proposing to use individual or cluster liquid waste disposal systems for any subdivision of 100 or more lots shall submit an analysis of the cumulative effects of wastewater discharges on ground water or other bodies of water or potable wells over a 100 year time frame. Such analysis shall:

(1) Analyze direction and rates of flow of groundwater, levels of nitrogen per year per acre to be discharged, soils characteristics, location of floodplains, water bodies, wells or community water systems; and

(2) Demonstrate that potable water supplies now available to wells within one mile of the development shall not become unpotable during the 100 year period as a result of the proposed development; that nitrogen loading will not exceed 200 lbs. per acre per year; and that State or County water quality standards will not be exceeded as a result of cumulative wastewater discharges.

j. In situations where groundwater contamination is considered probable, the NMED District Engineer, or the Land Use Administrator upon the recommendation of the County Hydrologist, may require that a monitoring well or wells be installed to determine whether the operation of the system is causing groundwater contamination. In making the recommendation as to whether groundwater monitoring wells may be required, the County Hydrologist shall consider the depth to groundwater, characteristics of the soils or earth materials at the proposed site, the volume and the type of discharge.

k. In the event that the NMED District Engineer or the County Hydrologist, based on a preponderance of the scientific information, determines that groundwater contamination is likely to be caused by the operation of a conventional septic tank system, the NMED District Engineer or the Land Use Administrator, upon the recommendation of the County Hydrologist, may require that an alternative system which will not result in groundwater contamination be installed.

D. COMMUNITY SEWER SYSTEM STANDARDS--Community sewer systems are required as follows:

1. Lot size requirements:

a. Within a traditional community, as defined by the applicable zoning ordinance, any subdivision containing one or more lots less than .75 acre in size; and

b. In all other locations, any subdivision containing one or more lots less than one (1) acre in size.

c. Minimum lot sizes may be modified according to the requirements of Figure 3.3, Soils Limitations for Individual Liquid Waste Disposal Systems.

2. Any subdivision where there is not an adequate site on each lot with soils characteristics rated as "suitable" for individual liquid waste treatment systems according to Appendix J, Figure 3.3, Soils Limitations for Individual Liquid Waste Disposal Systems.

3. Where the boundary of the proposed subdivision lies within the following distances from an existing community sewer system which is available for use by the development:

<u>proposed subdivision</u>	<u>distance to existing community sewer system</u>
up to 4 lots	200 feet
5 to 20 lots	1000 feet
21 lots or more	2500 feet

For purposes of this Section "available for use" means that treatment capacity exists or can be expanded to serve the potential population of the proposed subdivision, and the owner/operator of the system agrees to serve, and the service area and sewer mains can be extended to the development.

4. Where the boundary of the proposed subdivision lies within 1000 feet of an area of known contamination, where degradation or pollution of groundwater or other bodies of water due to concentrations of waste water system discharge has been documented by the NMED or other applicable agency as a cause of potential hazard to public health.

5. Where the EZC or Board finds, based on a determination of the NMED District Engineer or the County Hydrologist supported by a preponderance of the scientific information, that the cumulative effects of the total number of potential individual liquid waste disposal systems in the proposed subdivision will cause a potential hazard to public health through degradation or pollution of groundwater, or other

bodies of water or potable wells. (See Sections 3.6.2 C and E, infra.)

6. The subdivider shall provide adequate guarantees that the proposed community sewer system will be permitted, designed and constructed prior to the time of first occupancy within the subdivision and that all lots will connect to the community sewer system at the time of occupancy. See 3.8, infra.

E. INDIVIDUAL LIQUID WASTE DISPOSAL SYSTEM STANDARDS--

1. Subdivisions proposing use of individual liquid waste disposal systems shall demonstrate that some soils characteristics on each lot in the proposed subdivision are classified as "suitable" for such systems according to Appendix J, Figure 3.3, Soils Limitations for Individual Liquid Waste Disposal Systems, and that the area of suitable soils can accommodate installation of the individual liquid waste disposal system and an equivalent area for a replacement system. On lots where areas of "suitable" soils are limited, the subdivider shall delineate such potential sites for liquid waste disposal on the plat.

2. For purposes of meeting liquid waste disposal standards, proposed residential lots shall meet the minimum lot size requirements of the most severe limitation in Appendix J, Figure 3.3, Soils Limitations for Individual Liquid Waste Disposal Systems. Lots proposed for large scale residential and non-residential use shall meet the minimum lot size requirements of the most severe limitation in Appendix J, Figure 3.3 or Figure 3.5, Required Minimum Lot Sizes by Estimated Design Flow for Liquid Waste Disposal Systems, whichever produces the largest minimum lot size requirement. In no case shall lots be platted which are smaller than allowed by the zoning district regulations in effect.

3. All subdivisions proposing to use individual liquid waste disposal systems shall design lots so that the separation distances set forth in Appendix J, Figure 3.4, Required Separation Distances for Individual Liquid Waste Disposal Systems can be achieved on each lot. Subdivisions shall be designed to accommodate optimum setbacks set forth in Figure 3.4 whenever possible.

4. Use of alternative disposal systems in subdivisions with soils characteristics classified as "unsuitable" according to Figure 3.3 shall be approved only when it has been demonstrated that installation of a community sewer system is not feasible or that "unsuitable" soils cannot be avoided by use of clustered lots or cluster disposal systems in areas where "suitable" soils exist. Because of the recognized difficulties of installing and maintaining certain alternate systems, the burden of proof shall be on the subdivider to show that the

proposed alternative system will be available to lot buyers and that the proposed systems can be located, installed, operated and maintained so as not, by themselves or in combination with other sources, to be likely to pollute or cause high nutrient levels in any body of water, to be likely to degrade any recreational resource, create a nuisance, or cause a potential hazard to public health. The liquid waste management plan for such proposals shall include a site plan for location and type of alternative system prepared by a qualified geohydrologist or registered engineer.

F. GENERAL LIQUID WASTE SYSTEM DESIGN POLICIES--

1. Subdivisions which are located within the service area of the City sewer system, a regional sewer system or in any sanitation district shall be designed to accommodate connection to that system.

a. Where proposed lot sizes exceed the minimum lot size to require connection to the community sewer system at the time of plat approval, and the soils and hydrology can accommodate individual liquid waste disposal systems, the subdivider shall provide utility easements on the plat which are properly located and designated to allow for future connection to the community sewer system.

b. All lots adjoining a street where a community sewer system exists and is available for use by the lot owner shall be required to connect to the sewer system at the time a building permit is issued. See 3.6.2 D 3, *supra* for distance requirements for connecting to existing sewer mains.

c. Within the service area of the City or other public sewer system, the City, County or sanitation district or other public sewer system operators as authorized under state law (including Sanitary Project Act Associations or Mutual Domestic Sewerage Associates) may require that on-site liquid waste disposal systems be abandoned when public sewer lines become available to a parcel. Connection to the public sewer system line shall be made at the lot owners' expense, within 120 days after a public sewer line is within 200 feet of the affected property. The City, County or sanitation district shall give at least ninety (90) days notice to the property owner stating the estimated date when a sewer line will be extended and the date when the required sewer connection shall be made. This requirements shall be a condition of approval and should be noted on the plat and in covenants and Disclosure Statements.

2. Whenever a subdivision will be served by a regional water system or by a central or community water system supplied by bulk sales from the regional water supply, the development shall be designed for present or future connection to either the City sewer system or a regional sewer system in order to protect the potential for future return flow credits. The

developer shall demonstrate through a sewer system study that such connection is feasible and shall locate easements for future mains and laterals on the plat.

3. Maintenance responsibilities for all cluster liquid waste disposal facilities and new community sewer systems and any agreements for future connection to the City or a regional sewer system shall be clearly stated in the Disclosure Statement and in owners' association covenants and/or by-laws.

4. All liquid waste disposal systems, including individual or cluster liquid waste treatment systems, shall be approved by the EZC or Board only after NM Environment Dept review of the application to meet all State requirements and provisions of environmental standards in these Regulations and the applicable land development code.

5. The subdivider shall provide for the operation, maintenance and expansion of any community sewer system to accomodate all phases of the proposed subdivision in a manner consistent with the approved plan, good engineering practices and consistent with all applicable Water Quality Control Commission regulations.

3.6.3 FIRE PROTECTION.--EMERGENCY MEDICAL SERVICE--

A. Provision of fire protection is required for all subdivisions. The description of and documentation for proposed fire protection shall include the facility or service the subdivider intends to use to provide fire protection (fire district, city fire dept., etc) as well as the fire protection capabilities of the on-site water system or alternative source.

1. Subdivisions which will be served by a community water system, including the regional or other central system, shall have the water system designed to accommodate required fire flow and storage, and shall provide and install hydrants and/or alternate equipment as required by these Regulations and as approved by the County Fire Marshal.

2. Subdivisions using individual or cluster wells for water supply may provide fire protection through other suction sources such as storage tanks or ponds, as approved by the County Fire Marshal.

3. When there is a discrepancy in standards or a difference in recommendations from the City Fire Department and the County Fire Marshal, the requirements of the "first responder" agency shall prevail.

B. Land reserved for fire station sites and/or housing for fire protection and emergency medical service equipment may be required in proposed subdivisions which, because of size and/or location, could not be adequately served from

existing fire stations or service areas. Alternative equipment or a fee-in-lieu for equipment may be required in proposed developments where fire protection and/or emergency medical service needs cannot be met by existing equipment or where a specific hazard is posed by the type or intensity of development.

C. Guidelines and specific standards for fire protection systems are set forth in Appendix I, Standards for Water Systems and Fire Protection and County Ordinance 1991-7, Uniform Fire Code, as amended.

3.6.4 SOLID WASTE--

A. REQUIREMENTS--The EZC and Board shall require provision for collection and disposal of solid waste for subdivisions within the Area of Concurrent City and County Subdivision Jurisdiction in accord with adopted environmental standards as follows:

1. Prior to final plat approval, for subdivisions of twenty-five (25) or more lots, the subdivider shall show proof of contractual arrangement(s) for collection and disposal of solid wastes generated by the proposed development at an approved landfill site certified by the New Mexico Environment Department; and

2. Prior to final plat approval, all subdividers shall contribute a fee-in-lieu of land for solid waste disposal sites and/or land or fee for solid waste transfer sites pursuant to the standards set forth in Appendix K. Data compiled for the City and County of Santa Fe Regional Solid Waste Landfill Site Study, 1990, demonstrates that the projected demand for waste disposal sites from new subdivisions exceeds the capacity of existing City or County landfill sites, either in terms of acres needed or the estimated fill life of the site(s) causing or contributing to a need to expand or acquire new sites.

B. STANDARDS FOR DISPOSAL SITE REQUIREMENT--The demand for land for waste disposal for a particular subdivision shall be determined according to the standards for solid waste disposal and transfer sites derived from the City and County of Santa Fe Regional Solid Waste Landfill Site Study. The current standards for solid waste disposal sites and management are set forth in Appendix K of these Regulations.

3.6.5 PARKS

A. PARK DEDICATION REQUIRED--The EZC and Board shall require dedication of lands for parks and recreational facilities for the benefit of future residents of subdivisions within the Area of Concurrent City and County Subdivision Jurisdiction by land dedication or by fee-in-lieu of land dedication or a combination of both as follows:

1. At final plat approval for a residential subdivision, the subdivider shall dedicate or grant a portion of land, as set forth in this section, for the purpose of providing park and recreational facilities for the future residents of the subdivision, or

2. Upon recommendation of the EZC, and approval by the Board, the subdivider may pay a fee to the County in lieu of land dedicated for park or recreational facilities for use by the future residents of the subdivision.

3. Upon recommendation of the EZC and approval by the Board, a combination of land dedication and payment of fee-in-lieu of land dedication for park and recreational facilities may be provided to meet the requirements of this section.

B. GUIDELINES AND STANDARDS FOR PARK DEDICATION--The EZC and Board shall consider the following principles and guidelines in determining whether a proposed dedication of land or fee-in-lieu of land dedication meets the purposes of providing adequate park and/or recreational facilities for residents of the subdivision:

1. Location, type and size of proposed park lands shall conform to adopted park plans and standards in effect for the Extraterritorial area. See the Comprehensive Extraterritorial Plan, 1988, and as amended.

2. Location and design of proposed park lands shall be integrated with overall site planning for a project in order to achieve Extraterritorial Plan objectives of preserving natural features, providing links to the natural environment in new subdivision, and providing access to adjacent public lands.

3. Land dedicated for park and recreation purposes shall be suitable in location, topography, environmental characteristics and development potential for the intended use.

a. At least half of the land dedication required by this Section shall be suitable for functional recreation areas such as playgrounds, playfields, trails and neighborhood parks;

b. The remainder of the land dedication may include steep slopes, rock outcroppings, or floodplains if designated, developed and suitably improved as pedestrian, bicycle or equestrian trails. Such trails shall be sensitive to natural features and terrain including potential hazard areas and linked to adjacent existing or planned trails and to community facilities.

c. In subdivisions where playfields or playgrounds may not fit the character of the development or the

neighborhood, the entire park land dedication may consist of arroyos or other natural areas which are designated, developed, and suitably improved with adjacent trails for pedestrians, bicycle, equestrian or other non-motorized users. Such trails shall be sensitive to natural features and terrain, including potential hazard areas and linked to adjacent existing or planned trails.

4. All dedicated park lands shall be provided with adequate legal access to accommodate potential users and access to necessary utilities, where applicable, for the type of use intended. Lands dedicated as trails shall be accessible to the public and connected to any adjacent trails or trail routes so as to create a continuous trail system. See also 3.5.7, supra.

C. OWNERSHIP OF DEDICATED LANDS.--Upon recommendation of the EZC and approval by the Board, ownership of dedicated park lands may be vested as follows:

1. Dedicated park lands may be conveyed to the County by duly recorded legal instrument.

2. Dedicated park lands may be granted to common park or open space for the use and benefit of owners and future owners in the proposed subdivision. The use of such private open space shall be restricted to non-commercial park and recreational purposes in perpetuity and provisions shall be made for maintenance by the owners' association by recorded covenants for the subdivision and provisions of this subsection shall be designated on the final plat.

3. Conservation easements or park preservation areas may be created or dedicated park lands or trails may be conveyed to an open space land trust or other non-profit management entity. The use of such open space shall be restricted to non-commercial park and recreational purposes in perpetuity and provisions shall be made for maintenance by the land trust or non-profit management entity by recorded covenants for the subdivision and provisions of this subsection shall be designated on the final plat.

D. CALCULATION OF LAND REQUIRED.--

1. The standard for local parks and playgrounds is ten (10) acres of recreational land per one thousand persons, as calculated below.

2. The average number of persons per dwelling unit used to determine the amount of land to be dedicated by the subdivider shall be derived from the most recent census conducted by the U.S. Bureau of Census. The Persons Per Dwelling Unit (PDU) factor for the census tract in which the subdivision is located shall be used to determine the average household size for

the development. Appendix L lists PDU factors for census tracts from the most recent U.S. Census.

3. The amount of land to be dedicated by the developer for park and recreational purposes shall be computed as follows:

a. $\frac{\text{persons/dwelling unit (d.u.)} \times 10 \text{ acres}}{1000 \text{ persons}} = \text{ac/d.u.}$

b. $\frac{\text{acreage per d.u. (a)} \times \text{number of dwelling units}}{\text{total acreage to be dedicated}} =$

c. Appendix M contains a calculation for a hypothetical subdivision to illustrate application of this formula.

4. Where the amount of land dedication required under this section is less than one (1) acre, the EZC and Board shall require payment of the fee-in-lieu rather than the land dedication, except where a trail linkage parcel may be needed.

3.6.6 OTHER UTILITIES AND EASEMENTS.--

A. All utilities shall be placed under ground.

B. Utility easements between lots shall center on lot lines. Such easements shall be located according to a plan approved by the appropriate utility companies and the Board. Utility easements shall be at least ten feet wide; specific utilities may require wider easements. Utility easements placed diagonally across a lot shall be avoided.

C. Access and utility easements are normally combined unless topographical constraints, existing utility easements, or other conditions prevail.

