

789397

SANTA FE COUNTY ORDINANCE 1992-1

SANTA FE COUNTY

LAND DEVELOPMENT CODE

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS

ON JANUARY 14, 1992

EFFECTIVE FEBRUARY 13, 1992

This is a recompiled version of
the County Land Development Code
(1980-6) which incorporates the
following amendments:

County Ordinance 1981- 2
County Ordinance 1984- 3
County Ordinance 1987- 1
County Ordinance 1987- 3
County Ordinance 1987- 7
County Ordinance 1988- 8
County Ordinance 1988- 9
County Ordinance 1989- 3
County Ordinance 1989- 5
County Ordinance 1990-11
County Ordinance 1991- 2
County Ordinance 1991- 3
County Ordinance 1991- 8
County Ordinance 1991- 9

COUNTY OF SANTA FE)SS
STATE OF NEW MEXICO 763) 002
I hereby certify that this instrument was filed
for record on the 10 day of Feb A.D.
19 92 at 1:22 o'clock P m.
and was duly recorded in book 788-
page 397-778-A10 of the records of
Santa Fe County.

Witness my Hand and Seal of Office

Jona G. Armijo

County Clerk, Santa Fe County, N.M.

[Signature]
Deputy



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**TITLE AND
GENERAL SUMMARY
OF ORDINANCE
REGARDING
SANTA FE COUNTY
LAND DEVELOPMENT
CODE**

On Tuesday, January 14, 1992 the Board of County Commissioners of Santa Fe County, New Mexico unanimously passed and approved the following amendments to the Santa Fe County Land Development Code, 1980-6, as amended. The Board then readopted and recodified the Ordinance 1980-6, which will now be known as Santa Fe County Ordinance 1992-1. The effective date of the Ordinance is February 13, 1992. Below is a general summary of the substantive changes to this Ordinance:

ARTICLE 2 Sec. 1.2.1:
The requirement that two members of the County Development Review Committee be appointed from District I and District II is deleted.

ARTICLE 2 Sec. 2.1.4:
Requires construction or work pursuant to a development permit to be completed within a set period of time.

ARTICLE 2 Sec. 2.3.1c and 2.3.2c:
Clarifies the notice requirement that applicants for

permits must give.

ARTICLE 2 Sec. 2.3.1e:
Clarifies the role of advisory State agencies in the permit procedure.

ARTICLE 2 Sec. 2.3.2e:
Corrects an error so that the decision of the County Development Review Committee is final 30 days after it is rendered.

ARTICLE 2 Sec. 2.4.2a and 2.4.3a:
Requires County Development Review Committee to hear an appeal within 2 months.

ARTICLE 2 Sec. 2.4.2b:
Interested parties only can file appeals to County Development Review Committee decisions.

ARTICLE 2 Sec. 2.4.3c:
Requires all appeals to be filed with the Code Administrator.

ARTICLE 2 Sec. 5.3:
Notice of Violations or Citations may be issued for development violations.

ARTICLE 3 Sec. 2.4.2b:
Clarification of submittal requirements for environmental review.

ARTICLE 3 Sec. 4.3.4c:
The correct appellate procedures are set forth.

ARTICLE 5 Sec. 5.3.1.c.xi:
Community facilities are

more fully defined and delineated.

ARTICLE 5 Sec. 7.1.2c:
The reference to "City" is removed.

ARTICLE 5 Sec. 9.7:
Location is made an additional criteria for the development of parks.

ARTICLE 5 Sec. 11:
Gives the Board, not the Commission, the jurisdiction over subdivision plats.

ARTICLE 6 Sec. 2.2.5a:
Zone 4 was omitted from this Section.

ARTICLE 6 Sec. 2.2.6:
Language added to include those restrictions found in the Land Development Code.

ARTICLE 6 Sec. 3.4.3:
The exemptions from the requirements for obtaining a reconnaissance survey for archeological purposes are deleted.

ARTICLE 7 Sec. 2.7.5:
The classification and the percolation tests are, both required, not either.

ARTICLE 7 Sec. 3.1.3:
Language added to require sketch terrain management plans for subdivisions of four lots or less.

ARTICLE 7 Sec. 5.2:
Amendment would clearly allow Code Enforcement Officers to enforce the noise limitation provisions.

ARTICLE 7 Sec. 6.4.1d:
Allows well test requirements to be waived by the County Manager, not the County Hydrologist.

ARTICLE 8:
The provisions regarding sign regulations have been substantially rewritten.

ARTICLE 9 Sec. 4.5:
Location of mobile homes on each space is more clearly defined and affords greater fire protection.

ARTICLE 10 Sec. 1.30:
The definition of "dwelling" was changed so as not to conflict with the "home occupation" portions of the Code. Use of the words "single family" is replaced by "person or persons".

ARTICLE 10:
Certain definitions that relate to mobile homes and which are not used in the Code are deleted.

ARTICLE 10 Sec. 1.71:
A clearer definition is given for "double frontage parcel".

ARTICLE 10 Sec. 1.85:
The definition for "residential" is clarified.

ARTICLE 10:
Other unused definitions are deleted.
Ord. 1992-1
Pub. January 20, 27, 1992

ARTICLE I

GENERAL

789408

SECTION 1 - SHORT TITLE

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

SECTION 2 - ENACTMENT

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

SECTION 3 - EFFECTIVE DATE

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

SECTION 4 - INCORPORATION OR REPEAL OF OTHER ORDINANCES

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

SECTION 5 - PURPOSES

The purposes of the Code are to implement the policies of the Santa Fe County General Plan and to combine the regulation of various aspects of land development and use of natural resources into a common system of administration and appeals, in order to

simplify the application process for the public and conserve personnel resources of County government. 789409

It is the intention of the Board in adopting and enforcing the Code to exercise all relevant powers conferred on it by the laws of the State of New Mexico, including where applicable, but not limited to the following sections of NMSA 1978 as they may be amended: Sections 4-37-1 through 4-37-9 (powers granted to counties, including powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of a county and its inhabitants); Sections 4-57-1 through 4-57-3 (planning for the purpose of guiding development); Sections 47-6-1 through 47-6-29 (subdivision); Sections 47-5-1 through 47-5-8 (land subdivision); Section 3-18-6 (building construction); Section 3-18-7 (flood-prone areas); Section 3-18-10 (sanitary facilities); Sections 3-19-1 through 3-19-12 (planning and platting); Sections 3-21-1 through 3-21-12 (zoning); Sections 3-22-1 through 3-22-5 (historic district zoning); Sections 3-39-16 through 3-39-27 (airport zoning); Section 3-49-1 (streets); Sections 3-53-1 through 3-53-5 (water use and water facilities).

SECTION 6 - LIBERAL INTERPRETATION

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

SECTION 7 - SEVERABILITY

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

SECTION 8 - APPLICATION

8.1 Zoning Provisions

Article III of the Code applies to all land located in the County but outside areas within the territorial limits of a municipality, unless an area is zoned pursuant to the provisions of Sections 3-23-3 and 3-23-4 (5), N.M.S.A., 1978 (Extraterritorial Zoning). Article III of the Code shall not

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apply to lands owned by the Federal Government, nor to State Trust Lands administered by the Commissioner of Public Lands.

8.2 Flood Plain Provisions

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

8.3 Other Provisions

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

SECTION 9 - INCORPORATION OF CODE MAPS

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

SECTION 10 - CONFLICTING PROVISIONS

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

SECTION 11 - CUMULATIVE REQUIREMENTS

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

SECTION 12 - ANNUAL REVIEW

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

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

ARTICLE II
ADMINISTRATION

SECTION 1 - APPOINTMENTS AND AUTHORITY

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1.1 Code Administrator

1.1.1 Appointment

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

1.1.2 Duties

The Code Administrator shall:

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

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County Development Review Committee decisions that have been filed since the last Code Administrator report; provided, however, that such reports shall be made at least once a month and shall be submitted to the Board and the County Development Review Committee.

1.2 County Development Review Committee

1.2.1 Appointment

The Board shall appoint a County Development Review Committee consisting of not less than seven (7) members. The residence requirements shall be as follows: At least one member shall reside within the limits of the City of Santa Fe. These members should reside in different areas of the County, in order to provide diversity of representation. The other six (6) members shall be residents of the County of Santa Fe. Terms of members, all appointments by the Committee, and removal of members shall be made by the Board as set forth in Section 3-19-2 N.M.S.A., 1978, as it may be amended. The County Development Review Committee shall establish policies concerning notice and conduct of its meetings and a copy of such policies shall be posted in the Code Administrator's office. Election of chairperson, meetings, and keeping of records, shall be as set forth in Section 3-19-3 N.M.S.A., 1978, as it may be amended. A majority of the members shall constitute a quorum at any meeting of the County Development Review Committee. If a quorum is present, the affirmative vote of the majority of the members present at the meeting shall be the act of the County Development Review Committee, unless otherwise required by law. There shall

be no proxy voting.

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

1.2.2 Authority

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

1.3 Local Development Review Committee

1.3.1 Appointment

1.3.1a If the Board approves a local Land Use and Utility Plan as provided for in Article VI, Section 5 of the Code for a traditional community or any other approved region within the County, the Board shall appoint a Local Development Review Committee for the traditional community or region.

1.3.1b A Local Development Review Committee shall consist of not less than five (5) members. Terms of members, all appointments to the Committee and removal of members shall be made by the Board as set forth in Section 3-19-2, N.M.S.A., 1978, as it may be amended. A

Local Development Review Committee shall establish policies concerning notice and conduct of its meetings and a copy of such policies shall be posted in the Code Administrator's office. Election of chairperson, meetings and keeping of records shall be as set forth in Section 3-19-3, N.M.S.A., 1978, as it may be amended. A majority of the members shall constitute a quorum at any meeting of the Local Development Review Committee. If a quorum is present, the affirmative vote of the majority of the members present at the meeting shall be the act of the Local Development Review Committee, unless otherwise required by law. There shall be no proxy voting.

1.3.2 Authority

A Local Development Review Committee shall have the same authority as the County Development Review Committee with respect to development within the geographic boundaries of the traditional community district or region for which the Local Development Review Committee was formed. With regard to any application for a development permit within the jurisdiction of a Local Development Review Committee, the Local Development Review Committee shall exercise all powers and perform all duties which would otherwise be exercised or performed by the County Development Review Committee except that the action of a Local Development Review Committee shall be deemed to be a recommendation to the County Development Review Committee. Any reference to the County Development Review Committee in the Code shall be construed as a

reference to the appropriate Local Development Review Committee in cases where the application involves land within the jurisdiction of a Local Development Review Committee, except for references to review by the County Development Review Committee of decisions of a Local Development Review Committee. If the County Development Review Committee does not decide to review the action of the Local Development Review Committee within 30 days from the date the decision concerning the action was filed or is not instructed to perform such a review by the Board within 30 days from the date the decision concerning action was filed with the Code Administrator, the decision of the Local Development Review Committee shall be deemed to be the decision of the County Development Review Committee. If the County Development Review Committee reviews the action of a Local Development Review Committee, any action taken by the County Development Review Committee shall supersede the action of the Local Development Review Committee.

SECTION 2 - DEVELOPMENT PERMITS

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

2.0 Reserved

History. 1980 Comp. 1980-6. Section 2.0 is reserved for possible future sections by County Ordinance 1990-11.

2.1 Extent of Activities Authorized by a Development Permit

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

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

2.1.2 Development allowed by a development permit is limited by:

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

History. 1980 Comp. 1980-6. Section 2.1.2 b is amended by County Ordinance 1990-11, to include the requirement that conditions and expiration are to be noted on the application for a development permit.

2.1.3 Exception for Actual Construction

Nothing in this Section shall be deemed to require a change in the plan, construction, or intended use of a new structure on which actual construction was lawfully begun before the effective date of the Code or any amendments thereto, for a development permit which has been issued and upon which actual construction has been diligently carried on. "Actual construction" means

- (1) permanently fastening construction materials in permanent position; or
- (2) substantial demolition or removal of an existing building or other

structure preparatory to construction of a replacement.

2.1.4 Commencement and Completion of Development

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

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

2.2 Development Permit Fees and Copies

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

2.3 Procedure to be Followed by the Code Administrator

2.3.1 Decision Procedure

2.3.1a By using the following procedure, the Code Administrator may approve or deny development permit applications for the following types of development without referring the application to the County Development Review Committee or the Board, except that applications for a development involving zoning shall comply with the procedure provided for in Sections 2.6 of this Article II:

- Any home occupation;

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- The division of land not constituting a subdivision, (i.e., lot splits);
 - Any residential development or related development accessory to residential development not constituting a subdivision, large-scale residential use, institutional use or resort use, provided that this procedure shall not apply to a subsequent application by the owner, his agent or nominee for any of the same dwellings or lots which were the subject of a prior application, and which, considering both the initial and subsequent applications, results in a subdivision, large-scale residential use, institutional use, or resort use; or
 - Permitted uses in any non-residential district as set forth in Article III, Section 4, *infra*.
 - Permits for construction materials mine sites and road materials fabrication plants that are temporary in nature, using mobile equipment, including but not limited: curshers, stackers, conveyors, asphalt hotmix plants and concrete batch plants, for state, federal or local highway projects may be approved by the Code Administrator. Such temporary permits, not exceeding 180 days, must comply with all provisions of this ordinance except height.

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Height shall be controlled by FAA regulations in those areas where applicable. If not located in an FAA regulated area, height shall not exceed that dimension as approved by the Code Administrator. All materials stockpiles should be configured so as to prevent any sight safety distance conflicts from any road or access way. Temporary permits may be renewed for an additional 180 day period.

- 2.3.1b The Code Administrator shall review the application for compliance with the requirements set forth in the Code, and shall make and file a decision approving or disapproving the application or approving the application with conditions or modifications within fifteen (15) working days from the date the application was completed.
- 2.3.1c Within two (2) working days from the date of filing of an application, the applicant shall post notice of the filing of the application prominently on the land, dwelling or other structure which is the subject of the application, in such a way as to give reasonable notice to persons interested in the application and shall provide written certification of the posting of the notice to the Code Administrator.
- 2.3.1d The Code Administrator may hold an informal conference with the applicant and any interested person at any time prior to the making of his decision.

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The Code Administrator shall give at least three (3) working days' notice either orally or in writing to the applicant who has requested in writing that he receive notice of any informal conference held under this subsection.

2.3.1e The Code Administrator may refer an application to an appropriate agency or official of the State of New Mexico for an opinion concerning whether the application should be disapproved or approved with conditions or modifications. The opinion of the state agency or official shall be advisory only, and in no way does it bind the Code Administrator, require him to approve or deny an application, or oblige the Code Administrator to seek additional information or clarification from said agency or official. The Code Administrator may delay the making and filing of his decision for five (5) working days after he receives the requested opinion, if he believes that such a delay is in the public interest.

2.3.1f A decision of the Code Administrator on an application shall become final five (5) working days after the decision is filed, unless within the five (5) working days an appeal from the decision has been filed or the Board, on its own initiative, has decided to review the decision of the Code Administrator or has referred the application to the County Development Review Committee for a decision or recommendation.

History. 1980 Comp. 1980-6. Section 2.3.1 a, was amended by County Ordinance 1988-9, allowing an administrative approval of permitted uses in established non-residential zoning districts.

2.3.2 Recommendation Procedure

The following procedure applies to any application for a development permit permitting development of a type that is not listed in Section 2.3.1a above, except that for application for a development permit involving a subdivision, the applicant shall also comply with the procedures provided for in Section 2.7 of this Article II and applications for a development permit involving zoning shall also comply with the procedures provided for in Section 2.6 of this Article II.

2.3.2a The Code Administrator shall review the application for compliance with the requirements of the Code, and shall make and file a report to the County Development Review Committee evaluating the application and recommending that the County Development Review Committee approve, disapprove, or approve the application with modifications and/or conditions, within thirty (30) working days from the date the application was completed.

2.3.2b The Code Administrator may hold an informal conference with the applicant and any interested person at any time prior to the making of his recommendation. The Code Administrator shall give at least three (3) working days' notice, either orally or in writing, to the applicant or any interested person who has requested in writing that he receive notice of any

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informal conference held under this Subsection b.

- 2.3.2c Within two (2) working days from the date of filing of an application, the applicant shall post notice of the filing of the application prominently on the land, building, or other structure which is the subject of the application in such a way as to give reasonable notice to persons interested in the application, and shall provide an affidavit of the posting of the notice to the Code Administrator.
- 2.3.2d In addition to any requirement under the Subdivision Act that an application be referred to a state agency, the Code Administrator may refer an application to an appropriate agency or official of the State of New Mexico for an opinion concerning whether the application would be disapproved or approved with conditions or modifications. Unless otherwise required by law, the opinion of the state agency or official shall be advisory. The Code Administrator may delay the making and filing of his recommendation for up to thirty (30) calendar days to await the opinion if he believes that such a delay is in the public interest.
- 2.3.2e A decision of the Code Administrator on an application shall become final ten (10) calendar days after his decision is filed, unless within the ten (10) calendar days an appeal from the decision has been filed or the Board, on

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its own initiative or upon recommendation of the County Manager has decided to review the decision.

2.3.2f The County Development Review Committee shall act with respect to a Code Administrator recommendation or decision according to the procedure set forth in Section 2.4.2, below, for an appeal from a Code Administrator decision.

2.3.3 Time Limits

If a decision is not made within the time limits specified in this Section 2.3, the application shall be deemed to be approved, except that any of the time limits established in this Section 2.3 may be extended by mutual agreement of the applicant and the Code Administrator.

2.4 Appeals

2.4.1 Filing an Appeal

All appeals under the Code shall be filed in writing with the Code Administrator. The Code Administrator shall immediately transmit a copy of any appeal filed to the County Manager or his designee.

2.4.2 Appeal from Code Administrator Decision to the County Development Review Committee.

2.4.2a Any person aggrieved by a decision of the Code Administrator may file an appeal to the County Development Review Committee, pursuant to the time limits set forth in Article II, Section 2.3.2. Within sixty (60) calendar days after the date the appeal is filed, or in the case of a recommendation of the Code Administrator, or referral to the County Development Review Committee by the Board, within sixty (60) calendar days

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of the date of filing of the Code Administrator's recommendation or referral, the County Development Review Committee, after a public hearing, shall schedule a hearing on the application and shall timely make and file its decision approving or disapproving the application or approving the application with conditions or modifications.

- 2.4.2b A decision of the County Development Review Committee on an application shall become final thirty (30) calendar days after the decision is filed, unless within that month an appeal from the decision has been filed, by an interested person including the Code Administrator, pursuant to Article II, Section 2.4.3, or the Board on its own initiative has decided to review the decision.

2.4.3 Appeal of Development Review Committee Decisions to the Board.

- 2.4.3a Any person aggrieved by a decision of a Development Review Committee may file an appeal in writing to the Code Administrator within thirty (30) calendar days of the date of the decision of the Development Review Committee. Within sixty (60) calendar days after the date the appeal is filed, the Board, after a public hearing, schedule a hearing and shall make and file its decision approving or disapproving the application or approving the application with conditions and/or modifications or

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declining to review the decision of the Development Review Committee.

2.4.3b All decisions of any Development Review Committee concerning subdivisions shall be transmitted to and reviewed by the Board. The Board may not approve the plat of any subdivision which does not conform to the New Mexico Subdivision Act and Article V of this Code (Subdivision Regulations).

2.4.3c The decision of the Board shall become final on the date when the decision is filed.

2.5 Notice and Conduct of Public Hearing

2.5.1 Manner of Giving Notice of Public Hearing

Except as specified elsewhere in this Section, notice of a public hearing on the application to be held by a Development Review Committee, or the Board, shall be given as provided by resolution of the Board and as otherwise required by law. Copies of the public notice policies shall be posted in the Code Administrator's office. In addition, notice shall be posted prominently by the applicant at the land or building, or other structure which is the subject of the application, at least seven (7) calendar days prior to the date of the hearing. The applicant shall provide an affidavit of the posting of the notice to the Code Administrator. The cost of any notice by publication shall be paid by the applicant.

2.5.2 Manner of Conducting Public Hearing

2.5.2a Public hearings of the County Development Review Committee, a Local Development Review Committee or the Board, shall be conducted as provided by

policies established by the body holding the hearing or as required by law.

- 2.5.2b All interested persons shall be allowed a reasonable opportunity to be heard at a public hearing held under the Code.

2.6 Zoning

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

2.7 Subdivisions

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

2.8 Other Requirements

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

SECTION 3 - VARIANCES

3.1 Proposed Development

Where in the case of proposed development, it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted conditions or that these conditions would result in inhibiting the

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

3.2 Variation or Modification

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

3.3 Granting Variances and Modifications

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

3.4 Height Variance in Airport Zones

All height variance requests for land located with approach, Transitional, Horizontal and Conical surfaces as described within Map #31 A, incorporated herein by reference, shall be reviewed for compliance with Federal Aviation Administration Regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal in the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will

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result in unnecessary hardship, and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, and will do substantial justice. Additionally, no application for variance may be considered by the County Development Review Committee unless a copy of the application has been furnished to the Airport Manager for advice as to the aeronautical effects of the variance. If the Airport Manager does not respond to the application within 15 days after receipt, the County Development Review Committee may act on its own to grant or deny said application.

Any permit or variance granted may be so conditioned as to require the owner of the structure in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary.

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

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

4.1 Dwelling and Customary Accessory Structures

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

4.1.1 The lot was in existence on the effective date of the Code, or;

4.1.2 The land is a lot which is part of a subdivision, the preliminary plat of the subdivision has been approved by the Planning Commission as of the effective date of the Code, or;

4.1.3 If the lot has been created by Inheritance and Family Transfer, the requirements of Section 4.3 are met.

4.2 Requirements of Code Not Involving Size of Lot

All other requirements of the Code not involving the size of the lot must be met.

4.3 Inheritance and Family Transfer

Dwellings and customary accessory structures may be erected on a lot created by Inheritance or Family Transfer, provided the restrictions and standards of this section are met.

4.3.1 Purposes:

- 4.3.1a To maintain local cultural values by perpetuating and protecting a traditional method of land transfer within families, especially within the traditional communities.
- 4.3.1b To set forth standards for defining family transfers to assure the procedure is not being used to circumvent zoning or subdivision requirements, through such means as common promotional plans disguised as family or inheritance transfers.
- 4.3.1c To set forth minimum environmental standards for inheritance and family transfers to protect the health and safety of both families and also the community in general.
- 4.3.1d To permit transfers of lots which do not meet the lot size requirements of the Code from parents or legal guardians as a one time gift to a child in order to provide a more affordable homesite for these adult children.

4.3.2 Definitions

- 4.3.2a A lot is created by Inheritance if it is created by a valid Will or by

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Order of a Court in probate but not for the purpose of sale or lease.

- 4.3.2b A lot is created by Family Transfer if it is transferred by father or mother to his/her children, natural or adopted, or grandchildren; or if 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.
- 4.3.2c For the purposes of this Section, "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.
- 4.3.2d "Common promotional plan" means 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, 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 with the intent of

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using family or inheritance transfer to circumvent zoning or subdivision requirements.

4.3.3 Submittal and Review

4.3.3a Plats for Inheritance Transfers shall be submitted with the following documentation:

- (1) The court order, will or other appropriate legal instrument from probate proceedings; and
- (2) Deed(s) transferring the parcel(s) to or among the heirs or beneficiaries recorded at the time the plat is filed.

4.3.3b 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:
 - (i) A legal description of the property being transferred, and;
 - (ii) A statement that he or she has not made any transfers of any other lots to the person receiving it which would require the filing of an affidavit pursuant to this Section.

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- (2) Proof that the land has been in the lawful possession of the family proper for no less than five years and that the recipient is an adult or emancipated minor.
- (3) Lots created by family transfer shall be so noted on the face of the plat.
- (4) Deed(s) transferring the parcel(s) to family members 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 Treasurer, adjacent to and within one hundred (100) feet, excluding public right-of-way, of the proposed family transfer parcel(s).

4.3.3c Review

Inheritance and Family Transfer divisions shall be reviewed according to the procedures of Article III, Section 2.4.2 Division of a Parcel of Land.

4.3.4 Standards

- 4.3.4a Density - Lots may be created by Inheritance or Family Transfer which do not meet the lot size

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requirements of the Code provided that:

- (1) No lot shall be smaller than one half of the standard minimum lot size allowed in the particular location or hydrologic zone; and
- (2) No lot shall be smaller than 3/4 acre except as provided in Article III, Sections 10.3.3 and 10.3.4 for Lots utilizing both an approved community sewer system and an approved community water system.
- (3) These lot size standards shall apply to the parcel(s) retained as well as the lot(s) transferred.

4.3.4b Water Supply

Water supply restrictions apply to Inheritance and Family Transfer lots, according to the standards of Article VII, Section 6 (Environmental Requirements, Water Supply) of the Code, as follows:

- (1) Water restrictive covenants, metering, and allocations for the particular hydrologic zone; (See Art. VII, Section 6.6) or
- (2) Authorized extension of an existing community water system or the regional water

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system; (See Art. VII, Sec. 6.3, 6.5, 6.6) or

- (3) Creation of a new community or cluster well water system.
(See Art. VII, Sec. 6.3, 6.5, 6.6).

4.3.4c Provisions for Liquid Waste Disposal shall meet the standards of Article VII, Section 2 of the Code.

4.3.4d Floodways and Drainage

- (1) The natural drainage flow of water courses, channels, and streams shall be indicated on the plat.
- (2) Where applicable, the one hundred 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, in compliance with Ordinance 1988-1, the County Flood Hazard Ordinance.
- (3) Where applicable, identified floodway areas shall be designated as drainage easement on the plat.

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4.3.4e Access

All lots created under this Section shall be provided with adequate access for ingress and egress, utility service, and fire protection whether by easement or direct access to a public right-of-way. The minimum width of any corridor created for access purposes shall be twenty (20) feet. Provision of the twenty (20) foot easement may also be accomplished by contiguous ten (10) foot access easements along the property line of adjacent parcels or lots. Installation of culverts, where applicable, shall be required at intersections of driveways with County roads.

4.3.4f Other Standards

All other Code requirements for building height, setback, use, design standards, development, building and utility permits, and certificates of occupancy, as applicable, shall be met.

History. 1980 Comp. 1980-6. Section 4.3 was amended by County Ordinance 1989-3, to provide for additional procedures relating to family transfer subdivisions.

4.4 Procedure for Approval of Lots Created Prior to the Effective Date of the Code Which do not Meet the Lot Size Requirements of the Code.

4.4.1 If the applicant has a notarized document,

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

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

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

4.5.1 Intent

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

It is acknowledged that certain non-conforming uses may contribute to a historical pattern of land use and/or are likely to continue to be in use. For this reason non-conforming uses which serve to enhance the mixed use zoning scheme

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established by these regulations, may be redeveloped, improved or expanded provided the redevelopment or improvements to the property serve to bring the use into conformance with the purposes of the Code. Expansion or re-use of unsightly or unsafe conditions associated with some non-conformities such as junk yards, mine sites, or industrial nuisances is prohibited, and further, expansion of any non-conforming commercial uses which contribute to strip development along highways or other roads, shall also be prohibited.

4.5.2 Re-use or Expansion of Non-conforming Use.

- a. Except as otherwise provided in this section, any non-conforming use of land or structure, or non-conforming structure lawfully existing on the effective date of adoption of the Code, or any amendment thereto, may be continued so long as it remains otherwise lawful.
- b. A non-conforming use of a structure or land, or a non-conforming structure, previously established as a use similar to a proposed new use of the structure or land, or a use of a structure or land which has been suspended by a period of time not longer than one (1) year, may be re-used, extended or expanded provided:

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

- 7) All non-conforming signs shall meet the requirements set forth in Art. VIII, Sub-section 7.16, Sign Removal and Non-Conforming Signs.

4.5.3 Submittals and Reviews

- a. Re-use or expansion of non-conforming uses are subject to the submittals and review requirements set forth in the Code for the category of use which is proposed.
- b. A public hearing is required pursuant to Article II.

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

SECTION 5 - ENFORCEMENT

5.1 Complaints

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

5.2 Inspection

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

5.3 Notice of Violation

Where provisions of this Code are being violated, notification in writing shall be submitted to the owner or tenant of the property, indicating the nature of the violations and ordering the action necessary to correct it. Such notice shall require discontinuance of illegal use of

land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall require the taking of any other action authorized by this Code to ensure compliance with or to prevent violations of its provisions. The provisions of this Section shall not preclude the citation of a violator without first issuing a Notice of Violation.

5.4 Certificate of Occupancy

5.4.1 a. Purposes In order to ensure compliance with the development standards of the Code, conditions imposed as part of a development approval, or an approved road design, utilities installation, landscaping plan, sign design, lighting plan, or any other similar consideration or plan relating to a zoning or subdivision approval, an inspection or inspections shall be made by the staff or other appropriate persons upon completion of the project prior to occupancy of the building or site.

b. Applicability This section does not apply to residential building development permits approved under Article III, Section 2.1.2 of the Code.

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

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

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5.5 Letters of Credit, Surety Bonds

5.5.1 Irrevocable bank letters of credit or surety bonds payable to the County of Santa Fe based on engineering cost estimates for road or utility construction shall be submitted to the County Public Works Department, who may administer releases of the funds as improvements are completed. The County Field Operations Department will coordinate inspections of such improvements with the Public Works Department. Upon completion of the improvements, a certificate shall be issued which authorizes filing of plat.

5.5.2 Letters of credit which pertain to landscaping, parking or off-site improvements relating to zoning approvals shall be administered by the Land Use Department who shall coordinate inspections with the applicant prior to issuance of a certificate of occupancy.

5.6 Penalties

In addition to any penalty or other remedy provided by law, any person, corporation, entity or organization, found to have committed a violation of any of the provisions of the Code, shall be punished by a fine of up to \$300.00 or imprisonment up to six (6) months, or both a fine and imprisonment. Each day on which the Code is violated shall constitute a separate violation of the Code. History. 1980 Comp. 1980-6. Section 5 is new and revised material on code enforcement procedures added by County Ordinance 1990-11.

ARTICLE IIIZONING REGULATIONS, SUBMITTALS & REVIEWSSECTION 1 - AGRICULTURAL, GRAZING AND RANCHING USES

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

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

SECTION 2 - RESIDENTIAL USES2.1 Location of Districts

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

2.2 Lot Requirements for Residential Use

Residential uses are permitted under the following circumstances:

2.2.1 The density requirements of Section 10 of this Article III are met; or

2.2.2 The lot or parcel meets the requirements of Article II, Section 4.

2.3 Height Restrictions for Dwellings

The maximum height of a dwelling shall be thirty six (36) feet from the highest point of the surface of the ground at the perimeter of the dwelling.

2.4 Submittals and Review

2.4.1 Construction of one Dwelling

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

(i) Submittals

The applicant shall fill out a development permit application on a form provided by the Code Administrator. The application shall be accompanied by the following:

- (a) Proof that the applicant owns the parcel on which the dwelling will be constructed.
- (b) Two sets of plans and specifications for the proposed dwelling.
- (c) Name of the contractor and subcontractor, if any. If a contractor or subcontractor is used, each shall have a valid and current State Contractor's License.
- (d) If the applicant proposes to use an individual liquid waste system, an EID septic tank registration certificate or other evidence of compliance with Article VII, Section 2 must be submitted.

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- (ii) Lot Size Requirement Review
If a lot requirement review has not previously been made concerning the parcel, the Code Administrator shall review the application for compliance with the lot requirements of the Code.
- (iii) Special District Review
The Code Administrator shall check the location of the proposed dwelling, and if the location of the proposed dwelling is within a Highway Corridor District, Airport Noise District, Historic, Cultural or Archaeological District, or Traditional Community District, shall inform the applicant of any additional submittals, requirements or reviews required, if any, and make the applicable review.
- (iv) Environmental Review
The Code Administrator shall inform the applicant of any additional submittals and make the reviews required under Article VII, Section 1 - Flood Hazards and Section 2 - Liquid Waste Disposal.
- (v) Siting Review
The Code Administrator shall review the application for compliance with the siting requirements for dwellings under

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the Code and may require additional submittals in connection with the siting.

(vi) Building, Mechanical and Electrical Code Review

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

(vii) Commencement of Development

Construction must begin within one (1) year of the date of issuance of development permit, or the development permit is void and a new application shall be made prior to any development.

2.4.2 Division of a Parcel of Land

2.4.2a The following submittals and review shall apply when an application for a development permit involves the division of a parcel if the division is not a subdivision and does not involve the construction, alteration or repair of a dwelling or other structure.

(i) Submittals

(a) The application shall be accompanied by two (2) copies of a plat, which shall:

- (1) indicate the lots to be created;
- (2) be drawn at a scale of one (1) inch equals one hundred

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feet, or larger, or other appropriate scales approved by the Code Administrator;

- (3) refer to permanent monuments;
- (4) accurately describe each lot, number each lot in progression, give its dimensions and the dimensions of all land dedicated for public use or for the use of the owners of lots fronting or adjacent to the parcel;
- (5) show improvements, including but not limited to, the location of liquid waste disposal systems, wells, structures and roads;
- (6) be certified by an engineer or land surveyor, who shall be licensed in accordance with the laws of the State of New Mexico, certifying to the accuracy of the survey and plat, and that the same has been prepared by him;
- (7) contain a certification of title showing that the applicant is the owner of the land, and that the lots created by the plat are created with the free consent and in accordance with the desires of the owner, which certification

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additional submittals and make the reviews required under Article VII, Section 1 - Flood Hazards and Section 2 - Liquid Waste Disposal and Section 3.

(v) Approval

After a decision approving an application under this section has become final, the Code Administrator shall stamp and sign the plat submitted under this section, copy, and the applicant shall record the plat in the records of the County Clerk and return a copy with recording information to the Code Administrator.

2.4.3 Construction of More Than One Dwelling on a Parcel

When an application for a development permit involves the construction, alteration or repair of more than one dwelling or will result in the location of more than one (1) dwelling but not more than four (4) dwellings on one parcel, the applicant must comply with the requirements, review procedures and submittals required by Sections 2.4.1a (i), (v), (vi) and (vii) and 2.4.2a (ii), (iii) and (iv) of Article III.

SECTION 3 - HOME OCCUPATIONS

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

3.1 Location of District

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

3.2 Performance Standards

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

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

3.3 Submittals

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

- 3.3.1 Activities involved; 789451
- 3.3.2 Materials and equipment used;
- 3.3.3 Methods of operation;
- 3.3.4 Number of employees;
- 3.3.5 Type of product to be produced, serviced or repaired;
- 3.3.6 Mechanical and electrical equipment necessary to the conduct of the home occupation use;
- 3.3.7 Amount, location and method of storage of supplies and/or equipment;
- 3.3.8 Location of parking;
- 3.3.9 Type and amount of traffic generated.

SECTION 4 - COMMERCIAL AND INDUSTRIAL NON-RESIDENTIAL DISTRICTS

4.1 Purpose and Intent

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

- 4.1.1 To permit intensive development of selected land uses at designated locations;
- 4.1.2 To avoid strip commercial and industrial patterns of development along highways, arterials, collectors, and local roads of the County;
- 4.1.3 To protect the function of the County's highways, arterials, collectors, and local roads by controlling the number of access

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locations to commercial and industrial use areas;

- 4.1.4 To prevent the pre-emption of prime areas for commercial or industrial development by residential development;
- 4.1.5 To protect existing and future residential development from encroachment of non-residential uses;
- 4.1.6 To provide the opportunity to master plan non-residential use areas, so that adequate fire and police protection may be provided and appropriate infrastructure constructed.

4.2 Types and Locations of Commercial or Industrial Districts

4.2.1 Types of Districts and Location Criteria

- a. There are four types of commercial or industrial non-residential districts which may be established at specific qualifying intersections of various types of roads in the County:
 - 1) Regional or major center districts, which are established or may be established, shall be located at intersections of major arterials and major highways. The purpose of major center or regional districts is to concentrate extensive regional non-residential activities. Section 4.3.1 infra, defines uses which may be established.

- 2) Community center districts, which are or may be located at intersections of arterial and/or collector roads for the purpose of concentrating community oriented commercial uses, shopping, offices and service businesses, including travelers services; light industry; research and development complexes and other similar uses. Sub-section 4.3.1 infra, defines uses which may be established.
 - 3) Local or village center districts, which are or may be located at intersections of collector and local roads and in traditional community areas for the purpose of concentrating activities which serve such neighborhood areas for shopping, travelers' and personal services. Section 4.3.2 infra, lists suggested uses.
 - 4) Neighborhood or small scale center districts, which are or may be located at intersections of local roads or in traditional community areas. Uses similar to those which may be established in local or village center districts may be established.
- b. A non-residential use district may be established within a traditional community at a qualifying intersection or at an area which is pursuant to the criteria set forth in Sub-section 4.2.2 infra.

c. Spacing Between Districts.

Intersections which qualify for a commercial or industrial non-residential use district are established either by the proximity of established or potential districts as follows:

- 1) the exterior boundary of a proposed major center or community center commercial or industrial non-residential district, or parcel proposed for zoning or rezoning near the boundary of a proposed or established district, must be one (1) mile from the exterior boundary of another established or proposed district or parcel proposed for zoning in such district; and
- 2) the exterior boundary of a proposed local or village center or neighborhood or small center commercial or industrial non-residential district or parcel proposed for zoning or rezoning near the boundary of a proposed or established district, must be one-half ($\frac{1}{2}$) mile from the exterior boundary of any other type established or proposed district, or parcel proposed for zoning in such district.
- 3) Spacing between districts as described above is intended to assure the integrity of commercial or industrial use areas, residential neighborhoods, and

highways. Uses which may locate between the districts are residential, large scale residential, community facilities, or large scale master planned development.

d. Large Scale Mixed Use Development

1) Master Plan Required

Proposed developments which are planned for a mix of residential, large scale residential, and/or non-residential uses and large scale developments or subdivisions which may be developed in phases shall present a master plan for development to the County pursuant to Article V, Sections 5.1 and 5.2 of the Code.

2) Location Criteria:

Proposed mixed use developments are allowed to locate anywhere in the County, except that the location of any specific commercial or industrial non-residential use area designated by such proposals shall be subject to the purposes and intent of Subsection 4.2.3. and 4.1.

3) Uses:

See Sub-section 4. 3., Guidelines for Permitted Uses and Structures, and Uses Not Listed, infra.

4) Design Standards and Review

Criteria: Refer to Section 4.4 supra.

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- 5) Review Requirements: Section 4.5 supra, establishes the applicable reviews.

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

4.2.2 Traditional Community Districts

a. Mixed Uses Permitted

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

b. Commercial and Industrial Uses

Requirements

1) Location

Commercial or light industrial zoning may be approved in the traditional community where no qualifying intersection appears to be present provided:

- a) Similar uses have been established as non-conforming on contiguous and adjacent locations in the community;
- b) The re-zoning to be approved is similar in type and scale to those uses suggested for

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neighborhood or small scale districts by Article III, Section 4.3.2, infra;

- c) The re-zoning is compatible with neighboring uses;
- d) It is the consensus of the local community to allow the proposed re-zoning and use; or
- e) The re-zoning is pursuant to a general plan amendment for a local land use plan for the community which establishes the location for a local or small commercial center.

2) Development and Design Standards and Review Criteria

Commercial, light industrial and other non-residential uses proposed for approval are subject to the requirements set forth by Article III, Sections 4.4, 4.5 and 4.6 infra.

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

4.2.3 General Scale and Size of Districts

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

- a. Location is dependent upon a qualifying intersection.

Type of District

Type of Roads Creating Intersection

Regional or Major Center

Controlled access highway such as the Santa Fe Relief Route or I-25 and 4 to 6

lane road(s) 789458

Community Center	2 to 6 lane arterials or highways
Local or Village Center	2 to 4 lane arterials or collector roads
Neighborhood or Small Scale Center	2 lane sub-collector or local roads

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

Regional or Major Center	2500 feet
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Community Center	1750 feet
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Local or Village Center	1000 feet
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Neighborhood or Small Scale Center	500 feet
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- c. The maximum net developable number of acres, excluding public rights-of-way, in each type of districts is as follows:

Regional or Major Center	250
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Community Center	80
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Local or Village Center	40
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Neighborhood or Small Scale Center	20
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- d. The size of a commercial or light industrial non-residential use district in a traditional community zone shall be limited in acreage to local or neighborhood or small scale centers;

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pursuant to the location criteria set forth in Subsections 4.2.3 b. and c, supra.

- e. Appropriate roads must be in place or constructed to create a district at the time of project development except in cases referred to in 4.2.2. Creation of a district is possible where new roads are created or at intersections of existing roads which are not anticipated by this Code, provided the criteria set forth by this section is adhered to. Neither the locations listed in this subsection nor those specified by a Local Land Use Plan confer zoning status on any parcel in these areas.
- f. It is assumed that the initial scale of a district may be small in terms of number of acres actually zoned, and will increase in size, over time, as zoning requests are approved.

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

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

a. Non-conforming Uses

- 1) Existing development will be allowed to continue as a non-conforming use, pursuant to Article III, Section 4.5, et seq.
- 2) Non-conforming uses which contribute to strip commercial or industrial development patterns will not be permitted to expand, or

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to re-establish if abandoned. Non-conforming uses which meet the location criteria set forth in III, 4.2.2 will be allowed to re-develop provided they are brought into conformance with Code requirements.

b. Zoning Map

- 1) Districts or portions of districts created from time to time will constitute amendments to the zoning map.
- 2) The zoning map shall also depict both legal non-conforming uses and zoning approvals.
- 3) Zoning approvals obtained prior to the enactment of this 1990 Amendment to the Code shall not constitute districts or be the precedent for the creation of a district, where such approvals do not meet the location criteria for a district as set forth by Section 4.2.2, Types and Location of Commercial or Industrial Districts. See also non-conforming uses in Section 4.2.3, a Non Conforming Uses, supra, and Sub-section e., Infill, infra.

c. Rezoning

An application to establish a new district or to amend an existing district shall be considered a rezoning and subject to the review and recommendation of the County Development Review Committee and approval by the Board.

d. Permitted Uses

- 1) Permitted uses are assigned to a parcel of land which has been rezoned pursuant to a master plan for all or part of a commercial or industrial non-residential district.
- 2) Guidelines for permitted uses are set forth in III, 4.3 infra.
- 3) Permitted uses shall be reviewed for a development permit according to the procedures set forth in Article II, Section 2.1 supra.
- 4) A development plan shall be submitted for each permitted use as set forth by Article III, Section 4.4 and 4.5 infra.
- 5) Development plans for permitted uses shall conform to the master plan and use list approved for the zoning or rezoning of the parcel.

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

- 1) in existence at the time of adoption of this amendment to the Code; and
- 2) between two existing developed or approved commercial or industrial uses; and
- 3) of such a size that makes it impractical to develop the parcel for a large scale residential use, institutional use or single family residential use on lots which are

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one acre or less or which have one hundred fifty feet (150') or less of frontage with the adjacent highway, arterial, collector, or local road.

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

4.2.5 Criteria for the Establishment of Districts; Findings of Fact

- a. Establishment of districts will require a review according to the procedures for a master plan as set forth in Article V, Sections 4.4 and 5.2 infra, the performance and location criteria set forth by this Section 4 below and the notice requirements of Section 3-21-6B, N.M.S.A. 1978. Permitted uses shall be specified when a district is created.
- b. To establish a non-residential district the following shall be used in formulating a recommendation to the CDRC by the staff and the CDRC to the Board:
 - 1) an evaluation of the type of traffic to be generated by the types of uses (see Sub-section 4.4 infra) proposed to be permitted in the new district and the relationship of such traffic to traffic being carried on existing or proposed roads providing vehicular access to the site or intersection;
 - 2) existing and future economic benefits to the vicinity of the

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site and/or intersection proposed for district classification and the County of Santa Fe, especially as that relates to projected new employment;

- 3) an evaluation of infrastructure availability such as existing or future streets, water supply, sewage treatment facilities, police and fire protection, and other services;
 - 4) an evaluation of compatibility with existing land use patterns especially existing residential areas, land ownership characteristics, and geographic features near the proposed district, and the relationship to existing master plans on adjacent properties in order to coordinate site planning and access.
 - 5) an adequate site, sized in relation to the radius and acreage requirements set forth in Section 4.2.3 supra;
 - 6) the proposed district shall be located according to the requirements described in Subsections 4.1 and 4.2, 4.2.3 supra; and
 - 7) uses proposed for approval for the district must meet the design and development standards established by Sub-sections 4.4 and 4.5 infra.
- c. Acreage for a district may be allocated to one, two or three of the quadrants

of an intersection area where 789464
circumstances such as excessive slope,
flood hazard areas or flood plains,
land ownership patterns, existing land
uses, spacing or sizes of other
existing districts, right-of-way
configurations, utility corridors,
other natural or man-made barriers, or
other constraints, prevent its
assignment to four quadrants.

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

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

4.3 Guidelines for Permitted Uses and Structures

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

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

- a. Professional, business or governmental
offices;
- b. Business services;
- c. Research and development businesses and
laboratories;
- d. Retail establishments;
- e. Restaurants and bars;

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

dd. Wholesale, warehouse, distribution and general industry.

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

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

- a. Retail establishments including supermarkets, drugstores, bakeries, meat markets, liquor stores, hardware, paint and wallpaper stores, camera shops, florist shops, gift shops, stationery shops, bookstores, apparel shops, shoe stores, variety stores, jewelry stores, pet shops, toy stores, movie-video stores, music or record stores, household goods stores;
- b. Restaurants and bars;
- c. Personal service establishments including barbershops, beauty shops, dry cleaning and laundromat establishments, shoe repair shops, tanning salons, spas, exercise or dance studios;
- d. Office and studios, medical offices and/or clinics;
- e. Banks or other financial institutions;
- f. Churches or other religious institutions;
- g. Public parks, public buildings (such as libraries) and community facilities or utility substations;
- h. Private day care;
- i. Dwelling units for occupancy only by owners or employee;

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- j. Automotive service stations and repair garages not industrial in nature;
- k. Liquor and package liquor stores;
- l. Mini-storage units;
- m. Galleries;
- n. Private clubs and lodges;
- o. Veterinary establishments;
- p. Commercial indoor recreation;
- q. Shopping centers;
- v. Outdoor markets.

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

4.3.3 Accessory Uses

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

4.3.4 Uses Not Listed

- a. Proposed uses or use groups either generalized or not listed as suggested to be permitted for zoning districts by the Code shall be evaluated by the County Land Use Administrator to determine how a proposed use or use group should be categorized.
- b. Evaluations or interpretations of uses not listed shall be made in writing; shall state any precedent, reasons or analysis on which the evaluation is based; and shall be kept on file in the Land Use Department. The Standard Industrial Classification Manual, U.S.

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Dept of Commerce, latest revision, may be used as a reference for such evaluations.

- c. Disagreement with an evaluation or interpretation of the Land Use Administrator may be appealed to the CDRC.
- d. New and unlisted uses that cannot logically be included in existing categories or that could not reasonably be anticipated at adoption of this Code may be added to these regulations by recommendation of the CDRC and approval by the Board.

4.4 Design Standards and Review Criteria

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

4.4.1 Submittals

- a. To zone or re-zone any parcel for a commercial or industrial non-residential district a master plan shall be submitted. Submittals and procedures for master plans are set forth in Article V, 5.2 infra.
- b. A development plan shall be submitted for individual uses to be permitted within the district, as follows:
 - 1) Vicinity Map: A vicinity map drawn at a scale of not more than 2,000 feet to one inch showing contours at twenty (20) feet intervals showing the relationship of the site to its general surroundings, and the location of all existing drainage channels,

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water courses and water bodies within one mile of the development site.

- 2) Existing Site Data: A description of existing conditions on or adjacent to the site. Maps shall be at a scale of one (1) inch to one hundred (100) feet or larger and shall include the following:
- (a) Boundary lines, bearings and distances: The error or closure shall be of a third order survey, and no discrepancy between computed and measured distances shall exceed one (1) part in 1,280 parts.
 - (b) Easements: Location, width and purposes.
 - (c) Streets on and immediately adjacent to the tract, name and right-of-way width.
 - (d) Utilities on and immediately adjacent to the tract.
 - (e) Owners of record or unplatted land and existing subdivision plats by name and recordation, shall be shown for property within one thousand (1,000) feet of that tract.
 - (f) Title and certificates: Present tract designations according to official records in the County Clerk's Office, title under which the proposed development is to be recorded

with name and address of owner, notation stating acreage, scale, true and magnetic north arrow, U.S.G.S. datum and benchmarks, if any, certification of the engineer or land surveyor licensed in accordance with the laws of the State of New Mexico who prepared the plat.

3) Site Plan

- (a) The site plan consisting of a map and other drawings or documents drawn to a scale of one (1) inch to one hundred (100) feet, or larger, shall show the following:
- (1) proposed arrangement of buildings;
 - (2) proposed off-street parking and loading facilities;
 - (3) proposed access to the site and internal vehicular circulation;
 - (4) existing and proposed landscaping;
 - (5) proposed location and type of fences, walls, and signs; and
 - (6) drainage and grading plan indicating existing and proposed contours; soils and flood plain areas;
 - (7) a lighting plan;

(8) proposed architectural treatment;

- (b) The site plan shall respond to the standards set forth by Subsection 4.4.3 Site Planning Standards for driveway access, building placement, parking lot location and terrain management.

4) Preliminary Development Plan Report.

The preliminary development plan report shall include the following exhibits: a water use report pursuant to 4.4.1 d, a traffic generation report, pursuant to 4.4.1 e, a report addressing the Environmental Performance Standards pursuant to 4.4.2 and a report responding to the Design and Development Standards set forth in Section 4.4.3 as that relates to the proposed use.

5) Traffic Generation Report

- a) The amount of traffic generated by the development shall not at any time impede traffic flow, or cause public roads to operate at over capacity.
- b) If a fair and substantial showing is made that the development will increase the burden on inadequate public roads, utilities or other services, the use may be denied, or the developer may be

required to undertake the full cost of improvements to the public road or other services in order to meet the test of adequacy.

- c) A traffic report shall be prepared, signed and sealed by a registered New Mexico professional engineer, or other qualified professional as determined by the Code Administrator. Report contents shall be based upon existing traffic conditions in relation to existing road capacity and level-of-service (LOS); a projection of traffic to be generated by the development; and recommendations for mitigating any negative effects to existing road capacity which may occur as a result of new development. Where applicable, the International Traffic Engineers (ITE) Trip Generation Report 1987, 4th Ed. shall be used as a reference in calculating traffic projections. Copies of the ITE Trip Generation Report are available in the Land Use Administrators Office.

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

4.4.2 Environmental Performance Standards

The proposed development shall utilize standard techniques available in order to minimize noise, vibration, smoke and other particulate matter, odorous matter, toxic or noxious matter; radiation hazards; fire and explosive hazards, or electromagnetic interference. The Code Administrator may refer an application to the New Mexico Environmental Improvement Division (EID) for comment concerning the performance standards.

If it is determined that the development will create any dangerous, injurious, noxious or otherwise objectionable condition, noise or vibration; smoke, dust, odor, or other form of air pollution, electrical or other disturbance, glare or heat, in a manner which causes a significant adverse impact to the adjacent areas, a plan shall be submitted which states how such conditions will be mitigated.

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

4.4.3 Site Planning Standards

a. Driveway Access

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

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

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*See Table 6, Speed Change - Lane Length Requirements, for Driveway Spacing; New Mexico State Highway and Transportation Department, Regulations for Driveways and Median Openings on Non-Access Controlled Highways.

- 3) Driveway profiles shall be submitted to assure the access is constructed to accommodate projected traffic for the uses.
- 4) Where additional access points are required, such points shall be located no less than 300 feet apart. Provisions for circulation between adjacent parcels shall also be provided through coordinated or joint parking systems, or other methods, as specified in the Master Plan.
- 5) No driveway access may be located closer than 100 feet from an intersection.
- 6) No driveway may be located closer than 50 feet from the transition point of a turning lane at intersection locations.
- 7) Driveway profiles, design elements, corner clearance, and performance standards for acceleration or deceleration lanes shall conform to the New Mexico State Highway and Transportation Department

Regulations for Driveways, and
Median Openings on Non-Access
Controlled Highways.

- 8) Driveway design and placement must be in harmony with internal circulation and parking design such that the entrance can absorb the maximum rate of inbound traffic during a normal weekday peak traffic period as determined by a competent traffic survey.
- 9) Uses which generate more than (100) trips per day shall be required to submit an on-site circulation plan for approval and may be required to contribute to off-site improvements to mitigate the traffic hazards they create, such as, but not limited to traffic signals and acceleration or deceleration lanes.

b. Building Placement

Buildings shall be placed or oriented on a site to either:

- 1) enhance the logical development of the site and its relationship to the scale and design of adjacent development; or
- 2) take advantage of topography; or
- 3) create a buffer or screen for storage or parking areas; or
- 4) take advantage of solar gain in winter months. See also the setback requirements set forth in this Sub-Section 4, Design Standards and Review Requirements.

c. Parking Lot Location.

Parking lots should be placed or oriented on a site:

- 1) to the rear or side of buildings (or both); and
- 2) to encourage pedestrian safety and convenience.

d. Terrain Management

Clearing and grading and other site development work shall be done in accordance with the Santa Fe County Land Development Code, Article VII, Section 3.

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

4.4.4 Development and Design Standards

a. Screening

Outdoor storage, parking and loading areas which are visible from public roads or from abutting public lands or residential areas shall be screened. Such screening may be landscaping, walls, fencing, building placement, berms, or any combination thereof. For landscaping plans and standards relating to screening see Sub-section f infra.

b. Buffer Zones and Setbacks

- 1) Proposed non-residential districts or uses that adjoin parcels on which dwellings are located within 100 feet of the property line adjacent to the parcel on which the use is to be located shall be set back 100 feet from the property line in major or community center

districts and 25 feet in local or small scale districts. The 100' setback area may be used to meet the off-street parking requirement of Section 9 of Article III except that no parking may be provided within twenty five (25) feet of the property line in Major and Community Center Districts and five (5) feet from property lines in Local and Small Scale Districts. In the setback area, existing vegetation shall be preserved and natural topographic features, planting, building placement, walls, fencing, earth berms or landscaping or any combination thereof, shall be used to keep buildings, parking or outdoor storage unobtrusive.

- 2) Alternatives to the 100 foot setback are specified in Article V, Section 8.1.4, e, 1-5 infra.
- 3) Side and rear yard setbacks shall apply only to lots at the edge of a non-residential district. Zero lot lines (no setback) for building placement may be allowed, if fire resistive construction between buildings is provided directly adjacent or adjoining on interior property lines.

c. Maximum Height

Structures shall be limited to a maximum height of thirty six (36) feet from the highest point of the surface

of the ground at the perimeter of the structure in Major or Community Center Districts and to (twenty four) 24 feet in height in Neighborhood or Local Center Districts.

d. Parking

Compliance with the parking standards set forth in Article III, Section 9, supra, is required.

e. Maximum Lot Coverage

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

f. Landscaping

1) Purpose and Intent

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

- (a) to assure that new development creates an amenity and improves and enhances the visual quality of an area;
- (b) to buffer or screen visually unattractive land uses from roadways and residential areas;
- (c) to shade, cool and define large parking areas;
- (d) to define the separate function of thoroughfares and other land uses;
- (e) to minimize erosion, dust and other weather related problems; and

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- (f) to assure that landscape treatment and improvements are so designed, installed and maintained that they actually produce the intended results.

2) Native Vegetation; Preservation

In order to preserve both native vegetation and landscapes, grading shall be kept to a minimum. Native vegetation or freeze or drought resistant introduced vegetation shall be used for new landscaping in an effort to conserve water use once the plants are established. Where botanical materials are utilized as part of landscape treatment, such materials shall be chosen so they fit within the water budget or water use plans for the development. An extensive list of such plant materials, their size at maturity, how they can be used, their water use, and other information is available at the office of the County Land Use Administrator.

3) Landscaping Plan.

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

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- (a) a description of any existing native vegetation on the site which will be retained, including common and botanical names, locations, and approximate size (caliper and height);
- (b) a list of plants to be installed, with common and botanical names, showing the caliper or gallon size at time of planting and the size of the plant material at maturity in height and width;
- (c) the location and quality of all other materials to be used as part of the landscape treatment;
- (d) a description of the proposed system of irrigation including the use of on-site storm water collection, drip irrigation, recycled water or other systems;
- (e) methods for protecting required landscaping from damage by automobiles, and run off containing salts from paved areas;
- (f) the purpose of each plant material to be used, e.g., for screening, ornament, shade, or other purpose;
- (g) a description of proposed structures or other buffering devices, such as walls,

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fences, or earth berms,
including location, height,
building materials and/or
exterior finish treatment
which are part of the
landscape treatment;

- (h) the landscaping plan shall be drafted to scale, with all plant material footprinted according to the spread of the plants at maturity;
- (i) The landscaping plan shall also include the following:
 - a) a water use budget;
 - b) a watering schedule;
 - c) an estimate of the cost of installation of the landscape materials; and
- (j) the landscaping plan shall where required, be in conformance with a master plan for landscaping.

4) Landscaping Design Standards

All landscaping shall meet the following requirements:

- (a) a minimum of seventy five (75) percent of an area designated for landscaping shall be developed with living plant materials including areas seeded with grasses and flowers;
- (b) all plant growth in required landscaped areas shall be controlled by pruning or trimming so that it will not

interfere with the installation, maintenance or repair of any public utility, restrict pedestrian or vehicular access, constitute a traffic hazard, or interfere with an intersection visibility triangle;

- (c) all trees, shrubs and plants which have been planted and which, due to accident, damage, disease, or other cause, fail to show healthy growth within one year of planting shall be replaced;
- (d) all trees, shrubs and plants shall be clear of insects, pests or fungus diseases and the effects of previous infestations;
- (e) trees and large shrubs shall be supported after planting in such a way that the plants will not be injured by strong winds;
- (f) parking, loading and outdoor storage are prohibited within a landscaped area;
- (g) if appropriate and wherever possible, native landscape should be retained within an area designated for landscaping;
- (h) living plant materials installed in areas

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designated for landscaping on road frontages shall be planted so as to create the appearance of a continuous edge occasionally punctuated with dissimilar materials to create interest. In addition:

- (1) designated landscape areas or buffer zones shall be planted according to a ratio of one tree at a minimum height at maturity of twenty four (24) feet for each five hundred (500) square feet, and one shrub of a minimum height and spread at maturity of four (4) feet for each sixteen (16) square feet;
- (2) adjustments will be considered for existing heavily vegetated areas or for plant materials with varying characteristics provided that:
 - the ratio of living plant material to inorganic material is maintained at seventy five percent (75%) living materials to twenty five percent

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(25%) inorganic

materials;

- the living plant material is installed so as to provide a continuous visual screen;

- (3) living plant material may be planted in drifts or clumps with pockets of open areas providing the sense of continuity with the street edge;
- (4) adjustments of up to fifty percent (50%) to the width of the landscape area (See Sub-section f 5) (b) infra) will be considered where a four (4) foot masonry wall or a six (6) foot opaque fence or earth berm is constructed. The ratio of living plant materials may be reduced by fifty (50) percent where the landscape treatment includes walls, fences, or berms. Walls or fences should be located in the landscape area to accommodate the

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installation of the
living plant materials;
and

- (5) non-vegetative.
landscape materials may
include gravel and bark
mulch.

- (i) In addition to the front lot
landscape area (see f. 5)
(b) infra), a landscaped
area and structural buffer
consisting of a six (6) foot
masonry wall or fence
constructed of opaque
materials and a three (3)
foot wide planting area may
be required between any non-
residential use and
residential use on the side
or rear lot lines. This
requirement applies to non-
residential districts
established for commercial,
office or industrial
purposes at the perimeter
where there are existing
residential uses. Trees and
shrubs selected for the
three foot planting area may
be used to create shade or
visual amenity. Trailing
vines for the wall may also
be considered.
- (j) Landscaped areas shall be a
minimum of ten (10) percent
of the development lot area.

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Minimum landscaped area may be modified based on the following considerations: large tracts with minimum development, existing conditions providing other buffering opportunities or extensive existing vegetation.

- (k) Pedestrian, bike or equestrian pathways or trails are allowed within landscape areas on street frontages provided that:
 - (1) no plant material is eliminated; and
 - (2) the total width of the buffer is maintained; and
- (l) Except as specifically required elsewhere, no landscaping is required adjacent to structures abutting the parking lot or adjacent to structures located at the minimum setback from side or rear lot lines.

5) Landscaping for Road Frontage Area

- (a) Upon approval of the governmental agency responsible for the maintenance of the adjoining roadway, any public right-of-way between the front

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property line and the street may be landscaped and maintained by the property owner retaining native materials or using grass, groundcovers, or low growing shrubs having a maximum mature height exceeding two (2) feet, or be treated with a non-vegetative cover such as bark mulch or gravel. Where appropriate, such areas may be considered as part of the width of landscape areas as set forth in Subsection f. 5) (b), infra.

- (b) The width of landscape areas between the street or road right of way and any developed areas of a parcel shall be as follows:

Highways or Major Arterials	- 25 feet
Minor Arterial, Collector or Local	- 10 feet

6) Landscaping for Parking Lots.

Except as otherwise provided in Sub-section f. 4), a landscape screen providing a visual buffer is required along the front, and if applicable, to the side and rear property lines for parking lots with more than ten (10) parking spaces or four thousand (4,000) square feet, which ever is less, and where parking is located within twenty five (25)

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feet of a property line adjoining residential uses. Covered or decked parking lots are exempted from this section.

(a) Standards for the front of the lot, and where applicable, side lot landscaping are set forth in Sub-section f. 4), supra.

(b) Interior landscaping is required for parking lots with more than forty (40) parking spaces or twelve thousand (12,000) square feet, whichever is less.

Interior landscaping shall cover a minimum area equivalent to one (1) parking space or one hundred sixty (160) square feet for every twenty (20) parking spaces. In addition:

- interior landscaping shall provide shading and a visual break to the parking lot surface. Plant material shall consist of a minimum of one (1) deciduous shade tree and three shrubs for every ten (10) parking spaces. The shade trees shall be a minimum of one and one-half (1.5) caliper and six (6) feet tall at the time of planting, and have a twenty (20) foot minimum mature height. Shrubs shall be five (5) gallon size at the time of planting and shall have a minimum mature height of three (3) feet;

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- non-vegetative cover including but not limited to gravel or bark is required under trees where other planting is not provided;
- interior landscaping shall have a minimum area of (one hundred sixty) 160 square feet and a minimum dimension of four (4) feet;
- interior landscaping shall be uniformly distributed throughout the parking lot;
- pedestrian pathways or sidewalk areas shall be incorporated into the parking area landscape treatment.

7) Screening and Buffering for Residential Uses;

The requirements for screening residential areas from roadways and non-residential uses, and for landscaping residential common open space, may include one or more of the following:

- (a) stuccoed poured concrete walls;
- (b) stuccoed masonry walls of cement block, brick or adobe;
- (c) earhtone masonry walls;
- (d) rock or field stone walls;
- (e) wood fences of materials at least 3/4 inch thick with crossbracing secured with

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posts on maximum eight (8) foot centers set in concrete or creosoted posts set twenty four (24) inches deep;

- (f) earth berms with shrubs and vegetative groundcovers;
- (g) any combination of shrubs and trees which effectively creates a screen; or
- (h) a combination of the above. The developer may choose any of the above screening methods at his discretion.

8) In order to avoid tunneling effect where a development borders on a highway or arterial street or road for more than one thousand (1000) feet, developers or builders shall vary the masonry structures, fences, or walls with living plants.

9) Landscaping shall be installed for inspection prior to the issuance of Certificate of Occupancy.

g. Signs: See Article VIII, Sign Regulations.

h. Outdoor Lighting

1) Purpose

Outdoor lighting for new development in non-residential districts (Section 4), master planned developments, large scale residential development (Section 4), master planned developments, large scale residential development (Section 6), community service facilities

(Section 7), and other large scale development (Section 8), in the County, shall be designed and arranged to enhance the safety of areas designated for pedestrian use during evening hours, to provide security, to conserve energy, and in particular, to prevent the spillover, nuisance or hazard effects of light and glare on adjacent locations and uses of land.

2) Definitions

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

3) Submittals.

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- (a) A lighting plan shall be submitted for master plan or preliminary development plan review, showing the location, mounting height, types of luminaires, accessory equipment such as shades, deflectors, or other housing controlling the direction of light on a surface, and the beam direction of any luminaire.
- (b) The plan shall be drawn to scale, and shall also include elevations of building facades showing the location of, and shielding devices for, wall mounted luminaires, and detailed drawings of the luminaires, and detailed drawings of the luminaires and accessory equipment to be used.
- (c) Additional submittals that may be required include, but are not limited to, preparation of a visual impact analysis for alternative types of lighting solutions for the project as those would affect and be seen from adjacent residential properties, a comparative analysis of performance standards relating mounting height, footcandles, footcandle levels and location for various types of lighting which could be developed for the proposed use, and, types of shields, deflectors and

adjustments on orientation or other buffers which could be implemented to mitigate glare, nuisance or hazardous effects of any night lights.