D. Where a subdivision is traversed by a water course, drainageway, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, or floodway, as required by good engineering practice. (See 3.4.2 supra.) Other structures or improvements may be required to be installed or constructed to meet the terrain management or drainage standards in effect (See 3.4.1 supra).

E. Open space, pedestrian trails, equestrian trails, bikeways or other easements, where part of the overall design of development or as otherwise required, shall be clearly shown on plats with dedication and maintenance statements provided.

3.6.7 REVIEW BY SCHOOL DISTRICT

A. For all subdivisions containing twenty-five (25) lots or more, a letter of notice with a copy of the preliminary

plat shall be submitted to the Santa Fe Public School District for review. The Superintendant may comment to the EZC and Board on the impacts of the proposed development on school enrollment, busing or transportation of school children, existing or planned school facilities, capital or operating budgets or the Districts' long-range plans, and may propose mitigation where needed.

B. SECTION RESERVED [for future joint powers or other agreement with public school district to accomplish review of school sites and impacts of developments on the schools or passage of legislation providing for site dedication and/or fees for schools.]

3.7 FEES IN LIEU OF LAND DEDICATION--

3.7.1 CALCULATION OF FEES.--

A. The amount of the fee-in-lieu of park dedication or of fee-in-lieu of solid waste transfer sites shall be based upon the "fair market value" of the land which would otherwise be required to be dedicated, pursuant to sections 3.6.4 and 3.6.5, supra. and Appendix K, Standards for Solid Waste Disposal Sites. Fees-in-lieu for solid waste disposal sites are based on volume as well as land area and are set forth in Appendix K.

1. Fair market value shall be determined at the time of filing the final plat, based upon the assessed value, modified to the equal market value of comparable land or according to an appraisal of the property by a qualified real estate appraiser paid at the expense of the developer.

2. For ease of administration, the Board may adopt an average fee per acre or per housing unit based on the fair market value of comparable land. Such average fee schedule shall include an index for annual adjustment of the fee.

3.7.2 SPECIAL REVENUE FUNDS--

A. The fees received under these Sections 3.6.4, 3.6.5 and 3.7 shall be placed in separate Special Revenue funds, as applicable:

1. A "park purchase and improvement fund" to be used by the County for acquisition, development and improvement of park and recreational facilities within the Extraterritorial Area;

2. A "solid waste facilities purchase and improvement fund" to be used by the County for acquisition, development and improvement of landfill sites or solid waste collection and disposal facilities to serve subdivisions in the Extraterritorial Area.

B. Fees collected from individual subdividers may accumulate in order to fund area-wide parks, recreation, or solid waste facilities.

3.7.3 USE OF FEES ON SITE-- If subdividers are providing both dedicated land and a fee for parks, upon the recommendation of the EZC and mutual agreement of the subdivider and the Board, all or part of the fee may be used directly by the subdivider for on-site improvements to the dedicated park land. Improvements and cost estimates shall be approved by the County.

3.8 CONSTRUCTION AND GUARANTEE OF IMPROVEMENTS

3.8.1 COMPLETION OF IMPROVEMENTS.--The improvements required from the approved plans and construction drawings shall be constructed, installed, inspected and approved within eighteen (18) months after approval of the final plat by one of the following methods:

A. COMPLETION OF IMPROVEMENTS AFTER FILING PLAT--

1. A Subdivision Improvements Agreement and Schedule of Compliance accompanied by approved construction plans and public improvements guarantee as set forth below shall be approved by the Board and entered into and recorded with the approved final plat pursuant to Section 3.8.2, infra.

2. Public Improvements Guarantee - the subdivider shall furnish a surety bond, irrevocable letter of credit, escrow account or other institutional guarantee approved by the Board to secure actual construction of improvements to the standards of these Regulations. Such security shall be acceptable to the Board and payable to the County in the event the subdivider fails for any reason to complete the improvements required by the Subdivision Improvements Agreement and Schedule of Compliance, except that construction of City owned utilities or facilities, where required, shall be secured in a manner acceptable to the City Council.

3. If improvements are not installed and completed in the manner and within the time limits specified in the Subdivision Improvements Agreement and Schedule of Compliance, remedies include:

a. Forfeiture of the entire bond or other guarantee or portions thereof to the County or City for the County or City to complete the improvements; or

b. Revocation of approval for unsold portions of the subdivision; or

c. Modifications to the Schedule of Compliance if approved by all parties.

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See 3.8.2 infra and Appendix N, County Procedures for Default and Forfeitures for Required Subdivision Improvements.

B. COMPLETION OF IMPROVEMENTS PRIOR TO FILING PLAT--

1. For subdivisions of twenty four (24) lots or less, the subdivider may choose the option of entering into a Subdivision Improvements Agreement, accompanied by approved construction plans and grading or other construction permits, which provides for installation and completion of improvements prior to recording of the approved final plat. The final plat shall not be filed until all required improvements have been inspected and approved by the County and/or City.

2. If the improvements set forth in the Subdivision Improvements Agreement and Schedule of Compliance are not constructed by the completion date specified therein, the subdivision shall revert to preliminary status.

3. Succeeding divisions and phased developments are subject to the requirements of 3.2.4 and 3.2.5, supra.

3.8.2 SUBDIVISION IMPROVEMENTS AGREEMENT AND SCHEDULE OF COMPLIANCE--

A. GENERAL CONTENTS--All Subdivision Improvements Agreements shall be accompanied by construction plans and a Schedule of Compliance and shall contain specific terms whereby construction and maintenance of all improvements will be financed, including type of surety, construction schedule, provisions for inspection by City or County officials, as applicable, provisions for termination of agreement and release of surety.

B. Subdivision Improvements Agreements and Schedules of Compliance are not required for the following:

1. Land divisions which are not subdivisions;
2. Family transfer or inheritance divisions of land;
3. Plat amendments;
4. Any subdivision which is not required to install improvements according to the standards of these Regulations.

C. REQUIRED ELEMENTS OF A GUARANTEE OF PERFORMANCE SHALL INCLUDE:

1. A statement that Indemnitor is the developer of the subdivision within the five mile Extraterritorial Area,

that compliance with the Subdivision Regulations requires certain guarantees of performance for the development of improvements.

2. A statement requiring the subdivider to indemnify the County or City from any and all costs, damages, and legal expenses resulting from the County or City having to construct improvements in said subdivision, up to a specific dollar amount for all improvements required with final approval of the plat. An accompanying quote or signed contract shall be required.

3. A statement of the amount of time allowed for the developer to complete the improvements. In no case shall the date exceed eighteen (18) months from the date of approval of the final plat unless an extension of time is approved in the Subdivision Improvements Agreement and Schedule of Compliance or applied for in writing by the subdivider and approved by the Board. The agreement shall provide that the subdivider shall be permitted to sell or otherwise dispose of any lot within the subdivision at any time within the eighteen month period provided an approved financial guarantee is posted and the final plat is recorded.

4. An accompanying irrevocable letter of credit, or escrow account instructions, surety bond, or cashier's check shall be attached to the agreement. The surety shall contain specifically named improvements and a description of the method to be used for disbursing funds from the security. The security shall extend at least sixty (60) days beyond the required date for completion of the improvements.

5. All bonds and sureties shall be accompanied by a Schedule of Compliance. The Schedule of Compliance shall list each County or City mandated improvement remaining incomplete as of the time the subdivision receives final approval, together with firm dates for the completion of each such improvement. Individual improvements may be broken down into parts, each with its own completion date. Each improvement or part thereof shall be accompanied by an estimate prepared by a registered professional engineer of the cost to the County or City of completion as of the date the subdivision receives final approval. Any part of the guarantee can be invoked at any time according to the Schedule of Compliance.

6. A statement providing for the remaining funds that have not yet been released for improvements, to be released to the County or City as the case may be, to the limits of the guarantee, with legal recourse to collect any additional monies expended by the County or City for completion of the project, should the described improvements not be completed within the time agreed upon.

7. The estimate of guaranteed funds shall reflect the cost of County or City installation of improvements

as the case may be, computed using estimates based on the engineered plans and probable cost of construction at the time of expiration of the guarantee. A contingency cost of ten percent (10%) up to twenty-five percent (25%) shall be added to cover items or conditions unforeseen before construction for all forms of security except surety bonds.

8. The County, and the City where applicable, must agree to the form and parties to the guarantee.

D. RELEASE OF COLLATERAL--When the subdivider provides a form of security, the following procedure for release of collateral shall apply:

1. As each improvement or part thereof is completed, the subdivider may apply to the County or City, as the case may be, for a release of such portion of the collateral as corresponds to the completed improvement. The request shall include all testing data and/or applicable standards supporting that work has been done in accordance with approved plans and specifications. Upon inspection and approval by the City or County, as applicable, the County or City may release said collateral.

2. If the City and/or County determines that any of such improvements are not constructed in substantial compliance with specifications, the County or City shall furnish the subdivider with a list of specific deficiencies and shall be entitled to withhold collateral sufficient to ensure such compliance. If the City and/or County determine that the subdivider will not construct any or all of the improvements in accordance with all of the specifications, the County or City, as applicable, may withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvements in accordance with the specifications. (See Appendix N for County default procedures).

3. In any case ten percent (10%) of the collateral shall be retained until final inspection of all improvements.

E. REVIEW AND APPROVAL--All security, guarantees, and agreements shall be reviewed and approved by the Land Use Administrator or his/her authorized representatives, and approved as to form by the County Attorney, and the City Attorney where applicable. The Board may direct the City or County Attorney to research and approve the financial institution providing the guarantee of performance.

F. PARTIES--Parties to Subdivision Improvements Agreements shall be determined as follows:

1. For all subdivisions in the Extraterritorial Area for which installation of improvements are required under

these Regulations, the parties shall be the subdivider and the County of Santa Fe; and

2. For all subdivisions for which installation or extension of City-owned utilities or infrastructure is proposed by the developer or required by the City or these Regulations, the parties shall be the subdivider, the County of Santa Fe and the City of Santa Fe.

G. Appendix N of these Regulations sets forth the procedures for the County for default and forfeiture should a subdivider fail to complete all or part of an improvement required by the approved Subdivision Improvements Agreement and Schedule of Compliance.

3.8.3 DEDICATION AND MAINTENANCE RESPONSIBILITIES.--

A. DEDICATION OF PUBLIC LAND--Approval of a subdivision plat by the Board and filing of said plat in the office of the County Clerk dedicates the land designated for public use on the plat for public use. The location and purpose of such dedications for streets, alleys or other public ways or easements and parks, trails, or other public lands shall be clearly indicated on the final plat and in the plat certificates (See Appendix C for sample plat certificates).

B. DEDICATION AND MAINTENANCE OF ROADS, STREETS AND APPURTENANT STRUCTURES--

1. CONDITIONAL DEDICATIONS--The Board may require dedication of certain roads in order to coordinate roads and streets, to facilitate transportation between adjacent subdivisions or other developments and to assure that proposed roads are well planned and conform to adjoining roads, or streets or planned roads and streets which may carry traffic from more than one development or subdivision. The dedication shall be accepted for maintenance by the County at such time as the Board determines that such roads are needed as public thoroughfares.

2. ACCESS EASEMENTS OR RIGHTS-OF-WAY may be designated on plats for roads or other access which are not shown as arterial alignments or corridors on the comprehensive road plan. Such roads or other access shall be dedicated for public use and may be granted to the Owners' Association. Areas dedicated to road rights-of-way may be included in the calculation of gross density. (See Appendix C for sample plat certificates.)

3. STANDARDS AND MAINTENANCE--

a. A road not accepted for maintenance by the County or City shall be maintained by the subdivider or Owners' Association.

b. No road will be accepted for the County or City road maintenance program that has not been brought and maintained to the minimum construction standard required by these Regulations as determined by the average daily traffic carried on or to be carried by the road. (See 3.5, *infra*.)

C. MAINTENANCE RESPONSIBILITY--

1. Approval of a subdivision by the EZC and Board does not constitute an acceptance of maintenance or operating responsibility for the streets, alleys or other public ways or easements, and parks or other public lands dedicated or granted on the plat. Acceptance of maintenance responsibility by the County shall require a separate action by the Board. Acceptance of maintenance responsibility for extensions of City owned utilities and facilities shall require a separate action by City Council. Such action to accept maintenance responsibility may be taken at final plat approval or the Board or Council may assume such responsibility at some future date.

2. When public ways or lands are not accepted for maintenance by the Board, and/or when common facilities granted to owners such as recreation and open space or private utilities are to be a part of a subdivision, the subdivider shall make provision for permanent operation and maintenance of such facilities. Such provision may take the form of proposed deed restrictions, deeds of trust, owners' associations, surety arrangements, or other legal instruments approved by the Board providing adequate guarantees that such common facilities will not become a future liability to the County.

D. DISCLOSURE OF MAINTENANCE RESPONSIBILITIES--The subdivision disclosure statement shall set forth whether the roads and/or other required improvements will be accepted by the County and/or City for maintenance or whether the subdivider or the Owners' Association will be responsible therefor. Maintenance responsibilities shall also be noted on the face of preliminary and final plats.

E. OWNERS' ASSOCIATIONS--RESPONSIBILITIES AND BY-LAWS--

1. If an Owners' Association is responsible for maintenance of roads or other improvements and common areas, such a requirement shall be incorporated in its articles of incorporation, restrictive covenants and 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 and taxes and liability insurance, where applicable; require the establishment of an account for holding such monies; set forth a maintenance and repair plan which shall require periodic maintenance designed to assure safe and efficient operation consistent with standards of these Regulations, such as the quality of travel and integrity of

roadways. The developer shall be responsible for paying charges attributable to unsold lots.

2. 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 Owners' Association should he prevail. The Owners' Association shall have the right to place a lien on property should any lot owner fail to pay assessment for maintenance and repair.

3. Any covenants relating to road maintenance responsibilities may not be amended without Board review and approval.

4. If regional water will be extended to the development, the restrictive covenants shall contain a prohibition against the drilling of private domestic wells within the subdivision.

3.9 DISCLOSURE STATEMENTS

3.9.1 REQUIREMENT--

A. Prior to the time of sale or lease, subdividers must provide to the purchaser or prospective purchaser or lessee a written disclosure statement.

B. The proposed disclosure statement shall be submitted as part of the preliminary subdivision plat. The final disclosure statement shall be recorded in the office of the County Clerk along with the approved final plat, restrictive covenants and Owners' Association documents, where applicable, and the Subdivision Improvements Agreement. Final disclosure statements shall be filed in the office of the Attorney General of New Mexico.

3.9.2 FORMAT AND MINIMUM INFORMATION--Disclosure statements shall be presented in the form set forth in the Appendix of these Regulations and shall contain the information required in the Appendix including the introductory statement.

A. Minimum requirements for a disclosure statement for all subdivisions with two (2) parcels but not more than twenty four (24) parcels are contained in Appendix O of these Regulations.

B. Minimum requirements for a disclosure statement for all subdivisions of twenty-five (25) or more parcels are contained in Appendix P of these Regulations.

3.10 AMENDMENTS--

3.10.1 AMENDMENTS TO THE SUBDIVISION REGULATIONS--These regulations may be amended from time to time as conditions

warrant. Amendments shall be made by ordinance adopted by the City Council of the City of Santa Fe and the Board of County Commissioners of Santa Fe County according to the following procedures.

A. REVIEW BY STATE AGENCIES.--

1. Prior to adopting, amending or repealing any regulation, representatives of the State Engineer's Office, the New Mexico Environment Department, all Soil and Water Conservations Districts within the Area of Concurrent City and County Subdivision Jurisdiction, and the State Highway and Transportation Department shall be consulted about subjects within their respective expertise for which a regulation is being proposed.

2. Written guidelines or comments received from these agencies shall become a part of the record of any public hearing for adoption, amendment, or repeal. Failure of an agency to submit a comment or guideline shall not invalidate the adoption of any proposed regulation or amendment.