4) Lighting Design Standards.

- (a) The use of cut-off type luminaires is required.
- (b) Spillover of lighting for adjacent properties shall not exceed one half of one (.50) footcandle measured at any point ten (10) feet beyond a property line.
- (c) No luminaire shall be installed higher than one and one half (1.5) the height of any structure proposed for development or twenty four (24) feet, whichever is less.
- (d) Luminaires shall be recessed into any canopy structure that is designated for pedestrian use, loading or service, unless a suitable alternative is submitted for approval. Decorative lamps housing an incandescent light source for hanging under portals are exempted.
- (e) Building facades may be illuminated with ground floodlamps located close to the structure; wall mounted floodlamps must be shielded so that the light source is not visible. Spotlights without a shielding device are prohibited.

- (f) Control of the distribution of illumination for outdoor recreation areas, outdoor storage areas, or outdoor display of merchandise is subject to additional submittals.
- (g) Automatic timing devices may be required to turn off lighting at specified hours.
- (h) A range of lighting design solutions for the various aspects of a development shall be considered over a single lighting solution.
- (i) Where appropriate, illumination of architecturally significant building facades may be used as part of the overall lighting design.

History. 1980 Comp. 1980-6. Section 4.4.4 was amended by County Ordinance 1990-11, reorganizing the development and design standards into one sub-section for screening, buffering, setbacks, lot coverage, building height, parking, landscaping and lighting.

4.4.5 Special District Review

The Code Administrator shall check the location of the proposed use and shall inform the applicant of any additional submittals or reviews required because of location of the proposed use within a Special Review District, Article VI.

4.4.6 Environmental Review

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

4.4.7 Conformance to Building, Mechanical and
Electrical Codes

The Code Administrator shall review the submitted plans and specifications for compliance with the building, mechanical, and electrical provisions of the Code and for engineering design. If all of the requirements of the Code are met and a development permit is issued, construction must begin within one (1) year of the date of issuance, or the permit becomes invalid and a new application must be made.

4.4.8 Final Development Plan

After the preliminary development plan has been approved, the applicant shall prepare and submit a final development plan to be followed in construction operations. The plan shall be accompanied by (1) evidence that conditions of approval assigned to the preliminary site plan approval have been satisfied; (2) cost estimates for construction and engineering, letters of credit, ownership documents, and other submittals which may be requested by the CDRC or Code Administrator; (3) two sets of plans and specifications for the construction of any structure. A final development plan may be submitted separately for any phase of a master plan. The final development plan (or successive stages thereof) as approved becomes the final plat and the basis for issuance of development permits and for acceptance of public dedications.

Developments authorized by development permits will be inspected for completion in order to obtain a certificate of occupancy. The inspection shall be made within ten (10) days of receiving written notice of completion.

History. 1980 Comp. 1980-6. Sections 4.4.5, 4.4.6, 4.4.7 and 4.4.8 were existing material renumbered by County Ordinance 1990-11.

4.5 Review Requirements

4.5.1 Public Hearings

A master plan for parcels to be zoned as districts for commercial and industrial uses shall be submitted pursuant to Article V, Sections 5.1 and 5.2 infra.

- a. The master plan shall be reviewed by the County Development Review Committee in a public hearing for a recommendation to the Board for approval, approval with conditions, or denial pursuant to procedures set forth in Article II, supra, of this Code.
- b. The master plan accompanied by the recommendation from the CDRC shall be reviewed for adoption or denial by the Board of County Commissioners at a public hearing.

4.5.2 Administrative Approvals

Permitted uses submitted for development in a district which has been approved for zoning may be approved administratively according to the procedures set forth in Article II, Section 2 of the Code.

History. 1980 Comp. 1980-6. Section 4.5 was reorganized and revised by County Ordinance 1990-11 to simplify the submittal requirements, clarify the review requirements and administrative approvals.

SECTION 5 - MINERAL EXPLORATION AND EXTRACTION

5.1 General Provisions

5.1.1 Applicability

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- A. Anyone who conducts or intends to conduct a mineral exploration or extraction activity within Santa Fe County shall be subject to the provisions of this Code, as applicable, and this Section 5. Mining uses shall be allowed in mining zones established on Code Map 30 provided the requirements of this Section are met.
- B. Applications seeking to establish mine districts will also be subject to all State and Federal requirements and permits, and shall be subject to the review, as applicable, including but not limited to the following agencies: New Mexico Environmental Improvement Division (EID), the New Mexico State Engineer (SEO), Soil and Water Conservation District (SCD), the New Mexico State Highway and Transportation Department (NMSHTD), New Mexico Department of Game and Fish, and the Mining and Minerals Division of the New Mexico Energy, Minerals and Natural Resources Department (MMD).
- C. Existing exploration or mining operations which are in operation or in a state of temporary cessation prior to the effective date of this Code, as amended, may continue operations, provided the operator submits to the County a description of operations and a reclamation plan pursuant to Section 5.4.1 A.
- D. In order to preserve the welfare, health, safety and environment of its residents, the

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County shall, unless specifically preempted, require that a mineral exploration or extraction use permitted on state or federal lands be subject to, and coordinated with, the provisions of this Section 5 for the purpose of imposing certain of its regulations. Such regulations pertain to, but are not limited to, blasting, flood hazards, water quality, and archaeological sites.

- E. Patented lands shall be treated as any other private property.

5.1.2 Pre-Emption

- A. Nothing in this ordinance shall be construed to supersede or contravene the authority which the state or federal governments or their agencies have with respect to the management, protection and utilization of the lands and resources under their jurisdiction. The regulations in this ordinance should apply to state or federally owned lands unless they are specifically preempted from having authority in this area by state or federal law.
- B. Provisions of this ordinance which do not conflict with state or federal law shall be enforceable on the state and federal lands insofar as this ordinance merely regulates and does not prohibit mining.
- C. Revisions to these regulations, including those resulting from changes to applicable regulations promulgated by state or federal agencies which administer permits for

mineral exploration or extractions, may be proposed from time to time.

- D. This Section applies to all mining land uses, notwithstanding the provisions of Article I, Section 8.1 of the Code.

5.1.3 Purpose and Intent

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

- A. To protect the health, safety and welfare of the citizens of Santa Fe County as that relates to its quality of life, its economy, its cultural heritage, history or traditions, its infrastructure or its natural resources;
- B. To protect the environment of Santa Fe County and its residents from the harmful effects, or nuisances resulting from mineral exploration and extraction, including but not limited to, air quality, ground water quality, visual quality, erosion of soils, noise and vibration, toxic matter, fire or explosive hazards; adverse traffic and road conditions;
- C. To assure that mineral exploration or extraction activities are compatible with other uses in the County, including but not limited to, traditional patterns of land use, recreational uses, and existing or planned urban or metropolitan areas;
- D. To assure that the reclamation of affected areas which are the subject of mineral exploration or extraction meet the standards and objectives of this Section 5;

- E. To assure that off-site improvements to roads or utilities required as a result of mineral exploration or extraction activities are funded and implemented;
- F. To provide for a fair and efficient system for the regulation of mineral exploration and extraction activities;
- G. To assure protection of wildlife and wildlife habitat, and native biological diversity;
- H. To protect the scenic quality of Santa Fe County, its environment and its residents from significant adverse effects of mining;
- I. To discourage development of incompatible land use relationships.

5.1.4 Provision of Services by Local Government

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

5.2 Definitions

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

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

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

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

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

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

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

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

Exploration - means the act of searching for or investigating a mineral deposit. "Exploration" includes, but is not limited to, geophysical, geochemical or geological surveying and sampling, drilling or rotary

drilling of core and bore holes, and digging pits, trenches or cuts and other works for the purpose of extracting samples prior to commencement of mine development or extraction operations, and the building of roads, access ways, and other facilities related to such work.

Extraction - means the removal of minerals and/or overburden from places of natural occurrence to surface locations.

Harmful Materials - means materials harmful to human health or the environment, but not including hazardous wastes regulated by the Federal Resource Conservation and Recovery Act, latest revision.

Hazardous Materials - means any hazardous chemical or extremely hazardous substance as defined or listed in the Federal Emergency and Community Right-to-Know Act of 1986, 40 CFR Part 300 Volume 51, No. 221 (inclusive), as periodically amended.

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

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

Master Plan - means a report, plans, and other submittals as required by this Code for a proposed subdivision or zoning or re-zoning of land showing the development proposal in a manner comprehensive enough to evaluate the scope, size, intensity, compatibility, benefits, relationships, and impacts of a project and

including submittals as set forth in Article V, Section 5.2 and as otherwise required by this Code for the specific land use or zone district proposed.

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

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

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

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

Mining Land Use - means drilling, drillholes, and other levels of exploration or mine development activities or the operation of a placer mine, a shaft mine, an open pit mine, or the processing or moving of overburden or other

excavation from which minerals, ore or other mineral substances are sought to be removed or taken, and the processing or storage of such minerals, ore or mineral substances.

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

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

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

Permit - means an authorization to conduct mineral exploration and/or mining land uses issued by the County pursuant to the Santa Fe County Land Development Code.

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

Permittee - means any person holding a permit.

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

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

Prospecting - means mining activities which cause no or very little surface disturbance, such as airborne surveys and photographs, use of instruments or devices which are hand carried or otherwise transported over the surface to make geophysical, radioactive, or other tests and

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measurements, boundary or claim surveying, location work, or other work which causes no significant land disturbance.

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

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

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

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

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

5.3 Review Procedures, Amendments or Revisions to Plan; Appeals; Notice Requirements; Warranties of Performance; Fees; Temporary Cessation; Inspection and Monitoring; Local Land Use Plans; Penalties

5.3.1 Review Procedures

A. Zoning Approvals

1. Pre-application

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

2. Review by Code Administrator

Upon receipt of an application pursuant to this Section 5, the Code Administrator shall review it in accordance with the procedure established by Article II, Section 2.

3. Mining Plans Review Board

a. In order to assure that the technical components of environmental assessments or impact statements are appropriately reviewed, operations and reclamation plans are feasible and that cost estimates for reclamation are reasonable for the purpose of financial warranties, a Mining Plans Review Board (MPRB) shall be appointed by the Board of County Commissioners.

b. The Mining Plans Review Board shall consist of nine (9) members, shall meet on a case-by-case basis, shall review all operations, reclamation and environmental assessment plans, and environmental impact statements when required, and make recommendations to the CDRC and the Board based on its findings.

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- 1) Members of the Mining Plans Review Board shall have the following credentials:
 - a) two (2) members from the County of Santa Fe to represent the interests of the general public;
 - b) one (1) member from the faculty of the New Mexico Institute of Technology Mining, Environmental and Geological Engineering Department at Socorro, NM;
 - c) one (1) member who is a graduate engineer specializing in Mining Engineering and who has a minimum of five (5) years of experience in mining engineering.
 - d) one (1) member with expertise in the field of geo-hydrology;
 - e) one (1) member from the Soil and Water Conservation District staff;
 - f) one (1) member with expertise in the field of Biology or Ecology;
 - g) one (1) member specializing in the field of socio-economic analysis;

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- h) one (1) member from the New Mexico Department of Game and Fish staff;
 - i) each member shall have a similarly qualified alternate;
 - j) members may be considered who have a minimum of five (5) years recent experience with ten (10) years preferred.
- 2) Each member shall be appointed for a term of two years. In the event a member develops a conflict of interest, such member shall file a statement of disclosure as set forth by this subsection. Upon filing of such disclosure statement, the Board shall, at its next regularly scheduled meeting, determine whether the conflict of interest is cause for removal.
- 3) Meetings of the Mining Plan Review Board will be held on an as-needed basis and shall be coordinated by the administrative staff of the County with the applicant.
- 4) The Mining Plans Review Board shall be convened within thirty (30) days of receiving an application for mineral exploration or extraction. An

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application may be scheduled for a public hearing before the CDRC after the Mining Plans Review Board submits its review of the environmental assessment, and/or the operations and reclamation plans, with its findings, and with its recommendations on financial warranties.

- 5) Fees for convening the Mining Plans Review Board shall be based on the complexity of the plans to be reviewed, shall be reasonable and shall be paid by the applicant.
- 6) Each member of the MPRB shall submit his or her written findings and conclusions, in his or her area of expertise, to the MPRB and to the CDRC. The MPRB shall then submit its final conclusions and recommendations to the CDRC.
- 7) Review of environmental assessments, operations and reclamation plans shall be done pursuant to the provisions of this Section 5 and the County Land Development Code. Findings shall be based on the responsiveness of the application, appropriateness of the plans, and reasonableness of

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- executing such plans. The findings of the MPRB shall be submitted to the CDRC within 15 days of the meeting of the MPRB.
- 8) The findings and conclusions of the MPRB shall not be set aside, unless new or additional technical or factual information which has a technical bearing is presented to the CDRC or the Board for additional review. At the public hearing, members of the public shall have the right to question MPRB members requested by the CDRC or the Board to be present to respond to technical evidence.
 - 9) In the event the Mining Plans Review Board is unable to convene or be formed, the Board of County Commissioners may contract with appropriate experts to review and find on the submittals, with such review to be done in the same manner and procedure as is required of the MPRB.
 - 10) All members of the Mining Plans Review Board (MPRB), or experts contracted by the County under the preceding paragraph, shall be required to file a conflict of interest statement prior to

appointment by the Board of County Commissioners. No members of the MPRB or experts shall receive or shall have received, during the previous two years, a significant portion of their income directly or indirectly from permit holders, operating mining companies or applicants for a permit, or persons seeking to participate in the permitting process. All members or experts shall, upon acceptance of their appointment and prior to the performance of any of their duties, file a statement of disclosure with the County disclosing any amount of money or item of value, and its source, that they received directly or indirectly from permit holders, operating mining companies or applicants for permits. No MPRB member or experts with a significant financial interest affected or potentially affected by a permit action may participate in any decision pertinent to that permit action.

4. The CDRC

In arriving at its determination to recommend the granting or denial of a

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permit for mineral exploration or extraction, the CDRC shall review all pertinent material including but not limited to:

- a. The recommendations of the Code Administrator;
- b. The recommendations of the Mining Plans Review Board or of experts contracted pursuant to subsection 5.3.1 A 2 supra;
- c. The master plans for development;
- d. The operator information and legal data required by Section 5.4.3.B.3;
- e. The report responding to Environmental Protection Performance Standards as required by Section 5.4.3.B.4;
- f. The schedule of activities required by Section 5.4.3.B.5;
- g. Any environmental impact statements or socioeconomic analysis required by this Section 5;
- h. The water use report provided pursuant to Section 5.5.3;
- i. The reports or recommendations of State and Federal agencies to which the application has been referred;
- j. Any other submittals which may have been requested pursuant to Section 5.4.3.B.6;
- k. The testimony and evidence presented to it pursuant to the public hearing(s) held on the application.

5. Mining use or mineral exploration activity may be permitted if it is determined that:
 - a. The application satisfies the submittal requirements of this Section 5 of the Code;
 - b. The proposed mining use or mineral exploration activity meets the performance and development standards established by this Section 5 of the Code;
 - c. The proposed mining use or mineral exploration activity is able to obtain the necessary permits and approvals required by State or Federal agencies for such use or activity;
 - d. The proposed mining or mineral exploration activity is compatible with the purpose and intent of the Santa Fe County General Plan, of the Code or of this Section 5, as such purposes and intent are therein expressed.
6. No mining use or mineral exploration activity will be permitted if it is determined by the Board of County Commissioners that the use will have a significant adverse affect on health, safety, morals or general welfare of the County or its residents, based upon findings of fact and conclusions of law which the CDRC or Board, as applicable,

must provide to the applicant in writing, within seven (7) days of such board's hearing on this matter.

B. Amendments or Revisions to Plans; Permit Transfers

1. Minor revisions or minor procedures of a technical nature can be approved by County staff, where appropriate, or can be reviewed by consultants employed by the County who shall provide recommendations to the County staff.
2. Extensive or substantial amendments or revisions to approved plans as determined by the Code Administrator, shall be subject to review by the CDRC and review and approval by the Board. Major revisions of an approved plan or major revisions of a technical nature require the MPRB to convene and to re-submit its findings to the CDRC. Procedures for convening the MPRB are found in Section 5.3.1 A.3., supra.
 - a. A revision to a permit is not minor and approval of the CDRC and Board must be obtained:
 - 1) For changes in the mining or reclamation operations described in the original application and approved under the original permit, when such changes constitute a significant departure from the method of conduct of mining or reclamation

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operations contemplated by the original permit. Significant departures as used herein include but are not limited to:

- a) Significant changes in the permit area boundary;
 - b) Changes in the method of extracting minerals from the earth (e.g. change from surface to underground mine);
 - c) Experimental practices as that term is used in part 10 and Section 69-25A-33 NMSA 1978;
 - d) Changes which would require a variance;
 - e) Changes which may have an adverse effect on the environment of a nature not originally covered by the approved permit; or
 - f) Changes which may have an effect on financial warranty requirements.
- 2) For a significant change in financial warranty, including but not limited to, the cancellation or material reduction of the liability insurance policy, capability or self-insurance, or performance bond. Continued operation after

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a significant change in the financial warranty may occur only after approval of the CDRC and the Board, or after modification of financial warranty by the CDRC and the Board.

3) As otherwise required by the Ordinance.

b. All other revisions can be done by the Code Administrator.

3. Transfer of a mineral exploration and/or mining land use permit to succeeding operators must be approved by the Board. Succeeding operators shall assume and are responsible for the transfer of all liabilities relating to performance and financial warranties associated with the development permit issued by the County for the specific mine district.
4. Transferees of a mine site or permit which has been abandoned or temporarily out of operation for more than 3 years are required to submit a reclamation plan according to Section 5.4.3 B.2., for all of the transferred property. For the purpose of this section, the County shall consider the period of time from the effective date of this Code, as amended, to the present as part of the three-year period of consideration for inactivity.

C. Appeals

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

D. Notice Requirements

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

5.3.2 Warranties of Performance

- A. After a mining permit application has been approved, but before the permit is issued, the applicant shall file with the County of Santa Fe financial warranty for performance conditioned upon faithful performance of all of the requirements of the permit. The financial warranty shall cover that phase or area of land within the permit area upon which the operator will initiate and conduct mineral exploration, extraction and

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reclamation operations within the initial term of the permit. As succeeding increments or phases of operations are to be initiated and conducted within the permit area, the permittee shall file with the County an additional financial warranty to cover such increments in accordance with this Section 5. The amount of the financial warranty required for each area shall depend upon the reclamation requirements of the approved permit; shall reflect the probable difficulty of reclamation giving consideration to such factors as offsite impact, topography, geology of the site, hydrology and revegetation potential, and shall be determined by the County. The amount of the financial warranty shall be sufficient to assure the completion of the reclamation plan if the work would have to be performed by the County or an independent contractor hired by the County.

- B. The liability under performance sureties or other financial warranty shall continue until such time as they are released in their entirety by the Board of County Commissioners.
- C. In determining the form of financial warranty to be provided by the permittee, the Board of County Commissioners shall approve a method acceptable to the operator and consistent with the requirements of this Section 5.

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1. Financial warranties may be provided by the permittee, the operator, by any third party, or by any combination of these persons.
2. Financial warranties shall consist of any one or more of the following:
 - a. A surety bond issued by a corporate surety authorized to do business in this state, payable to the County of Santa Fe;
 - b. An irrevocable letter of credit issued by a bank authorized to do business in the United States, payable to the County of Santa Fe;
 - c. A certificate of deposit payable to the County of Santa Fe;
 - d. A reclamation trust fund held by an independent trustee.
3. Financial warranties shall be maintained in good standing for the entire life of the permit. Notice to the Board by the applicant is required for any circumstance that would impair such warranties or require their revocation.

D. RESERVE SECTION

5.3.3 Fees

Fees for reviews and permitting of mining districts, and any other fees shall be reasonable and set by a resolution of the Board of County Commissioners. Extraordinary fees for consultants or the Mine Plans Review Board shall be reasonable and paid by the applicant. Reasonable review fees shall be assessed by the

County to the applicant for the review of the annual report, maintenance of all warranties, including forfeited warranties, warranties of performance, and inspections.

5.3.4 Temporary Cessation

- A. Owners and/or operators of mineral exploration or mining operations that sustain a temporary cessation for any reason shall be subject to and be responsible for the following:
1. Giving notice to the County within 30 days of plans to temporarily cease operations for any period exceeding six (6) months, the reasons therefor if not proprietary, the date operation will cease, and an estimate of when operations will resume. Such notice shall also include posting on the mine property and mailing certified letters to all known adjacent property owners as they are disclosed by the records of the Santa Fe County Tax Assessor, and to neighborhood associations on record with the Code Administrator under this Section 5.
 2. Providing protection and security of the site from damage by erosion, surface drainage, ground and surface water and maintaining the performance standards of the Code.
 3. Reclamation of areas designated in the approved plan, warranties of performance, annual reporting,

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inspections, and monitoring shall continue during the temporary cessation period.

4. A caretaker shall remain on the mine site and access to the mine site shall be controlled.
- B. The period of temporary cessation may not extend longer than three years from the date notice is given to the County, pursuant to Section 5.3.4.A. Any mineral exploration or mining operation which exceeds the three year period of temporary cessation set forth herein shall be recognized as an abandoned exploration or operation and before any future mineral exploration or mining operation can commence, an applicant must obtain a new permit. For the purposes of this section, the three-year period of cessation accrues as of the effective date of this Ordinance.
- C. For purposes of this section, sporadic or intermittent mining or exploration activity shall not constitute an interruption of the three year cessation period. Applications may be submitted to extend the time of temporary cessation for a period not to exceed three additional years, provided the application complies with 5.3.4. A through D.
- D. If it is determined at any time by the County or the permittee that the operation is terminated and closure of the mine site is required, the County may, at its sole

option, call and exercise the warranties of performance to reclaim the mine site, in accordance with the approved reclamation plan.

5.3.5 Inspection and Monitoring

- A. Each approved mineral exploration or extraction permittee shall:
1. Establish and maintain permit documents, as reasonably required by the Code Administrator;
 2. Make yearly reports to the Code Administrator; such reports shall consist of:
 - a. An estimate of the acreage affected during the last 12 month period.
 - b. An estimate of the acreage to be affected during the next 12 month period. Note: The anniversary of the 12 month period is the date on which the development permit was issued.
 - c. A listing of the number of employees currently employed or subcontracted at the site and any change in such employment.
 - d. Updated maps which show the permit area, the affected area, the area to be affected, the area undergoing reclamation, and areas within the permit area that are not to be disturbed.
 - e. A re-evaluation of financial warranty requirements and a

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justification for any change in such requirements.

f. Results of monitoring pursuant to Sub-section 5.3.5, infra.

3. Install, use and maintain any necessary monitoring equipment or methods;
 4. Provide a report on the amount of annual use of water; and
 5. Provide such other information relative to the mineral exploration or extraction and reclamation operations as the County, by regulation, deems reasonable and necessary.
 6. As determined by the County, some items may not be applicable for mines in temporary cessation.
- B. For those mining and reclamation operations which may adversely impact aquifers or significantly injure the water supply for water users either on or off the mining site, the County may require the permittee to provide, as set forth by the approved master plan:
1. Monitoring sites to record the quantity and quality of surface drainage above and below the mine site as well as in the potential zone of influence;
 2. Monitoring wells to record the quantity and quality of ground water and aquifers potentially affected by the mining;
 3. Monitoring of the mine site to record precipitation.

- C. The monitoring data collection and analysis required by this Sub-section shall be conducted according to standards and procedures set forth by the Code or by the Code Administrator in order to assure their reliability and validity.
- D. The authorized representatives of the County, without advance notice and upon presentation of appropriate credentials, shall:
 - 1. Have the right of entry to, upon or through any mineral exploration, mine operation or reclamation operation, or any premises; and
 - 2. At reasonable times, and without delay, have access to and copy any records associated with permitting and compliance, inspect any monitoring equipment or method of operation required under the Code; provided, however, that before entry to, upon or through any mineral exploration, mine operation or reclamation operation, or any premises, the authorized representative is properly safety trained, is equipped with proper safety equipment and devices, is knowledgeable about current safety hazards, and is accompanied at all times by an authorized representative of the operator or permittee, who will, at all times, be present on the mine site during normal business hours.

E. The inspections shall: 789525

1. Occur as necessary to insure compliance with the Code, or any condition of a permit issued under the Code. The frequency of inspection shall be determined by the extent of the operation, rate of mining, degree of actual or potential environmental impact, and the operator's past record of compliance;
 2. Occur without prior notice to the permittee or his agents or employees except for necessary on-site meetings with the permittee; and
 3. Include the filing of inspection reports adequate to enforce the requirements of and to carry out the terms and purposes of the Code.
- F. Each permittee shall conspicuously maintain at the entrances to the mining and reclamation operations a clearly visible sign which sets forth the name, business address and phone number of the permittee and the permit number of the mining and reclamation operation.
- G. Copies of any record, reports, inspection materials or information obtained under these Code provisions, except for competitively sensitive, cost and other financial data or material required by law to be kept confidential, shall be made immediately available to the public upon request.

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

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

- A. Amendments to the Land Development Code (1980-6) relating to zoning may be proposed to the Board, provided a local land use plan, community, neighborhood or sector plan or other general plan amendment is adopted by the Board.
- B. Components of local land use or sector plans must address a full range of land use classes for relationship, compatibility and intensity of types of uses and suitability of locations, including but not limited to, roads and utilities, a mix of housing types, commercial districts, industrial use areas, natural resource areas, open space areas, institutional uses, recreational uses, cultural properties, mineral extraction and lands unsuitable for development.
- C. Applications for local, community, neighborhood or sector plans should address special needs or conditions which justify the plan; outline required studies and

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results; describe procedures for implementation; and map the proposed planning area boundaries.

- D. All public participation proceedings shall be recorded and participation must represent a cross section of County residents, ethnic, cultural, economic and property interests, and other interested persons.
- E. Reports shall clearly identify and discuss major land use and development issues of the community and neighborhoods.
- F. The plan document shall include goals and objectives, the methodology used for analysis and be derived from current planning practice and techniques.
- G. Submittals for local land use, neighborhood, community or sector plans shall be reviewed in accordance with Article VI, Section 4, and according to the public hearing procedures in Article II of the Code. The Board shall make any general plan amendment based on clear and convincing evidence that such an amendment is in the best interests of the County, without working a hardship on residents of the area sought to be rezoned.

5.3.7 Penalties

- A. Failure to comply with this Section 5 of the Code shall be subject to penalties as set forth in Article II, Section 5, Enforcement of the Code.
- B. Penalties may also include suspension or revocation of the mineral exploration and/or mining land use permit or the calling and

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exercise of the financial warranty. The penalties in this paragraph will be imposed only after a hearing before the Board.

5.4 Submittals

To establish a mining district for the purpose of mineral exploration or extraction the following shall be required:

5.4.1 Submittals for Types of Mines and Operations

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

A. Existing Mines and Operations

1. Existing mines are defined by Section 5.2.
2. Existing mines shall submit the following:
 - a. A description of current operations, which sets forth the following:
 - 1) The area which the operator is currently mining or which is in a temporary state of cessation. This description shall be either a legal description, or a US Geological Survey map or comparable map, outlining, to the satisfaction of the County, the area of operation;

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- 2) The type of mining operation;
 - 3) The date the mining interest was acquired;
 - 4) The nature of the title of the ownership or possessory interest (fee simple, lease, and mining location) all of which are to be submitted within four (4) months of the effective date of this Ordinance, and
- b. A reclamation plan for the current operations which provides for the following requirements:
- 1) On all affected areas, the operator in consultation with the surface estate owner and mineral estate owner where possible, and in agreement with the County, whose agreement will not be unreasonably withheld, shall determine which parts of the affected area shall be reclaimed.
 - 2) A detailed description of how the reclamation is to be achieved;
 - 3) A detailed description of techniques proposed to be used in reclamation, pursuant to the environmental performance standards in Section 5.5.5;
 - 4) A detailed timetable for each phase of reclamation;

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- 5) An estimated cost of accomplishing the reclamation plans, or an explanation of how the reclamation is to be done, with any bonding or financial responsibility requirements to be decided by the Code Administrator on a case-by-case basis;
- 6) A detailed description of the measures to be taken during the reclamation process to provide for the protection of the quantity and quality of surface and ground water systems, both on and off site, from adverse effects of the mining and reclamation processes; all of which (1 through 6) are to be submitted within 18 months of the effective date of this Ordinance.
- 7) In order for the County to determine present environmental conditions on land that the mining operation claims to be a pre-existing mining use under this Section and on which such mining operator intends to conduct mining activities:
 - a) Where such information can be lawfully obtained, a description of all streams,

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creeks, arroyos, and bodies of water within 1000 feet of the boundaries of the current mining activity;

- b) A detailed description and maps of the tailings, mineral waste, and geologic conditions on the tract;
- c) A scaled plan in cross-section by length and height, showing existing profiles of slope of the affected area;
- d) An inventory and detailed description of existing vegetation, wildlife and wildlife habitat according to species and density of occurrence;

B. RESERVE SECTION

C. Exploration Operations

1. Exploration activities are defined by Section 5.2.
2. Persons desiring to undertake exploration activities shall be required to submit an environmental assessment, a master plan and a reclamation plan pursuant to Sections 5.4.2, and 5.4.3.
3. Exploration activities shall be subject to the performance standards of this Section 5, to warranties of performance, and the review procedures of Section 5.3.

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D. Mineral Extraction and Mine Development

1. Mineral extraction and mine development activities are defined by Section 5.2.
2. Submittals shall include:
 - a. An environmental assessment pursuant to Section 5.4.2.
 - b. A master plan for development pursuant to Section 5.4.3,
3. Mineral extraction uses shall be subject to the performance and development standards, warranties of performance and the review procedures of this Section 5.

5.4.2 Environmental Assessments; Environmental Impact Statements

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

- A. Environmental assessments shall be required. Environmental assessments shall contain the following:
 1. The location and extent of area to be affected.
 2. An inventory of existing conditions on the site, including, but not limited to, degree of slope, soils types, extent and location of water resources, geologic or other hazards, flood zones, eroded areas, wildlife and wildlife habitat, vegetation types and extent of cover and a description of the extent to which the exploration, extraction or reclamation will impact those conditions.

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3. A description of chemical substances and hazardous materials or technical methodologies contemplated for use or to be produced by either the mineral exploration or the mining operation and a detailed plan for containment and disposal of such materials.
4. A description of the mineral exploration activity and any proposed or resulting mining operation, including but not limited to a description of trenching, shaft sinking, bulk sampling, assay work and the like for exploration; existing structures and improvements, and their intended uses, and proposed structures and improvements and their respective locations; improvements to roads, including County roads, to be used to access the property, and roads to be utilized or constructed on the property; a description of areas to be subjected to blasting, drilling, excavation; grading, impoundment of materials for processing or milling, and of mining waste or tailing impoundments, and drainage control structures and earth stabilization techniques.
5. The location of any site listed on the National Historic Register, a site of significant archaeological value, a public park, or other cultural resource. For purpose of this Section 5, a reconnaissance survey pursuant to

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Article VI, Section 3 shall be required for all applications.

6. The presence on the site of a rare or endangered species of animal, plant, or habitat of such species.
 7. The presence on the site of prime farm land, wetlands, wild and scenic rivers, or an ecologically critical area.
- B. Upon a finding of significant impact to any of the items listed in 2, 5, 6, or 7 above by the Mine Plans Review Board, the Code Administrator may require the submittal of an Environmental Impact Statement which shall be reviewed by the MPRB for additional recommendations before CDRC review, which will reasonably amend the timing requirements in Section 5.3.1, supra.
- C. Guidelines for the contents of an Environmental Impact Statement (EIS) are found in the Regulations of the National Environmental Policy Act, 40 CFR Parts 1500-1508.
- D. Socio-economic assessments may be required of projects requiring an EIS. Such assessments shall analyze the effects of the project on the socio-economic characteristics of the County or its services and infrastructure, and should include anticipated employment, tax revenues, orders to local suppliers for goods and services, and similar items. Socio-economic assessments shall be evaluated according to the following types of criteria:

1. That expansion of services such as fire and police protection rendered to the project by the County will not result in a negative fiscal impact to the County.
2. That the project will not affect, in a negative manner, the rate, distribution and demographic characteristics of the County as that relates to the provision of roads, water supply, sewage disposal, housing, schools, landfills, health facilities, recreation and local business.

5.4.3 Submittals for Mineral Exploration or Extraction

- A. Submittal of a master plan as set forth in Article V, Section 5.2, Master Plans. The master plan submittal shall be accompanied by a market analysis, an economic impact report and a fiscal impact report; a traffic report described by Article III, Section 4.4.1, shall include documentation of truck traffic and type of materials and weight of loads to be carried by trucks on roads on and off the site.
- B. Other submittals include:
 1. Operations Plans shall consist of the following:
 - a. Maps, plans and graphics descriptions, timetables, and reports which correlate and specify:
 - 1) a detailed description of the method(s) or technique(s) of mining to be employed in each stage of the operation where any

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surface disturbance on affected lands will occur;

- 2) pursuant to the standards in Section 5.5.5 B, a description of all earthmoving activities which includes backfilling of cuts, and leveling or compaction of overburden;
- 3) the location and size of all water diversions and impoundments or discharge of water used in mine operations;
- 4) the size and location of area(s) to be disturbed, which includes excavations, overburden spoils, topsoil stockpiles, driveways and roads;
- 5) location and size of areas to be used for tailings impoundments, leaching dumps or storage of mine waste materials;
- 6) areas to be used for storage of equipment, vehicles and chemicals;
- 7) location and size of structures;
- 8) areas designated to be reclaimed;
- 9) hours of operation and a description of outdoor lighting;
- 10) fire protection plans; and
- 11) proposed emergency training and procedures.

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- b. A general description of the nature of the ore body or minerals to be mined; the volume and depth of the overburden to be removed and the size of the area to be affected or disturbed; and the nature and thickness of the geologic stratum beneath the surface except when information related to the ore body or minerals to be mined is considered by the Code Administrator to be proprietary.
- c. A description of how ore or materials will be processed on the site.
- d. A description of how minerals, processed ore, or other materials will be removed from the site.
- e. A description of how each phase of exploration or extraction correlates to the reclamation plan.
- f. A detailed time table for each phase of operations and reclamation.
- g. A detailed description of the steps to be taken to comply with applicable air and water quality laws and regulations and any applicable health and safety standards.
- h. A drainage control plan showing methods which will be utilized to avoid erosion on and adjacent to the affected lands.

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- i. A description of all hazardous materials to be used and transported in connection with the mining or mineral exploration activity and a description of steps that will be taken to insure that the use of such materials will have no adverse impact on the residents or environment of Santa Fe County.
2. Reclamation Plans. A reclamation plan shall be required for each phase of the exploration or extraction and reclamation activity and shall consist of the following:
 - a. On all affected areas, the operator in consultation with the County, surface estate owner and mineral estate owner where possible, subject to the approval of the County, shall determine which parts of the affected land shall be reclaimed.
 - b. A detailed description of how the reclamation is to be achieved;
 - c. The detailed description of mining techniques proposed to be used in reclamation pursuant to the environmental performance standards in Section 5.5.5, infra;
 - d. A detailed estimated timetable for each phase of the mineral exploration or mining operation;
 - e. An estimated cost of accomplishing each major step in the mineral

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exploration, extraction and
reclamation plan;

- f. A statement explaining how the
reclamation plan is consistent with
any applicable state and local land
use plans and programs;
- g. A description of the manner in which
the reclamation plan is consistent
with local physical environmental
and climatological conditions as
follows:
 - 1) A description of all streams,
creeks, arroyos, and bodies of
water within 1000 feet of the
boundaries of mine site.
 - 2) A detailed description and maps
of the existing soils, mineral
constituents, and geologic
conditions on the mine site.
 - 3) A scaled plan in cross-section
by length and height, showing
existing and planned profiles of
slope of the affected area
before and after the proposed
mineral exploration or mining
operation, and after
reclamation;
 - 4) An inventory and detailed
description of existing
vegetation, wildlife and
wildlife habitat according to
species and density of
occurrence;

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- 5) A plan for revegetation of affected lands including the location and depth of soil types, degree of slope, precipitation patterns, density of each species of vegetation to be used, methods for stockpiling, protecting and restoring topsoil and adding other growth mediums where required, time of planting, method(s) of planting, proposed seed rates and/or density of planting, and if necessary, use of fertilizers.
- 6) A plan for the reclamation of tailings and mine waste, sediment ponds and areas of stored overburden.
- h. A detailed description of the measures to be taken during the reclamation process to provide for the protection of the quantity and quality of surface and ground water systems, both on and off site, from adverse effects of the mining and reclamation processes;
- 3. A listing of surface and sub-surface owners of record of and anyone claiming an interest in the property proposed for mineral exploration or extraction, and of property adjacent to the mine site, and of lease holders of the sub-surface minerals as follows:

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- a. The name, address and telephone number of the person or operator engaging in the mineral extraction or mining activity.
 - b. The name, address and telephone number of the local representative responsible and in the employ of the person or operator engaging in the mineral extraction or mining activity.
 - c. A description by township, range and section, using metes and bounds, of the lands subject to exploration or extraction activity including the estimated acreage of surface area which will be disturbed as a result of the mineral exploration and/or extraction activity.
 - d. If the surface and mineral estates are separately owned, a description of the legal arrangements under which the proposed exploration or mining use would occur.
4. A report which responds in detail to the Environmental Protection Performance Standards in Section 5.5.5.
 5. A schedule which specifies the following:
 - a. The anticipated date upon which mineral exploration activity would commence.
 - b. A certification that the abandonment and plugging procedures of all

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surface drill holes shall conform to all applicable federal and New Mexico State Laws and Regulations.

- c. The date by which reclamation of the mineral exploration or extraction activity and all phases thereof will be completed.
6. Any additional submittals required by the County.
7. A listing of the permits required to be obtained to engage in the mining use on the mine site. Upon obtaining copies of the required permits, submission of a copy of each of these permits to the Code Administrator. Copies of the submittals or other data presented to obtain required permits shall be provided to the Code Administrator upon request, with the name of the regulatory agency under which this permit is required.

5.5 Performance and Development Standards for Mineral Exploration and Extraction

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

5.5.1 Location Criteria

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

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

5.5.2 Traffic Generation

- A. The amount of traffic generated by the mineral exploration or extraction activity shall not at any time impede traffic flow, cause public roads to operate at less than a Level of Service (LOS) C, of the American Association of State Highway Transportation Officials, "Highway Capacity Manual," or cause deterioration to public roads as a result of the activity, without just compensation to the County.

- B. If it is determined by the traffic report submitted with the master plan that the development will increase the burden or cause deterioration to any public roads, the permittee or operator shall be required to undertake his or her pro-rata share of the cost of improvements or repairs to the public roads which are shown to be caused by the proposed use.

5.5.3 Water Use Report

All mineral exploration or extraction activities must have a water source. This may be either through an imported supply or an on-site well, or wells.

A report shall be submitted to the Code Administrator containing a water budget for the proposed development and any information required by Article VII, Section 6 - Water Supply of the County Land Development Code. Water supplied by an on-site well shall demonstrate water availability by the submission of a geohydrologic report prepared according to Article VII, Section 6 of the County Land Development Code. The report shall relate total water use to lot size or water budget according to the Hydrology Appendix to the Code.

The report shall document all proposed uses of water including sanitary uses, irrigation of landscaping, and the mining use, and shall use standard engineering methods to quantify proposed water uses. The report shall also describe any water conservation measures proposed. Proposals with water budgets

exceeding the limitations of a three acre-foot well (NMSA, Section 72-12-1, 1978, as amended) shall be required to supply from the State Engineer evidence of water rights that are appurtenant to the well or wells proposed for development in sufficient amounts to sustain the proposed use.

5.5.4 Maximum Height

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

5.5.5 Environmental Protection Performance Standards;

The mineral exploration or extraction activities shall utilize standard techniques currently available in order to minimize noise, vibration, smoke and other particulate matter; odorous matter, toxic or noxious matter; radiation hazards; fire and explosive hazards; and electromagnetic interference. The Code Administrator shall refer an application to the New Mexico Environmental Improvement Division (EID) or to appropriate experts under contract with the County for comment concerning the performance standards. If it is determined that the development will create any dangerous,

injurious, noxious or otherwise objectionable condition, noise or vibration, smoke, dust, odor, or other form of air pollution, electrical or other disturbance, glare or heat, in a manner which causes a direct or primary impact to the adjacent areas, such effects or impacts shall be mitigated. (See Sec. 5.5.6, infra, for types of mitigation.)

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

drainage plan, shall create a final topography pursuant to an approved reclamation plan, and shall:

- a. Be conducted as contemporaneously as possible with mineral exploration and mining operations;
 - b. To the greatest extent possible blend in with the topography of the surrounding terrain. Reclamation of slopes shall be no steeper than a horizontal to vertical ratio of 2:1; except that slopes adjacent to drainage areas or standing water shall be no steeper than 3:1; or as otherwise determined by the reclamation plan;
 - c. Protect, and if necessary, re-establish any existing drainage system in order to prevent pollution or diminution of the quantity and quality of the surface water and groundwater or to protect the water rights of downstream users; and
 - d. Create structurally stable slopes by compaction, the use of vegetation and/or engineered materials.
5. When backfilling of open pits is part of a reclamation plan, such backfilling or earthmoving operations shall be conducted so as to assure both stability of the materials and prevention of leaching of toxic materials. Highwalls may be retained provided that they will not create a hazard to public health and safety, will be sufficiently stable so as to not damage adjoining property and will ensure structural integrity.
6. Where highwalls, tailings impoundments, earth dams or incised impoundments are constructed,

and in order to control erosion, reduce sedimentation, and prevent spillage, such impoundments shall be designed, located, constructed, maintained and removed or abandoned in accordance with established engineering principles and shall comply with all applicable local, State and Federal laws, rules and regulations. Upon final reclamation, all tailings impoundments not designed for retention of fluids must be free-draining. Drainage from such impoundments must not cause erosion, interfere with post-closure monitoring systems, and must meet applicable local, State and Federal water quality standards. Access to the mine site during post-mining operations shall be limited if impoundments retaining water contaminated with harmful or hazardous materials and/or hazardous conditions or materials would remain on the site.

7. Mine waste piles or impoundments shall be so located as to prevent surface water runoff from entering the mine site and any structures to be established shall divert surface water runoff from mine waste piles or impoundments containing water which has been contaminated during mine operations. Protection of groundwater from seepage of leachate from mine waste piles or from impoundments shall be accomplished through the use of liners or other specific technologies or locational and design factors as determined by the approved reclamation plan.

8. All mine waste shall be placed, stored and disposed in a designated area to ensure that leachate and surface water runoff do not degrade surface or groundwater, that fires are prevented, and that the area remains stable. The designated area should be a naturally stable area as outlined in Section 5.5.5 B 4.
9. Mine waste which may retain hazardous chemical residues shall be detoxified or removed. For purposes of this Section detoxified shall mean that wastes are 1) not hazardous wastes as defined by local, State and Federal regulations, 2) stabilized or treated such that potential for groundwater contamination cannot occur, and 3) capable of supporting natural vegetation and biota.
10. Mine waste shall be treated, stored and disposed in accordance with all local, state and federal requirements and regulations. Mine waste not used for backfilling shall be covered and graded to allow surface drainage and ensure long term stability.
11. In the revegetation part of the approved reclamation plan, topsoil or other suitable rooting medium shall be replaced and the affected land shall be revegetated in such a way as to establish a diverse, effective, and long lasting vegetative cover that is capable of re-seeding itself or spreading, is at least equal in extent of cover to the natural vegetation of the surrounding area, and is capable of supporting the range of wildlife associated with the particular life zones affected. Native species should receive first consideration, but appropriately

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introduced species that are non-sterile hybrids may be used in the revegetation process. In order to assure the success of the revegetation program, the planting and seeding shall take place when natural precipitation will assist in establishing the plants and shall be supplemented with an irrigation program. Plants that die or are not established after a two year period shall be replaced; revegetation shall be monitored for a minimum of five (5) years. Success rate of re-seeding and re-vegetation shall be determined by the Mining Plans Review Board.

12. In the revegetation part of the approved reclamation plan, topsoil shall be removed from the affected land and segregated from other material. If such topsoil is not replaced on a backfill area within a time short enough to avoid deterioration of the topsoil, vegetative cover or other means shall be employed so that the topsoil is preserved from wind and water erosion, remains free of any contamination by other acid or toxic material, and is in a usable condition for sustaining vegetation when restored during reclamation. If it is determined that such topsoil is of insufficient quantity or is of poor quality for sustaining vegetation, or if other strata can be shown to be as suitable for vegetation requirements, the operator shall remove, segregate, and preserve in a like manner such other strata which are best able to support vegetation.
13. Drainage control structures shall be used as necessary to control runoff and to minimize erosion, sedimentation and flooding.

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14. Areas outside of the affected area shall be protected from slides or damage occurring during the mining operation and reclamation. Mining operations shall be confined to the permit area.
15. All surface areas of the affected area shall be stabilized and protected so as to effectively control erosion and attendant air and water pollution.
16. Since the County finds time to be of the essence in reclamation matters, reclamation must begin as soon as technologically practicable after mining or exploration activities commence and must continue as concurrently as possible until such time that the mining operation is terminated and all of the affected area is reclaimed. In-progress reclamation should be scheduled to coincide with the site development schedule in the approved operations plan.
17. Planting shall not be required on any affected area where the chemical and physical characteristics of the surface and immediately underlying material of such affected area are, through no fault of the operator, toxic, deficient in plant nutrients, or composed of sand, gravel, shale, or stone to such an extent as to seriously inhibit plant growth and such condition cannot economically be remedied by chemical treatment, fertilization, replacement of overburden, natural weathering or like measures. In those cases where planting is not required, the permittee shall still be required to stabilize the affected area so that all applicable local, state and

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federal laws and regulations are not violated.

18. To the greatest extent possible, and using the best technology currently available, mining operations shall be conducted to mitigate or avoid disturbances and direct impacts to fish, wildlife and their habitats or migratory habits. In addition, the design, construction, maintenance and post mining conditions of access roads into and across the site of operations shall be configured to control or prevent erosion and siltation, to prevent pollution of water or damage to fish or wildlife or their habitat.
19. Explosives shall be used only in accordance with state and federal law and local regulations. Notice to adjacent property owners of blasting activities shall be required.
20. Proposed hours of operation and outdoor lighting will be reviewed in order to determine if night operations will create nuisances to neighbors. If it is determined that such nuisances may occur, these shall be mitigated accordingly.
21. Upon cessation of mining operations, all buildings, structures, impoundments, drainage control structures, mining waste piles, and other related items not necessary for environmental protection of the mine site shall be removed, reclaimed or stabilized according to the approved reclamation plan. The affected area shall be graded to the approved final topography and the area revegetated if revegetation is part of the reclamation plan.

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22. Adverse visual impacts due to the exploration or extraction activity shall be avoided or minimized to the extent practical through the following location or site design techniques:
 - a. Minimizing the area of disturbance due to the mining activity pursuant to a phasing program;
 - b. Minimizing excavation in visually sensitive areas;
 - c. Avoiding location of structures, machinery and equipment storage and repair areas, utility lines, access roads and driveways, mined material stockpiles, and mine waste impoundments in visually sensitive areas;
 - d. Locating, designing or screening excavated portions of the mine site, structures, machinery and equipment storage and repair areas, utility lines, access roads and driveways, mined material stockpiles, and mine waste impoundments in a manner sensitive to the natural color, form and texture of the surrounding area;
 - e. Visually sensitive areas are areas visible along highways, and state, county or federally designated scenic areas.
23. Fire protection plans shall include type of construction for structures and full disclosure of types of chemicals to be stored on the site and their location. These disclosures shall include:
 - a. Minimum hazardous doses or exposures;
 - b. Immediate and delayed signs and symptoms of exposure;

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- c. Emergency and extended treatments for exposures;
 - d. Complete breakdown of health risks based on minimum to maximum doses or exposures, and short to long term effects on human physiology;
 - e. Chemical life data detailing dilution or reduction time requirements and materials which will detoxify the chemical (if any); and
 - f. Fire hazard risk of chemicals, including but not limited to flammability, explosion potential and effect of mixing with water and fire extinguishing agents.
24. Where applicable, monitoring wells shall be installed for the purpose of determining quantity and quality of surface drainage or underground water resources.
- C. If the use of hazardous materials or a chemical mining process is proposed by the applicant, the applicant must demonstrate that the use of such materials, or chemical mining processes, will not have an adverse impact upon the public health, safety, welfare and environment.
 - D. If the applicant proposes to dispose of tailings or materials that have been chemically processed and/or have been milled to a particle size fine enough to liberate heavy metals, the applicant shall be required to demonstrate that the practice will not have an adverse impact on the public health, safety, welfare and environment.
- 5.5.6 Mitigation Criteria and Buffer Zones
- A. The feasibility of protection from or mitigation of any impacts to such existing conditions or uses listed in this Section 5 which may be affected by any mineral exploration or extraction

operations and/or rehabilitation activities, both on and off the mine site shall be considered.

B. Protection or mitigation may consist of any of the following:

1. Avoiding the location;
2. Limiting the degree of activity;
3. Restoration or rehabilitation of the impacted location;
4. Reducing the impact over time by preservation and maintenance during the life of the activity;
5. Buffering or screening the activity;
6. Relocation of the affected item;
7. Permanent protection of wetlands or other environmental resources;
8. Provision, if applicable, of traffic control devices.

C. Mineral exploration and extraction uses shall, where applicable, establish buffer zones for adjacent uses of at least 2640 feet and/or provide a mitigation plan which provides for measures to reduce negative or direct impacts to adjacent uses including a statement of the legal responsibility for mitigating these impacts by the operator, his contractors and permittee.

5.5.7 Solid Waste

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

History: 1980 Comp. 1980-6. Section 5 was amended by County Ordinance 1991-2.

SECTION 6 - LARGE SCALE RESIDENTIAL USES

6.1 Location

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

6.2 Uses

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

6.2.1a apartments

6.2.1b residential condominiums

6.2.1c residential cooperatives

6.2.1d mobile home parks which are not subdivisions

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

6.2.2a hospitals

6.2.2b universities

6.2.2c boarding schools

6.2.2d facilities owned or used by any governmental entity

6.2.2e nursing and rest homes

6.2.2f retirement homes

6.2.2g facilities owned or used by religious organizations

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

6.2.3a summer camps

6.2.3b resort cabins

6.2.3c guest ranches

6.2.3d campgrounds for tents or campers

6.3 Standards

6.3.1 Required Improvements

The following improvements for large scale residential uses are required:

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

- a. Streets. The applicant shall provide for access to the nearest City, County, State or Federal Highway by roadway to be constructed to the standards set forth below:

Number of Dwelling Units	Surface Requirements as Shown in Subdivision Regulations, Appendix B
0 - 99	Local
100 - 199	Collector
200 or more	Minor Arterial

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

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

- b. Water Supply and Liquid Waste Disposal The applicant shall provide a community water system and a community liquid waste system conforming to the requirements of Article VII, Section 2, Liquid Waste and Section 6, Water Supply.
- c. Solid Waste Disposal. The applicant must either provide for collection of solid waste or be located within five (5) miles of an

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existing sanitary landfill licensed by the Environmental Improvement Division or construct and maintain a landfill operation according to a solid waste management plan approved by the Environmental Division (see Article VII for requirements).

- d. Drainage Structures. Drainage structures shall be required in conformance with an applicant's storm drainage plan. They shall be designed to contain a flood with a frequency of once in every 25 years.
- e. Parks and Recreation. For multi-family residential uses and institutional-residential uses having 25 or more dwelling units, open space shall be provided for parks and recreation on a ratio of ten (10) acres per 1,000 residents; provided, however, that no such open space shall contain less than 1 acre per use. These open spaces shall be suitable for a park development.

6.3.2 Performance Standard

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

6.3.3 Buffer Zones

Structures involving Large Scale Residential uses shall be set back fifty (50) feet from the property line. In the setback area, existing vegetation shall be preserved and natural topographic features or planting shall be used. The setback area may be used to meet the off-street parking requirement of subsection 5 of this Section (except that no parking shall be provided within five (5) feet of the property line.) Buffering and landscaping requirements

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are set forth in subsection 4.4.9, supra.

Lighting standards are found in 4.4.10, supra.

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

6.3.4 Maximum Height

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

6.3.5 Parking

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

6.4 Submittals and Review

6.4.1 Submittals

Applicants who propose large scale residential developments which will be developed in phases or stages shall meet the submittal requirements of Article V, Section 4.4 for master plans and staged development plans in lieu of requirements of Section 6.4.1 (a) through (d) below.

For other proposed development which involves a large scale residential use provided for in this Article III, Section 6, the applicant shall fill out a development permit application on a form provided by the Code Administrator, and the application shall be accompanied by:

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

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

- a. Vicinity map. A vicinity map drawn at a scale of not more than 2,000 feet to one inch showing contours at twenty (20) foot intervals showing the relationship of the site to its general surroundings, and the location of all existing drainage channels,

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water courses and water bodies not located on the parcel but within three miles of the parcel.

- b. Existing site data. A description of existing conditions on or adjacent to the site. Maps shall be at a scale of one (1) inch to one hundred (100) feet or such smaller scale as include the following:
- (1) Boundary lines; bearings and distances. The error of closure shall be a third order survey, and no discrepancy between computed and measured distances shall exceed one (1) part in 1,280 parts.
 - (2) Easements: Location, width and purpose.
 - (3) Streets or Roads on and immediately adjacent to the tract, name and right-of-way width.
 - (4) Utilities on and immediately adjacent to the tract.
 - (5) Owners of record of unplatted land and existing subdivision plats by name and recordation, and the locations of all Federal, State or County roads shall be shown for property within one thousand (1,000) feet of that tract.
 - (6) Title and Certificates: Present tract designations according to the official records in the County Clerk's Office, title under which the proposed Development is to be recorded with name and address of owner, notation stating acreage, scale, true and magnetic north arrow, U.S.G.S. datum and benchmarks, if any, certification of the engineer

or land surveyor licensed in accordance with the laws of the State of New Mexico who prepared the plat.

c. Preliminary Development Plan

The preliminary development plan shall be submitted and shall be drawn to a scale of one (1) inch to one hundred (100) feet, or larger, and shall show to scale the following:

- (1) proposed arrangement of buildings;
- (2) proposed off street parking and loading facilities;
- (3) proposed access from Federal, State and County Roads to the site and internal vehicular circulation;
- (4) existing and proposed landscaping;
- (5) proposed location and type of fences, walls and signs; and
- (6) drainage and grading plan indicating existing and proposed contours.

d. Final development plan. After the County Development Review Committee has approved the preliminary development plan, the applicant shall prepare a final development plan to be followed in construction operations, and submit it to the County Development Review Committee for approval, together with (1) final drafts of all agreements, contracts, deed restrictions and other legal instruments pertinent to the implementation of the development plan; (2) two sets of plans and specifications for the construction of structures; (3) the valuation of the proposed structures. The final development plan may be submitted separately for the first and each successive

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stages of development. The final development plan (or successive stages thereof) as approved becomes the final plat and the basis for issuance of a development permit and for acceptance of public dedications; (4) a certificate by the Code Administrator that the applicant has either:

- (1) Installed all improvements required by the Code, or
- (2) Filed a surety bond or other security acceptable to the Board, in a sufficient amount, based on cost estimates to insure completion of all required improvements within 18 months of the approval of the application.

6.4.2 Density Review

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

6.4.3 Special District Review

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

6.4.4 Environmental Review

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

6.4.5 Conformance to Building, Mechanical and Electrical Codes.

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

SECTION 7 - COMMUNITY SERVICE FACILITIES

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

7.1 Standards

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

7.1.1 The proposed facilities are necessary in order that community services may be provided for in the County, and

7.1.2 The use is compatible with existing development in the area and is compatible with development permitted under the Code.

7.2 Submittals and Review

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

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

SECTION 8 - OTHER DEVELOPEMENT

8.1 Uses Permitted

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

8.2 Submittals, Reviews and Standards

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

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

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

SECTION 9 - PARKING REQUIREMENTS

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

Type of Use	Number of Parking Spaces
Wholesale	1 per 1 employee plus 1 per 500 sq. ft.
Office & Community Facilities	1 per 1 employee plus 1 per 300 sq. ft.
Medical Offices	1 per employee plus 1 per 250 sq. ft.
Retail Centers	1 per 1 employee plus 1 per 200 sq. ft.
Restaurants	1 per 1 employee plus 1 per 150 sq. ft.
Bars	1 per 1 employee plus 1 per 150 sq. ft.

Gas Stations

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1 per 1 employee plus
1 per 300 sq. ft. of
garage space.

Industrial

1 per employee plus
1 per 500 sq. ft.

Small Scale Centers
Home Occupations

1 per 1 employee plus
1 per 400 sq. ft. of
used for commercial
space

Large Scale Residential
Institutional Residential
Resorts

2 per dwelling unit

Churches, auditoriums,
theaters, arenas, spaces
used for public assembly

1 for each 4 seats

Uses not listed

as determined by the
County

9.2 Multiple use projects shall calculate cumulative parking needs for each type of use in the project to be developed.

9.3 Minimum size of parking space shall be: 300 square feet which includes the parking stalls and aisles.

9.4 Commercial, industrial, other non-residential and large scale residential uses shall provide for handicap parking.

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

SECTION 10 - LOT SIZE REQUIREMENTS

10.1 Relationship of Lot Sizes to Water Policies

The General Plan sets forth the policy that future population growth in the County should be supported by adequate long term water availability and concentrate population growth in Urban and Metropolitan Areas and Traditional Communities. Development within these areas will generally be served by one or more regional water systems, or community water systems. Development outside of the Urban, Metropolitan Areas and Traditional Communities using domestic wells (Section 72-12-1 wells) should consider estimated long term water availability and

protect water resources for existing County residents having domestic wells.

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Development may also be permitted if the applicant for a development permit demonstrates that he/she has water rights, excluding rights permitted under 72-12-1 NMSA 1978 or 75-11-1 NMSA 1953, recognized and permitted by the Director of Water Resources Department of Natural Resources Division of the State of New Mexico which are approved for transfer by the Director of Natural Resources Division to the site of the Development, and the permitted water rights are sufficient to support the proposed development.

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

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Urban, or Metropolitan Area or a Traditional Community, in which case further adjustments of the lot size shall be permitted as provided by Sections 10.4, 10.5.2 and 10.5.3.

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

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

BASIN FRINGE ZONE: Same as Basin Zone.

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

MOUNTAIN ZONE: Same as Homestead Zone.

METROPOLITAN AREAS-BASIN AND BASIN FRINGE:

For Basin and Basin Fringe zones within a

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Metropolitan Area as shown on Code Maps 12, 14 and 15, it is anticipated that regional water systems will eventually be developed.

Therefore, water that is in storage beneath a lot within a Metropolitan Area may be depleted over a 40 year lifetime. The lot must be large enough to have ground water in storage beneath the lot for a 40 year supply of water without consideration of recharge of the ground water.

METROPOLITAN AREAS-HOMESTEAD AND MOUNTAIN ZONE:

For Homestead and Mountain Zones within a Metropolitan Area, the minimum lot size shall be calculated based either upon ground water storage or recharge of ground water, but not both. Water that is in storage beneath the lot in the Homestead Zone may be depleted over a 40 year lifetime. The lot must be large enough to have a ground water in storage beneath the lot for a 40 year supply of water. Calculation of recharge in any specific case shall be done in a manner approved by the County Hydrologist. Recharge should be sufficient to supply water over a 40 year lifetime. However, applicants should be aware that studies done in the development of the General Plan indicated that in most areas of the Homestead and Mountain Zones, minimum lot sizes based on storage in these zones would be larger than those based on recharge.

10.2 Calculation of Minimum Lot Size.

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

$$\text{Minimum Lot Size (Acres)} = \frac{\text{Use} \times \text{Water Available in acre feet per acre/yr}}{\text{(Acre Feet)} \times \text{(Year)}} \times \text{acres}$$

$$\text{MLS} = \frac{\text{U} \times \text{acres } 789569}{\text{A}}$$

Where:

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

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

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

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

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

BASIN ZONE: 10 acres
BASIN FRINGE ZONE: 50 acres
MOUNTAIN ZONE: 80 acres
HOMESTEAD ZONE: 160 acres

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

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appropriate for the use in determining minimum lot size.

The actual value of A used shall be based on the information submitted by the applicant, by the County Hydrologist or by others submitting information. If water conservation measures are used, as provided in Section 10.2.4b, and an actual value of A is determined, in most cases minimum lot sizes will be reduced below those listed in Section 10.2.1.

However, applicants are advised that because of varying geologic conditions in Santa Fe County there is no assurance that a hydrology report will determine that the water supply in an area is more abundant than indicated by the standard value of A. In cases where the actual study shows a value of A which is less than the standard value (that is, there is less water available than assumed by the standard value), minimum lot size requirements may be increased beyond those indicated in this Section.

10.2.2 Calculation of Use

U shall have a standard value of 1.0 acre feet per year per dwelling unit for residential use. For all other uses U shall be equal to the actual anticipated consumptive use for the development.

The standard value for residential use may be adjusted if an applicant proposes to utilize water conservation measures. There shall be no adjustments for conservation in Urban, Traditional Community and Agricultural Valley Areas.

The Code Administrator shall maintain an application form upon which are listed potential water conservation measures. This form shall

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indicate the effect of each conservation measure of the value of U. As a minimum, the measures shall include: restrictions on use of water for irrigation purposes (including watering of lawns, gardens and shrubbery); restrictions on use of water for swimming pools; restrictions on the number of bathrooms per dwelling unit; restrictions on garbage disposal units; devices which reduce the utilization of water by appliances, kitchen fixtures, and bathroom fixtures; and pressure-reduction devices on incoming water lines.

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

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

per year per dwelling unit.

BASIN ZONE: 5 acres
BASIN FRINGE ZONE: 25 acres
MOUNTAIN ZONE: 40 acres
HOMESTEAD ZONE: 80 acres

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

BASIN ZONE: 2.5 acres
BASIN FRINGE ZONE: 12.5 acres
MOUNTAIN ZONE: 20 acres
HOMESTEAD ZONE: 40 acres

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

Special standards which set forth specific limitations on use for small scale commercial developments are set forth in this subsection. Applicants who propose small scale commercial development are required to prepare a written estimate of water use. The value of U shall be determined by that estimate unless otherwise determined by the Code Administrator. The Code Administrator shall have on file, a list of standard water consumption requirements for commercial activities. The applicant may use these figures in lieu of the written estimate of water use.

Applicants may use standardized values for A as set forth in Section 10.2.2, or they may submit a hydrology report which contains an actual estimate of A for the land which is to be developed.

10.2.4 Special Standards for Calculation of Water Availability for Metropolitan Areas.

Special standards which set forth limitations on water availability for metropolitan areas shown

in Code Map 12, 14, and 15 are set forth in this subsection.

a. Standard Values of Water Availability

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

BASIN ZONE: .25 acre feet per acre per year

BASIN FRINGE ZONE: .05 acre feet per acre per year

MOUNTAIN ZONE: .0125 acre feet per acre per year

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

METRO BASIN ZONE 4 acres

METRO BASIN FRINGE ZONE 20 acres

METRO MOUNTAIN ZONE 80 acres

b. Adjustments for Water Conservation

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

BASIN ZONE: 2.5 acres

BASIN FRINGE ZONE: 5 acres

MOUNTAIN ZONE: 20 acres

10.3 Exceptions to Minimum Lot Size Requirements

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

10.3.1 Metropolitan Area - Community Water Systems

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

BASIN ZONE: 1 A
BASIN FRINGE ZONE: 2.5 A
MOUNTAIN ZONE: 5 A

10.3.2 Agricultural Areas 789574

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

10.3.3 Traditional Communities

The minimum lot size in traditional communities as shown on Code Maps 40-57, shall be .75 acres, except as follows:

- 14,000 sq. ft. - Where community water service and community sewer service systems are utilized, or a Local Land Use and Utility Plan is adopted.

10.3.4 Urban Areas

The minimum lot size in Urban Areas shall be 2.5 acres, except as follows:

- 1 acre - Where community water or community liquid waste disposal systems are utilized.
- .50 acre - Where community water and community sewer systems are utilized.

10.4 Density Transfer

The minimum lot sizes specified in this Section 10

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

SECTION 11 - IMPORTING OF WATER

11.1 Location Requirements

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

11.2 Criteria

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

11.2.1 Traffic Generation

The amount of traffic generated by the proposed activity shall not at any time impede traffic flow, cause a public road to operate at over capacity, nor contribute to excessive air pollution. The Code Administrator may refer an application to the New Mexico Environmental Improvement Division for their comments on the impact of additional development upon air quality.

11.2.2 Energy Consumption

Proposed development which is not near employment or shopping facilities shall serve to minimize commuting and shopping trips by such methods as reducing density, provision of

employment and shopping in the proposed development, and provision of mass transit facilities.