B. STUDY AND RECOMMENDATION BY THE EXTRATERRITORIAL ZONING COMMISSION.--

1. Proposed amendments shall be submitted to the EZC for study and recommendation.

2. The EZC shall study amendment proposals to determine:

a. The need and justification for the change;

b. Whether the proposed change is in the public interest and furthers the purposes of these regulations as set forth in 3.1.4 of these Regulations.

3. The EZC shall submit its report and recommendations to the Board and Council prior to the public hearing on the proposed amendment(s). All written recommendations shall become a part of the record of the public hearing.

4. Recommendations of the EZC are advisory only and shall not be binding on the Board and Council.

C. PUBLIC HEARING--No subdivision regulation may be adopted, amended or repealed until after a public hearing held by the Board and by the Council. Such public hearing shall be held jointly or in separate hearings before the Board and Council.

1. The Board and Council shall act on the proposed regulations at the public hearing or at a public meeting or meetings to be held within 30 days of the public hearing.

2. Upon adopting any proposed regulations the Board and Council shall include in the record(s) a statement setting forth findings of fact and the basis for their decisions.

D. PUBLIC NOTICE--

1. Notice of the public hearing to consider any proposed regulation or amendment thereto, shall be published in a newspaper of general circulation in the County thirty (30) days prior to the hearing date and shall state:

- a. The subject of the regulation;
- b. The time and place of the hearing;
- c. The manner in which interested persons may present their views; and
- d. The place and manner in which interested persons may secure copies of any proposed regulation.

2. Separate written notice shall be given thirty (30) days prior to the hearing date to the State Engineer, the New Mexico Environment Department, the State Highway and Transportation Department and all Soil and Water Conservation Districts within the Area of Concurrent City and County Subdivision Jurisdiction.

E. EFFECTIVE DATE--A regulation, amendment or repeal becomes effective thirty (30) days after its filing in the office of the County Clerk, the office of the City Clerk and the State Records Administrator.

3.10.2 AMENDMENT TO THE EXTRATERRITORIAL SUBDIVISION JURISDICTION BOUNDARIES.--

A. AREA OF CONCURRENT SUBDIVISION JURISDICTION.--The boundary of the Area of Concurrent City and County Subdivision Jurisdiction extends five (5) miles from the Santa Fe City limits and changes automatically with annexation of territory into the incorporated limits of the City.

1. Within thirty (30) days after approval of any annexation by the City of Santa Fe, the City shall prepare and submit to the EZC a map showing the new approved municipal boundaries.

2. In cases where the annexation causes an extension of or change to the boundary of the Area of Concurrent City and County Subdivision Jurisdiction, City and County staffs

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shall prepare an official map showing the new jurisdictional boundary which map shall be adopted by Resolution of the Board and Council and be filed in the office of the County Clerk and the office of the Municipal Clerk.

3.11 DEFINITIONS--

Unless specifically defined below, words or phrases used in these Regulations shall be interpreted to give them meaning they have in common usage and to give these Regulations its most reasonable application.

Absorption Field also called leach 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.

Alley, service - means a private street that provides secondary access for service or loading usually to the side or rear of a parcel or parcels whose principal frontage is on another street.

Application - means all materials required to be submitted by an applicant to the City and/or County in support of a request for a subdivision or development plan approval or a development or building permit.

Area of Concurrent City and County Subdivision Jurisdiction - that area of the unincorporated area of the County which lies outside of, but within five (5) miles of, the boundary of the municipality of Santa Fe, as amended from time to time, wherein the City and County exercise concurrent jurisdiction for subdivisions of land pursuant to State Statutes. See also Extraterritorial Area.

Area of Land - for purposes of determining when a subdivision has been or is being created, means 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.

Arterial Road or Street - means a road, street or highway providing a continuous route through an area, connecting to one or more principal highways.

Authority - means the Extraterritorial Zoning Authority.

Base Flood - means the flood having a one percent chance of being equalled or exceeded in any given year. The term is used

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interchangeably with the one hundred year flood or intermediate regional flood. See also Flood or Flooding.

Base Flood Elevation - means the projected heights in relation to mean sea level reached by floods of various magnitudes and frequencies in the floodplains of rivers and arroyos.

Bikeway or Bike Path - a portion of a roadway or a separate pathway designated for use by bicycles.

Block - means a unit of land bounded by streets or roads and public land, railroad rights-of-way, waterways, open space or any other barrier to the continuity of development. See Appendix Q for illustration.

Board - means the Board of County Commissioners of Santa Fe County, State of New Mexico.

Body of Water - means all water situated wholly or partly within or bordering upon this State, whether surface or subsurface, public or private.

Central Water System - means any central water system which provides water supply from one or more sources and/or distribution service to five or more dwelling units, lots, entities or service connections whether the water system is owned by the water users, a non-profit corporation, a utility, or other public entity, or person or group of persons; also includes a cluster well water system which serves five (5) or more service connections, entities, lots or dwelling units.

Channel - means a portion of a drainageway which has naturally or artificially developed beds or banks to confine and conduct continuously or periodically a flow of water.

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

City Subdivision Engineer - means a registered professional engineer employed by the City of Santa Fe.

Clear Sight Triangle - means a triangular area of unobstructed vision at street intersections.

Cluster Liquid Waste Disposal System - means a liquid waste disposal system which serves more than one (1) but less than six (6) lots or service connections and a total design flow of no more than 2000 gallons per day. Cluster systems may include approved conventional or alternative treatment systems. Such systems incorporate a common facility located in a designated common site; such facility could be a central treatment system and a leach field or a common absorption field serving individual septic tanks. See also Community Liquid Waste Treatment System.

Cluster Well - an individual well which provides water to more than one dwelling or service connection. Whenever cluster well(s) are proposed as water sources for any required community water systems, the water supply, storage, and distribution system shall meet all design and engineering standards for community water systems pursuant to these Regulations and applicable State regulations. See also Cluster Well Water System, Community Water System, Central Water System.

Cluster Well Water System - a water service operation where five (5) or more dwelling units, lots, or service connections obtain water from the same underground aquifer through a series of two or more separate wells whether the separate wells are interconnected by piping or not, if the separate wells are operated through centralized management for the benefit those served. Cluster well systems are constructed to community water system standards.

Clustering or cluster subdivision - 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, and preservation of environmentally sensitive areas. 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.

Collector Road or Street - means a road or street which collects traffic from local streets and connects with minor and major arterials.

Common Promotional Plan - any plan or scheme or operation, undertaken by a single owner, subdivider or developer, or a group of owners, subdividers or developers acting in concert, or any combination thereof, to offer for sale or lease parcels of land where such land is either contiguous, part of the same area of land, or is known, designated or advertised as a common unit or by a common name. Land divided, leased, or sold under a common promotional plan is considered a subdivision.

Community Liquid Waste Treatment System - means a system serving two or more lots or dwelling units for the collection and treatment of liquid waste. Such shared systems which receive 2000 gallons or less of liquid waste per day are known as cluster liquid waste disposal systems for the purposes of these Regulations and are permitted so long as they meet EID "Liquid Waste Disposal Regulations", latest revision; however such shared systems do not meet the requirements for a Community Sewer System as set forth in these Regulations or the applicable zoning ordinance. See also Community Sewer System and Cluster Liquid Waste Disposal System.

Community Sewer System - means 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 sewer 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.

Community Water System - means a water supply system which serves five or more dwelling units or commercial units through facilities which are under central or common ownership and/or management. See also Central Water System, Cluster Well Water System and Regional Water System.

Compaction - means reducing the bulk or volume of fill or other construction material and increasing its density by rolling, tamping and/or compression.

Contiguous - means adjoining.

Contiguous Lot - means a lot which shares all or part of a common lot line with another lot or parcel of land.

Contour Line - means a line connecting adjoining points of equal elevation on a topographic map.

Corner Lot - means a lot located at the intersection of two or more streets: a lot located at the intersection of a driveway or access road serving more than one lot; or a lot abutting on a curved street if the angle formed by the interaction of the tangents is less than one hundred thirty-five degrees. See Appendix Q for illustration.

Council - means the Santa Fe City Council.

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

County Engineer - means the County Engineer for Santa Fe County, State of New Mexico, or his duly authorized representative.

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

Cul-de-sac - means a local road or street with only one (1) outlet and culminating in a turn-around.

Curb Cut - means the opening along the curb line or roadway edge at which point vehicles may enter or leave the roadway; curb cuts are also provided in sidewalks at intersections for pedestrians and handicapped access.

Cut means the removal of earth material from a slope.

Cut-off Luminaire - means a luminaire with shield, reflectors, reflector panels or other housing which directs and cuts off light rays from direct view.

Density - the average number of families, persons, or housing units per unit of land; ususally density is expressed "per acre".

Density Transfer - permitting unused allowable densities in one area of an area of land to be transferred or used in another area. Where density transfer is used on a parcel, the gross density would remain constant, but allow internal variations on the parcel. See also Clustering and Gross Density.

Development Permit - means any permit issued by the County under these Regulations, 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 the effect of permitting development as defined in these Regulations and other zoning ordinances in effect for the Extraterritorial Area.

Double Frontage Lot - means a lot having its front and rear lot lines abutting street right-of-way lines. See Appendix Q for illustration.

Drainage Channel - means any depression into which storm water flows along a defined course.

Drainageway - means a natural or artificial land surface depression with or without a perceptibly defined bed and banks, to which or through which surface runoff gravitates, collects, impounds or is channeled for disposition.

Driveway - means a private access to a lot, located on and serving one lot, for vehicles from a public use street or road or a common access roadway to a parking lot or space, garage, dwelling or other structure.

Easement - means a right or privilege that a person or persons may have in another's land, such as the right of passage; commonly associated with road and utility corridors, the term also includes but is not limited to scenic easements, drainage easements or open space easements.

Engaged in the Sale or Lease of Subdivided Land - means ownership of any interest in subdivided land which is offered for sale or lease, or assisting in the sale or lease of subdivided land.

Erosion - means soil movement due to wind or water.

Erosion Control Structure - means any man-made device preventing or controlling erosion.

Escrow Account - means an account established with a financial institution or governmental entity in the amount of the projected

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cost of improvements which can only be drawn upon to cover the costs of improvements.

Excavation - means the removal of earth material from on or beneath the land surface, whether exposed or submerged.

Extraterritorial Area - the area of land lying outside of and within five (5) miles of the municipal boundaries, as amended from time to time.

Extraterritorial Zoning Authority (EZA) - is the joint municipal-County zoning authority created by the City and County of Santa Fe by the Joint City/County Extraterritorial Zoning and Subdivision Agreement of March 1981, as amended, pursuant to NMSA, 1978, as amended, Sections 3-21-1 through 3-21-4, . The Authority is made up of three members of the County Commission and two members of the City Council or one Council member and the Mayor.

Extraterritorial Zoning Commission (EZC) - is the commission created by the Joint City/County Extraterritorial Zoning and Subdivision Agreement of March, 1981, as amended, to administer the adopted extraterritorial zoning ordinance and to review subdivisions of land within the Area of Concurrent City and County Subdivision Jurisdiction. The EZC is made up of three members appointed by the Mayor of the City, three members appointed by the County Commission, and a seventh member who resides in the County outside of the City and the Extraterritorial Zoning District and who is appointed by the other six members.

Extraterritorial Zoning District - means the area lying outside of the present municipal boundaries and within 2 miles of the municipal boundaries plus areas outside the municipal boundaries which have been zoned prior to enactment of Chapter 80, Sec. 2, Laws of NM, 1977 as set out in the Joint City/County Extraterritorial Zoning and Subdivision Agreement of March 1981, and as it may be amended.

Family Proper - for the purposes of family transfers, "family proper" means lineal relations up to and including the third degree, i.e. Grandparent, Parent, Child. Relationships of the half blood shall count the same as relationships of the whole blood and step relationships shall count as natural relationships so long as the step relationship is legally extant at the time of the transfer.

Family Transfer Subdivisions or Divisions of Land - gifts of land transferred by father or mother to their children, natural or adopted, or grandchildren; or it is transferred by a person who as legal guardian has performed the function of their father, mother, grandfather, or grandmother to an individual for whom that person had performed the function.

Fill - means earth material placed or deposited by humans.

Final Plat - means a map of land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications and acceptances and with complete dimensions of all lines defining lots and blocks, streets, and alleys, public areas and other dimensions.

Flag Lot - means a lot not fronting on or abutting a public road and where access to the public road is by a narrow, private driveway or roadway. See Appendix Q for illustration.

Flood or Flooding - means a temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland or tidal waters, or
2. the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Areas - means those areas within Santa Fe County which may be subject to periodic inundation and flood damage. See also Floodplain, One Hundred (100) Year Flood Hazard Zone, Base Flood.

Floodplain or Flood-Prone Area - means any area of land susceptible to being inundated by water from any source. See also One Hundred (100) Year Flood Hazard Zone.

Floodway (Regulatory Floodway) - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood (100 year flood) without cumulatively increasing the water surface elevation more than one foot in height.

Flood Fringe - means that area of the floodplain which lies between the floodway and the boundary of the 100 year floodplain. Also defined as the Area of Shallow Flooding in Santa Fe County Ordinance 1988-1, Flood Control Regulations for Santa Fe County.

Freeholder - means a person having title to realty within Santa Fe County.

Geohydrologic Report - means a report quantifying subsurface water availability and hydrogeologic conditions and impacts projected to be caused by a development, meeting the standards set forth in Article VII, Section 6.4 of the Santa Fe County Land Development Code, as amended.

Glare - means the brightness of a light source which causes eye discomfort.

Grade - means the average of the finished ground level at the center of all facades of a building or at the center of a

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designated line; finished ground level at all points.

Grading - means any excavating or filling or combination thereof.

Gross Density - the total number of allowable dwelling units which can be developed on an area of land, calculated by dividing the density designated for a zoning district into the total area available on a tract for residential development.

Homeowners' or Owners' Association - means a private, non-profit corporation of land owners for the purposes set forth in its articles of incorporation, including but not limited to owning, operating and maintaining various common properties.

Hydrologic Report - means a report quantifying surface water availability and hydrologic conditions and impacts projected to be caused by a development, meeting the standards set forth in Article VII, Section 6.4 of the Santa Fe County Land Development Code, as amended.

Improvements - means man-made, or designed, immoveable fixtures or additions which become part of, placed upon, or affixed to property; including but not limited to infrastructure such as streets, curbs, gutters, sidewalks, culverts, fire hydrants, street lights, street signs, storm drainage facilities, landscaping materials, bike paths, trails, and water, sewer and other utility systems or parts thereof.

Individual Liquid Waste Disposal System - means a liquid waste 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.

Infrastructure - means the network of public and quasi-public structures and utilities necessary to support concentrations of human activity (commercial, residential and/or industrial). These are the basic health and safety functions which allow modern urban and suburban development to occur. Infrastructure includes but is not limited to water and sewer lines and plant structures; storm drains; roads and streets; electric, telephone, gas lines.

Inheritance Divisions of Land - are created by an order of court in probate proceedings for the purpose of transmitting property to heirs or beneficiaries, but not for the purpose of sale or lease.

A Land Division - is the division of land into four (4) parcels or less greater than five (5) acres in size.

Large Scale Residential Uses - include multi-family residential uses, institutional residential uses, and resort uses having five (5) or more dwelling units.

Legal Lot of Record - means 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 which has been created as part of a subdivision 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.

Letter of Credit - an irrevocable authority to draw a draft for the projected costs of improvements from a financial institution approved by the Board or the Council, as applicable.

Liquid Waste - means domestic, commercial, institutional or industrial wastewater containing human excreta or other liquid-carried waste.

Local Road or Street - means a road or street designed to provide vehicular access to abutting property and to discourage through traffic. Local roads or streets include subcollectors; lanes, places, and cul-de-sacs; and common access roadways.

Lot - means 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. See also Corner Lot, Double Frontage Lot, Flag Lot, Reverse Frontage Lot, Legal Lot of Record.

Lot Split - see Land Division.

Luminaire - means a complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts. See also Cut-Off Luminaire.

Minimum Standards for Land Surveying in New Mexico, as amended - means the Minimum Standards for Land Surveying in New Mexico as adopted by the New Mexico Board of Registration for Professional Engineers and Surveyors and amended from time to time.

MPO Major Thoroughfare Plan - means the plan for thoroughfares in the urbanized area in and adjacent to the City of Santa Fe developed by the Metropolitan Planning Organization and approved by the Transportation Policy Board pursuant to the Joint Powers Agreement between the City of Santa Fe, the County of Santa Fe, and the North Central New Mexico Economic Development District, dated June 30, 1982, latest revision.

Mobile Home Subdivision - is a subdivision designed and/or intended for the sale or lease of lots for residential occupancy by mobile homes. A mobile home park where defined spaces for rent or lease are delineated is also a mobile home subdivision.

New Mexico Environment Department (NMED) - means that duly authorized agency of the State of New Mexico which has jurisdiction for laws and regulations concerning air quality,

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ground and surface water quality, solid and hazardous wastes, liquid waste disposal systems, public water supply systems, and a number of other public health and environmental areas.

New Mexico State Highway and Transportation Department (NMSHTD) - means that duly authorized agency of the State of New Mexico which has jurisdiction for laws and regulations concerning access to and construction and maintenance of all state and federal highways.

Non-conforming Lot of Record - any validly recorded lot which at the time it was recorded fully complied with all applicable laws and ordinances but which does not fully comply with the lot requirements of this ordinance or of the zoning ordinance in effect for the location.

One Hundred (100) Year Flood Hazard Zone - means the land within a floodplain or flood hazard area which is subject to a one percent or greater chance of flooding in any given year. Also defined as the Area of Special Flood Hazard in Santa Fe County Ordinance 1988-1, Flood Damage Prevention Ordinance. See also Base Flood.

Owner - means any person or his successor in interest who purchases or leases land within a subdivision.

Parcel - means a quantity of land capable of being described with such definiteness that its location and boundaries may be established, and includes but is not limited to lots. See also Lot.

Parcel, Single Tier - means a parcel which backs upon a limited access highway, a railroad, a physical barrier, or a non-residential use and to which vehicular access from the rear is usually prohibited. See also Reverse Frontage Lot and Appendix Q for illustration.

Parkway - means that portion of a street right-of-way that lies between the curb and gutter or edge of pavement and the outer boundary of the right-of-way. Utility corridors and sidewalks, where required, are normally constructed within the parkway. See also Shoulder.

Peak Discharge - means the maximum rate of storm water run-off resulting from a 100 year frequency rainstorm.

Percent of Slope - means the relation of vertical rise from or to the contour line at horizontal intervals of not more than fifty feet and calculated as follows:

$$\frac{(H - L)}{D} \times 100\%$$

where H equals the highest elevation on the portion of the tract measured; L equals the lowest elevation on the portion of the

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tract measured; and D equals the horizontal distance between H and L.

Performance Bond - a surety bond acceptable to the County or the City, as applicable, to guarantee construction of improvements.

Permitted Rights - see Water Rights

Person - includes individual, partnership, association, corporation, Indian tribe, the State, any political subdivision of the State and its agencies or any other entity.

Plat - means a map, chart, survey, plan or replat certified by a professional surveyor registered in the State of New Mexico containing a description of the 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. See also Final Plat, Preliminary Plat.

Plat Amendments - are corrections or changes made to a previously approved plat which are not material in nature, as determined by the Land Use Administrator.

Preliminary Plat - means a map and other submittals as required by these regulations of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the area of land for a proposed subdivision.

Regional Water System - means the integrated system of water supply and facilities currently owned and operated by PNM serving the City of Santa Fe, its designated growth areas in Santa Fe County, and extensions of service areas as authorized by joint ordinance of the Board and Council which expand the existing system.

Replat or Resubdivision - the combination or recombination of portions of previously platted lots or tracts for the purpose of increasing or reducing the size of contiguous lots or the alteration of parcel boundaries within a previously approved subdivision which does not increase the total number of lots.

Return Flow Credit - means the earned right to take an amount of raw water from a hydrologic system, such as the Rio Grande, equal to the amount of raw water used for municipal and industrial purposes, treated and returned to the same hydrologic system from which it was diverted. The amount of credits earned are determined by measuring the flow of treated waste water returned to a point in the hydrological system and in a manner acceptable to the State Engineer.

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Reverse Frontage Lot - a double frontage or through lot which is not accessible from one of the parallel or non-intersecting streets or roads upon which it fronts.

Right-of-Way - means an area of land acquired by deed, reservation, dedication, or condemnation and intended to be occupied by a road, trail, crosswalk, railroad, utility transmission lines or pipelines and similar uses.

Road or Street - means a private or public way which has been dedicated or reserved by plat which provides the principal means of vehicular or pedestrian access to abutting property. See also Arterial Road or Street, Collector Road or Street, Local Road or Street.

Roadway - means that portion of a street or road constructed for vehicular traffic.

Runoff - means the water from natural precipitation which flows over the surface of the land and does not percolate into the soil.

Schedule of Compliance - means the document accompanying any security for completion of improvements which lists all improvements to be completed, together with dates for completion and estimates of the cost for each improvement or part thereof. Individual improvements may be broken down into parts, each with its own completion date.

Security for Completion of Improvements - means letter of credit, performance bond, escrow account or other financial consideration acceptable to the County, or the City, as applicable, which assures that adequate funds are available to complete construction of improvements required for an approved development or subdivision.

Septic Tank System - means a system comprised of a tank and leach field (absorption bed) for the purpose of separating the liquid and solid portions of sanitary wastes so that the liquid portion will infiltrate into the soil and the organic portion of the solids will be anaerobically digested.

Shall or May - the word "shall" is mandatory, the word "may" is permissive.

Shoulder - means the graded part of the right-of-way that lies between the edge of the main pavement or roadway and the curbline or drainageway. See also Parkway.

Sidewalks - A pedestrian walkway with permanently improved surfacing, usually of concrete or brick.

Site - means the location of a lot, tract or parcel.

Slope - means an inclined ground surface. See also Percent of Slope.

Soil - means the naturally occurring surficial deposits created by the weathering of underlying consolidated or unconsolidated geologic materials. The term soil is sometimes also used to refer to any naturally occurring, unconsolidated earth materials.

Soil Survey - means 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 Soil and Water Conservation District.

Soils Engineer - means a civil engineer experienced and knowledgeable in the practice of soils engineering.

Solid Waste - means any solid or semi-solid discarded material which results from household, commercial, institutional, industrial or other operations, but does not include water-carried waste in sewage systems.

State Engineer - means the officer duly authorized by the State of New Mexico whose office has responsibility for the quantification and allocation of water resources, including the administration of all water rights.

State Environmental Improvement Division (EID) - former name of the agency now called the New Mexico Environment Department. See New Mexico Environment Department.

State Highway Department - See New Mexico State Highway and Transportation Department.

Storm Drainage Facilities - includes but is not limited to surface and underground drainage courses, constructed channels, underground storm sewers, streets, drop inlets, detention basins and other drainage improvements.

Street - see Road or Street.

Subdivider - means any person creating a subdivision, or any person engaged in the sale or lease of subdivided land which is being sold or leased by the owner in the ordinary course of business.

Subdivision - the division of land into two or more parts by platting or by metes and bounds description into tracts of less than five (5) acres in any one calendar year for the purpose of sale, building purposes, laying out or adding to a municipality, laying out suburban lots or resubdivision. In addition, this definition includes a division of land into five (5) or more parcels for the purpose of sale or lease, with no minimum

acreage, within three (3) years of the date of the sale of the last parcel. See Appendix B for illustration.

Subdivision, Serial - means subdivision or replat of existing lots or parcels in an approved subdivision which results in an increase in the total number of lots.

Subdivision Type - County subdivisions, as defined by NMSA, 1978, Section 47-6-2, as amended, are classified into five types depending on the number and size of parcels in the subdivision:

<u>Type</u>	<u>No. of Parcels</u>	<u>Size of Smallest Part</u>
One - I	500 or more	less than 10 acres
Two - II	25 to 499	less than 10 acres
Three - III	5 to 24	less than 10 acres
Four - IV	25 or more	more than 10 acres
Five - V	5 to 24	more than 10 acres

Subdivision Improvements Agreement - a contract or other legally binding agreement between a developer or subdivider and the County and City, as applicable, which sets forth the type and scope of improvements to be installed or constructed in a development or subdivision, referencing approved engineering or other plans, the estimated costs and schedules for construction and inspection and terms for release of security.

Terrain Management Plan - means 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.

Time of Purchase or Lease - means the time of signing any document obligating the person signing the document to purchase land or lease land as a lessee.

Tract - an area, parcel, site, piece of land, or any property which is the subject of a development application.

Trail - A path designed for use by pedestrians, equestrians, and/or bicyclists; a trail may or may not have permanently improved surfacing and usually preserves or takes advantage of natural features, including terrain and vegetation.

Vacation or partial vacation of a plat - means filing of a plat for the purpose of cancelling or revoking the previous plat or subdivision, showing as one lot or acreage land which has previously been divided into lots or numbered or lettered parcels.

Variance - means a discretionary relaxation from the strict application of certain code requirements granted by the Board or Authority to alleviate conditions peculiar to a particular

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property which places an undue burden upon the individual landowner.

Water Conservation Covenant - means a restrictive property covenant which requires the owner to observe certain water conservation practices.

Water Rights - means the right to put water to beneficial use as authorized by state law, other than a domestic well permit issued under the provisions of Section 72-12-1 NMSA, 1978.

Water Supply System - means a system to provide water for domestic, municipal, industrial, or other purposes. See also Community Water System, Cluster Well Water System, Central Water System, Regional Water System.

Watercourse - means any river, creek, spring, arroyo or other channel having distinct banks through which water perennially or ephemerally flows.

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APPENDICES

APPENDIX A

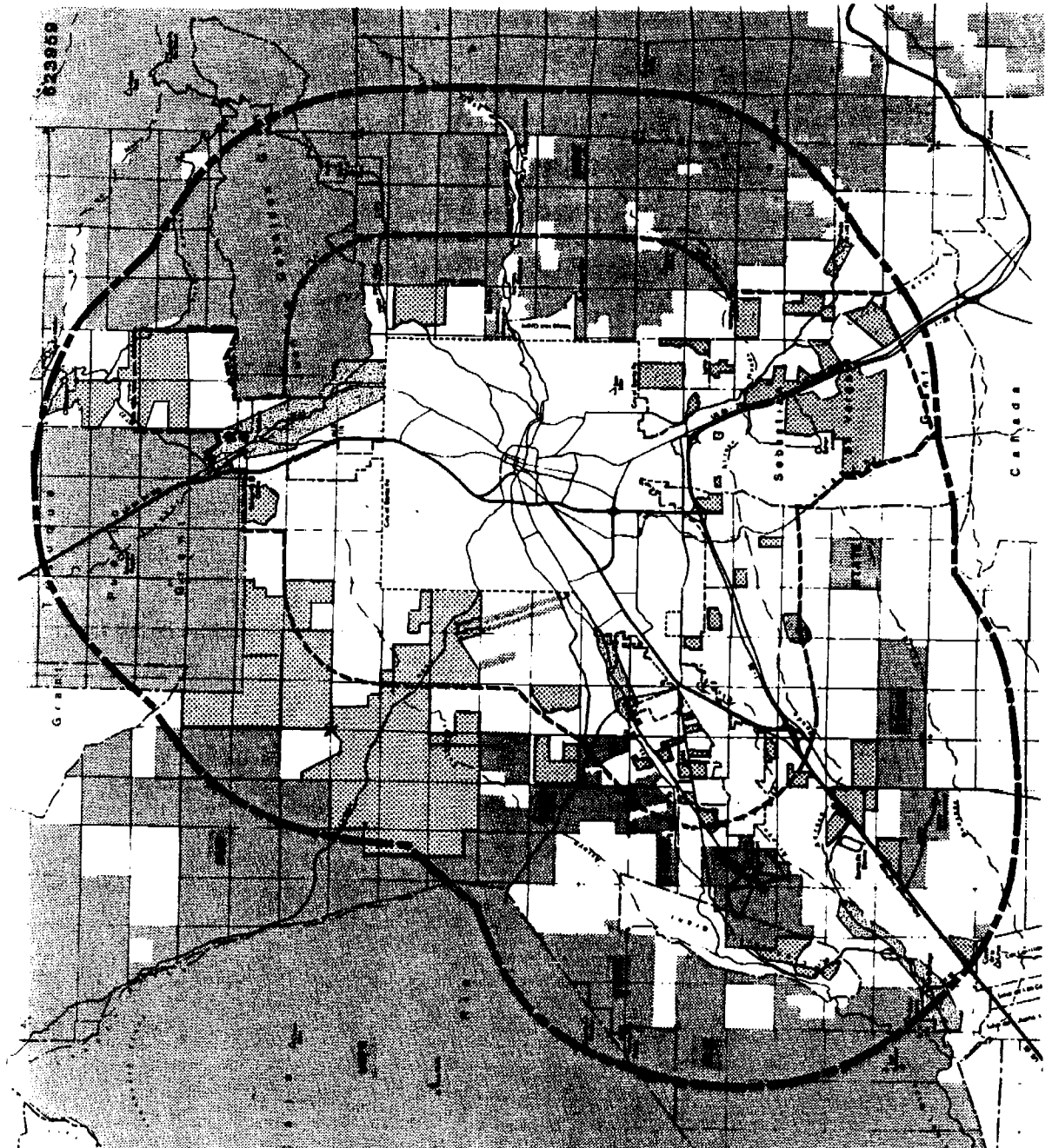
JURISDICTION AND LAND STATUS

- ZONING DISTRICT BOUNDARY
- AREA OF CONCURRENT COUNTY/CITY SUBDIVISION JURISDICTION
- PUBLIC OR INSTITUTIONAL LANDS
- TRADITIONAL COMMUNITY
- APPROVED SUBDIVISIONS

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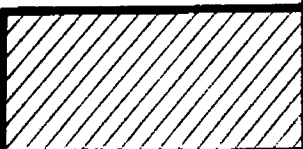
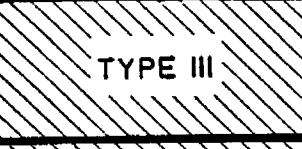
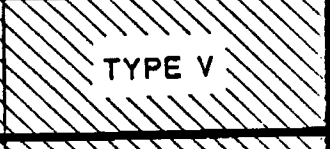
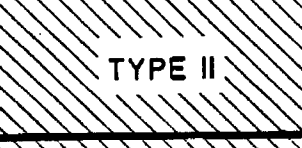
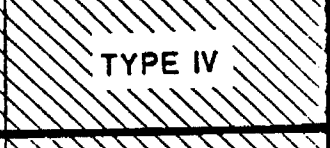
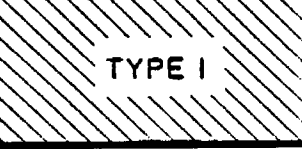
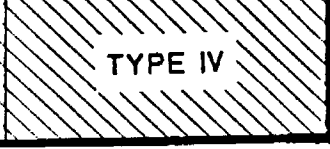
SANTA FE COMPREHENSIVE EXTRATERRITORIAL PLAN

Ordinance EZA 1988-1
Adopted August 4, 1988



APPENDIX B

SUBDIVISIONS IN THE 5-MILE E.Z. AREA

		ACRES PER LOT		
		Up to 5	5 to 10	More than 10
NUMBER OF LOTS	2-4			
	5-24	 TYPE III	 TYPE III	 TYPE V
	25-499	 TYPE II	 TYPE II	 TYPE IV
	500 OR MORE	 TYPE I	 TYPE I	 TYPE IV
		 Municipal Subdivision Only	 County Subdivision Only	 Municipal & County Subdivisions
		 Land Division, NOT a Subdivision*		

*See applicable zoning ordinance for standards and procedures.

Municipal and County subdivisions are defined by N.M. Statutes Annotated, Sections 3-20-1 and 47-6-2 as amended. Both Municipal and County subdivisions are regulated by this ordinance.