11.2.3 Provision by Local Government of Public Facilities and Services.

The proposed development shall not cause undue burden to the local government in the provision of public facilities and services.

11.2.4 Compatibility with Adjoining Residences

The proposed development shall be of a character and density that will not be intrusive to the adjoining residential areas as they now exist or may develop as permitted by the Development Code.

The development:

- a. Shall correlate with the residential life style of adjoining residences as expressed in intensity of use and size of structures;
- b. Shall provide a sense of the open space of rural areas that corresponds to adjoining locations; and
- c. Shall generate corresponding amounts of vehicular traffic.

ARTICLE IV
CONSTRUCTION CODES

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SECTION 1 - ADOPTION OF NEW MEXICO CONSTRUCTION CODES

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

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

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

SECTION 2 - STATE APPROVAL OF COUNTY INSPECTORS

Inspectors who make Construction Code inspections shall first have been certified as provided by law.

ARTICLE V
SUBDIVISION REGULATIONS

789578

A REGULATION TO PROMOTE IN ACCORDANCE WITH PRESENT AND FUTURE NEEDS, THE SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY, AND GENERAL WELFARE OF THE CITIZENS OF SANTA FE COUNTY, NEW MEXICO, AND TO PROVIDE FOR EFFICIENCY AND ECONOMY IN THE PROCESS OF DEVELOPMENT, FOR CONVENIENCE OF TRAFFIC AND CIRCULATION OF GOODS, FOR GOOD CIVIC DESIGN AND ARRANGEMENT, AND FOR ADEQUATE PUBLIC UTILITIES AND FACILITIES BY PRESCRIBING RULES AND STANDARDS FOR THE SUBDIVISION OF LAND AND FOR THE ACCOMPLISHMENT OF SAID PURPOSES TO PROVIDE FOR THE ADMINISTRATION AND ENFORCEMENT HEREOF.

SECTION 1 - TITLE AND AUTHORITY

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

SECTION 2 - PURPOSE

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

SECTION 3 - JURISDICTION

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These "Subdivision Regulations" shall govern all platting or replatting of areas within Santa Fe County not within the boundaries of a municipality except that, when land proposed for subdivision lies within the extraterritorial jurisdiction of an incorporated municipality, the more stringent subdivision regulations will apply.

SECTION 4 - GENERAL POLICY REQUIREMENTS

4.1 Acceptance of Public Lands

Approval of a subdivision by the County Development Review Committee shall not constitute an acceptance by the County, of the streets, alleys or other public ways or easements, and parks or other public lands dedicated on the subdivision plat by the owners. The dedication of any of these lands for public use of any nature within the County shall be accepted by the County only by action of the Board of County Commissioners.

4.2 Community Assets

All features such as natural vegetation, erodible soils, drainage courses, historical sites and structures, and similar community assets shall be preserved in the opinion of the Board of County Commissioners and/or the County Development Review Committee if they will add attractiveness and value to the area or the County or avoid unwarranted deterioration and destruction of these natural, historic or other community assets.

4.3 Suitability of the Land for Subdivision

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

Criteria for determining land unsuitable for subdivision shall include land subject to periodic flooding, land unsuited for development because of topography, soils subject to excessive erosion, land subject to seasonally high water tables, soils which due to shallow depth or slow percolation rates are

unsuitable for sewage absorption fields, inadequate water supply for the requirements of the fully developed subdivision, and other criteria specifically mentioned in guidelines for subdivision regulations prepared by the New Mexico Environmental Improvement Division, New Mexico State Engineer's Office and the local Natural Resource Conservation Districts.

4.4 Master Plan and Development Plan

If the proposed plat is the first part of a larger scale development, then the proposed plat shall not be considered by the County Development Review Committee until a Master Plan meeting the requirements of Section 5.2 has been submitted for approval by the County Development Review Committee and the Board. Preliminary and Final Development Plans for such developments shall conform with the requirements of Section 7 and shall be approved by the County Development Review Committee, which hereinafter may be referred to as the CDRC.

4.5 Staging

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

4.6 Conflicts with Other Regulations

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

4.7 Consulting Other Agencies

Before acting on a preliminary plat, the County Development Review Committee and/or the Board of County Commissioners shall request a report from any person or agency as required by the New Mexico Subdivision Act or by these regulations to assist in determining whether or not a subdivider can fulfill the proposals contained in this disclosure statement and in determining whether or not the subdivider's provisions for a subdivision conform with County regulations.

SECTION 5 - PRE-APPLICATION PROCEDURES

5.1 Pre-Application Procedures

- a. Prior to the filing of an application for approval of a preliminary plat, the subdivider shall confer with the County Land Use Administrator to become acquainted with these subdivision regulations. At this pre-application conference, the subdivider shall be advised of the following:
 1. Submittals required by the Code and by these regulations in filing of an application for approval of a preliminary plat.
 2. A determination will be made as to the type and/or class of the proposed subdivision.
 3. Individuals and/or agencies that will be asked to review the required submittals.
 4. The required improvements.
 5. Conditions under which Master Plans and Development Plans are required as described in Sections 5.2 and 7.
 6. A determination will be made as to the appropriate scale and format for plans and plats and as to the appropriateness of applicable submittal requirements.
- b. Upon determination of the type of subdivision proposed as defined in the New Mexico Subdivision Act, the subdivider shall be informed of his review options. Large scale subdivisions to be developed in phases or stages shall be required to submit a

master plan as set forth in Section 5.2 and development plans as set forth in Section 7. For other developments, the subdivider may elect because of particular circumstances or site characteristics, to proceed with a master plan application with submittal of plans and data required by Section 5.2; or, the subdivider may elect to proceed with a preliminary plat application with submittal of all required plans and data (Section 5.3).

If the subdivider elects to proceed with the complete preliminary plat application, the subdivider shall provide or cause to be prepared a preliminary plat, together with improvement plans and other supplemental material as required in preliminary plat procedures.

5.2 Master Plan Procedure

5.2.1 Introduction and Description

- a. Master plans apply to proposed projects with more than one development phase or tract, to large subdivisions (Type I, Type II and Type IV) as described in Section 4.5 above or to such other projects which may elect to apply for master plan approval. A master plan is comprehensive in establishing the scope of a project, yet is less detailed than a development plan. It provides a means for the County Development Review Committee and the Board of County Commissioners to review projects and the subdivider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a preliminary and final plat approval.
- b. The master plan submittal will consist of both plans and written reports which include

the information required in 5.2.2 below. A typical submittal would include a vicinity map, a plan showing existing site data, a conceptual environmental plan with written documentation, a master plan map, a master plan report, a schematic utilities plan and the phasing schedule. Maps and reports may be combined or expanded upon at the discretion of the applicant to fit the particular development proposal as long as the relevant information is included.

5.2.2 Information to be submitted:

- a. Vicinity Map. A vicinity map drawn at a scale of not more than 2,000 feet to one inch showing contours at twenty (20) foot intervals showing the relationship of the site to its general surroundings, and the location of all existing drainage channels, water courses and water bodies located on the parcel and within three miles of the Parcel. The locations of all Federal, State, or County Roads within one thousand (1000) feet of the parcel shall be shown. In addition, location of future highways and arterials as designated on the appropriate master plan for roads in the County (see 3-19-9 N.M.S.A. 1978) shall be shown.
- b. Existing Site Data. A description of existing conditions on or adjacent to the site. Maps shall be at a scale of one (1) inch to one hundred (100) feet or other appropriate scale as determined by the Land Use Administrator, to include the following:
 - 1) Boundary lines: bearings and distances. The error of closure shall be of a third order survey, and no discrepancy between

computed and measured distances shall exceed one (1) part in 1,280 parts;

- 2) Easements: Location, width and purpose;
 - 3) Streets or Roads on and immediately adjacent to the tract, name and right-of-way width;
 - 4) Utilities on and immediately adjacent to the tract;
 - 5) Owners of record of unplatted land and existing subdivision plats by name and recordation, together with owners of record for affected lots shall be shown for property within one-hundred (100) feet of that tract not including public rights-of-ways.
 - 6) Title and certificates: Present tract designations according to official records in the County Clerk's Office, title under which the proposed development is to be recorded with name and address of owner, notation stating acreage, scale, true and magnetic north arrow, U.S.G.S. datum and benchmarks, if any, certification of the engineer or land surveyor licensed in accordance with the laws of the State of New Mexico who prepared the plat.
- c. Conceptual environmental plan shall include, when appropriate:
- 1) Graphic representation of existing topography, natural features, slopes, and floodplains,
 - 2) Soils maps and reports (SCS)
 - 3) Recreational and/or open space plan, or landscape concepts,
 - 4) Liquid waste disposal plan, and

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- 5) Water Supply plan.
- d. Master development plan map(s) showing the proposed development in sketch form, including:
 - 1) Proposed major vehicular and pedestrian circulation system,
 - 2) Designation and description of proposed land uses, including information about residential uses by type, area and density, and information about office, general commercial and industrial uses by area and intensity of development. Mixed uses shall not be prohibited,
 - 3) Logical and natural boundaries defining development limitations, and
 - 4) Any proposed sites for schools or other community facilities.
- e. A phasing schedule shall be included in the master plan giving a general description of each phase of the development.
- f. A schematic utilities plan showing location, locational cross sections, and approximate line sizes. It is recognized that there may be changes in the final utilities plan due to the requirements of utility companies or final engineering plans and specifications.
- g. Master plan report which includes the following:
 - 1) If appropriate, market analysis and economic impact report which address: demand, projected sales and build-out; identifies a trade area; estimates retail sales and potential, and identifies the scale and extent of local competition.

- 2) Preliminary fiscal impact estimates of net local public costs, including capital outlay and operating expenses, and revenues attributable to the proposed project.
- 3) Preliminary environmental assessment, which identifies the possible effects of proposed development on natural resources or natural features. This may be combined with Section 5.2.2 c of this Article.
- 4) A written preliminary traffic report prepared by a licensed traffic engineer or other qualified expert acceptable to the Land Use Administrator.
- 5) Description of concepts for restrictive covenants proposed for the development if applicable, outlining the areas and extent of restriction or regulation. Detailed covenants are not required at this time.

5.2.3 Review

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

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adopt, amend, supplement, or reject the County Development Review Committee recommendation.

5.2.4 Criteria For Approval

- a. The approved master plan shall show the area of residential use and general density measured in dwelling units per acre of land, less dedicated or conveyed rights of-way, and the area and intensity of commercial and industrial use measured in gross square feet of building area or maximum gross floor area ratio. These shall constitute the maximum permitted number of dwelling units and maximum permitted area and intensity of commercial or industrial use.
- b. The County Development Review Committee and Board shall consider the following criteria in making determinations and recommendations for approval or amendment of master development plans:
 1. Conformance to County and Extraterritorial Plan,
 2. Suitability of the site to accommodate the proposed development,
 3. Suitability of the proposed uses and intensity of development at the location,
 4. Impact to adjacent lands or the County in general,
 5. Viability of proposed phases of the project to function as completed developments in the case that subsequent phases of the project are not approved or constructed,
 6. Conformance to applicable law and County ordinances in effect at the time of consideration, including required

improvements and community facilities
and design and/or construction
standards.

5.2.5 Filing of approved Master Plan

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

5.2.6 Amendments and future phase approvals

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

5.2.7 Time Limits

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

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

5.3 Preliminary Plat Approval

Copies of the preliminary plat and supplemental material required and a written application for approval of the preliminary plat shall be submitted to the Code Administrator or his authorized representative. A cashier's check, made payable to Santa Fe County in the amount required in the schedule of fees for preliminary plat review, must accompany the application for approval.

A plat shall not be considered to have been submitted or an application completed until all submittals, in completed form required by these regulations, have been delivered to the Code Administrator, and all required or requested State Agency reviews have been received.

A preliminary plat may be submitted for only a phase or portion of the entire project so long as it conforms to the approved master plan and to the preliminary development plan submitted under Section 7.

5.3.1 Submittals

- a. Preliminary Plat Format. As part of the application for preliminary plat approval, the subdivider shall submit a specified number of blue-line or blackline copies of the preliminary plat as agreed to in the pre-application conference, which shall be drawn at a scale of one (1) inch equals one hundred (100) feet. The preliminary plat shall be presented on a sheet or sheets twenty four (24) inches wide by thirty six (36) inches long within which are borders one half (1/2) inch wide on all sides. Where necessary the plat may be on more than one (1) sheet of the same size, showing the entire subdivision.
- b. Preliminary Plat Content. The plat shall show all proposals including the following:
 1. Streets: Names, right-of-way widths, grades and distance between intersections and curve radii.
 2. Proposed right of way easements: Location, width and purpose.
 3. Dimensioned lot lines, lot and block numbers.
 4. Sites to be reserved or dedicated for public use.
 5. Minimum building set back lines.
 6. Site data: Total acreage: The number of lots, the minimum and typical lot area and lot frontage and the acreage proposed for public use.
 7. A disclosure statement in accordance with the New Mexico Subdivision Act and these regulations.
- c. Supplementary Plans and Data. All plans

shall contain the subdivider's name and address, the disclosure statement, and a schedule of compliance. 789591

- i. Vicinity Map: A vicinity map drawn at a scale of not more than two thousand (2,000) feet to one (1) inch showing contours at twenty (20) foot intervals showing the relationship of the site to its general surroundings, and the location of all existing drainage channels, water courses and water bodies within three (3) miles of the subdivision site.
- ii. Existing Characteristics: A description of existing conditions on or adjacent to the site. Maps shall be at the same scale as the preliminary plat, one (1) inch to one hundred (100) feet, and shall include the following:
 - a. Boundary lines: bearings and distances. The error of closure shall be of a third order survey, and no discrepancy between computed and measured distances shall exceed one (1) part in (~~five-thousand~~) one thousand two hundred eighty (1,280) parts.
 - b. Easements: Location, width and purpose.
 - c. Streets on and immediately adjacent to the parcel including, name and right of way width and location, type, width and elevation of surfacing and legally established centerline elevations, sidewalks, curbs, gutters, culverts, etc.

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- d. Utilities on and immediately adjacent to the parcel: Location, size, and invert elevation of storm and sanitary sewers, if any; the location and size of water mains, if any; location of gas lines, water mains, and sanitary sewers if they are not located on or adjacent to the parcel, and the direction, distance and size of closest utilities shall also be indicated.

Compilers Note. The intent of this section is related to the location of these utilities for services in general, whether on or off the site.

- e. Owners of record of unplatted land and existing subdivision plats by name and recordation, shall be shown for property within one thousand (1,000) feet of that parcel.
- f. Zoning on and within one thousand (1,000) feet of the parcel.
- g. Title and certificates: Present parcel designations according to official records in the County Clerk's Office; title under which the proposed subdivision is to be recorded, with name and addresses of owner, notation stating acreage, scale, true and magnetic north arrow, U.S.G.S. datum and benchmarks, if any, certification of the engineer or land surveyor licensed in accordance with the laws of the State of New Mexico who prepared the plat, which

certification is mandatory, and a metes and bounds description of the parcel.

- iii. Topographical and Natural Features. As required by Article VII, Sections 1 and 3 of the Code.
- iv. Soil Survey. As required by Article VII, Section 3 of the Code.
- v. Street Plans. Profiles showing existing ground surface and proposed street grades and typical cross sections of the proposed grading.
- vi. Terrain Management Plan. As required by Article VII, Section 3 of the Code.
- vii. Local District Approval. In approving a subdivider's plat, the Commissioners may, as a condition of approval, require fills, dikes, levies or other diversion measures approved by the local district to protect the subdivision from flooding.
- viii. Water Supply. As required by Article VII, Section 6 of the Code.
- ix. Liquid Waste Disposal Plan. As required by Article VII, Section 2 of the Code.
- x. Solid Waste Plan. As required by Article VII, Section 7 of the Code.
- xi. Community Facilities Plan. The Community Facilities Plan shall contain the type, location and size of proposed facilities. Responsibility for development and maintenance of Community Facilities shall be stated. Community Facilities shall include, but are not limited to:
 - a. Parks and recreation facilities

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- b. Schools
- c. Fire and police stations or substations
- d. Gas lines, power lines, telephone lines or fiber optic cable, cable TV, and substations
- e. Hospitals, emergency medical service facilities, ambulance facilities and related services

xii. Environment and Economic Impact

Statement. The County Development Review Committee may recommend to the Board of County Commissioners and the Board of County Commissioners may require that the subdivider provide an environmental and/or economic impact statement for the proposed subdivision. If an environmental impact statement is required, it shall be in such form and contain such information as the Board of County Commissioners may request in order for them to be able to fully assess the cumulative and long range impact of the proposed subdivision on the environment of Santa Fe County. If an economic impact statement is required, it shall be in such form and contain such information as the Board of County Commissioners may request in order for them to be able to fully assess the cumulative and long range impact of the proposed subdivision. The economic impact statement shall include, but is not limited to:

- a. additional services that will be required of the governmental

entities within Santa Fe County,
including but not limited to
services such as public schools,
fire and police protection;

- b. additional sewers to be provided by utility companies;
- c. additional medical services and/or facilities;
- d. the economy of Santa Fe County.

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

- xiii. Community facilities may be required, which are reasonably necessary for and related to the projected population of the subdivision.

5.3.2 Reviews

a. Density Review

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

b. Special District Review

The Code Administrator shall review the location of the lots indicated on the plat and will inform the applicant of any additional submittals or reviews required because of a location within a special district and make the applicable review.

c. Environmental Review

The Code Administrator shall review the location of the lots indicated on the plat and shall inform the applicant of the additional submittals or reviews required

under Article VII - Environmental
Regulations of the Code.

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d. Additional Review

In determining whether or not a subdivider can fulfill the proposals contained in his disclosure statement and in determination whether or not a subdivider's provisions for a subdivision conform with County regulations, the Code Administrator may, and in the case of Type I or II Subdivision, shall request opinions from:

- i. The State Engineer and County Hydrologist to determine:
 - (a) whether or not a subdivider can fulfill the proposals in his disclosure statement concerning water for the subdivision, excepting water quality;
 - and (b) whether or not the subdivider's water proposals conform with County regulations;
- ii. The Environmental Improvement Division of the Health and Environment Department to determine:
 - (a) whether or not the subdivider can fulfill the proposals contained in his disclosure statement for liquid and solid wastes;
 - (b) whether or not the water proposed is of an acceptable quality to conform with County regulations; and
 - (c) whether or not the liquid and solid waste disposal proposals conform with County regulations;
- iii. The State Highway Department detailing the requirements of state highway access when the Board of County Commissioners

- determines this to be of importance; and
- iv. The Soil and Water Conservation District to determine:
 - (a) whether or not the subdivider can fulfill the proposals contained in his disclosure statement concerning terrain management; and
 - (b) whether or not the subdivider's proposals for terrain management conform with County regulations.
 - e. 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 County regulations in his subdivision proposal, then the Board of County Commissioners and the County Development Review Committee shall weigh these factors in determining whether or not to approve the subdivision plat.
 - f. If, in the opinion of the State Engineer, the subdivider's water proposals do not conform with County regulations for a type one 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 of County Commissioners and the procedure set out below shall be followed:
 - i. if the State Engineer has rendered an adverse opinion, the Board of County Commissioners shall give the subdivider a copy of the opinion;
 - ii. the subdivider shall be given forty-five

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days from the date of notification to submit additional information to the State Engineer through the Board of County Commissioners;

- iii. 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 of County Commissioners shall not approve the subdivider's plat unless:
 - (a) 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
 - (b) 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;
- iv. 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, then their opinions shall be submitted to the Board of County Commissioners which may utilize the opinions in its final determination approving or disapproving the subdivision plat.
- g. If, in the opinion of the State Engineer, the subdivider's water proposals do not conform with County regulations for a type-two subdivision, or if the State Engineer

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does not have sufficient information upon which to base an opinion, the subdivider shall be notified of this fact by the Board of County Commissioners and the procedures set out below shall be followed:

(1) If the State Engineer has rendered an adverse opinion, the Board of County Commissioners shall give the subdivider a copy of the opinion;

(2) 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 of County Commissioners;

(3) 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 of County Commissioners shall hold a public hearing devoted solely to determining whether or not the subdivider's water proposals conform with county regulations.

- h. If, in the opinion of the appropriate state agency, a type-one or type-two subdivision proposal does not conform with County regulations 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 of County Commissioners, and the procedure set out below shall be followed:

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(1) If the appropriate state agency has rendered an adverse opinion, the Board of County Commissioners shall give the subdivider a copy of the opinion;

(2) 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 of County Commissioners;

(3) 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 of County Commissioners shall hold a public hearing devoted solely to determining whether or not the subdivider has conformed with the applicable County regulation concerning which the state agency has rendered an unfavorable opinion or withheld an opinion because of insufficient information.

- i. 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 because a state agency has not furnished an opinion due to insufficient information, the Board of County Commissioners shall adhere to the following requirements concerning the hearing:

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

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- (A) the subject of the hearing;
 - (B) the time and place of the hearing;
 - (C) the manner in which interested persons may present their views;
 - (D) 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 of County Commissioners may impose on the developer a reasonable charge for the costs incurred in reproducing and mailing the opinion and proposal to those persons requesting copies.
- (2) The notice shall be published in a newspaper of general circulation in the County, at least 14 days before the hearing.
- (3) Reasonable effort shall be made to give notice to all persons who have made a written request to the Board of County Commissioners 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.
- (4) At the hearing, the Board of County Commissioners 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.
- 5) The Board of County Commissioners

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

- j. The Code Administrator shall cause the proposed preliminary plat to be reviewed by the County Development Review Committee and the Board according to the procedures set forth in Article II, Section 2.3.2 and the decision of the County Development Review Committee shall be reviewed by the Board as provided in Article II, Section 2.4.3 (b) of this Code.
- k. Approval or conditional approval of a preliminary plat shall not constitute approval of the final plat. Rather, it shall be deemed as an expression of approval by the County Development Review Committee and the Board, of the layout submitted on the preliminary plat as a guide to the preparation of the final plat which will be submitted for approval to the County Development Review Committee and the Board of County Commissioners for recording upon fulfillment of the requirements of these regulations and the conditions, if any, of a conditional approval of the preliminary plat.

5.4 Final Plat Procedures

- 5.4.1 The final plat shall conform substantially to the preliminary plat as approved, and if desired by the subdivider, it may constitute only that part of the approved or conditionally approved

preliminary plat which he proposes to record and develop at the time; provided however, that such part conforms to all requirements of these regulations, and provided further, that the County Development Review Committee may require the subdivider to submit a final plat for those portions of the development which the CDRC deems necessary for orderly development consistent with the purpose of these regulations, the Code, and the County General Plan. The final plat shall comply with the New Mexico Subdivision Act and these regulations.

- 5.4.2 Application for approval of the final plat shall be submitted in writing to the Board of County Commissioners not less than twenty one (21) days prior to the County Development Review Committee meeting at which it is to be considered. Conditions of preliminary plat approval must have been met at this point. The Code Administrator shall also 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 will accompany the final plat application. The Code Administrator shall submit a written report of his 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 County Development Review Committee.
- 5.4.3 The original drawing of the final plat and four (4) blue line or blackline copies thereof and all other exhibits required for approval shall be prepared as specified in Article V, Section 5.4.6 and shall be submitted with the

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application for final plat approval within twelve (12) months after 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 first applied for in writing by the subdivider and granted by the County Development Review Committee. If an extension of time is applied for, such application shall be submitted to the County Development Review Committee not less than seven (7) days prior to the County Development Review meeting at which it is to be considered.

- 5.4.4 If the final plat is approved by the Board of County Commissioners, such approval shall be recorded on the face of the original drawing of the final plat and on two copies thereof and such approval shall be dated and verified thereon by the signatures of the Chairman of the Board of County Commissioners and the Code Administrator, the Chairman of the County Development Review Committee and the appropriate utility companies in the space provided for such, and such dates and signatures shall be affixed by the use of black india ink; or if the final plat is denied by the Board of County Commissioners, 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 Code 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 Code Administrator's Office; and, if such

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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 Code Administrator or 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.

- 5.4.5 The final plat shall be recorded only by the County Clerk, and the Code Administrator or his authorized representative shall notify the subdivider of the date of such recordation. Final plats shall be recorded within ten (10) working days after the acceptance by the Board of County Commissioners, of the public dedications, if any, shown thereon, but such acceptance of a public dedication by the County does not imply the maintenance by the County of such dedication.

Compilers Note. Maintenance of public dedications require a separate action of the Board.

- 5.4.6 Plats And Data For Final Plat Approval.

5.4.6a Final Plat Format. The original drawing of the final plat shall be in black india ink, on tracing cloth or drafting film such as "mylar" or acetate. Sheets shall be twenty four (24) inches wide and thirty six (36) inches long, one half (1/2) inch wide borders, drawn at a scale of one (1) inch to one hundred (100) feet. The external boundary of the tract shall be drawn in red india ink. If the plat is drawn on more than two (2) sheets, they shall be accompanied by an index sheet of the same size showing the entire subdivision. The original drawing and

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four (4) blue-line or blackline copies shall be submitted with the application for approval of the final plat.

5.4.6b Final Plat Content. The final plat shall show and be accompanied by the following information:

- i. Primary control points, approved by the County Engineer, or descriptions and "ties" to such control points to which all dimensions, angles, bearings and similar data shall be referred.
- ii. Location and description of all monuments.
- iii. Tract boundary lines, right-of-way streets, easements, and other rights-of-way, and property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves.
- iv. Names and width of each street or other right-of-way and centerlines of street rights-of-way with dimensions between intersection centerlines or tract boundary lines; location, dimensions and purposes of any easements.
- v. Location, dimensions and purposes for which public sites, if any, are to be dedicated or reserved.
- vi. Number to identify each block and each site or lot block numbers shall appear within a circle.
- vii. Minimum building setback lines on all lots and other sites, if such is required by the County Development Review Committee.

- viii. Names of record of landowners of adjoining unplatted land.
- ix. Copies of all covenants, deeds or homeowners association by-laws for development and maintenance of subdivision.
- x. The final plat shall meet all the requirements of a final disclosure as required by the New Mexico Subdivision Act and these regulations.
- xi. Reference to recorded subdivision plats of adjoining platted land by record name and date.
- xii. Certification of a licensed 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.
- xiii. 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.
- xiv. Planning and platting affidavit.
- xv. Signed statement by the subdivider dedicating streets and other rights of way, granting easements for public use, and dedicating any sites for public use.
- xvi. Title, scale, true and magnetic north arrows, and date.
- xvii. Certification of approval by the County Development Review Committee.
- xviii. Certification of approval by the

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appropriate utility companies.

- xix. Certificate of acceptance by the Board of County Commissioners, of the dedications of streets and other right-of-way and dedications of any sites for public use.
- 5.4.6c Required dimensions shall be shown to the nearest one hundredth (1/100) of a foot and angles to the nearest one-half minute.
- 5.4.6d All signatures shall be written with black india ink.
- 5.4.6e Dedications of public right-of-ways, easements, and public sites shall be shown on the subdivision plat and made a part of the plat, and in the plat certificates. These dedications shall not be recorded by any separate instrument.
- 5.4.6f All plans, preliminary plats and changes in these plans and plats become part of the final plat and its approval.
- 5.4.6g A certificate by the County Clerk or Code Administrator certifying that the subdivider has complied with one (1) of the following:
 - i. That all improvements have been installed in accordance with the requirement of these regulations; or
 - ii. A surety bond or other security acceptable to the Board of County Commissioners has been filed with the County Clerk in sufficient amount to assure completion of all required improvements. The surety bond shall be based on engineering cost estimates.

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The improvements shall be installed and ready for acceptance within eighteen months.

5.4.6h Other data: Such other certificates, affidavits, endorsements, or deductions as may be required by the Planning Commission, in the enforcement of these regulations, or as may be specified elsewhere herein.

5.5 Summary Procedure

For Type III Subdivisions containing five (5) parcels of land, the smallest of which is not less than two (2) acres in size, and for all Type V Subdivisions, the Code Administrator shall follow the procedures set forth in Article II, Section 2.3.2, unless he determines that the proposed subdivision does not require the review of the County Development Review Committee (CDRC), in which case he shall refer consideration of approval directly to the Board, with his recommendations.

5.6 Administrative Approval of Lot Layout

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

After such a delegation is made, the CDRC and Board shall establish development standards applicable to the subdivision as

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

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

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

SECTION 6 - FEES AND LEVIES

6.1 Subdividers submitting an application of preliminary plat or an application of final plat for approval shall pay a subdivision review fee according to the following schedule and rate:

Preliminary subdivision plat - \$15.00 per lot

Final subdivision plat - \$25.00 per lot

6.2 Additional Fees for Unusual Circumstances Where additional review by the County is required above and beyond normal review requirements due to complex, unforeseen, or unique circumstances relating to the proposed plan or plat, such as complex hydrological considerations, then the County may charge an additional review fee to defray the cost of such review.

Review fees shall be only for professional services rendered to the County in the case that the County does not have qualified personnel to assist in reviewing such reports, plans and plats. When an additional fee is deemed necessary, the fee shall be arrived at between the County and the subdivider.

SECTION 7 - DEVELOPMENT PLAN REQUIREMENTS

7.1 Preliminary Development Plans

7.1.1 Pre-application conference

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

7.1.2 Review

- a. A preliminary development plan may be only a phase or portion of the area covered by an approved master plan, so long as the preliminary development plan substantially conforms to the approved master plan.
- b. A preliminary development plan shall be submitted prior to or concurrent with submission of a preliminary plat.
- c. The application for preliminary development plan approval shall be presented to the County Development Review Committee for review with a staff report. The staff report shall include a description of the proposed project, an evaluation of pertinent planning issues, and a statement on the

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compliance of the project with the County General Plan and Code. The report may include recommended conditions of approval. The report shall include all comments from appropriate State or Federal agencies, the County Fire Marshal, the County Hydrologist, and other appropriate County personnel. Particular attention shall be given in the staff report to public agency comments which relate to potential limitations of lot size, intensity, or character of development.

7.1.3 Information to be submitted

- a. Evidence of legal lot of record;
- b. Contour intervals of two feet or such other appropriate scale as determined by the Land Use Administrator;
- c. Arrangements, location and size of buildings, where applicable;
- d. Off-street parking and loading or dumping facilities;
- e. Internal vehicular and pedestrian circulation, and ingress and egress;
- f. A drainage, grading, and erosion control plan including existing and proposed contours for roads and utilities; a preliminary/conceptual grading plan around buildings, when applicable;
- g. A landscaping plan providing a schedule specifying conceptual methods, to include type, size, and location of vegetative and non-vegetative landscape material, and a preliminary description of the irrigation system to be used;
- h. Walls, fences and earth berms; their approximate locations and identifying types of fences and walls, if applicable;
- i. Size, location, orientation, lighting and type of signage, where applicable;

- j. Conceptual plan for outdoor lighting, including type, size, location of fixtures, if applicable;
- k. Easements, rights-of-way and street design;
- l. Access to telephone, gas, and electric utility service;
- m. Utility plan for water and sanitary sewer;
- n. Residential densities/gross acres;
- o. Intensity of non-residential development, including lot coverages, gross floor area ratios or gross square feet of building area;
- p. A vicinity map showing the boundaries of the project, owners of record within one hundred feet of the tract including public rights-of-way and existing conditions and development, including adjacent streets and utilities, for at least two hundred feet from the project boundaries;
- q. If appropriate, the stages and approximate dates of development of the stages;
- r. The plan shall be drawn at a scale of one hundred feet to the inch or such other appropriate scale as determined by the Land Use Administrator;
- s. Proposed community facilities and/or sites and recreational areas, if any, and proposed ownership of such;
- t. A schedule of on-site and off-site public improvements with the time of construction related to the phasing schedule;
- u. Information as required by state agencies;
- v. The preliminary subdivision plat may be submitted concurrently with the preliminary development plan, but is not required. Submittal of a schematic or sketch subdivision plat showing proposed lot layout, approximate dimensions and lot areas together with topography and natural features; and

- w. A written traffic report prepared by a licensed traffic engineer or other qualified expert as determined by the Land Use Administrator.
- 7.1.4 Criteria for development plan phase approval
 - a. Conformance to the approved master plan;
 - b. The plan must meet the criteria of Section 5.2.4 above.
- 7.1.5 Water Supply Plan - Water System

As required by Article VII, Section 6 of the Code and Schedule B, of Section 9.3 of this Article (V).
- 7.1.6 Solid Waste Disposal Plan

As required by Article VII, Section 7 of the Code.
- 7.1.7 Liquid Waste (Disposal) Plan

As required by Article VII, Section 2 of the Code.
- 7.1.8 Timing and Staging of Development

Unit priorities and projections (5, 10 years)
- 7.1.9 Copy of deed restrictions, protective covenants.
- 7.2 Final Development Plan
 - 7.2.1 Documents to be submitted

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

7.2.2 Review

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

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

SECTION 8 - SUBDIVISION DESIGN STANDARDS

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

8.1 General Policy

8.1.1 The arrangement, character, extent, width, grade and location of all roads shall be considered in relation to convenience and safety, and to the proposed uses of land to be served by such roads.

8.1.2 The Santa Fe County Master Plan For Roads

a. Pursuant to 3-19-9 N.M.S.A., 1978, the Santa Fe County Master Plan for Roads establishes the general location of existing and

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proposed highway and arterial roads for the purpose of assuring a coordinated system of roads in Santa Fe County.

- b. The Santa Fe County Master Plan for Roads may be amended by resolution from time to time to accommodate changing or changed conditions.

8.1.3 Coordination of Roads With Surrounding Property

- a. The arrangement of roads in a development shall provide for the continuation or appropriate projection of existing or proposed highway or arterial roads in surrounding areas according to the Santa Fe County Master Plan for Roads, and shall provide reasonable means of ingress and egress to surrounding property.
- b. Where land is subdivided into large tracts or where there is a potential for further subdivision or development of subsequent phases exists, the proposed development shall be designed to provide for a coordinated road system for the entire tract.
- c. Where it is in the public interest to establish a right of way or access to property which adjoins a proposed development, the right-of-way shall be extended to the boundary of the property which is the subject of a development application. The right-of-way shall either be dedicated to the County or granted to the Owner's Association, subject to a conditional dedication governed by Section 8.1.7, infra. Such right-of-way shall be designated on the master or phase development plan and on the plat.

8.1.4 Access to highways and arterials; buffering requirements 789617

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

e. An open space setback shall be provided between residential lots and the right-of-way boundary of any limited access highway, railroad, or established major center district, for the purpose of protecting adjacent or proposed residential uses from noise, fumes or other nuisances associated with such facilities. The open space setback shall consist of one of the following alternatives:

- 1) An open space setback of one hundred (100) feet in width.
- 2) An open space setback of seventy five (75) feet in width of which twenty five (25) feet shall be a landscaped buffer planted with trees with a minimum height at maturity of twenty four (24) feet. The trees shall be planted to achieve a ratio of one (1) tree for every two hundred and fifty (250) square feet of the landscape buffer. The introduced trees shall be at least six (6) feet in height at the time of planting and have a caliper or diameter of one and one-half (1.5) inches. Existing trees may be utilized in determining the number of trees to be planted.
- 3) An open space setback of fifty (50) feet in width of which twenty five (25) feet shall be a landscaped buffer planted with a combination of trees with a minimum height at maturity of thirty-six (36) feet and shrubs with a minimum height at maturity of twelve (12) feet. The trees shall be planted to achieve a ratio of one tree for every three

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hundred (300) square feet and one shrub for every two hundred and fifty (250) square feet of the landscape buffer. The introduced trees shall be at least six (6) feet in height and have a caliper or diameter of one and one-half (1.5) inches, and the shrubs shall be five gallon size at the time of planting. Existing trees may be utilized in determining the number of trees to be planted.

- 4) Further reductions of the landscape buffer, but not the open space setback, may be considered where a combination of trees and the construction of a solid masonry wall is proposed, or a combination of trees and an earth berm of six (6) to ten (10) feet in height is to be constructed. The ratio of trees to square footage will depend on the variables of the site and nuisance factors to be mitigated.
- 5) A landscape plan for the open space setback area shall be submitted. Landscape materials to be used shall be listed and drawn to scale as they will appear at maturity. At least one third of the trees in landscape buffers shall be evergreen. A list of suitable plant materials for the southwest region is on file at the County Land Use Office to assist the subdivider in preparing the landscape plan.

8.1.5 Along County, State or Federal designated scenic corridors, or a Highway Corridor District, a "greenbelt" or "scenic easement", of a width

deemed appropriate by the County Development Review Committee or the Board of County Commissioners shall be reserved from 789620 development. For highway locations that have been designated as "highway corridor districts", new development will be subject to the design standards set forth in Article VI, Section 1, infra.

8.1.6 Road Names

Road names or numbers shall not duplicate or be similar to the names or numbers of existing roads; if the proposed road is an extension of an existing road, then the proposed road shall have the name of the existing road.

8.1.7 Coordination of dedication and maintenance responsibilities and notice thereof

- a. In order to coordinate roads and facilitate transportation between subdivisions or other developments and so to assure that proposed roads are well planned and conform to adjoining or planned roads which may carry traffic from more than one development or subdivision, the Board may require dedication of such roads, which dedication shall be accepted for maintenance at such time as the Board determines that such roads shall be needed as public thoroughfares. This requirement shall be enforced so as to give effect to a comprehensive road plan adopted by the County.
- b. A road not accepted for maintenance by the County shall be maintained by the developer or Owner's Association.
- c. A disclosure statement shall set forth whether the roads will be accepted by the County for maintenance or whether the

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developer or the Owner's Association will be responsible therefor. If an Owner's Association is responsible for maintenance, such a requirement shall be incorporated in its by-laws. The by-laws shall establish a method acceptable to the County for charging each lot owner for an equitable portion of the maintenance and repair expenses; require the establishment of an account for holding such monies; and require a maintenance and repair plan which shall require periodic maintenance designed to assure the quality of travel and integrity of the roadway. The developer shall be responsible for charges attributable to unsold lots.

The by-laws shall also provide that a lot owner who sues to enforce such terms shall be compensated for attorneys fees and court costs by the Owner's Association, should he prevail. Any covenants relating to road maintenance responsibilities may not be amended without County Development Review Committee approval.

- d. No road will be accepted for the County road maintenance program that has not been brought to the minimum construction standard required by this Code as determined by the average daily traffic carried on or to be carried by the road.
- e. Construction and design standards for new roads or improvements to existing roads whether publicly or privately maintained, shall be dictated by the level of service and projected use of the road, as indicated by traffic impact studies required by master plan or preliminary development plan or

other submittals. Guidelines for required improvements are set forth accordingly by the Road Classification and Design Standards Matrix (Appendix B-1) and the Required Improvements Matrix (Schedule A). 789622

- f. Cut and fill or slope easements are permitted in lieu of additional rights-of-way to accommodate terrain constraints.
 - g. Reservation or dedication of right-of-way for partial roads at the perimeter of a new subdivision is discouraged. If circumstances render the reservation or dedication of full road right-of-way impracticable, then adequate provision for the concurrent dedication or reservation of the remaining portion of the road must be assured by the subdivider. Where there exists a partial road at the perimeter of an adjoining subdivision, the remaining half shall be provided by the adjacent developer.
 - h) When a tract to be developed borders an existing road having a right-of-way insufficient to conform to the minimum standards required by these regulations, which right-of-way will be used by the proposed development, sufficient right-of-way shall be platted, and dedicated or reserved in such a way as would make the resulting right-of-way or road conform with Code requirements.
- 8.1.8 Where appropriate, a plan prepared by a licensed engineer for signs, striping, signals and other traffic safety devices shall be submitted by the developer.
- 8.1.9 Bonds, letters of credit or other acceptable forms of security shall be required to assure

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road improvements are installed as approved. Release of said security instruments shall be subject to County inspections to assure compliance with the approved standards. Certification by a licensed professional engineer shall be required to assure the road or related improvements have been built according to specified project standards. The Board of County Commissioners shall adopt by resolution a schedule for road inspection fees, which schedule is on file at the Office of the Public Works Director and the Land Use Office.

8.1.10 Construction of roads or other required improvements may be phased according to a schedule that is part of an approved master or development plan.

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

8.2 Road Design

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

8.2.1 Classification of highways, streets and roads

1) Arterial Roads and Highways

A major arterial road or highway has from two to six driving lanes, may be divided with a median, and has sufficient additional right-of-way to provide for turning lanes and additional width at major intersections. Major arterials have an average daily traffic of more than 5000 vehicles and a minimum right-of-way of one hundred feet (100'). A minor arterial road has an average daily traffic of 1200 to 5000 vehicles, serves 200 to 1000 dwelling units or lots, and has a minimum right-of-way of sixty six (66) feet. Asphalt paving

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is required for major arterials at a minimum depth of five (5) inches and for minor arterials to a minimum depth of four (4) inches. Separated driving lanes or park-ways are encouraged. See Appendices B-1 and B-2 for further detail.

2) Collector Roads

A collector road has two (2) twelve (12) foot driving lanes. It serves 100 to 199 dwelling units or lots and has an average daily traffic volume of 600 to 1200 vehicles and a minimum right-of-way of fifty (50) feet; paving shall achieve a minimum depth of three (3) inches. See Appendices B-1 and B-2.

3) Local Roads

A local subcollector road has two (2) twelve (12) foot driving lanes, serves 31-99 dwelling units or lots, and carries an average daily traffic volume of 181-594 vehicles with a minimum right-of-way of fifty (50) feet. A local subcollector road has a six (6) inch minimum surface thickness of crushed gravel base course material, provided it can be shown that such minimum thickness is adequate based on subgrade soil conditions; a plasticity index of eight (8) to twelve percent (12%) shall be provided. A local lane, place or cul-de-sac road serves 0 to 30 dwelling units or lots and carries an average daily traffic volume of 180 vehicles or two (2) ten (10) foot driving lanes with a minimum right-of-way of fifty (50) feet. Local lanes, places and cul-de-sac roads shall be

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constructed with the same sub-grade and base course specifications as the subcollector road. See also Appendices B-1 and B-2 and Article V, Sec. 8.3 infra.

4) Cul-de-Sacs

Cul-de-Sacs (dead end roads) shall not be longer than five hundred (500) feet and at the closed end there shall be a turn around having a radius of at least forty two (42) feet of driving surface and a minimum right-of-way diameter of one hundred (100) feet. In low density residential areas the length of cul-de sacs may be adjusted by the CDRC with the changes consistent with public safety factors. For local roads designated as a lane or place and designed to a twenty foot (20') width, the turn-around area remains the same as specified above.

Design standards are further exhibited on Appendix B-1. Road Classification and Design Standards.

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

8.2.3 Intersections - Streets shall be laid out to intersect each other as nearly as possible at 90 degree right angles; under no condition shall intersection angles be less than 70 degrees.

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Off-set intersections of less than one hundred and twenty five (125) feet shall not be permitted. Property lines at street intersections shall be rounded with a minimum radius of ten (10) feet or a greater radius when necessary to permit the construction of a curb and sidewalk and shall provide for arc radius, as required for arterial roads.

- 8.2.4 A tangent of sufficient distance shall be introduced between reverse curves on all roads and streets according to AASHTO Standards.
- 8.2.5 When connecting road centerlines deflect from each other at any point by more than ten degrees, they shall be connected by a curve with a radius adequate to ensure a sight distance as required by AASHTO Standards.
- 8.2.6 Curvature in intersection design alignments shall not be less than stopping distances required for the design speed of the road or street as per AASHTO Standards.
- 8.2.7 Grade percentages: Except as otherwise provided by the terrain management regulations, vertical road grades shall not exceed the following:
 - a. Major and minor arterial roads or highways of 4 lanes or more with a speed limit of 55 miles per hour or greater as permitted by law: six to eight percent grade;
 - b. Collector roads of 2 lanes with a speed limit of 25-35 miles per hour: ten percent grade;
 - c. Local roads of 2 lanes with a speed limit of 10 miles per hour: eleven percent grade;
 - d. Grades at the approach to intersections shall not exceed 3% for 100 linear

feet, excluding vertical curve 789627
distance; and

- e. No horizontal road grade shall be less than one percent.

8.2.8 Cut and Fill. All roads shall be located so as to minimize areas of cut and fill and shall be located to conform to sound terrain management principles. In general, fill slopes shall not exceed a 3:1 ratio and cut slopes shall not exceed a 2:1 ratio unless it can be demonstrated with additional submittals prepared by a licensed engineer that subject soils are stable enough to sustain higher cut and fill ratios.

8.3 Local Gravel Roads

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

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

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- 8.3.3 There shall be a minimum of three percent (3%) crown in the driving surface for water runoff.
- 8.3.4 Adequate provisions for drainage shall be installed at all waterway crossings. Culverts shall be sized to accommodate a twenty five (25) year storm, with provisions to safely pass a one hundred (100) year storm. Culverts shall also be of sufficient gauge or thickness and length, and placed appropriately deep to withstand projected traffic loading and storm runoff. Where necessary to accommodate roadside drainage, driveways entering roads shall have culverts installed of eighteen inch (18") minimum diameter, so as not to impede flowing water. Driveways shall also be designed and constructed so as to prevent flowing water from entering onto or crossing the roadway. A paved dip section may be constructed, under appropriate conditions, to accommodate minor drainage for local roads.
- 8.3.5 The New Mexico State Highway Department (NMSHD) "Standard Specifications for Road and Bridge Construction", NMSHD "Standards and Criteria for Safer Off System (SOS) projects and System Bridge Replacement (BRO) projects", and the NMSHD Geometric Design Guide shall apply to all road projects in the County. A copy of each is available for public inspection in the office of the County Public Works Director.

8.4 Sidewalks and Paths - Requirements

When appropriate for purposes of public safety, sidewalks or walking paths may be required with paved roads of arterial classification. Surfacing of public sidewalks along roads may include concrete or brick. Other hard surface materials may be used if evidence is shown that they are coordinated with streetscape and project design.

8.5 Curb and Gutter Requirements - Waivers

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

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

8.6 Utility or Drainage Easements

8.6.1 Utility easements shall be centered on the lot lines. Such easements shall be located according to a plan approved by the appropriate utility companies and the Board. Easements placed diagonally across tracts shall be avoided. Utility easements shall be at least ten (10) feet wide.

- 8.6.2 a. Utility easements are encouraged to be placed parallel to access easements so that maintenance of electric, gas or water lines will not create the need to disturb the road or street.
- b. In the event utility installation or maintenance requires disturbance of a road or street, such road or street will be restored to a condition equal to or better than its original status.

8.6.3 Where a subdivision is traversed by a water course, drainageway, channel or stream, there shall be a storm water or drainage right-of-way which will conform substantially with the lines of such water course.

8.6.4 Access and utility easements are normally combined unless topographical, existing utility easements, or other conditions prevail and may be located outside of or adjacent to right-of-way reserved for roads.

8.7 Blocks

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

8.8 Lots

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

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

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

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

8.9 Parking

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

8.10 Conflict

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

SECTION 9 - REQUIRED IMPROVEMENTS

9.1 Monuments

All primary subdivision boundary corners and the intersections of road centerlines shall be marked with permanent monuments at that point or if necessary with an offset marking. A permanent monument shall be concrete with a brass or aluminum cap. The concrete monument shall be a minimum of six (6) inches in diameter and shall be extended thirty (30) inches below the finished grade; in addition, a) any described mark shall be permanently affixed to rock or concrete through the use of an expansion bolt, set in a drilled hole with a ferrous metal rod (rebar or pipe) of a minimum length of forty eight (48) inches, or b) a survey post approved by the Bureau of Land Management, or c) any monument of higher standards may be substituted.

Secondary monuments may be rebar, pipe or other metal rod, not less than 1/2" diameter and 16" in length with surveyor's registration number on cap which may be aluminum, plastic, brass or comparable material. Secondary monuments shall be set at all lot corners, points of curve and boundary angle points.

9.2 Roads

Required road improvements depend upon the number of lots within the proposed subdivision and the average daily traffic (ADT) as specified in Schedule A.

Appendices B-1, Road Classification and Design Standards, and B-2.1 Minor Arterial Roads, B-2.2 Collector roads and B-2.3 Local Roads are hereby adopted and incorporated by reference herein.

History. Comp. 1980-6. Sections 8 and 9 of Article V were extensively amended by County Ordinance 1987-3. The road design standards measure traffic impact against performance standards for road design.

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SCHEDULE A
REQUIRED ROAD IMPROVEMENTS BY SCALE OF DEVELOPMENT
RESIDENTIAL USES

	Number of lots or units			
	0 - 99	100 - 199	200+	
Average Daily Traffic (ADT) ⁴	0 - 500	501 - 1200	1201 - 5000	5000+
Required Improvement ¹	Local ²	Collector ³ Local	Minor Arterial ⁴ Collector Local	Arterial ⁵ Minor Arterial Collector or Local

⁴ Assumes 6 trips per day per unit.

¹ Certain developments are large enough to require several types of roads to be constructed. For example, in those developments where both a local road and a collector road are shown to apply, local road specifications would apply to roads carrying the least amount of traffic and collector road specifications would apply to principle entry and exit roads carrying the greatest amount of traffic.

² A local road is a gravel road with a 24' or 20' driving surface. (Appendix B-2.3)

³ A collector road is a paved road with a 36' driving surface. (Appendix B-2.2)

⁴ A minor arterial is a paved road with a 24' driving surface and a constructed shoulder with a 6:1 ratio. (Appendix B-2.1)

⁵ An arterial road has multiple 12' driving, acceleration, or deceleration lanes as required to accommodate the average daily traffic, turning functions, and safety.

See the Road Classification and Design Standard Matrix for right-of-way standards and other design requirements. (Appendix B-1)

* For cross sections and surface requirements, see Appendix B.

9.3 Water and Sewer Systems

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9.3.1 Community water and sewer systems shall be required according to the number and size of lots in the proposed subdivision as specified in Schedule B as follows:

SCHEDULE B

REQUIRED IMPROVEMENTS FOR COMMUNITY WATER AND SEWER SYSTEMS

NUMBER OF LOTS	MINIMUM LOT SIZE IN ACRES				
	LESS THAN 1	1 to 2 1/2	MORE THAN 2 1/2 TO 10	MORE THAN 10 TO 40	MORE THAN 40
5-24	A B	A	-	-	-
25-99	A B	A	A	-	-
100	A B	A B	A	A	-

A = Community Water Systems

B = Community Liquid Waste Disposal Systems

9.3.2 Individual water systems or individual sewage disposal systems shall be approved only when meeting the requirements of the Environmental Improvement Agency and State Engineer's Office review and County Development Review Committee approval, as specified in these subdivision regulations and the Code.

9.4 Utilities

All utilities shall be placed underground.

9.5 Solid Waste Disposal

The subdivider shall comply with the requirements of Article VII, Section 7 of the Code.

9.6 Drainage Structures

The subdivider shall comply with the requirements of Article VII, Section 3.3.5, of the Code.

9.7 Parks and Recreation

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

subdivision. Said open spaces shall be of a nature and location suitable for park development.

789634

SECTION 10 - DISCLOSURE STATEMENT REQUIREMENTS

10.1 Time of Purchase Prior to the time of purchase or lease, the subdivider must provide to the purchaser or prospective purchaser or lessee a written disclosure statement.

10.2 Minimum Requirements Minimum requirements for a disclosure statement in a subdivision with five (5) or more parcels but not more than twenty four (24) parcels shall include:

10.2.1 The name of the subdivision.

10.2.2 Name and address of the subdivider and the name and address of the person in charge of sales or leasing in New Mexico.

10.2.3 The proposed uses of water, if any.

10.2.4 A statement disclosing whether the subdivider is to provide domestic water supply or the prospective purchaser or lessee will be required to provide his own domestic water supply.

10.2.5 If the prospective purchaser or lessee is to provide his own domestic water supply, then the subdivider must state:

a. Average, maximum and minimum depth to ground water within the subdivision.

b. Recommended total depth of wells.

c. Estimated yield in gallons per minute of wells completed to recommended total depth.

d. Life expectancy of the water supply under full development of the subdivision.

e. Recommended pump settings and size.

f. Lithologic character of formations through which well is to be completed.

10.2.6 If the subdivider is to provide water for any proposed use, the disclosure statement shall contain the following information:

a. A description of the means of water delivery.

- b. The minimum daily quantity of water to be provided for each parcel, if needed, and each proposed use.
- c. The date at which water will be made available at each parcel, if needed, and each proposed use. 789635
- d. Whether or not the prospective purchaser or lessee will be required to pay for extension of the water system to his parcel, if he desires water prior to the date scheduled under paragraph 6-c of this section.
- e. Life expectancy of the water supply based upon full development of the subdivision and the surrounding area.
- 10.2.7 The quality of water for the proposed use, if any, of the subdivision.
- 10.2.8 Each maximum allowable water quality parameter exceeded and the names of the element or compound that has exceeded the limit, if the New Mexico Environment Department grants such approval.
- 10.2.9 The means of liquid waste disposal for the proposed use of the subdivision.
- 10.2.10 The precise type of liquid waste disposal system that has been approved for use within the subdivision including a statement that the purchaser or the prospective purchaser may use no other system other than the approved system or may use one of greater value.
- 10.2.11 The means of solid waste disposal for the proposed use of the subdivision.
- 10.2.12 The subdivider's provisions for terrain management.
- 10.2.13 The location of all lots located on slopes in excess of eight percent (8%).
- 10.2.14 The location of all lots within a flood plain,

flood fringe and floodway.

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- 10.2.15 The suitability of the soils for residential use, seasonal or permanent.
- 10.2.16 The surface drainage for all lots; the subsurface drainage for all lots.
- 10.2.17 The type and installation date of any storm drainage systems.
- 10.2.18 The type and installation date for all roads.
- 10.2.19 The date on which all roads and parking areas will be surfaced including a description of the type of surfacing to be used.

10.3 Twenty Five or More Parcels For a subdivision with twenty five (25) or more parcels, the subdivider shall include in his disclosure statement all the information required in subsection B above in addition to the requirements of the New Mexico Subdivision Act for subdivisions of twenty-five (25) or more parcels but less than one hundred (100) parcels as well as for subdivisions with one hundred (100) or more parcels.

10.4 Form of Disclosure Statement Disclosure statements shall be in the form as set forth in Appendix C or D of these regulations. Each disclosure form shall contain all the information as set forth in Appendix C or D of these regulations including the introductory statement.

SECTION 11 - RESERVATION OF JURISDICTION

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

A. Any material misstatement or error of fact in the disclosure statement or any information upon which the Commission relied.

B. A subsequent failure to comply with a material provision of the disclosure statement or a subsequent failure to comply with County regulations.

APPENDIX A
SOLID WASTE MANAGEMENT PLAN 789637

- A. Requirements for all solid waste management proposals:
1. The amount of land to be set aside or obtained for a disposal site shall be determined according to the nomograph in this appendix. The population number to be used in the nomograph shall be established by calculating the greatest population projection for the subdivision based upon four persons per household.
 2. The collection of solid waste shall be a once weekly service in subdivisions with a population of over 3,000 persons. Transportation shall be in leakproof, covered vehicles.
 3. The subdivider must provide for a modified landfill operation at the disposal site at the time of first occupancy in the subdivision. The modified landfill operation must meet the following criteria:
 - a. Fencing to preclude large animal entry.
 - b. A gate or cattle guard at the entrance.
 - c. Adequate methods to prevent uncontrolled blowing of solid waste.
 - d. Trench for deposit of refuse, the bottom of which is at least twenty (20) feet from above the ground water level at all times.
 - e. A separate trench for dead animal disposal.
 - f. Adequate measures which preclude entrance of runoff water into the fill site.
 - g. Signs for locations of the fill site and deposition instructions.
 - h. Covering of refuse with at least six (6) inches of soil at least once each week from April 1 through October 31 and once each two weeks from November 1 through March 31 with a final cover of at least two (2) feet when a section of the fill is completed except when the population of the subdivision reaches 3,000 or more persons, the covering of solid waste after compaction with at least six inches of soil will take place each day with a final cover of

CREAGE REQUIRED FOR SOLID WASTE DISPOSAL (RESIDENTIAL + COMMERCIAL)

789639

25

24

Basis:

23

3.5 LB

Gen. Rate

22

21

Person-Day

800 LB

Comp.Den.

20

CU. YD.

19

75% Eff. Area

18

17

16

POPULATION
THOUSANDS

15

14

13

12

11

10

9

8

7

6

5

4

3

2

1

0

10 FOOT LIFT

8 FOOT LIFT

6 FOOT LIFT

4 FOOT LIFT

NOTE:

TRENCH DEPTH
EQUALS LIFT
PLUS 2 1/2 FEET



0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150 160 170

ACRES 232.

APPENDIX B-1
ROAD CLASSIFICATION AND DESIGN STANDARDS

789640.

	AVERAGE DAILY TRAFFIC	NUMBER OF LOTS OR UNITS	NUMBER OF DRIVING LANES	MINIMUM RIGHT OF WAY REQUIREMENTS	DESIGN SPEED MPH	MAXIMUM PERCENT GRADE	MINIMUM AGGREGATE BASE COURSE	MINIMUM PLANT MIX BITUMINOUS PAVEMENT (Hot Mix)	FOOTNOTE REFERENCE FOR OTHER REQUIREMENTS
Footnote Reference*	3	4	3,7,10	1			5,6,7,8,9,12	11	1, 2,3,4,6,7
Major Arterial or Highway	5000 +	N/A	2-6	100'	45-55	6%	6"	5"	1,2,3,4
Minor Arterial	1200 to 5000	200 +	2-4	66'	45-55	8%	6"	4"	1, 2,3,4,5,6,7,10,
Collector	60 to 1200	100 to 199	2	50'	35	10%	6"	3"	1,2,3,4,5,6,7,10
Local Subcollector	181 to 594	31 to 99	2	50'	25	11%	6"	N/A	1, 3,4,6,7,8,9,10, 11,12,13
Place, lane or Cui-de-sac	0 to 180	0 to 30	2	50'	10	11%	6"	N/A	

1 Improvements such as turning lanes, acceleration/deceleration lanes, additional right-of-way, signs or other markings, additional base course, additional driving surface, shoulder construction, widened sections, or paving may be required.

2 Sidewalk and curb and gutter may be required (depending on density or density transfer).

3 To be determined by traffic impact study, NMSHD counts, and/or County counts; as well as number of lots or units adding traffic to a road.

4 Determined by submittals.

5 Structural pavement design report shall be required.

6 Construction in accordance with ASHTO standards.

7 Bridge, sidewalk, curb and gutter, culvert or other construction in accordance with ASHTO standards and the NMSHD Road and Bridge requirements.

8 A plasticity index of 8-12% required.

9 Up to 12" of base course material may be required if soil conditions indicate.

10 Lanes may be separated by a parkway; construction and paving may be phased.

11 Local roads do not have a paving requirement.

12 A six-inch minimum sub-grade preparation is required, or greater depending on location or soil conditions.

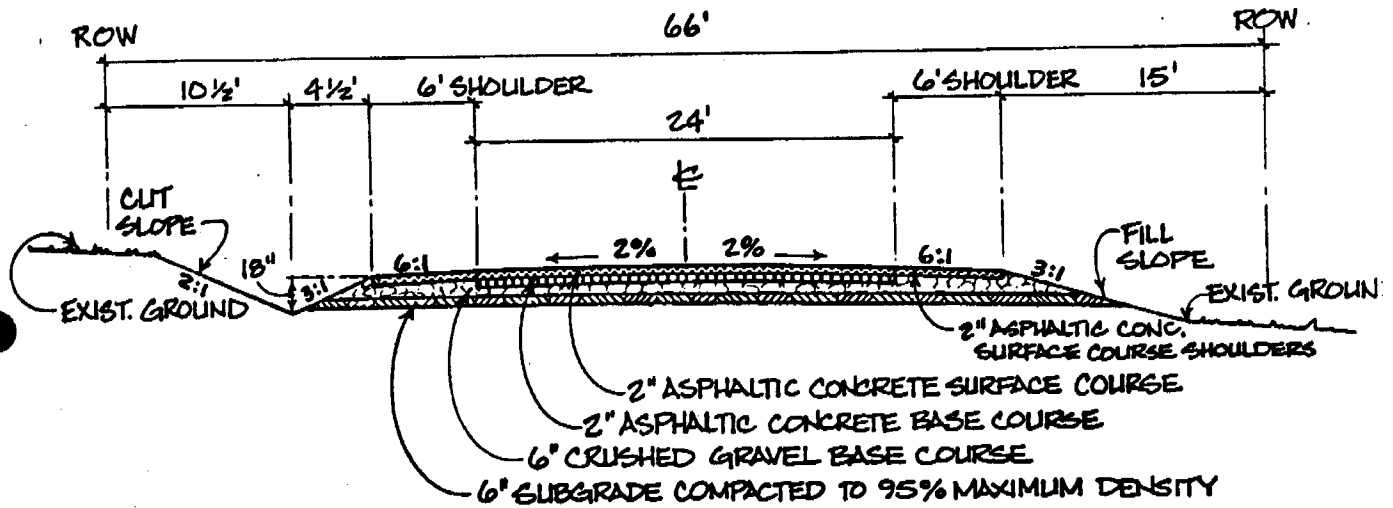
13 Cut and fill easements may be planted in lieu of additional right-of-way where terrain constraints require wide curves.

* Footnotes refer to both the horizontal and vertical categories.
** Average daily traffic assumes six trips per day per dwelling unit or building lot.

789641

APPENDIX B-2.1

MINOR ARTERIAL



NUMBER OF LOTS: 200+
ESTIMATED A.D.T.: 1200-5000

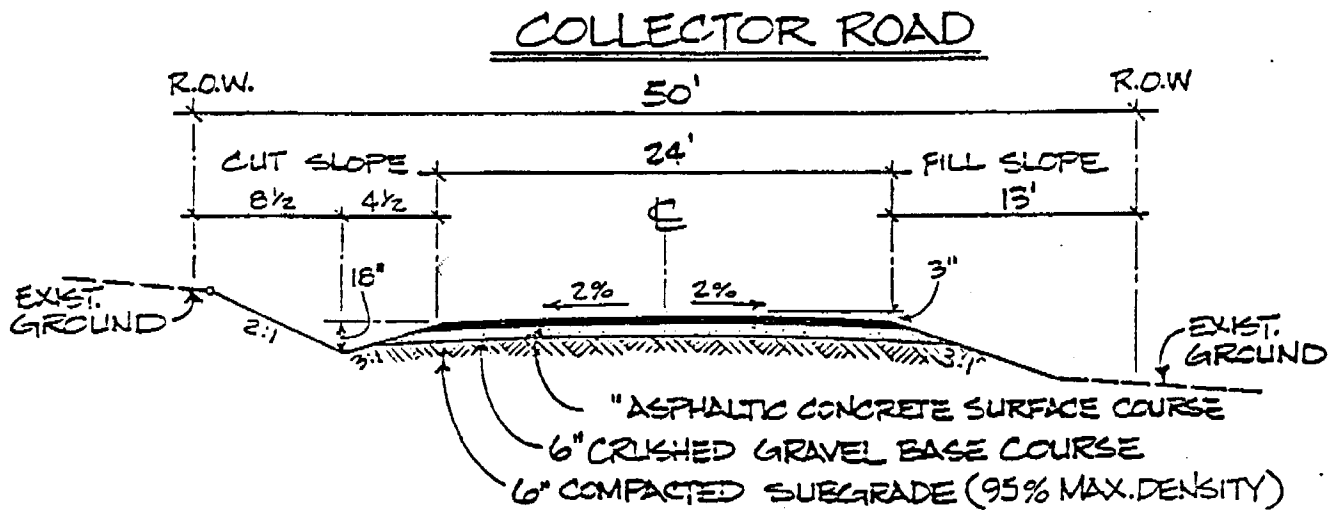
SHOULDER AREA TO BE CONSTRUCTED WITH A 6 : 1 RATIC. THIS REQUIREMENT APPLIES TO ARTERIAL ROADWAYS ONLY.

THE PLASTICITY INDEX DOES NOT APPLY TO ROADS THAT ARE TO BE PAVED.

FOR OTHER REQUIREMENTS SEE APPENDIX B-1 AND THE TEXT OF ARTICLE V, Sections 8 and 9.