APPENDIX C

SAMPLE PLAT CERTIFICATES

Reference Section 3.3.5

753062

For Conditional Dedication of Right(s)-of-way:

Know all persons by these presents that the undersigned owners have caused to be subdivided those lands shown hereon. Said subdivision is made with the free consent and in accordance with the desires of the undersigned owners and the undersigned owners hereby convey all roadways that are designated on this plat as public roadways to the _____ Homeowners Association for public use and for the purpose of maintaining such roadways. Provided however, that at such time as the Board of County Commissioners of Santa Fe County, New Mexico, or any other public entity with the authority to accept roads for purposes of public maintenance, shall by resolution accept a dedication of some or all such roadways as are outside of all lot boundaries for maintenance, such rights-of-way shall be dedicated and conveyed without consideration to the entity accepting dedication by the undersigned and/or by the _____ Homeowners Association as provided by N.M.S.A., 1978, as amended, Section 47-6-5, whereupon those roadways so dedicated shall be for public use and maintenance.

This subdivision lies within the Planning and Platting Jurisdiction of the City and County of Santa Fe, New Mexico.

By

(names of owner/subdivider)

753063

For grant of easements for utilities:

Know all persons by these presents that the undersigned owner(s) have caused to be subdivided those lands shown hereon. Said subdivision is made with the free consent and in accordance with the desires of said owner(s). Utility companies are hereby granted the easements as marked and described on this plat.

This subdivision lies within the Planning and Platting Jurisdiction of the City and County of Santa Fe, New Mexico.

BY:

(names of owners/subdividers)

For dedication of rights-of-way to the public:

Know all persons by these presents that the undersigned owner(s) have caused to be subdivided those lands shown hereon. Said subdivision is made with the free consent and in accordance with the desires of the undersigned owner(s). The undersigned owner(s) do hereby deed and convey to the Board of County Commissioners of Santa Fe County, New Mexico, the roadways as marked and described on this plat as County roads (and/or parks, trails, or other public areas marked and described on this plat as County parks). By affixing the signature of its Chairperson, and by adopting a resolution for this purpose, the Board of County Commissioners of Santa Fe County, New Mexico, does hereby accept these designated roads (and/or parks, trails, or other public areas) for public use and maintenance.

This subdivision lies within the Planning and Platting Jurisdiction of the City and County of Santa Fe, New Mexico.

BY:

(names of owners/subdividers)

APPROVALS

753064

APPROVED BY THE BOARD OF COUNTY COMMISSIONERS AT THEIR
MEETING OF _____ (DATE) _____, 19__.

CHAIRMAN

APPROVED BY THE EXTRATERRITORIAL ZONING COMMISSION AT THEIR
MEETING OF _____ (DATE) _____, 19__.

CHAIRMAN

CITY REVIEWS

REVIEWED BY _____
PUBLIC WORKS DEPT. _____ DATE

REVIEWED BY _____
DIRECTOR, TECHNICAL REVIEW _____ DATE

REVIEWED BY _____
PLANNING DEPT. _____ DATE

APPROVED BY _____
LAND USE ADMINISTRATOR _____ DATE

COUNTY DEVELOPMENT PERMIT NUMBER _____

UTILITY APPROVALS
(include as applicable)

Public Service Company/Power _____ Date

Gas Company of New Mexico _____ Date

Mountain Bell Telephone Company _____ Date

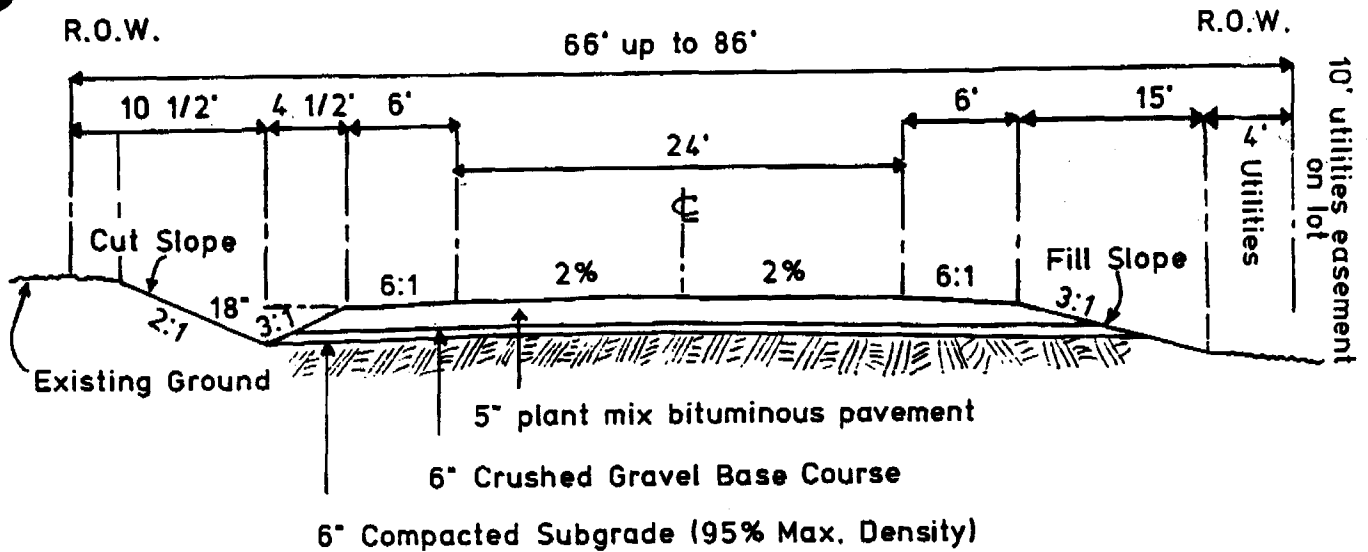
Sangre de Cristo Water Company _____ Date

City of Santa Fe/Sewer _____ Date

(others, as applicable)

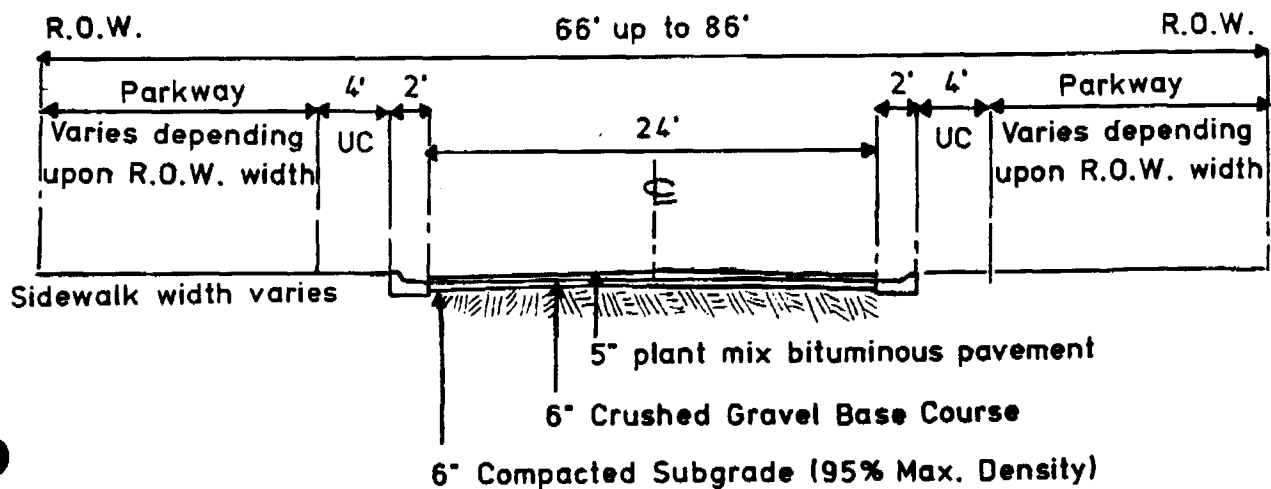
MINOR ARTERIAL

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ESTIMATED A.D.T.: 2000—4999
 or
 NUMBER OF SF LOTS: 200—499

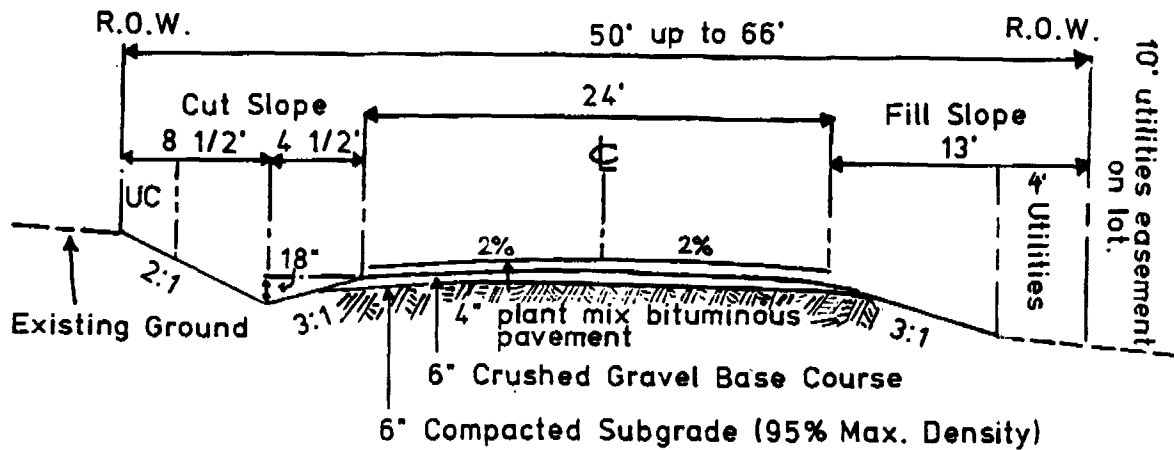
MINOR ARTERIAL WITH CURBS AND GUTTERS



These sections illustrate minimum requirements. Turning lanes, additional driving lanes, or thicker paving sections may be required.

COLLECTOR ROAD

753066

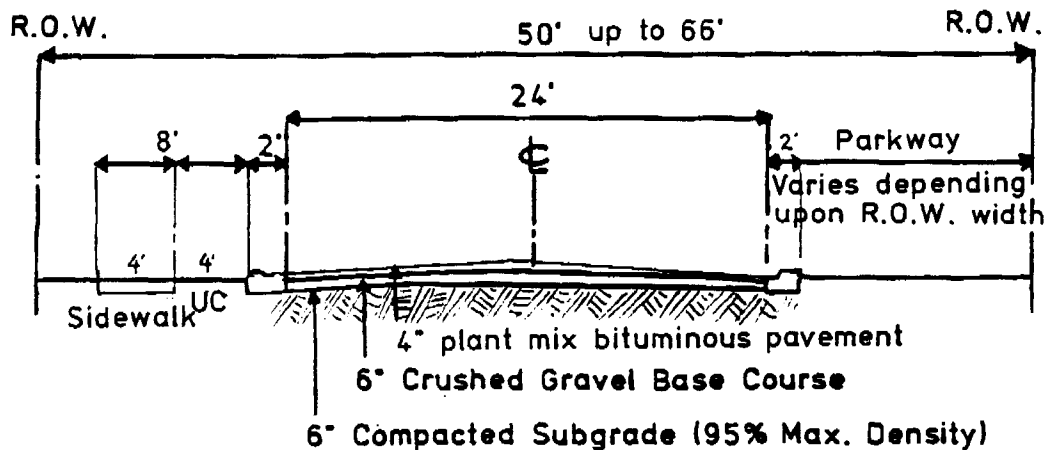


ESTIMATED A.D.T.: 600—1999

or

NUMBER OF SF LOTS: 60—199

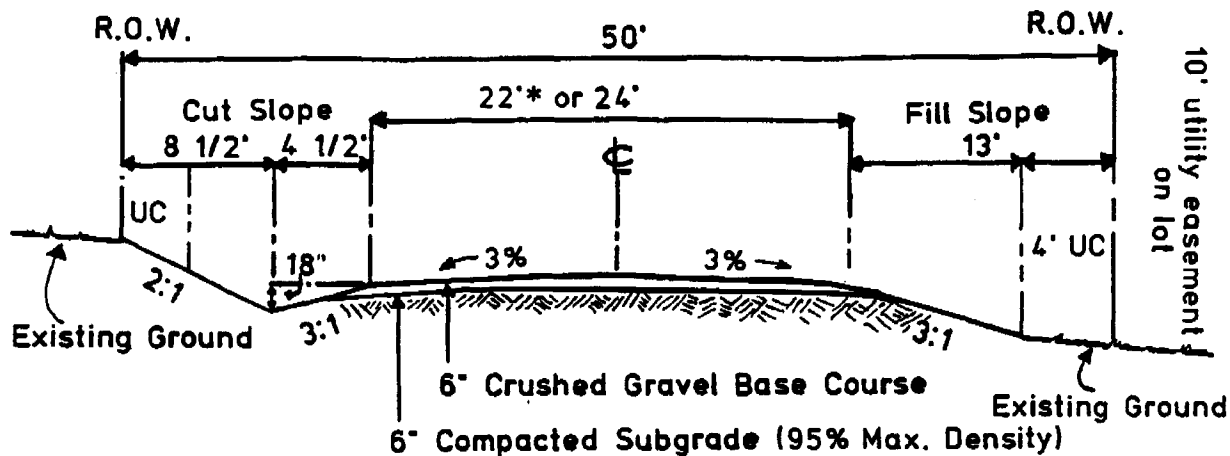
COLLECTOR ROAD WITH CURBS AND GUTTERS



These sections illustrate minimum requirements. Turning lanes, additional driving lanes, or thicker paving sections may be required.

753067

LOCAL GRAVEL ROAD (SUBCOLLECTOR, LANE, PLACE)



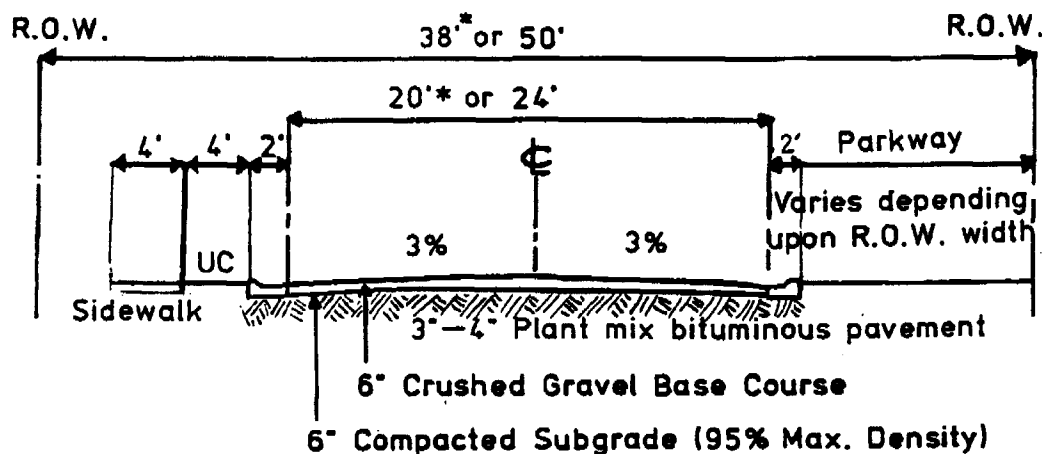
A plasticity index (PI) of 8% to 12% is required.