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APPENDIX B-2.2

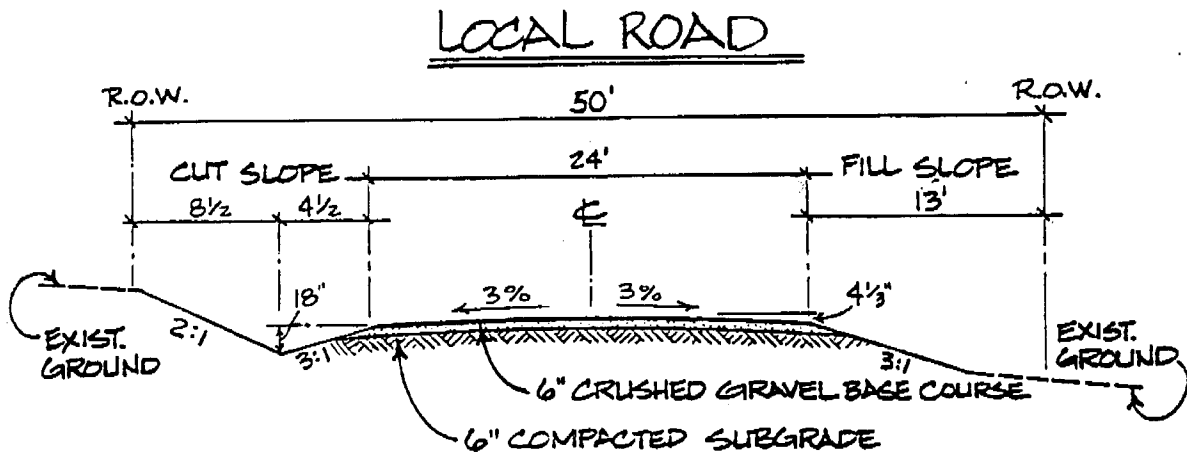


NUMBER OF LOTS: 100 - 199
ESTIMATED A.D.T.: 601 - 1200

THE PLASTICITY INDEX DOES NOT APPLY TO ROADS THAT ARE TO BE PAVED.

FOR OTHER REQUIREMENTS SEE APPENDICES B-1 and B-2.1

789643



NUMBER OF LOTS : 0 - 99

ESTIMATED A.D.T. : 0 - 600

A PLASTICITY INDEX (P I) OF 8% to 12% IS REQUIRED.

95% MAXIMUM DENSITY COMPACTION IS REQUIRED.

FOR OTHER REQUIREMENTS SEE APPENDICES B-1 and B-2.1

APPENDIX C

789644

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

DISCLOSURE STATEMENT

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 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.

ALL SUBDIVISIONS CONTAINING 25 OR MORE PARCELS OF LAND MUST
COMPLETE EACH ITEM SET FORTH IN PARENTHESIS BELOW

789645

1. NAME OF SUBDIVISION
(name of subdivision)
2. NAME AND ADDRESS OF SUBDIVIDER
(name)
(address)
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 OFFERED FOR SALE OR LEASE WITHIN THE
SUBDIVISION.
(size of largest parcel in acres)
6. SIZE OF SMALLEST PARCEL OFFERED FOR SALE OR LEASE WITHIN THE
SUBDIVISION
(size of smallest parcel in acres)
7. PROPOSED RANGE OF SELLING OR LEASING PRICES

(\$ = lowest amount)	(size of parcel sold or leased)
(\$ = highest amount)	(size of parcel sold or leased)
8. FINANCING TERMS
(interest)
(time price differential)

789646

(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 NAMED 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 lease 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)

789647

(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)
------------------------	--------

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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

789649

(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 subterranea(n) sources)

(recommended total depth of well)

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

(recommended pump settings and size)

(li(t)hological 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's regulations on water--except water quality)

25. WATER QUALITY

(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)

- * 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. ENVIRONMENTAL IMPROVEMENT DIVISION'S OPINION ON WATER QUALITY

Include here the approved summary of the opinion received by the Board of County Commissioners from the Environmental Improvement Division 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's 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 Commission for use within the subdivision)

NOTE: NO OTHER LIQUID WASTE DISPOSAL SYSTEM MAY BE USED IN A SUBDIVISION OTHER THAN THE SYSTEM APPROVED BY THE BOARD OF COUNTY COMMISSIONERS.

28. ENVIRONMENTAL IMPROVEMENT DIVISION'S OPINION ON LIQUID WASTE DISPOSAL

Include here the approved summary of the opinion received by the Board of County Commissioners from the Environmental Improvement Division 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's 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. ENVIRONMENTAL IMPROVEMENT DIVISION'S OPINION ON SOLID WASTE DISPOSAL

Include here the approved summary of the opinion received by the Board of County Commissioners from the Environmental Improvement Division 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 whether permanent or seasonal)

(give the location of all lots within floodways, flood

789651

fringes, and flood plains)

(give the location of all lots located on slopes in excess of 8%)

(describe the subsurface drainage for all lots)

(describe the surface drainage for all lots)

(describe the storm drainage system including the completion date of any required to be constructed)

32. NATURAL RESOURCES CONSERVATION DISTRICT'S OPINION OF TERRAIN MANAGEMENT

Include here the approved summary of the opinion received by the Board of County Commissioners from the Natural Resources 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's regulations on terrain management)

33. SUBDIVISION ACCESS

(name of town nearest subdivision)

(distance from town to subdivision)

(name of 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 DEPARTMENT'S OPINION ON ACCESS

Include here the approved summary of the opinion received by

the Board of County Commissioners from the State Highway 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's 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)

(route over which distance is computed)

(indicate whether the fire department is staffed by volunteers or a full-time staff)

40. POLICE PROTECTION

Include here the various police units that would patrol the subdivision:

(sheriff's department, if applicable)

(municipal police, if applicable)

(state police, if applicable)

41. PUBLIC SCHOOLS

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(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 D

PLEASE READ THIS DISCLOSURE STATEMENT

BEFORE YOU

789654

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 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.

789655

ALL SUBDIVISIONS CONTAINING 5 OR MORE PARCELS OF LAND BUT NOT MORE THAN 24 PARCELS MUST COMPLETE EACH ITEM SET FORTH IN PARENTHESIS BELOW

1. NAME OF SUBDIVISION

(name of subdivision)

2. NAME AND ADDRESS OF SUBDIVIDER

(name)

(address)

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. 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)

789656

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)

(lithological characteristics of formations through which well is to be completed)

10. SURFACE WATER**

(state the source and yield of the surface water supply)

11. WATER QUALITY

(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)

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: NO OTHER LIQUID WASTE DISPOSAL SYSTEM MAY BE USED IN A SUBDIVISION OTHER THAN THE SYSTEM APPROVED BY THE BOARD OF COUNTY COMMISSIONERS.

13. SOLID WASTE DISPOSAL

(describe the means of solid waste disposal that is proposed for use within the subdivision)

14. TERRAIN MANAGEMENT

789657

(describe the suitability of the soils in the subdivision for residential use whether permanent or seasonal)

(give the location of all lots within floodways, flood fringes, and flood plains)

(give the location of all lots located on slopes in excess of 8%)

(describe the subsurface drainage for all lots)

(describe the surface drainage for all lots)

(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.

ARTICLE VI
SPECIAL REVIEW DISTRICTS

789658

All applications for development permits located within a Special Review District shall comply with the procedures and standards set forth for the Special Review District.

SECTION 1 - HIGHWAY CORRIDOR DISTRICTS

1.1 Location of Highway Corridor Districts

Highway Corridor Districts shall consist of all land within 150 feet of the right-of-way of a federal highway in the County but not in an Urban Area as shown on Map 11 or 13, nor in a (Non-Residential) District, nor in a Traditional Community District.

1.2 Design Standards

In addition to the other requirements of the Code, any development within Highway Corridor Districts must meet the following standards:

- 1.2.1 All structures shall be set back 150 feet from the outer edge of the road pavement of a federal highway.
- 1.2.2 In the 150 foot setback, efforts shall be made to preserve any existing vegetation and natural topographic features.
- 1.2.3 A parcel located partly or wholly within highway corridor districts is not to be divided by a metes and bounds survey, subdivided, or otherwise developed with parcels parallel to the highway dependent upon the highway for access to each parcel.
- 1.2.4 The number of streets providing access from the highway to parcels shall be minimized. 1,500 or more feet between such access streets is desirable. Development of frontage roads parallel to the highway between access points is permitted.

SECTION 2 - AIRPORT LAND USE REGULATION DISTRICTS 789659

2.1 Location of Airport Land Use Regulation District

2.1.1 In order to carry out the provisions of this Article VI, Section 2 the Airport Land Use Regulation District shall be divided into the following zones:

- (1) Ldn Zone 1
- (2) Ldn Zone 2
- (3) Ldn Zone 3
- (4) Ldn Zone 4

2.1.2 The boundaries of the Airport Land Use Regulation District and the above zones are hereby established as shown in the Code Map 31 entitled "Airport Land Use Regulation Map for the Santa Fe Airport".

2.1.3 The boundaries of the above zones establish expected airport area intermittent noise levels, based on average ambient conditions and existing and projected aircraft operations. The effect of noise generated by any other specific use is not reflected in the Ldn contours. No assurance is made or intended, nor should it in any way be interpreted, that a specific use considered compatible within an Ldn Zone area will meet the noise safety standards, and no use determined compatible shall be allowed unless it is determined that the use will meet the noise safety standards for that zone.

2.2 Land Use Regulations

2.2.1 Any development which is proposed that is in more than one zone shall be limited to the more restrictive zone.

2.2.2 No designation of compatible use contained in this Section 2 shall be construed to abrogate or contravene the other provisions of the Code or any other local, state or federal

regulation and uses provided in this Section 2 are allowed only if allowed under the other provisions of the Code.

2.2.3 The following are designated compatible uses in Ldn Zone 4, and all other uses are designated incompatible uses in Ldn Zone 4:

- a. Open space
- b. Mining, fishing and agriculture except mink and poultry production.

2.2.4 The following are designated as compatible uses in Ldn Zone 3, and all other uses are declared incompatible in Ldn Zone 3.

- a. All uses designated as compatible in Ldn Zone 4.
- b. Playgrounds and parks, including amusement parks.
- c. Golf courses, tennis courts, riding and hiking trails, and cemeteries.
- d. Commercial establishments including wholesale, manufacturing, transportation, communication and utilities, but excluding outdoor theaters, stadiums and retail trade establishments.
- e. Other agricultural uses.

2.2.5 The following are designated as compatible uses in Ldn Zone 2, and all other uses are designated incompatible uses in Ldn Zone 2:

- a. All uses designated as compatible in Ldn Zone 3 and 4.
- b. Retail trade establishments.
- c. Hotels and motels, provided that construction techniques provide ten decibels extra noise reduction over the industry average for similar structures and that such reduction is certified by a qualified architect, structural engineer or acoustical

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engineer registered in the State of New Mexico; and further provided that airport hazard insurance is available to the establishment.

- 2.2.6 Ldn Zone 1 shall be all the areas outside the Airport Land Use Regulation District established by this Article VI, Section 2 of the Code, and has only those use restriction found in the Land Development Code.

SECTION 3 - HISTORICAL, CULTURAL AND ARCHAEOLOGICAL DISTRICTS

3.1 Purpose and Intent

- 3.1.1 In order to preserve and enhance the unique heritage of the County of Santa Fe, special review districts are established for historic, cultural, or archaeological sites and landmarks. Such sites and landmarks include, but are not limited to, structures which either are designated by the official register of cultural properties maintained by the New Mexico Cultural Properties Review Committee or are properties which may contain historic or pre-historic structures, ruins, sites or objects, desecration or destruction of which would result in an irreplaceable loss to the public of their scientific, educational, informational, or economic interest or value.
- 3.1.2 Preservation of historic or cultural sites, landmarks and materials shall be achieved by establishing a procedure for discovering, evaluating, reporting and treating such resources at the planning stage of development proposals.

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- 3.1.3 This ordinance is adopted pursuant to the Zoning Act, Section 3-21-1, et. seq., N.M.S.A., 1978, the Historic Districts and Landmarks Act, Section 3-22-1, et. seq., N.M.S.A., 1978, and the Cultural Properties Act, Section 18-6-1, et. seq., N.M.S.A., 1978 as amended.

3.2 Definitions

- 3.2.1 "Archaeological features" means nonportable cultural remains including but not limited to hearths, storage pits, firepits, architecture, or undisturbed layers of deposited materials.
- 3.2.2 "Archaeological site" means a concentration of cultural remains inferred to be the location of specific human activities.
- 3.2.3 "Archival research" means research in primary documents likely to yield information concerning the human occupation of the site in question, including but not limited to deed, census, cartographic, and judicial records.
- 3.2.4 "Artifact" means portable material remains that exhibit evidence of human use or alteration.
- 3.2.5 "Culturally altered landscape" means a landscape modified by human activity, including but not limited to roadways, agricultural fields, farming terraces, and irrigation ditches or other water control devices.
- 3.2.6 "Cultural remains" means the remains of prior human occupation or activity over seventy-five years of age whether portable

789663

or non-portable, including but not limited to, historic and prehistoric artifacts, architectural features, human skeletal remains, animal skeletal remains found in an archaeological context, rock carvings, and culturally altered landscapes.

3.2.7 "Historical or Historic preservation" means, for the purposes of this section, the preservation of ancient prehistoric sites, as well as buildings or neighborhoods built as recently as 75 years ago.

3.2.8 "Landmark" means a structure or site of historic interest.

3.2.9 "Reconnaissance survey" means a visual examination of land surfaces that are to be disturbed, and includes archival research of the property.

3.2.10 "Significant" or "Significance" means those sites that have yielded, or may be likely to yield, information important in the study of prehistory or history. These shall be those:

- (1) with cultural remains that are more than seventy-five years old;
- (2) with cultural remains that are directly associated with events or developments that have made an important contribution to local history or prehistory;
- (3) with cultural remains that are directly associated with the lives of persons significant in local history;
- (4) areas where a substantial number of prehistoric cultural remains are present; or

- (5) areas having cultural remains known to rarely occur in the Santa Fe County area.

3.2.11 "Treatment Plan" means a plan for the recovery or protection of discovered cultural remains at those historical, cultural or archaeological sites or landmarks that are considered significant. A plan shall include proposed excavation or preservation methods, proposed analysis techniques, and plans for the final disposition of artifacts recovered.

3.3 Location of Historical, Cultural or Archaeological Districts and Landmarks

3.3.1 Location of Historic or Cultural Sites and Landmarks

The following Historical or Cultural sites and Landmarks are established, as amended from time to time, at the following locations:

- a. Apache Canyon Railroad Bridge, Canoncito; Black Mesa (Tunyo), near San Ildefonso; Bouquet Ranch, Pojoaque; Carrillos Opera House (Clear Light); Cieneguilla Pueblo; Colina Verde Ruin, Galisteo Basin; Cundiyo; Davey (Randall) House, Upper Canyon Road; El Santuario de Chimayo and Collections; Galisteo Historic District; Glorieta Pass Battlefield; La Bajada Ruin, U.S. Forest, near Village of La Bajada; La Iglesia y La Plaza de Santa Cruz de la Canada; Las Golondrinas Ranch Site, La Cienega; Madrid Boarding House; Madrid Historic District; Mount Chalchihuitl

Turquoise Mine, north of Los Cerrillos;
 Nambe Archaeological District; Old
 Cienega Village Museum; Oratorio de San
 Buenaventura, Chimayo Plaza; Otowi
 Bridge Historic District on the Rio
 Grande; Pigeon's Ranch, near Glorieta;
 Plaza del Cerro, Chimayo; Galisteo
 Pueblo, Lamy; Pueblo Blanco, Galisteo
 Basin; Pueblo Colorado (north),
 Galisteo Basin; Pueblo of San
 Ildefonso; Pueblo of San Lazaro
 (National Historic Landmark), Galisteo
 Basin; Pueblo of San Marcos; Pueblo of
 She, Galisteo Basin; Pueblo of Tesuque;
 Roybal (Ignacio) House, Jacona; Santa
 Cruz Dam; Santa Fe River Sites, south
 of Agua Fria; Santa Fe Waterworks
 Reservoir; Sol y Sombra (Los Llanos),
 Old Santa Fe Trail; Spanish Log Cabin,
 Upper Canyon Road; West Otto Site;
 Waldo Coke Ovens; La Bajada Mesa
 Agricultural Site; Pueblo Largo; San
 Cristobal Pueblo; Los Cerrillos Mining
 District; Nambe Pueblo; Pfluger General
 Merchandise and Annex Saloon; Our Lady
 of Christ Church; and Narawi.

- b. Any parcel located in the County on
 which a structure is located which has
 been, or is after the effective date of
 the Code, placed on the official
 register of cultural properties
 maintained by the New Mexico Cultural
 Properties Review Committee.
- c. Other areas of exceptional historical,
 archaeological or cultural interest or

- a. Developments of 5.0 acres or more within areas designated as having high archaeological potential as shown on the Code Map 34, as amended.
- b. Developments of .75 acres or more within areas identified in a traditional village as having high archeological potential as shown on Code Map 34, as amended.
- c. Developments of 10.0 acres or more within areas designated as having moderate archeological potential as shown on Code Map 34, as amended.
- d. For developments of 20 acres or more within areas designated as having low archeological potential as shown on Code Map 34, the need for a survey will be determined on a case by case basis by the location of the Development in relation to other sites documented by the Archaeological Records Management System (ARMS) maintained by the New Mexico Historic Preservation Division.

3.4.3 Professional Qualifications: Report on Historic or Cultural Sites

A report and drawings describing all proposed changes to structures or development within a Historical or Cultural District or Landmark listed in Section 3.3.1 a, supra, shall be prepared by a professional qualified to evaluate, design and report on such changes. The report shall include methods by which the site affected by the development will be protected, preserved or salvaged.

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3.4.4 Professional Qualifications: Archaeologist

All archaeological reconnaissance surveys and reports required shall be conducted by a professional archaeologist who:

- a. holds a master's degree in archaeology, anthropology, or a closely related field with a specialization in archaeology, or equivalent training or field experience; and
- b. has at least two years experience in directing archaeology projects including at least six months of field experience in the southwestern United States.

3.4.5 Archaeological Districts: Standards and Criteria for Reconnaissance Surveys and Reports.

- a. The reconnaissance survey shall consist of:
 - 1) archival research and analysis of land titles, historic maps, Archeological Records Management Systems (ARMS) files of the State of New Mexico files and other existing data; and
 - 2) visual examination of the property for evidence of archaeological features, artifacts or culturally altered landscape at least seventy-five years old. Linear transects shall be used. A sample of surface artifacts shall be recovered.

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b. A report shall be submitted to the Land Use Administrator containing the following:

- 1) evidence that the person(s) conducting the reconnaissance survey or drafting the report meets the qualifications set forth above;
- 2) a description of the project site and proposed land altering development;
- 3) a vicinity map at a scale of at least one inch equals 2,000 feet (USGS 7.5 Quad);
- 4) a brief description and justification of the research design, methods and research techniques used;
- 5) quantitative and qualitative summaries of cultural remains recovered during the field investigations including a description and the proposed significance of the remains;
- 6) a brief description of human occupation and land use, as evidenced through documentary and archaeological research;
- 7) a complete listing of sources, including individuals with personal knowledge of a site, records and literature, which were consulted during the reconnaissance;

- 8) documentation of the project site including a site map at a minimum scale of one inch equals 400 feet showing the location of field work; visible cultural sites or structures; photographs of sites or structures completed; State of New Mexico site inventory forms which can be obtained from the New Mexico Historic Preservation Division; and an overview of previous work and findings in the vicinity;
- 9) an assessment of the impact of the proposed development on the cultural remains of the site; and
- 10) recommended significance status as defined by the treatment plan for the project site, and cost estimates for such treatment.

3.4.6 Review Procedures

- a. The Land Use Administrator shall submit the reports with comments to the State Historic Preservation Division to determine whether the sites discovered by the survey are significant, and whether the methods developed to protect a Historical, Cultural or Archaeological Site or Landmark are adequate.
- b. The State Historic Preservation Division, following review of the information about the site shall make one of the following recommendations to the Land Use Administrator:
 - 1) the proposed development will not affect a significant site, structure, or landmark or the integrity of the district;

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- 2) the proposed development will adversely impact a significant site or structure or the integrity of the district, but the effects can be mitigated through a specified treatment plan that will mitigate the impacts; or
 - 3) the proposed development will adversely impact a significant site or structure or the integrity of the district, and the affected structures or sites are of such size or significance that an adequate treatment is not feasible. In this case, fair compensation proceedings may be pursued.
- c. If the Historical, Cultural, or Archeological Site or Landmark is determined not to be significant, then no further treatment is required.
 - d. If the comments from the State Historic Preservation Division are not received by the Code Administrator within thirty (30) days of the date the application was submitted to the State Historic Preservation Division, the Code Administrator may make his referral to the CDRC without recommendation.
 - e. If an archaeological sites is determined to be significant, then the treatment plan shall be as follows:
 - 1) a sample of surface artifacts shall be collected;
 - 2) if there is reason to believe that subsurface remains do exist, then test excavations shall take place consisting, at a minimum, of two percent (2%) or eighteen (18) square

feet whichever is greater, of the archaeological site(s). At least eighteen square feet shall be dug by hand. Expansion of initial excavations may be made by mechanical equipment. Excavations shall proceed to a depth where no archaeological features or artifacts are encountered. In addition, further archival research shall be conducted concerning human occupation and the land use of the site(s);

- 3) surface artifacts shall be collected and documented. The site shall be treated in such a manner that no subsurface disturbance takes place; and
- 4) if test excavations are required, a preliminary excavation report of the results of the excavations shall be submitted to the County Development Review Committee before approval of the final development plan.

f. A mapped and written record shall be kept by the County of all surveyed areas and test excavations.

3.5 Archaeological Review Districts - Unexpected Discoveries; Human Remains; Penalties.

- 3.5.1 A report of any unexpected discoveries of cultural remains during construction activities shall be made to the County Land Use Department. Construction activities shall cease within the area of the discovery that in any way endangers the cultural remains. An archaeologist authorized by the State Historic Preservation Division shall visit the site within forty eight (48) hours, excluding weekends or holidays, and

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determine the archaeological significance and the data potential of the site. If the site is determined to be significant and to have data potential, then:

- a. the archaeologist will determine a buffer area in which construction activities shall temporarily cease; and
- b. the property owner shall present a treatment plan to the State Historic Preservation Office for approval. The treatment plan shall meet the requirements of Sections 3.4.6 e, supra.

3.5.2 Human remains are considered part of an archeological record, and should be afforded special treatment pursuant to Section 24-11-5, N.M.S.A., 1978. If human remains are discovered, any construction activities affecting the remains shall cease and County officials shall be contacted. If the human remains are less than 75 years of age, a determination of jurisdiction will be made by the office of the New Mexico Medical Examiner. If the remains are determined to be prehistoric or isolated burials of early historical age, the site is considered to be significant and a treatment plan shall be provided. This treatment plan shall indicate consideration of local Native American or other religious concerns, or if applicable, shall include notification of possible relatives or decendants. If the remains represent permanent interment in any church, church yard or cemetery, they may not be disturbed without a district court order. (Section 30-12-12 N.M.S.A. 1978, as amended).

3.5.3 Failure to report such finds shall result in the imposition of penalties provided in Article I, Section 11 of this Code.

3.6 Public Use

If the owner of an archaeological, historical, or cultural resource site intends to make the premises open to the public or charge user fees to the public for visiting the site, the owner shall be subject to the provisions of the Land Development Code relating to non-residential or other development.

3.7 Maximum Time for Surveys, Reports, Excavations of Significant Sites, and Treatment of Unexpected Discoveries

In no case shall the professional or archeologist engaged to prepare a report or conduct the reconnaissance survey, and report on findings for the excavation of unexpected discoveries or the excavation of significant sites, spend more than twenty (20), eight-hour equivalent work days in carrying out his or her responsibility.

3.8 Maximum Funding Limit

In no case shall the applicant be required to spend more than one percent (1%) of the value of the proposed development shown on the development permit in providing reports and other information requested by the Code Administrator. History. 1980 Comp. 1980-6. Section 3 of Article VI was extensively amended by County Ordinance 1988-8, providing for surveys and a review procedure relating to the archaeological resources of the County.

SECTION 4 - TRADITIONAL COMMUNITY DISTRICTS

4.1 Boundaries of Traditional Community Districts

La Puebla, Chimayo, Rio Chiquito, Cundiyo, the Pojoaque Valley (including Pojoaque, Nambe, Jacona, Jaconita, El Rancho and San Ildefonso), Chupadero, Rio en Medio, Tesuque, Cuyamungue, La Cienega, Canada de Los Alamos, Glorieta, Lamy, Galisteo, Los Cerrillos, Golden, Madrid, Stanley and Edgewood are established as Traditional Community Districts, in the locations shown on Code Maps 40 through 57. (The boundaries for Rio en Medio and Tesuque are to be amended according to the Las Tres Villas Plan.)

4.2 Alteration of Traditional Community Boundaries

The Board may alter the boundaries of a Traditional Community. If an interested party or parties applies for a development permit involving a change in the boundary of a Traditional Community District, in addition to the other requirements of law for amending the Code, the Board shall consider any existing approved Local Land Use and Utility Plan and shall seek the advice of the Community Development Review Committee, if any.

4.3 Local Land Use and Utility Plan

4.3.1 Residents of a Traditional Community District may cause a Local Land Use and Utility Plan to be prepared for a Traditional Community. In order to be considered by the Board for approval, a Local Land Use and Utility Plan for a Traditional Community shall:

- a. establish policies and provisions for land use and the provisions of water and liquid waste disposal services;
- b. establish policies and provisions for water consumption, community layout, improvement and maintenance of utilities, critical community population size based on a refined analysis of the County General Plan Community critical size, environmental impact, if any, of development, housing, roads, open space and recreation, and historic, cultural and archaeological preservation;
- c. not include development proposals that might use or deplete a greater amount of local water resources than is provided for under the water policies of the Code and the County General Plan, unless the Plan demonstrates that water in an amount sufficient to adequately serve the additional population is available; and

d. be consistent with any applicable State statutes or any County ordinances.

4.3.2 The Board may, after public hearing, approve a Local Land Use and Utility Plan for a traditional community. After approval by the Board, a Local Land Use and Utility Plan shall constitute an amendment to the County General Plan as it applies to the traditional community. To the extent that a Local Land Use and Utility Plan amends the Code, the procedures for adopting ordinances shall be followed in connection with adoption of a Local Land Use and Utility Plan.

4.4 Critical Community Population Sizes

When a Traditional Community has reached its critical population size, as established in the County General Plan, the County shall grant no development permits under this Section unless (1) water is imported; (2) a hydrology report establishes that ground water sources in addition to those water sources described in the County General Plan are available; (3) water conservation practices provided for in the Code to reduce the use of local ground water are made legally enforceable in the Traditional Community District; or (4) a policy is established to utilize existing irrigation water rights and supplies for the purposes of supporting urbanization.

4.5 Neighborhood Center Uses in Traditional Communities

Uses allowed in neighborhood center districts are allowed anywhere within the boundaries of a Traditional Community, provided that any requirements of the Code, other than requirements concerning location of neighborhood center districts, are met.

ARTICLE VII

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ENVIRONMENTAL REQUIREMENTS

SECTION 1 - FLOOD HAZARDS

Compilers Note. See also related regulations in County Ordinance 1988-1 which sets forth minimum floor elevations for flood hazard areas pursuant to 3-18-7, NMSA, 1978 and Federal Emergency Management Agency (FEMA) regulations in issuing development permits.

1.1 Requirements for a Flood Hazard Analysis

All applications for a development permit shall be reviewed by the Code Administrator to determine if the proposed development involves land located in a Flood Hazard Area as defined in Section 1.3 of this Article VII. If the proposed development involves activities in a Flood Hazard Area which are not permitted by Section 1.4 of this Article VII, the development permit application shall be denied.

1.2 Procedures and Submittals

1.2.1 Large Scale Development

An applicant for a development permit involving a subdivision, a use authorized and located in a non-residential district, a large scale residential development, or mining uses, shall submit a map showing the location of all floodways, flood fringe areas, flood plains and flood hazard areas within the property which is the subject of the application, except that if no development is proposed within the flood hazard area, then only the flood hazard area shall be mapped. The map will be at the same scale as other detailed maps required under the Code, and shall be prepared as set forth in Section 1.3 of this Article. If the proposed development is located within a Flood Hazard Area, submittals as required in Section 1.2.3 are required in a report prepared by a

professional engineer registered in the State of New Mexico, demonstrating that adequate drainage is provided to reduce exposure to flood hazards.

1.2.2 All Other Development

An applicant for a development permit not governed by Section 1.2.1 above shall be required to make the submittals required in Section 1.2.3 of this Article VII, if the Code Administrator determines that the proposed development is located in a Flood Hazard Area.

1.2.3 Submittals if Development is Proposed in a Flood Hazard Area.

If an applicant proposes development within a Flood Hazard Area, then required submittals shall include the following:

- 1.2.3a A flood hazard analysis as described in Section 1.3 of this Article;
- 1.2.3b Plans drawn to scale showing the location, dimensions and elevation of proposed landscape alterations, existing and proposed structures, and the location of the foregoing in relation to the flood way, flood fringe, flood plain and flood hazard area;
- 1.2.3c Elevation in relation to mean sea level, of the lowest floor including the basement of all proposed structures;
- 1.2.3d Elevation in relation to mean sea level, to which any non-residential structure shall be flood-proofed;
- 1.2.3e Description of the extent to which any course or natural drainage will be altered or relocated as a result of proposed development; and
- 1.2.3f Additional submittals as necessary to establish conformance with Section 1.4

of this Article VII.

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1.2.4 Special Submittals for Appeal Procedures

If any application for a development permit is denied at the first level of review under this Section, the Code Administrator, or his designee, shall perform a field inspection of the site if requested by the applicant. If the Code Administrator upholds denial of the permit, based on the reasonable possibility of a flood hazard to the development, the applicant may appeal the decision following the procedures set forth in Article II of the Code.

The applicant shall be required to submit a detailed report, prepared by a professional engineer registered in the State of New Mexico, which addresses the following relevant factors:

- 1.2.4a The danger to life and property due to flooding or erosion damage.
- 1.2.4b The susceptibility of the proposed development and its contents to flood damage and the effect of such damage on the individual owner.
- 1.2.4c The danger that materials may be swept onto other lands to the injury of others or their property.
- 1.2.4d The compatibility of the proposed development with existing and anticipated development to adjacent properties.
- 1.2.4e The safety of access to the property in times of flood for ordinary and emergency vehicles.
- 1.2.4f The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and

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public utilities and facilities such as sewer, gas, electrical, and water systems.

1.2.4g The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site of the development.

1.2.4h The availability of alternative sites, not subject to flooding or erosion damage, for the proposed development.

1.2.5 Review by State and Federal Agencies

All submittals for subdivisions which are required under this Article VII, Section 1, shall be reviewed by the local Natural Resource Conservation District and must conform to any standards and requirements set by that district. All other submittals may, at the discretion of the Code Administrator, be subject to review by a State or Federal agency having authority over matters pertaining to flood hazard areas, including, but not necessarily limited to: the Natural Resource Conservation District; the U.S. Soil Conservation Service; the U.S. Army Corps of Engineers; the Federal Insurance Agency; and the New Mexico State Engineer.

1.3 Location of Flood Hazard Areas

1.3.1 Flood Hazard Boundary Maps

1.3.1a Flood Hazard Areas identified by the Federal Insurance Administration on its Flood Hazard Boundary Maps for Santa Fe County, Community No. 350069, dated December 20, 1977, and any revisions thereto are hereby adopted by reference and incorporated as part of the Code.

1.3.1b Where interpretation is needed as to the exact location of the boundaries of a

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Flood Hazard Area, for example, where there appears to be a conflict between a mapped boundary and actual field conditions, the Code Administrator shall determine whether the proposed development is located in a Flood Hazard Area.

1.3.2 Other Flood Hazard Studies

In areas for which a flood information map or study has been professionally prepared, for example, by the U.S. Army Corps of Engineers, such a map or study shall be an acceptable source of definite information, provided that it can be interpreted to delineate Flood Hazard Areas, and that it provides no irreconcilable conflict with the maps described in Section 1.3.1.

1.3.3 Other Analysis

In areas for which inadequate or no flood hazard information is available, it will be acceptable to delineate floodways, flood fringes or flood plains by (a) using Soil Conservation Service soils ratings; (b) a simplified hydrologic model such as described in the Environmental Appendix to the County General Plan; or (c) an engineering analysis, prepared pursuant to Section 1.3.4 of this Article VII.

1.3.4 Engineering Analysis

If approved by the Board, a flood hazard analysis of any portion of the County may be performed by a professional engineer, registered in New Mexico. Such analysis shall: utilize recognized techniques for quantifying flood runoff and flood plain dimensions; take into account probable land use changes in upstream regions; and take into account possible changes

in channel configuration above or below the site being evaluated which may be caused by potential development.

1.3.5 Other Methods

In the event that the Federal Insurance Administration requires that methods other than those described above are to be utilized in determining Flood Hazard Areas, then such procedures shall take precedence over those which are set forth above. In the event that all the above methods fail to resolve the question as to the extent of a flood hazard area, the technical assistance of an agency such as the U.S. Army Corps of Engineers may be sought.