ESTIMATED A.D.T.: Up to 599

or

NUMBER OF S.F. LOTS: 5 - 59

LOCAL PAVED ROAD WITH CURBS AND GUTTERS
(SUBCOLLECTOR, LANE PLACE)

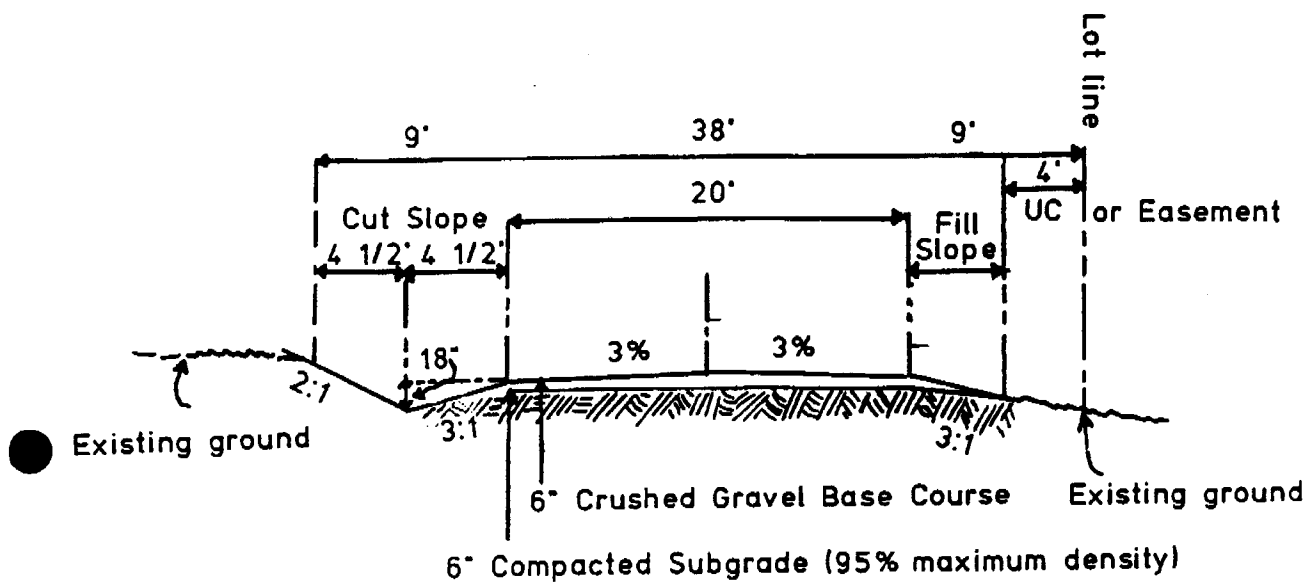


***Applies to lanes or places only - See 3.5.2**

These sections illustrate minimum requirements. Turning lanes, additional driving lanes, or thicker paving sections may be required.

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COMMON ACCESS ROADWAY



A plasticity index (PI) of 8% to 12% is required.

ESTIMATED A.D.T.: up to 100
or

NUMBER OF SF LOTS: 2 - 4*

*Also applies to family transfers and narrow subdivision tracts.
See 3.5.2 F.3.

APPENDIX E. FIGURE 3.1

SCHEDULE OF REQUIRED ON-SITE AND OFF-SITE
ROAD IMPROVEMENTS BY SCALE OF DEVELOPMENT

Reference Section 3.5.3

REQUIRED IMPROVEMENTS (1,5,6)				
	Local (4) Common Access Roadway (7)	Collector (4) Local	Minor Arterial (4) Collector Local	Arterial (4) Minor Arterial Collector or Local
AVERAGE DAILY TRAFFIC (ADT)	0 - 599	600 - 1999	2000 - 4999	5000 +
RESIDENTIAL USES (3) Number of single family lots or total units, including existing	2 - 59	60 - 199	200 - 499	500 +
NON-RESIDENTIAL USES, MIXED USE AND MASTER PLANNED PROJECTS (2)				
Traffic Analysis Report estimate of ADT, Peak Hour Volume, and Level of Service (See 3.5.3, infra.)				

FOOTNOTES:

- (1) The sum of all traffic generated shall be used to determine road classification and design specifications.
- (2) Required improvements for non-residential uses may be modified by AASHTO Standards for the type of traffic generated, such as heavy equipment or oversize vehicles in industrial areas.
- (3) Assumes ten (10) trips per dwelling unit.
- (4) See the Street and Road Classification and Design Standards matrix (Figure 3.2) and Section 3.5.2, infra, for description of right-of-way standards and other design requirements.
- (5) See Appendix for structural sections by road classification.
- (6) It is assumed that most subdivision proposals will obtain access from an existing road or street. The Traffic Analysis Report shall include information on the existing conditions, traffic counts, design capacity, and level of service of such roads and the nature of the traffic to be added by the proposal to determine the improvements which may be needed.
- (7) Common Access Roadways apply to subdivisions of 4 lots or less, family transfers, and division of "strip" parcels less than 120 ft. wide.

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APPENDIX F. FIGURE 3.2 STREET AND ROAD CLASSIFICATION AND DESIGN STANDARDS

Reference Section 3.5.3

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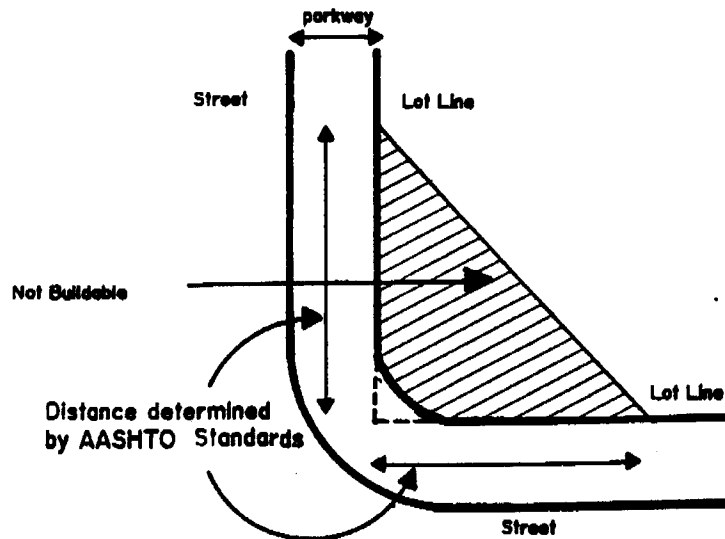
ROAD TYPE	NUMBER OF D.U.	AVERAGE DAILY TRAFFIC (ADT)	NUMBER OF DRIVING LANES	RIGHT OF WAY REQ'D	DESIGN SPEED (MPH)	MAXIMUM PERCENT GRADE	MINIMUM AGGREGATE BASE COURSE	MINIMUM PLANT MIX BITUMINOUS PAVEMENT	SIDE- WALK REQMT	CURB AND GUTTER REQMT	ADDITIONAL REQUIREMENTS
	(1)	(1)	(2)	(3)	(4)		(5,6)	(5,6,7)	(6,9)	(6,8,14)	(10,11,13)
MAJOR ARTERIAL	500 +	5000 +	2-6	86' - 120'	45-55	6 %	6"	5"-6"	Req'd (9)	See 3.5.6	18' median parkway or shoulder turn lanes
MINOR ARTERIAL	200 - 499	2000 to 4999	2-4	66' - 86'	45-55	8 %	6"	4"- 5"	Req'd (9)	See 3.5.6	parkway or shoulder turn lanes See sections
COLLECTOR	60 - 199	600 to 1999	2-4	50' up to 66'	35	10 %	6"	4"	Req'd (9)	See 3.5.6	parkway or shoulder turn lanes (15)
LOCAL SUBCOLLECTOR	30 - 59	300 to 599	2	50'	25	11 %	6" (12)	4" (17)	Req'd (8,9)	See 3.5.6	parkway (8) or shoulder (15) See sections
LOCAL LANE, PLACE, CUL DE SAC	5 - 29	up to 299	2	(16) 38' or 50'	10	11 %	6" (12)	3"	Req'd (8,9)	See 3.5.6	(8) (15) See sections
COMMON ACCESS ROADWAY	up to 4 (18)	up to 100	2	38'	10		6" (12)	N.A.	Not Req'd	Not Req'd	See sections

FOOTNOTES:

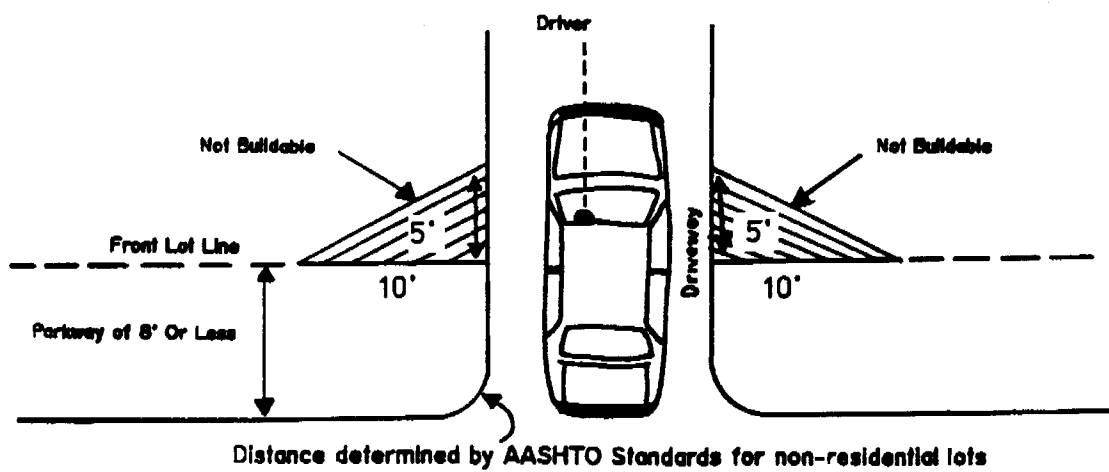
- (1) Assumes 10 trips per day per dwelling unit; for other development, number of trips or ADT shall be determined by a Traffic Analysis Report.
- (2) A traffic impact analysis report may be required to determine improvements. Lane width, see 3.5.2.
- (3) Additional right-of-way may be required.
- (4) Unless speed is posted otherwise.
- (5) Structural pavement design report may be required.
- (6) Construction in accordance with NMSHD Road and Bridge requirements.
- (7) Asphalt thickness over aggregate base course.
- (8) Not required on gravel roads or streets.
- (9) Depending on land use or location, paths or trails may be substituted for hard-surfaced sidewalks.
- (10) Minimum utility corridors of 4' each side.
- (11) See Appendix D for structural sections.
- (12) Plasticity index of 8% to 12%.
- (13) Tapering for turn lanes may be required.
- (14) Requirements for curb and gutter depend on lot size, drainage, on-street parking, and streetscape.
- (15) On-street parking may be allowed.
- (16) Gravel lanes, places, or cul-de-sacs require a 50 ft. right-of-way.
- (17) Paving may be required for lots of 1/2 acre or smaller.
- (18) Common access roadways also serve family transfers and subdivision of tracts less than 120 ft. wide.

VISIBILITY AT INTERSECTIONS

753071



VISIBILITY AT DRIVEWAYS ON PUBLIC STREETS



APPENDIX H.

STREETLIGHT DESIGN CRITERIA

753072

Reference Section 3.5.11

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 and 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 and 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 Society, 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

STANDARDS FOR WATER SYSTEMS AND FIRE PROTECTION
Reference Sections 3.6.1 and 3.6.3

Section 1. MINIMUM STANDARDS.--Guidelines for Water Supply Systems and Treatment Works in New Mexico, NMED, latest revision and Regulations Governing Water Supplies, NM Environmental Improvement Board, latest revision, shall be considered the minimum standards for water supply and distribution systems and water storage and treatment facilities for purposes of these Regulations.

Section 2. DESIGN CRITERIA.--All water systems shall be sized hydraulically to meet the initial and future demands of the proposed subdivision. The following design criteria shall apply:

A. DOMESTIC DEMANDS. It is recommended that the system be sized hydraulically for maximum day plus fire demands or peak hour, whichever is greater. Maximum day demand may be assumed as 3.0 times average day demand, and maximum hour demand may be assumed to be 6.0 times average day demand unless calculations indicate otherwise and the design is approved by the City or County Engineer or NM Environment Department.

B. MINIMUM RESIDUAL PRESSURES shall be twenty (20) psi (pounds per square inch) under maximum hour demands at all points in the distribution system and forty (40) psi under normal operating conditions. The actual pressure in the supply system under the conditions specified shall be used in designing the distribution system. If future connection to a different supply system, such as a regional water system, is anticipated, critical pressure in that system may be used as the starting design pressure.

C. MINIMUM MAIN SIZES shall be six (6) inches. Where the external supply or pressure is not adequate to meet requirements, additional pipe diameter, parallel or looping lines, or additional storage or pumping shall be provided to meet the requirements.

D. FIRE DEMANDS

1. The water system shall be designed for maximum fire flows in addition to the maximum day rate, pursuant to Section 3, below.

2. Fire demands may be met by alternate sources for pumping at the discretion of the EZC and Board upon recommendation of the County Fire Marshal. In such cases, the water distribution and storage system need not be sized for fire demands.

E. TREATMENT AND STORAGE

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1. It is recommended that new water systems be designed with sufficient treatment and storage for a period of six (6) hours or a maximum day demand plus the required fire demand for the specified duration.

2. Minimum storage for fire demand shall be 30,000 gallons.

3. Subdividers shall minimize and mitigate the visibility of water storage tanks through such techniques as burying, berming, earth-tone paints, screening, or landscaping.

F. The quality and materials specifications must be submitted for review and are subject to the approval of the County or City engineer, and appropriate state reviewing agencies. Proposed specifications should include the following:

1. The strength rating for distribution piping and fittings with fire flow demand is to have a minimum safety factor of four times the anticipated internal operating pressure.

2. The system is to be designed for a minimum service life of fifty (50) years.

3. Sufficient cover is to be provided to prevent freezing. Three feet is recommended.

4. Dead end mains shall be avoided; where this is not possible such mains shall be provided with a suitable means for flushing.

5. Testing of the system will be required. The terms of testing, release of collateral, and inspections shall be included in the Subdivision Improvements Agreement.

Section 3. FIRE PROTECTION SYSTEMS.--

A. HYDRANTS--Fire hydrants shall be installed in all water distribution systems whether new or extensions of existing systems.

1. Location

a. Maximum distance between hydrants for rural locations shall be 1000 feet; hydrants shall be located no more than 500 feet from any structure for other installations pursuant to County Ordinance No. 1991-7, Uniform Fire Code, as amended. Distances should be calculated along the road right-of-way.

b. Hydrants shall be located within ten (10) feet of a roadway or parking area with unobstructed access for fire fighting equipment and personnel.

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2. All fire hydrants shall be fitted with National Standard threads (2x2x4 outlets) unless other agreements are reached with the affected fire district. Adaptors for City equipment may be required in areas where cooperative agreements between City and County fire fighters are in effect.

3. All fire hydrants shall be painted or identified so that they are conspicuous. There shall be no obstruction that could interfere with operation.

B. MAINS--The minimum size of main lines on which fire hydrants are located which will produce the critical pressures on the system shall be six (6) inches. All water system main lines shall be sized to accommodate the largest anticipated demand on the system including potential increases in development intensity; commercial, industrial and institutional uses; and potential re-subdivision.

C. FIRE FLOWS--Water supply and fire flow requirements for a development shall be calculated based on National Fire Protection Association standards, NFPA 1231 "Standards on Water Supplies for Suburban and Rural Fire Fighting," latest revision, or the "Fire Suppression Rating Schedule Guidelines" published by the Insurance Services Office, latest revision. If there is a conflict between provisions of these standards, the more stringent requirement shall apply.

D. ALTERNATE SYSTEMS-- Where alternatives to a community or central water system are proposed for fire protection, they shall be reviewed by and meet all requirements of the County Fire Marshal. In reviewing proposals for alternate fire protection systems the Fire Marshal shall consider lot size and density, the proposed number of lots, terrain, water supplies on the site, proximity to fire stations or to adequate off-site water supplies available for fire fighting, the cost effectiveness of water storage versus installation of sprinkler systems, and other data particular to the site or proposed development. It is intended that alternate systems be used only where all lots in a subdivision are 2 1/2 acres or larger, but it is recognized that smaller subdivisions, or where cluster wells are the approved water supply, or where an ISO 6 rating may not be obtainable may sometimes achieve adequate fire protection through alternate systems. In all cases, the requirements of County Ordinance No. 1991-7, Uniform Fire Code, as amended, shall prevail.

1. Alternate fire protection systems may include provision of water through tanks or water systems dedicated solely to fire suppression; other suction sources such as ponds, or swimming pools; sprinkler systems with on-site storage; or other systems as approved by the Fire Marshal. A shuttle system is available provided there is a water source close enough to provide reliable and efficient shuttle, as approved by the Fire Marshal and the particular fire district.

2. The storage capacity for pumping should be equivalent to the estimated fire flow demand; storage on each lot shall be required for residential sprinkler systems. Central water storage for subdivisions not served by a community water system may be required where adequate off-site water supplies are not available for fire fighting.

3. All storage or alternate sources for pumping shall be readily accessible to fire district equipment and personnel and centrally located to buildings in the proposed development. Joint use or sharing of water storage facilities in adjacent subdivisions or developments is encouraged.

4. Water systems dedicated solely to fire suppression or alternate systems may be required to install hydrants spaced no more than 1000 ft. from any point of all structures in a development. Hydrants shall be located along a roadway, clear of any obstructions.

5. Water supply and fire flow requirements shall be calculated based on National Fire Protection Association standards, NFPA 1231 "Standards on Water Supplies for Suburban and Rural Fire Fighting", latest revision, and the "Fire Suppression Rating Schedule Guidelines" published by the INSurance Services Office, latest revision. Absolute minimum fire flows are set forth in County Ordinance No. 1991-7, Uniform Fire Code, as amended.

E. COMMERCIAL AND INDUSTRIAL SUBDIVISIONS-- Subdivisions proposing commercial or industrial uses shall meet the requirements of County Ordinance No. 1991-7 and these Regulations. Additional fire protection requirements may be imposed on individual occupancies prior to final development plan or development permit approval.

F. SUBMITTAL OF AS-BUILT PLANS--Complete, up-to-date plans and records essential for the proper operation and maintenance of the fire protection system shall be made available to the appropriate fire department. These should include: plans of the supply works including dams, intakes, wells, pipe lines, treatment plants, pumping stations, storage reservoirs and tanks; and maps of the distribution system showing mains, valves and hydrants.

G. TESTING--The owner of a water system shall be responsible for annual testing of the system; test results shall be forwarded to the local fire department or to the County Fire Marshal's Office.

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APPENDIX J. FIGURE 3.3

Reference Section 3.6.2

SOILS LIMITATIONS FOR INDIVIDUAL LIQUID WASTE DISPOSAL SYSTEMS

SOIL CHARACTERISTICS	SOILS CATEGORY ³			
	SUITABLE SLIGHT LIMITATIONS	MODERATE LIMITATIONS	UNSUITABLE	PROHIBITIVE
Soil Depth ¹ (Depth to bedrock or to seasonal high water table in feet)	more than 15'	8'-15'	4'-8'	less than 4'
Percolation Rate (Rate of percolation of water into soil in minutes per inch)	16-30	5-15 and 30-60	61-120	less than 5 and more than 120
Slope (incline of the land surface in percent)	0-5	5-8	9-15	more than 15
Flooding Potential (100 year flood)	None	None	Within Floodplain Outside Floodway	Within Floodway
Minimum Lot Size ²	1.0 ac ⁴	1.5 ac	2.5 ac ⁵	N.A.

NOTES:

- 1 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 Lot areas shall be calculated excluding roadways, road rights-of-way or easements.
- 3 The soil category is determined by the most limiting soil characteristic for each soil type.
 - (a) 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 soils.
 - (b) An unsuitable soil is a soil unsuited for the installation and functioning of a conventional disposal system. Alternative disposal systems may be proposed for use in unsuitable soils.
 - (c) A prohibitive soil is a soil unsuited for the installation and functioning of either a conventional disposal system or an alternative disposal system. Individual liquid waste systems cannot be used in prohibitive soils.
- 4 Minimum lot size is .75 acre in traditional communities.
- 5 See 3.6.2 E 4 ,infra. Installation of community sewer systems is preferable for subdivisions with unsuitable soils, but alternative disposal systems may be proposed.

Sources: Water Quality Liquid Waste Disposal and Solid Waste Disposal Guidelines for County Subdivision Regulations, NM Environment Department, 1990 draft.
Consultation with District II, NMED staff.

APPENDIX J. FIGURE 3.4

Reference Section 3.6.2

REQUIRED SEPARATION DISTANCES FOR INDIVIDUAL LIQUID WASTE
DISPOSAL SYSTEMS

	OPTIMUM SEPARATION (in ft.)	MINIMUM SEPARATION (in ft.)	
		Enclosed System/ Liquid Waste Treatment Units	Absorption Systems
Private Water Supply Source	300+	50	100
Public/Community Water Supply Source	1000	100	1000 ¹
Watercourses except Canals and Arroyos	slope away from watercourse	50	100
Unlined Canals and Arroyos	slope away from canal arroyos	15 + depth of channel	25 + depth of channel
Lined Canals	"	10 + depth of channel	10 + depth of channel
Public Lakes	slope away from lake	50	100
Potable Water Lines		10	10
Lot or Property Line	20+	5	5

Notes:

- 1 EID current minimum distance is 200 ft.; EPA standards of 1000 ft. separation are set forth here to prevent installation of septic tanks which would later have to be removed as non-conforming uses when NMED enforces the EPA standard.

APPENDIX J. FIGURE 3.5

Reference Section 3.6.2

REQUIRED MINIMUM LOT SIZES BY ESTIMATED DESIGN FLOW FOR ON-SITE LIQUID WASTE DISPOSAL SYSTEMS (LARGE SCALE RESIDENTIAL AND NON-RESIDENTIAL)

TOTAL DESIGN FLOW (gallons) per day)	MINIMUM LOT SIZE REQUIRED (acres)
Up to 450	1.00
600	1.20
750	1.50
1125	2.25
1500	3.00
1875	3.75
2000	4.00

1. "Design Flow" means the flow rate for which an individual liquid waste system must be designed in order to assure acceptable system performance, assuming the use of conventional plumbing fixtures. For residential sources, the design flow shall be calculated assuming two (2) persons per bedroom for the first two (2) bedrooms and one (1) person per additional bedroom in a single family residential unit, and seventy-five (75) gallons per person per day. Multiple family residential source design flows shall be calculated as the sum of design flows for each single family unit included. Design flows for nonresidential sources shall be based on generally accepted references (such as the New Mexico Uniform Plumbing Code or the USEPA Design Manual Onsite Wastewater Treatment and Disposal Systems) or based on professional engineering calculations, if more restrictive, and must include safety factors to account for peak flows.

2. Design flow and lot size requirements apply to all liquid waste systems which discharge to the soil and to evapotranspiration systems and shall be based on total design flow for the lot. Water conservation devices or covenants shall not be used to reduce the lot size requirements or systems design requirements.

3. Lots platted prior to the effective date of these Regulations shall meet design flow and minimum lot size requirements of "Liquid Waste Disposal Regulations", New Mexico Environmental Improvement Board, latest edition.

APPENDIX K

STANDARDS FOR SOLID WASTE DISPOSAL SITES

A. PREFACE--The demand for land for solid waste disposal is not a simple relationship between numbers of potential residences and surface area of land. The area of land required can vary greatly depending on management techniques for compaction of waste, depth and rate of coverage and participation in recycling programs. The formula developed for these Regulations is based on data collected, generated and used for the regional solid waste management plan and site selection process. (City and County of Santa Fe Regional Solid Waste Landfill Site Study, 1990/91)

B. ASSUMPTIONS

1. Solid waste generation is estimated to be 3.5 lbs. per day per person in Santa Fe County outside City limits.

2. Solid waste disposal site costs (in 1990 dollars):

total cost	\$25.62 per ton of waste
less operating cost	<u>8.37 per ton</u>
developmental, closure, post closure costs	17.25 per ton
transfer costs	<u>5.00 per ton</u>
	\$22.25 per ton

3. 3.5 lbs. x 365 days = 1278 lbs or .64 tons per person per year.

C. FEE-IN-LIEU FORMULA--The fee-in-lieu for solid waste disposal sites is calculated as follows:

_____ persons per d.u. (P.D.U. for census tract) x .64 tons waste x \$22.25 per ton = fee per d.u. or SF lot for solid waste disposal sites.

i.e. 2.7 PDU x .64 x \$22.25 = \$38.45 per lot.

D. TRANSFER STATIONS

Transfer stations for collection of waste and separation of recyclables will also be necessary throughout the area. Standards for transfer stations are:

1 transfer station per 250 d.u.
2.5 ac sites per transfer station
land needed = .01 ac. per d.u.

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Subdivisions may dedicate land for a transfer station when one is needed at the location and the total land dedication for their development equals a viable transfer site. Otherwise, a fee-in-lieu of land shall be calculated pursuant to 3.7 infra.

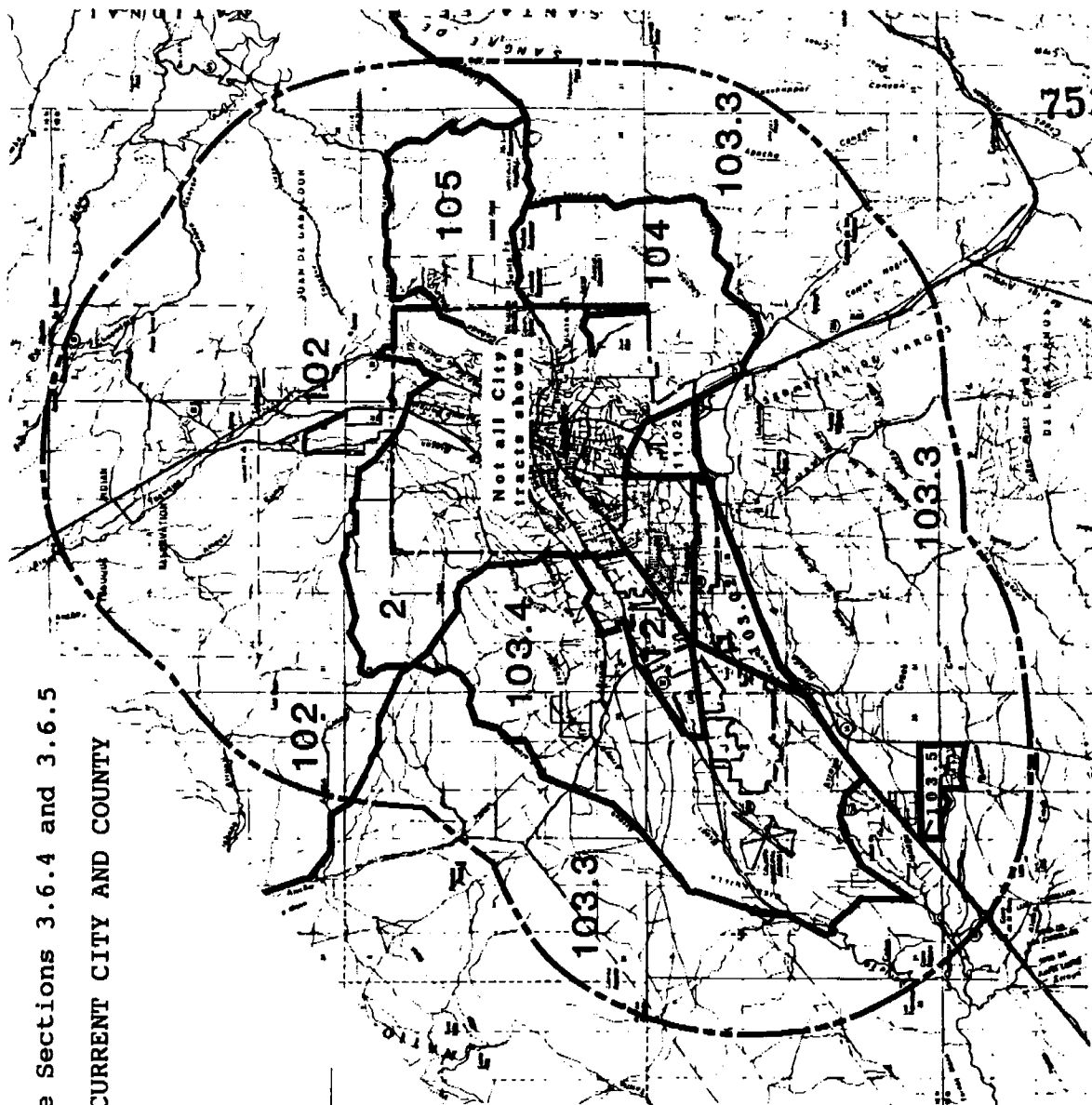
See Appendix L for persons per dwelling unit data (PDU) for census tracts in the Area of Concurrent City and County Subdivision Jurisdiction.

APPENDIX L Reference Sections 3.6.4 and 3.6.5
CENSUS TRACTS IN AREA OF CONCURRENT CITY AND COUNTY
SUBDIVISION JURISDICTION

Census Tract	1990 ¹ Pop.	1990 ¹ Occupied Housing Units	Persons ¹ per Dwelling (PDU)
2		1768	
11.02		678	
12		2893	
102		2231	
103.02		1301	
103.3		3537	
103.4		1548	
103.5		34	
104		934	
105		583	

Notes:

1 Final population, housing, and calculated persons per dwelling unit figures from the 1990 Decennial Census, U.S. Bureau of the Census, are adopted by reference and shall be incorporated into this Appendix when published.



APPENDIX M

SAMPLE CALCULATION OF PARK LAND DEDICATION
Reference Section 3.6.5

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FORMULA:

The amount of land to be dedicated by the developer for park and recreational purposes shall be computed as follows:

a. $\frac{\text{persons/dwelling unit (d.u.)} \times 10 \text{ acres}}{1000 \text{ persons}} = \text{ac/d.u.}$

b. $\frac{\text{acreage per d.u. (a)} \times \text{number of dwelling units}}{\text{total acreage to be dedicated}} =$

HYPOTHETICAL SUBDIVISIONS:

Subdivision "X" is a tract of 100 acres located in the Extraterritorial Subdivision Area (census tract 103.3), proposed for 25 residential lots. Since final 1990 census tract data are not yet available, the preliminary County PDU for 1990 of 3.04 persons will be used for illustration only.

a. $\frac{3.04 \text{ persons/dwelling unit (d.u.)} \times 10 \text{ acres}}{1000 \text{ persons}} = 0.0304 \text{ ac/d.u.}$

b. $(\text{acreage per d.u.}) .0304 \times 25 (\text{number of dwelling units}) =$
 $.76 \text{ ac. (total acreage to be dedicated)}$

Subdivision "Z" is a tract of 100 acres located in the Extraterritorial Subdivision Area (census tract 12), proposed for 400 residential lots. Since final 1990 census tract data are not yet available, the preliminary County PDU of 3.04 will again be used for illustration only.

a. $\frac{3.04 \text{ persons/dwelling unit (d.u.)} \times 10 \text{ acres}}{1000 \text{ persons}} = 0.0304 \text{ ac/d.u.}$

b. $(\text{acreage per d.u.}) .0304 \times 400 (\text{number of dwelling units}) =$
 $12.16 \text{ ac. (total acreage to be dedicated)}$

APPENDIX N

COUNTY PROCEDURES FOR DEFAULT AND FORFEITURES
FOR REQUIRED SUBDIVISION IMPROVEMENTS

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Reference Section 3.8

Section 1. Default. If the applicant fails to complete an improvement, or part thereof, within thirty days of the date for completion of that improvement, or part thereof as set forth in the Schedule of Compliance for the Subdivision (See 3.8, infra), the Board of County Commissioners shall cause a Notice of Default and Contemplated Action on Bond to be served upon the applicant, by certified mail, return receipt requested. A copy of that Notice shall be sent to the surety by first class mail.

Section 2. Contents of Notice. The Notice of Default shall state:

A. What requirements contained in the schedule of compliance the applicant has failed to meet;

B. The cost for completion shown on the schedule of compliance;

C. That the County intends to forfeit that portion of the bond or other financial warranty necessary to complete the improvement;

D. That the applicant or the surety has thirty days from the date of the Notice of Default and Contemplated Action on Bond to request, in writing, a hearing before the Board of County Commissioners to show cause why the bond or other financial warranty, or any portion thereof, should not be forfeited;

E. That failure to respond at all will result in the forfeiture of the entire bond or other financial warranty to the County;

F. That the County may suspend or revoke approval of the unsold portions of the subdivision; and

G. A statement of the applicants' and the sureties' due process rights in a form approved by the County Attorney.

Section 3. Failure to Appear. In the event the applicant and surety both fail to appear in writing or at a subsequent hearing, the entire bond or other financial warranty shall be forfeit to the County. The County shall use the bond proceeds to complete the improvements to the extent the bond proceeds will allow.

Section 4. Appearance and Hearing. Where the applicant or the surety or both timely request a hearing, a hearing shall be held

before the Board of County Commissioners to determine whether the applicant has failed to complete an improvement or portion thereof within thirty days of the date set on the schedule of compliance.

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Section 5. Disposition. Where the Board of County Commissioners determines that the applicant has failed to complete an improvement or portion thereof within thirty days of the date set on the schedule of compliance it may:

A. Order a modification to the schedule of compliance to allow the applicant or the surety to complete the improvements;

B. Allow the surety to complete the improvements in the applicants' stead, using the bond or other financial warranty proceeds for that purpose;

C. Forfeit that portion of the bond or other financial warranty applicable to the incomplete improvements to the County and direct the County to complete the incomplete improvements with the proceeds;

D. Suspend or revoke approval of the unsold portions of the subdivision; or

E. Any combination of the above.

Section 6. Appeal. Appeal of the decision of the Board of County Commissioners shall be to the District Court.

Section 7. Limitation. No Notice of Default and Contemplated Action on Bond shall issue later than two years from the date that the improvement or portion thereof underlying the Notice was set for completion on the schedule of compliance.

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APPENDIX O

Reference Section 3.9

DISCLOSURE STATEMENT

ALL SUBDIVISIONS CONTAINING 2 OR MORE PARCELS OF LAND BUT NOT MORE THAN 25 PARCELS MUST COMPLETE EACH ITEM SET FORTH IN PARENTHESIS BELOW

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 or lease of property described in this statement. You should read carefully all of the information contained in this statement before you decide to buy or lease the described property.

The Board of County Commissioners has examined this disclosure statement to determine whether the subdivider can satisfy what he 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. Further, this disclosure statement is not a recommendation or endorsement of the subdivision by either the City, the County or the State. It is informative only.

Finally, the Board of County Commissioners recommends that you see the property before buying or leasing it. However, if you do not see the property prior to purchasing or leasing it, you have six months from the time of purchase or lease to inspect the property. Upon inspecting the property, you have three days from the date of inspection to rescind the transaction and receive all of your money back from the subdivider. You must give the subdivider notice of your intent to rescind within three days of your inspection of 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 OR LEASING IN NEW MEXICO
(name)

(address)

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4. WATER USE

Include here whether or not there will be water for domestic use, commercial use or recreational use and include any limitation, physical or legal, anticipated for each use indicated.

		(indicate whether the subdivider or owner will provide the water)
(domestic use)	(limit, if any)	
(commercial use)	(limit, if any)	(" " ")
(recreational use)	(limit, if any)	(" " ")

5. AMOUNT OF WATER

If the subdivider is to provide water for any use, he shall provide the following information:

(minimum daily quantity of water to be provided for each parcel and for each proposed use)

(the date on which water will be made available to each parcel and for each proposed use)

6. WATER DELIVERY*

(describe the means of water delivery within the subdivision)

7. WATER SYSTEM EXTENSION*

(state what the prospective owner will be required to pay for the extension of water to his parcel if he wants water prior to the date scheduled by the subdivider)

8. LIFE EXPECTANCY OF THE WATER SUPPLY

Include the life expectancy of each source of water supply under full development of the subdivision.

(source)

(life expectancy)

9. WELLS** NOTE: PROSPECTIVE OWNERS MUST PROVIDE THEIR OWN WELLS

(average, maximum and minimum depth to water in the subdivision if water is available only from subterranean sources)

(recommended total depth of well)

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

(recommended pump settings and sizes)

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(lithological characteristics of formations through which well is to be completed)

10. SURFACE WATER**

(state the source and yield of the surface water supply)

(describe any quality which would make the water unsuitable for use within the subdivision)

(state each maximum allowable water quality parameter that has been exceeded with Commission approval and the name of the element, compound, or standard that has exceeded that parameter)

11. WATER QUALITY

(describe the quality of water for the proposed use and describe any quality which would make the water un-suitable for use within the subdivision).

(state each maximum allowable water quality parameter that has been exceeded with NM Environment Department approval and the name of the element, compound, or standard that has exceeded that parameter)

12. LIQUID WASTE DISPOSAL

(describe the precise type of liquid waste disposal system that is proposed and that has been approved by the Commission for use within the subdivision)

NOTE: ONLY LIQUID WASTE DISPOSAL SYSTEMS THAT HAVE BEEN APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OR THAT EXCEED THE STANDARDS OF THE APPROVED SYSTEM MAY BE USED IN A SUBDIVISION.

13. SOLID WASTE DISPOSAL

(describe the means of solid waste disposal that is proposed for use within the subdivision)

14. TERRAIN MANAGEMENT

(describe the suitability of the soils for residential use whether permanent or seasonal)

(give the location of all lots or building sites within

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floodways, flood fringes, and flood plains)

(give the location of all lots or building sites located on slopes in excess of 8%)

(describe the subsurface drainage for all lots and building sites)

(describe the surface drainage for all lots and building sites)

(describe all storm drainage systems including the completion date of any required to be constructed)

15. SUBDIVISION ACCESS

(describe the width and type of surfacing of all roads)

(give the date on which all roads will be completed)

(state the date on which all roads and parking areas will be surfaced)

* Not applicable if the subdivider does not intend to provide water for domestic use.

** Not applicable if the subdivider intends to provide water for domestic use.

DISCLOSURE STATEMENT

ALL SUBDIVISIONS CONTAINING 25 OR MORE PARCELS OF LAND MUST
COMPLETE EACH ITEM SET FORTH IN PARENTHESIS BELOW

**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 or lease of property described in this statement. You should read carefully all of the information contained in this statement before you decide to buy or lease the described property. You should be aware of the fact that various state agencies may have issued opinions, on both the subdivision proposal and what is said in this disclosure statement about the proposal. These opinions, when required to be issued, whether favorable or unfavorable, are contained in this disclosure statement and should also be read carefully.

The Board of County Commissioners has examined this disclosure statement to determine whether the subdivider can satisfy what he 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. Further, this disclosure statement is not a recommendation or endorsement of the subdivision by either the City, the County or the State. It is informative only.

Finally, the Board of County Commissioners recommends that you see the property before buying or leasing it. However, if you do not see the property prior to purchasing or leasing it, you have six months from the time of purchase or lease to inspect the property. Upon inspection of the property, you have three days from the date of inspection to rescind the transaction and receive all of your money back from the subdivider. You must give the subdivider notice of your intent to rescind within three days of your inspection of the property.

1. NAME OF SUBDIVISION
(name of subdivision)
2. NAME AND ADDRESS OF SUBDIVIDER
(name)
(address)

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- 2A. Name and address of owner of mineral rights if different from subdivider.
3. NAME AND ADDRESS OF PERSON IN CHARGE OF SALES OR LEASING IN NEW MEXICO
- (name)
- (address)
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 OR UNIT OFFERED FOR SALE OR LEASE WITHIN THE SUBDIVISION.
- (size of largest parcel in acres or largest unit in square feet)
6. SIZE OF SMALLEST PARCEL OFFERED FOR SALE OR LEASE WITHIN THE SUBDIVISION
- (size of smallest parcel in acres or smallest unit in square feet)
7. PROPOSED RANGE OF SELLING OR LEASING PRICES
- | | |
|-----------------------|--------------------------------------|
| (\$ = lowest amount) | (size of parcel/unit sold or leased) |
| (\$ = highest amount) | (size of parcel/unit sold or leased) |
8. FINANCING TERMS
- (interest)
- (time price differential)
- (amount paid as a discount)
- (service charges)
- (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)

9A. Name and address of owner of mineral rights, if different from holder of legal title.

NOTE: IF ANY OF THE PERSONS NAMES ABOVE IS A CORPORATION, PLEASE SET OUT HERE THE NAME AND ADDRESSES OF ALL OFFICERS IN 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 PERSONS NAMED ABOVE IS A CORPORATION, PLEASE SET OUT HERE THE NAME AND ADDRESSES OF ALL OFFICERS IN THAT CORPORATION.

11. CONDITION OF TITLE

Include here 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)

(name 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
SUBJECTING THE SUBDIVIDED LAND TO ANY UNUSUAL CONDITIONS
AFFECTING ITS USE OR OCCUPANCY

(include here all deed and plat restrictions affecting the
subdivided land)

13. ESCROW AGENT

(name)

(address)

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

14. UTILITIES

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

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

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

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

15. INSTALLATION OF UTILITIES

Include here the date each utility will be available for use
by the owner if the subdivider is providing for utilities.

(water)	(date)
---------	--------

(phone)	(date)
---------	--------

(electricity)	(date)
---------------	--------

(gas)	(date)
-------	--------

(liquid waste disposal)	(date)
-------------------------	--------

(solid waste disposal)	(date)
------------------------	--------

16. UTILITY LOCATION

(If all utilities are to be provided to each parcel in the
subdivision, please make the statement here)

(If utilities are to be provided, but not for all parcels

within the subdivision, please enumerate those parcels which will not be provided with a particular utility)

(State here if each of the utilities to be provided will be located above or underground)

17. WATER USE

Include here whether or not there will be water for domestic use, commercial use or recreational use and include any limitation, physical or legal, anticipated for each use indicated.

		(indicate whether the subdivider or owner will provide the water)
(domestic use)	(limit, if any)	
(commercial use)	(limit, if any)	(" " ")
(recreational use)	(limit, if any)	(" " ")

18. AMOUNT OF WATER

If the subdivider is to provide water for any use, he shall provide the following information:

(minimum daily quantity of water to be provided for each parcel and for each proposed use)

(the date on which water will be made available to each parcel and for each proposed use)

19. WATER DELIVERY

(describe the means of water delivery within the subdivision)

20. WATER SYSTEM EXTENSION

(state what the prospective owner will be required to pay for the extension of water to his parcel if he wants water prior to the date scheduled by the subdivider)

21. LIFE EXPECTANCY OF THE WATER SUPPLY

Include the life expectancy of each source of water supply under full development of the subdivision

(source)	(life expectancy)
----------	-------------------

22. *WELLS NOTE: PROSPECTIVE OWNERS MUST PROVIDE THEIR OWN WELL

(average, maximum and minimum depth to water in the

subdivision if water is available only from subterranean sources)

(recommended total depth of well)

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

(recommended pump settings and size)

(lithological characteristics of formations through which well is to be completed)

23. *SURFACE WATER

(state the source and yield of the surface water supply)

24. STATE ENGINEER'S OPINION ON WATER

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

(whether or not the subdivider can satisfy the proposals contained in this disclosure statement concerning water--except water quality)

(whether or not the subdivider is conforming with the County or Extraterritorial Development Code regulations on water--except water quality)

25. WATER QUALITY

(describe any quality which would make the water unsuitable for use within the subdivision)

(state the maximum allowable water quality parameter that has been exceeded with Commission approval and the name of the element, compound, or standard that has exceeded that parameter)

* NOT APPLICABLE FOR TYPE I AND TYPE II SUBDIVISIONS, OR FOR TYPE IV SUBDIVISIONS WHERE THE SUBDIVIDER INTENDS TO PROVIDE WATER FOR DOMESTIC USE.

26. NEW MEXICO ENVIRONMENT DEPARTMENT'S OPINION ON WATER QUALITY

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

(whether or not the subdivider can satisfy the water quality

proposals made in this disclosure statement)
(whether or not the subdivider is conforming with the
County or Extraterritorial Development Code regulations on
water quality)

27. 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: ONLY LIQUID WASTE DISPOSAL SYSTEMS THAT HAVE BEEN
APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OR THAT EXCEED THE
STANDARDS OF THE APPROVED SYSTEM MAY BE USED IN A SUBDIVISION.

28. NEW MEXICO ENVIRONMENT DEPARTMENT'S OPINION ON LIQUID WASTE
DISPOSAL

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

(whether or not the subdivider can satisfy the liquid waste
disposal proposals made in this disclosure statement)

(whether or not the subdivider is conforming with the
County or Extraterritorial Development Code regulations on
liquid waste disposal)

29. SOLID WASTE DISPOSAL

(describe the means of solid waste disposal that is proposed
for use within the subdivision)

30. NEW MEXICO ENVIRONMENT DEPARTMENT'S OPINION ON SOLID WASTE
DISPOSAL

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

(whether or not the subdivider can satisfy the solid waste
disposal proposals made in this disclosure statement)

31. TERRAIN MANAGEMENT

(describe the suitability of the soils in the subdivision
for residential use and building construction whether
permanent or seasonal)

(give the location of all lots or building sites within
floodways, flood fringes, and flood plains)

(give the location of all lots or building sites located on

slopes in excess of 8%)

(describe the subsurface drainage for all lots or building sites)

(describe the surface drainage for all lots or building sites)

(describe the storm drainage system including the completion date of any required to be constructed)

32. SOIL AND WATER CONSERVATION DISTRICT'S OPINION OF TERRAIN MANAGEMENT

Include here the approved summary of the opinion received by the Board of County Commissioners from the Soil and Water Conservation District on:

(whether or not the subdivider can satisfy the terrain management proposals made in this disclosure statement)

(whether or not the subdivider is conforming with the County or Extraterritorial Development Code regulations on terrain management)

33. SUBDIVISION ACCESS

(distance from City limits to subdivision)

(name of street, highway or state road over which distance is computed)

(if access to subdivision is available by conventional vehicle, please state that fact here. If it is not, please state the fact)

(if property is ordinarily accessible in all seasons and under all weather conditions, please state so. If it is not, please state that fact also)

(describe width and type of surfacing of all roads)

(give the date on which all roads will be completed)

(state whether the roads within the subdivisions have been accepted for maintenance by the County)

(state the date on which all roads will be surfaced)

34. STATE HIGHWAY AND TRANSPORTATION DEPARTMENT'S OPINION ON ACCESS

Include here the approved summary of the opinion received by

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the Board of County Commissioners from the State Highway and Transportation Department on:

(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 or Extraterritorial Development Code regulations on access)

35. DEVELOPMENT

Include here all homes, recreation structures, and other community improvements to be provided by the subdivider in the subdivision and not previously mentioned in this disclosure statement. Give the dates on which these items will be completed.

(improvements)

(estimated date of completion)

36. MAINTENANCE

(state the owner's maintenance and construction responsibilities)

37. ADVERSE CONDITIONS

(state any activities or conditions adjacent to or nearby the subdivision such as feedlots, cement plants, and the like, which would subject the subdivided land to any unusual conditions affecting its use or occupancy)

38. RECREATIONAL FACILITIES

(describe all recreational facilities, actual and proposed, in the subdivision)

39. FIRE PROTECTION

(distance from subdivision to nearest fire station)

(route over which distance is computed)

(indicate whether the fire department is staffed by volunteers or a full-time staff)

(describe any on-site fire protection facilities or system to be provided with installation or completion date)

40. POLICE PROTECTION

Include here the various police units that would patrol the subdivision:

(sheriff's department, if applicable)

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(municipal police, if applicable)

(state police, if applicable)

41. PUBLIC SCHOOLS

(name of nearest elementary school)

(distance of nearest elementary school and route over which distance is computed)

(distance of nearest secondary school and route over which distance is computed)

42. HOSPITALS

(name of nearest hospital)

(distance of nearest hospital and route over which distance is computed)

(number of beds in nearest hospital)

43. SHOPPING FACILITIES

(distance of nearest shopping facilities and route over which distance is computed)

(number of stores in the nearest shopping facility)

44. PUBLIC TRANSPORTATION

Include here whether the subdivision is served on a regular basis by:

(bus)

(plane)

(other means of transportation)

45. COMPLETION DATES

(state here the projected dates upon which any of the items mentioned in #38 through #44 above will be available if they are not yet available)

APPENDIX Q

ILLUSTRATION OF LOT TYPES

Reference 3.4.7 and 3.11

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