1.3.6 Modification of Flood Hazard Boundary Maps

If the Board determines that modification of the Flood Insurance Administration Flood Hazard Boundary Maps is desirable, then the maps will be modified, with approval of the Flood Insurance Administration. Techniques used may include the rational method; the Soil Conservation Service method cited in the Appendix for Santa Fe County General Plan; Environmental Chapter on Flood Plain Management, the U.S. Geological Survey method cited in said reference; or any other technique which is approved by the Code Administrator. The technique used must reflect future land use conditions, including probable development upstream of the site being analyzed, and documentation must be provided as to all input data utilized, including topography, vegetation, soils, precipitation and stream channel characteristics; all calculations used regarding runoff dimensions and channel capacities must

also be presented.

1.4 Development Allowed Within Flood Hazard Areas

1.4.1 General

Applicants are encouraged to treat Flood Hazard Areas as aesthetic open space zones to be used for purposes such as recreation (hiking, riding trails), agriculture, wildlife habitat and water recharge zones. All portions of a Flood Hazard Area may be included in considering density regulation for any type of development.

1.4.2 Floodway Areas

No development is permitted in floodway areas.

1.4.3 Flood Fringe Areas

Flood fringe areas may be used for purposes as described in Section 1.4.1 of this Article. No structure may be erected in a flood fringe, including a structure for the permanent sheltering and confinement of animals, with the following exceptions: arterial crossings for traffic or utilities; special public facilities such as gauging station or flood control structures. Such structures must meet requirements set forth in Section 1.4.5 of this Article.

1.4.4 Flood Plains and Flood Hazard Areas

Flood Plains and Flood Hazard Areas may be used for purposes as described in Section 1.4.1 of this Article. Streets, parking lots and recreational facilities (except overnight camping) are permitted provided that the requirements of Section 1.4.5 are met.

Development involving construction of a dwelling or other structure within a flood plain area may be approved if the following requirements are met:

1.4.4a The property does not contain a site on

which the dwelling or other structure could be built outside the flood plain area.

- 1.4.4b All structures and other improvements shall be anchored to prevent flotation, collapse or lateral movement. All structures and other improvements shall be constructed by methods and practices that minimize flood damage or erosion. All structures and improvements shall be constructed with materials and equipment resistant to flood damage.
- 1.4.4c New and replacement water supply systems and sanitary sewage systems shall be designed to minimize infiltration of flood waters into the system, or discharges from the systems into flood waters.
- 1.4.4d On-site wastewater and solid waste disposal are prohibited.
- 1.4.4e Dwellings shall be required to have the lowest floor, including basement, elevated to one foot above the elevation of the boundary of a flood hazard area. A professional engineer, registered in the State of New Mexico, shall submit a certification to the Code Administrator that this requirement will be met.
- 1.4.4f Dwellings shall be flood-proofed so that any construction within the flood plain area is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A professional

engineer, registered in the State of New Mexico, shall submit a certification to the Code Administrator that this condition will be met.

1.4.4g Mobile homes are not permitted.

1.4.5 Special Requirements

1.4.5a Any development permit which authorizes development within a Flood Hazard Area may be conditioned upon the requirement that the applicant provide runoff control measures which are approved by the local Natural Resource Conservation District for the purposes of preventing or reducing flood hazards.

1.4.5b All arterial crossings other than concrete dip sections must be designed to allow adequate passage for runoff which results from a storm having a return period of once per 100 years, and shall have their lowest horizontal structures placed at least one (1) foot above the level which would be reached by such runoff, after consideration is given to the flow by such runoff, and to the flow retarding effects of the structure. All such crossings must be designed by a professional engineer, registered in the State of New Mexico.

1.4.5c The hydraulic properties of any flood hazard area which is projected to carry a flow of no less than 100 cubic feet per second due to runoff which results from a storm having a return period of once per 100 years shall not be modified unless the upstream and downstream effects of the modification are

addressed in a report submitted to the Code Administrator, and prepared by a professional engineer registered in the State of New Mexico. Except at arterial crossings, no modification of these properties will be permitted which alters the cross-section, slope roughness, recharge potential, or hydraulic capacity of a Flood Hazard Area unless such a change can be demonstrated to reduce flood hazard both up and downstream of the modification.

1.4.5d No development shall result in any materials being placed in a Flood Hazard Area which may more easily be eroded or dislodged by flood waters than the native material in the flood fringe area.

1.4.6 Mining uses and mineral exploration shall be permitted within Flood Hazard Areas provided that it is determined by the Code Administrator or the Board, that there is no significant danger that materials or hazardous wastes may be swept onto the land of others to the injury of others.

1.5 Variances

Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in this Section.

1.6 Specific Administrative Procedures

The Code Administrator shall:

- a. Notify adjacent communities and the State Engineer prior to any alteration or relocation of a watercourse, and submit evidence of such

notification to the Federal Insurance
Administration;

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- b. Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished;
- c. When flood elevation data has not been provided in accordance with Section 1.2.3 of this Article, obtain and reasonably utilize flood elevation data from another source, in order to administer the provisions of this Article; and
- d. Maintain a record of all actions involving an appeal and report variances to the Federal Insurance Administration upon request.

SECTION 2 - LIQUID WASTE DISPOSAL

2.1 Basic Procedures and Requirements

Application for development permits shall be reviewed by the Code Administrator to determine if liquid waste and the manner of disposal of liquid waste produced by the development meet the requirements of the Code. The determination shall be based upon submittals and criteria set forth in this Section. No development permit shall be issued unless the requirements set forth in this Section are met.

2.2 Required Liquid Waste Disposal Facilities, by Development Type.

The following table indicates the types of facilities required for liquid waste disposal:

<u>Development Type</u>	<u>Disposal Facilities Required</u>
Parcel adjoining a street in which a sewage system exists which is available for use by the owner of the parcel.	Hookup to the existing sewage system is required, subject to the provisions of Section 2.3 of this Article VII.
A single residence on an existing parcel, other than included in the above category.	Use of individual on-site liquid waste disposal system, subject to the provisions of Section 2.4 of this Article VII.
Development involving division	Use of individual on-site

of land not a subdivision or construction of more than one but less than five dwellings on one parcel, other than included in any above category.

Subdivisions containing one or more parcels less than one acre in size.

Subdivisions other than the above, containing 100 or more parcels, any one of which is less than 2.5 acres in size.

All other subdivisions.

Large scale residential uses.

Commercial development other than included in any category above.

liquid waste disposal system, subject to the provisions of Section 2.4 of this Article VII.

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Construction of a community liquid waste disposal system, subject to the provisions of Section 2.6 of this Article VII.

Construction of a community liquid waste disposal system, subject to the provisions of Section 2.6 of this Article.

Use of individual on-site liquid waste disposal systems subject to the provisions of Section 2.7 of this Article VII.

Construction of a community liquid waste disposal system, subject to the provisions of Section 2.6 of this Article or construction of a central on-site system subject to Sections 2.4.2 and 2.4.3 of this Article VII.

Construction of a community liquid waste disposal system, subject to the provisions of Section 2.6 of this Article or use of individual on-site liquid waste disposal systems subject to the provisions of Section 2.7 of this Article VII.

2.3 Requirements for use of Existing Community Liquid Waste Disposal Systems

2.3.1 The development conforms to the plumbing code adopted in Article IV of the Code;

2.3.2 The applicant submits a legally binding agreement with the owner of the sewage system to be used allowing the applicant to dispose of liquid wastes from the development into the

sewage system; and

- 2.3.3 There is no evidence available to the Code Administrator which indicates that the sewage system to be used is not properly operating and/or that the system does not have capacity sufficient to process the additional liquid waste. The Code Administrator may refer the application to the New Mexico Environmental Improvement Division for review and comment concerning the operating condition and capacity of the sewage system.

2.4 Requirements for Construction of an Individual Liquid Waste Disposal System

- 2.4.1 For a system with a capacity and expected discharge of 2,000 gallons per day or less, a copy of the completed and signed registration certificate issued by the New Mexico Environmental Improvement Division must be submitted by the applicant prior to issuance of a development permit.
- 2.4.2 For a system with a capacity or expected discharge greater than 2,000 gallons per day, a copy of a discharge permit issued by the Director of the New Mexico Environmental Improvement Division must be submitted by the applicant prior to issuance of a development permit.
- 2.4.3 No individual liquid waste disposal system registration certificate or discharge permit shall be accepted by the Code Administrator where the disposal system is intended for use on a parcel of less than 1.0 acre unless the disposal system discharges effluent containing no more than 45 milligrams per liter nitrate to the surface or the subsurface. Discharge to an evapotranspiration field underlaid by a

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permanent impermeable liner shall be considered to discharge no more than 45 milligrams per liter nitrate to the surface and subsurface, provided that the system is otherwise approved by the New Mexico Environmental Improvement Division. All other systems including conventional septic tank with drainfield, and aerated tank with drainfield, shall be considered to discharge more than 45 milligrams per liter nitrate to the surface or to the subsurface, unless the applicant can demonstrate otherwise. This requirement may be waived by the Code Administrator for areas where the Environmental Improvement Division states that use of a conventional disposal system will not, in conjunction with other systems in the area, lead to significant pollution of ground or surface water.

2.5 Requirements For Division Of Land Not A Subdivision Or Construction Of More Than One But Less Than Five Dwellings On One Parcel, Where Use Of Individual Liquid Waste Disposal Systems Are Proposed

In addition to the requirements set forth in Section 2.4, where creation of less than five parcels is proposed or where more than one but less than five dwellings are proposed for a single parcel, the developer must submit the following proof of disposal capabilities prior to issuance of a development permit:

2.5.1 Evidence that soils are suitable for the proposed liquid waste disposal needs according to Soil Conservation Service suitability ratings; and

2.5.2 Evidence that the lot size requirements of Section 10 or Article III of the Code are met.

2.6 Requirements for Community Liquid Waste Disposal Systems for Subdivisions and Other Developments

2.6.1 Requirements

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A community liquid waste disposal system shall meet the following requirements:

2.6.1a Design and complete construction of the system, by the time required in the approved plan, in compliance with all applicable New Mexico Water Quality Control Commission Regulations in effect at the time of final plat approval.

2.6.1b Connection to the community system for the occupants of the subdivision or other development in accordance with the requirements of the approved plan.

2.6.1c Provisions for the operation, maintenance and expansion of the system to meet the growth in population of the subdivision or other development in a manner consistent with the approved plan and consistent with all applicable Water Quality Control Commission regulations in effect at the time of plat approval.

2.6.1d If an applicant is required to provide a community liquid waste disposal system, he must:

(i) Meet the requirements stated above by the time of plat approval; or

(ii) File with the County Clerk a surety bond or other security acceptable to the County in sufficient amount to assure completion of all required improvements.

2.6.2 Submittals

The following are required to be submitted as part of an application for a development permit involving the construction of a community liquid waste disposal system:

2.6.2a A legal description of the location of

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all construction easements, and rights-of-way necessary for the installation of the community liquid waste disposal system.

- 2.6.2b Plans and specifications, prepared by a professional engineer registered in New Mexico, for the construction of the system.
- 2.6.2c The time when the community liquid waste system is proposed to be completed.
- 2.6.2d If the proposal is to connect to an existing community liquid waste system, plans and specifications for the proposed liquid waste collection system and the existing system, and a description of the existing system.
- 2.6.2e Written confirmation from the Director or the Environmental Improvement Division that the proposed system complies with all state regulations applicable to the system.
- 2.6.2f An improvement agreement which guarantees:
 - (i) The construction and operation of any liquid waste treatment system approved by the County and shown in the plat documents and plans;
 - (ii) Collateral in the form of a performance bond or other security to adequately assure the complete construction and operation of the system in accordance with design and specifications;
 - (iii) Written confirmation from the Environmental Improvement Agency that the operator of the system has met all

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of the requirements of the New Mexico
Utility Operators Certification Board;
and

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

2.6.2g A report which indicates alternatives to
the system which were considered, if
any, and the reason for not selecting
the alternatives.

2.7 Requirements for Subdivisions and Large Scale
Residential Development Proposing Individual Liquid
Waste Disposal Systems

The following submittals must accompany an application
for a development permit for a subdivision or large scale
residential development for which individual liquid waste
disposal systems are required:

- 2.7.1 A copy of the subdivider's disclosure statement
relating to liquid waste disposal.
- 2.7.2 The location or proposed distance separation of
all proposed and existing wells, sewage
absorption areas, community sewage systems,
and community water supply systems within the
proposed subdivision or large scale residential
development and existing wells and drainfields
within 300 feet of the proposed subdivision or
large scale residential development boundary.
- 2.7.3 The location of all arroyos, drainage areas and
bodies of water within the proposed subdivision
or development and within 300 feet of the
proposed subdivision or development boundary.
- 2.7.4 The soil depth throughout the area of the
proposed subdivision or development.
- 2.7.5 Soil classification and percolation tests,
- 2.7.6 The depth to seasonal high water table.
- 2.7.7 The slope of the ground within the proposed

subdivision or development.

- 2.7.8 The flood frequency of areas within the proposed subdivision or development.
- 2.7.9 A detailed description of the kind of individual liquid waste disposal systems, if any, that are to be used by the occupants of the subdivision or development.
- 2.7.10 The projected population of the subdivision or development.
- 2.7.11 The direction of movement of ground water in the subdivision or development.
- 2.7.12 An analysis which indicates that individual liquid waste disposal systems can be used for each lot in compliance with all applicable Environmental Improvement Division regulations in effect at the time the application is made, without need for any variance from their requirements.
- 2.7.13 At the discretion of the Board of Commissioners, an applicant for a development permit involving a subdivision of 100 or more lots, any one of which is less than 10 acres, or 25 or more lots, any one of which is less than 2.5 acres, may be required to analyze the effect of wastewater discharges on ground water quality over a 100 year time frame to demonstrate that potable water supplies now available to wells within one mile of the development shall not be caused to be unpotable during the 100 year period as a result of the proposed development.

SECTION 3 - TERRAIN MANAGEMENT

3.1 Requirements for Terrain Management Plan

3.1.1 Construction of One Dwelling

The requirements of this Section 3 of Article VII shall not apply to an application for a development permit involving the construction of

taken to minimize or compensate for the effects of construction, grading, clearing or other development activities.

3.1.4 Reviews

All terrain management plans submitted for subdivisions shall be referred to the local Natural Resource Conservation District for review and approval.

All other terrain management plans, including all sketch terrain management plans, may be referred to the Santa Fe County Office of the U.S. Soil Conservation Service for review and comment.

3.2 Submittals for a Terrain Management Plan

3.2.1 Natural Features Map

A map of the development (at the same scale as the preliminary map) showing directly or by overlay:

3.2.1a the boundaries of the development for mining uses, i.e. the boundaries of the mine site;

3.2.1b the existing contours with intervals of not more than two (2) feet where the slope is less than eight percent (8%) and not more than five (5) feet where the slope is eight percent (8%) or greater, showing the slope in percentage throughout the site provided that where an applicant seeks a mining use on a tract of land in excess of 1000 acres, the contours shall be not more than ten (10) foot intervals or as otherwise agreed to by the Code Administrator and applicant;

3.2.1c all areas with a natural slope of twenty

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five percent (25%) or greater, clearly shown by scale, line or color; shown in increments approved by the Code Administrator;

3.2.1d the location of all drainage channels, watercourses, waterbodies, floodways, flood fringes, and floodplains.

3.2.1e the location of all major rock outcroppings, faults and geologic resources, provided that mining uses will not be required to locate mineral geologic resources nor the location of major rock outcroppings, but will be required to locate major geologic rock types.

3.2.1f the location of the major vegetation types and cover density. The location of major vegetation types and cover density may be shown by an aerial photograph of reasonable clarity taken within the preceeding 12 months, and be of a scale satisfactory to the Code Administrator to include an appropriate legend.

3.2.2 Soil Survey

A soil survey for the development including:

3.2.2a an overlay of the natural features map showing the location of each different soil types;

3.2.2b a description of the soil types. Soil profiles may be required where found to be reasonably necessary by the Code Administrator;

3.2.2c interpretations of use limitations from a detailed soil survey; and

3.2.2d areas of severe soil limitation for the

intended use clearly shown on the soils overlay.

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3.2.3 Grading Plan

The grading plan shall include:

- 3.2.3a an overlay of the natural features map showing the location of all proposed parcels, roads, bridges, water and erosion control structures, and utility easements in relation to the existing contours;
- 3.2.3b an overlay showing the finished contours of the development after all proposals have been implemented using contour intervals equal to or less than those on the existing contour map, unless such contours are shown on other submittals;
- 3.2.3c the location of all cuts and fills, including the grades, lengths and depths thereof, unless shown on other submittals;
- 3.2.3d all areas where the natural elevation of the land will be changed by more than three (3) feet;
- 3.2.3e all areas where the grading of land will disturb more than 1000 contiguous square feet, excluding areas which will be directly built upon or utilized for driveways or roads;
- 3.2.3f profiles showing existing ground surface and proposed street grades and typical cross sections of the proposed grading;
- 3.2.3g a description of methods of stabilization in areas of cut and fill, embankment, compaction, and revegetation on slopes; and
- 3.2.3h a discussion of all measures to be taken

to meet the requirements set forth in
Section 3.3 of this Article VII with
regard to grading.

3.2.4 Landscape Plan

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The landscape plan shall identify, by overlay or
separate map:

- 3.2.4a location and type of materials to be
used in revegetation and slope
stabilization;
- 3.2.4b location of all areas where vegetation
will be preserved and a description of
methods for vegetation protection;
- 3.2.4c duration of exposure of disturbed areas;
- 3.2.4d vegetation characteristics after re-
vegetation; and
- 3.2.4e for mining uses, a reclamation plan
complying with Section 5, Article III
shall be submitted instead of landscape
plan required by this Section.

3.2.5 Erosion and Drainage Plan

The erosion and drainage plan shall include:

- 3.2.5a storm drainage computations for the 100
year frequency storm, and of the
estimated runoff from the site prior to
and following completion of development
and presuming full development;
- 3.2.4b quantities of water carried by major
drainage courses and proposed treatment
of major drainage courses;
- 3.2.5c the location, type and size of proposed
drainage and erosion control structures;
- 3.2.5d the location of drainage easements;
- 3.2.5e an overlay indicating the depth to
ground water in all areas where the
seasonal high water table is within
twenty (20) feet of the ground surface;

and

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- 3.2.5f all appropriate design details necessary shall clearly explain the construction of all subsurface structures.

3.2.6 Construction Schedule

After issuance of a development permit, and prior to commencing construction, the Code Administrator may require, if reasonably necessary, an estimated schedule of construction to include:

- 3.2.6a the start and finish of all clearing and grading activities;
- 3.2.6b duration of exposure of disturbed areas;
- 3.2.6c stabilization date for disturbed areas;
- 3.2.6d installation date of storm drainage systems;
- 3.2.6e installation date for all roads;
- 3.2.6f paving date of roads and parking areas;
- 3.2.6g installation date of each utility to be provided and whether said utilities will be above ground or below; and
- 3.2.6h installation date for homes, recreation structures and other community improvements.

3.3 Performance Standards

All development subject to the requirement of filing a terrain management plan shall be subject to the following performance standards:

3.3.1 Soils

- 3.3.1a Subdivisions must demonstrate the availability of soils for at least the following uses: building foundation

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support, fill, road location, underground utilities, water control structures, and erosion control structures.

- 3.3.1b Where soils with severe limitations are proposed for development, the terrain management plan or sketch plan must indicate how the limitations will be overcome.

3.3.2 Grading

- 3.3.2a All grading shall be performed in a manner which has no adverse effect on adjacent properties; except for mining uses and mineral exploration, clearing shall be kept to a minimum, and stabilization of bared surfaces shall begin promptly upon completion of construction activity.
- 3.3.2b The portions of a site to be graded shall be clearly marked on the site prior to any grading or clearing. Construction equipment shall be permitted to grade only within marked areas. No grading is permitted within one (1) foot of a property line, except for streets, roads and driveways.
- 3.3.2c A detailed grading schedule shall be followed. It is recommended that the maximum exposure of any area to be revegetated be four (4) months, no more than forty-five (45) days of which should occur in the months June through September. If longer exposures are necessary, it is recommended that a mulch be used as a temporary cover on land which is to be revegetated.

- 3.3.2d The top or bottom edges of slopes caused by an excavation or fill up to ten (10) vertical feet shall be at least three (3) horizontal feet from property lines, unless within a permanent slope easement adjacent to a street right of way line, in order to permit the normal rounding of the edges without encroaching on the abutting property. For cut or fill slopes greater than (ten) 10 vertical feet, the required horizontal setback shall equal at least thirty percent (30%) of the height of the cut or fill.
- 3.3.2e All structures except retaining walls or soil stabilization improvements shall be set back from the crest of fills or the base of cuts for a minimum distance equal to the depth of the fill or the height of the cut, unless a structurally sound retaining wall is built for the cut or fill slope. Retaining walls may be part of a dwelling.
- 3.3.2f Phased clearing shall be used whenever the total amount of clearing proposed exceeds 4000 square feet. This requirement shall not apply to a surface which is to be permanently left in a graded or cleared condition, such as a road, driveway or parking lot.
- 3.3.2g No on-site borrow is permitted except as part of necessary cuts; all excess soil and vegetation shall be disposed of at an authorized landfill, or other location acceptable to the Code Administrator.
- 3.3.2h Grading should round cut, fill edges,

and otherwise create a natural appearing terrain; no changes in natural drainage lines or flood plains should occur unless it is demonstrated that these will have no effect on the hydraulics of flood runoff.

3.3.2i It is recommended that the maximum unvegetated or disturbed area exposed to wind or water erosion at any one time shall not exceed two (2) acres, excepting roadways and driveways.

3.3.2j Street grades should not exceed fifteen percent (15%) and should not exceed six percent (6%) within 200 feet of an intersection.

3.3.2k Slope stability, and slope of cut and fill surfaces shall comply with the standards of the Uniform Building Code.

3.3.2l Dust control measures shall be utilized to control unnecessary dust from equipment operation within a parcel where such dust causes a hazard to vehicular traffic on a public road, or causes a substantial nuisance on adjacent or nearby property.

3.3.3 Landscape Plan

A landscape plan is required and shall demonstrate that, on land to be revegetated, the revegetation will accomplish the same degree of ground cover and erosion control protection as the original vegetation.

3.3.4 Erosion and Drainage Control Plan

Erosion and drainage control plan shall, in addition to meeting the standards set forth below, conform to all provisions regarding flood hazard as described in Article VII, Section 1,

of the Code. Standards for erosion and drainage control plan shall include:

- 3.3.4a The natural drainage of any site shall be preserved to the extent possible. Where twenty percent (20%) or more of the total area governed by the development permit will be covered by impervious surfaces (including, but not limited to roofs, concrete or paved surfaces, roadways and driveways), then all total and peak runoff from a 25 year storm which is in excess of the natural total and peak runoff shall be retained within the area, and preferably within each building site. Measures such as dry wells, on-lot ponding facilities and the like may be used for this purpose.
- 3.3.4b All storm runoff which is not contained on-site shall be delivered to a designated floodway. If a natural tributary system is utilized for such delivery, calculations shall be provided to demonstrate that the tributary system can safely carry the runoff from a 100 year storm without an increase in flood hazards.
- 3.3.4c Any natural or artificial drainageway which is tributary to a designated flood way and which receives the direct runoff from a roof, paved surface or graded surface shall be stabilized to prevent erosion, unless the velocity of the runoff within a drainageway will be less than three (3) feet per second in response to a 100 year storm. This provision shall not apply to drainage

ditches along roadways, driveways and cut and fill slopes. 789705

3.3.4d Runoff shall be diverted from above any unstabilized, unvegetated cut or fill slope, or any cleared natural slope, and carried in a natural or artificial channel which can accommodate the 25 year peak runoff without accelerated erosion. If the water is disposed of in an infiltration basin or dry well, the basin or dry well shall be sited in such a manner as to have no adverse effect on slope stability.

3.3.4e Any permanent artificial channels and drainage provisions shall be sized to accommodate the 25 year flow and all structures used to discharge runoff to a designated floodway shall be designated to prevent erosion in that drainage course.

3.3.4f Runoff control measures should be considered which will promote infiltration to ground water including use of small ponding areas on individual lots or in neighborhood parks.

3.3.4g Easements for all permanent or major cleared drainage facilities are required.

3.4 Sketch Terrain Management Plans: Submittals and Requirements

3.4.1 Submittals

A sketch terrain management plan, when required by the Code Administrator, shall include, at a minimum:

3.4.1a A topographic map at a scale of one (1) inch equals 2000 feet or larger,

identifying major arroyos, native vegetation patterns, areas of steep slope and major landforms, all shown in relationship to the proposed development; and

- 3.4.1b Any additional material that is required for a full terrain management plan if, in the opinion of the Code Administrator, such material is essential in order to review the proposed development.

3.4.2 Requirements

All development subject to the requirement of filing a sketch terrain management plan shall not affect major arroyos, vegetation cover density, and areas of steep slope. In addition, the development may be required to meet any of the specific criteria set forth in Section 3.3 of this Article if, in the opinion of the Code Administrator, such criteria are pertinent to proper development in conformance to the General Plan.

SECTION 4 - AIR QUALITY

4.1 Basic Requirements

The Board, at its discretion, may determine that a development involving a commercial or mining use be required to limit increases in air pollution as measured at the property line of the development.

4.2 Review Procedure

4.2.1 Initial Review

All applications for a development permit involving a commercial use or a mineral resource use shall be reviewed by the Code Administrator for possible impacts on air quality. If the Code Administrator determines that the development may result in increased air

pollution, then he shall so advise the Board and the Board in its discretion may require the applicant to prepare an air quality management plan. The plan shall be referred to the New Mexico Environmental Improvement Division for review and comment. If the Environmental Improvement Division comments are not received by the Code Administrator within 30 days of the date it was submitted to the agency, the Code Administrator may proceed with his review and make a decision without the comments.

4.2.2 Air Quality Management Plan

An air quality management plan shall provide the following information:

- 4.2.2a An inventory of ambient air quality levels which may be raised as a result of the development;
- 4.2.2b A discussion of projected concentrations of all pollutants at full development and their possible effects on public health and safety;
- 4.2.2c A description of all measures which will be taken to reduce the emission of air pollutants; and
- 4.2.2d If the increase of any pollutant regulated by the State of New Mexico will be five percent (5%) or greater, compared to existing levels of that pollutant (measured on an average annual basis at the property line), then the plan shall provide evidence indicating any benefits to the citizens of Santa Fe County which would offset such degradation.

SECTION 5 - NOISE

5.1 Application

An application for non-residential development shall be reviewed by the Code Administrator to determine if it is likely to produce unreasonably high temporary or long-term average levels of noise. Such levels may be projected or anticipated by the Code Administrator or an applicant by using any recognized method approved by the U.S. Environmental Protection Agency or the U.S. Department of Transportation.

5.2 Requirements

Actual or projected exceedance for average conditions over a twelve (12) hour period, at the property line, of the following described limits may be considered grounds for denial of a development application, and will permit a code enforcement officer or law enforcement officer to issue a citation of code violations:

	<u>DAYTIME</u>	<u>NIGHTTIME</u>
Major Centers and Travelers Service	70 dBA or 10 dBA above ambient, whichever is less	55 dBA or 5 dBA above the ambient level, whichever is less
All Other Areas	55 dBA or 10 dBA above ambient, whichever is greater	45 dBA or 5 dBA above the ambient, whichever is less

5.3 Exceptions

The Board in its discretion may waive these requirements for uses which are seasonal or periodic in nature and which involve generation of noise on no more than twenty percent (20%) of all days of the year such as: fairgrounds, rodeo grounds, carnival grounds, drag strips, and race tracks; provided, however, that applicants for such uses shall be required to provide a buffer area between the site of noise generation and the property line, and shall take such other measures as are appropriate to reduce the generation of annoying or harmful noise.

SECTION 6 - WATER SUPPLY

6.1 Review Procedures

All submittals regarding water supply shall be reviewed by the Code Administrator and, except as provided in this Section, by the County Hydrologist. All submittals regarding water supply for proposed subdivisions shall be submitted to the Water Resources Division and New Mexico Environmental Improvement Division. Submittals regarding water supply for other types of proposed development may be referred to appropriate state agencies if in the opinion of the County Hydrologist and Code Administrator such referrals will provide information necessary to the determination of whether or not a proposed development is in conformance with the provisions of this Code.

6.2 General Requirements and Submittals

The requirements and submittals associated with use of water supplies are dependent on the type and scale of development and the size of water use, and are set forth in Sections 6.3 (Community Water Systems); 6.4 (Water Availability); 6.5 (Water Quality); and 6.6 (Water Conservation) of Article VII. The following table indicates the applicability of these sections to different types of development.

<u>Development Type</u>	<u>Appropriate Sections</u>
Any development which includes construction or expansion of a community water system.	6.3, 6.5, 6.6
All subdivisions	6.4, 6.5, 6.6
All large scale residential development	6.4, 6.5, 6.6
All non residential development in which the applicant obtains water other than through a well which is permitted under Section 75-11-1 NMSA, 1953 Comp. as it may be amended.	6.4, 6.6
All development in which the applicant requests a density adjustment based on water availability.	6.4
All development in which the applicant requests a density adjustment based on water conservation.	6.6

A reconnaissance water availability report, as described in

Section 6.7 of this Article VII can be substituted for a detailed availability report as described in Section 6.4 of this Article VII where all of the following circumstances prevail: 1) the total amount of water to be withdrawn by the development will not exceed three (3) acre feet per annum, as demonstrated in a water conservation report (Section 6.6); 2) no density adjustment due to water availability is being requested which increases the density as set forth in Section 10 of Article III by more than twofold; and 3) a. the development will consist of no more than four (4) dwellings or parcels; b. each parcel will be no less than 2.5 acres in area unless a greater density is permitted by other Articles of this Code; and c. water will be provided to the development from one (1) well.

The reconnaissance hydrology report shall be submitted to the County Hydrologist for his review and comment prior to the consideration of the report by the County Development Review Committee.

If after considering the report and the County Hydrologist's comments, the County Development Review Committee finds that it has insufficient information from which to make a determination of water availability, then a water availability report in conformity with Section 6.4 shall be required.

6.3 Community Water System

6.3.1 Requirements to be met by a Community Water System

6.3.1a When a community water system is required, the developer shall provide water from existing or proposed water supply systems for domestic use, fire protection, and any other use that the developer proposes.

6.3.1b The developer shall provide for the completion of the proposed water supply systems, in accordance with applicable minimum design standards of the New Mexico Environmental Improvement

Division and the Construction Industries Division.

- 6.3.1c The developer shall meet the fire flow requirements set forth in Article VII, Section 6.4.3 of the Code.
- 6.3.1d The developer shall provide sufficient potable water for full development of all properties within the proposed development that would be affected by drawdown of flow through and in accordance with the water management policies set forth in Section 10 of Article III.
- 6.3.1e If the developer is within a declared basin, the applicant shall obtain a permit issued by the State Engineer for the use of the quantity of water required, or provide a performance bond or other surety in the amount of estimated cost of acquired necessary water rights or rights to water under contract to the owner of water rights.
- 6.3.1f If the development is in a Traditional Community District, the community water system shall be designed to minimize the use of local water resources. The applicant shall obtain water rights as the State Engineer requires. The community water system shall be consistent with the Local Land Use and Utility Plan, if any.
- 6.3.1g A Class I water supply system may not be approved unless the water supply source will be located:
 - (i) At a safe distance from any contaminant source.

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- (ii) At least 200 feet from a liquid waste disposal site of less than 1,000 gallons per day.
- (iii) At least 300 feet from a liquid waste disposal site or more than 1,000 gallons per day.
- (iv) At least 150 feet from non-leakproof wastewater lines.
- (v) At least 25 feet from wastewater lines which are leakproof.
- (vi) At least 75 feet from a perennial stream.
- (vii) At least 100 feet from other contamination sources such as landfills, stock yards and animal feed lots.
- (viii) A Class I water supply system may not be approved unless the subdivider proposes to deliver water free of any disease-producing organism by means of proper disinfection.

6.3.1h A Class II water system may not be approved unless the water supply source will be located:

- (i) At a safe distance from any contaminant source.
- (ii) At least 100 feet from a liquid waste disposal site of less than 1,000 gallons per day.
- (iii) At least 200 feet from non-leakproof wastewater lines carrying more than 1,000 gallons per day.
- (iv) At least 75 feet from non-leakproof wastewater lines carrying less than 1,000 gallons per day.
- (v) At least 100 feet from non-leakproof wastewater lines carrying more

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than 1,000 gallons per day.

(vi) At least 25 feet from leakproof wastewater lines.

(vii) At least 75 feet from perennial streams.

(viii) At least 75 feet from other contamination sources such as landfills, stock yards and animal feed lots.

6.3.2 Submittals for Community Water Systems

The applicant shall submit a water supply plan which demonstrates that the system will comply with the requirements of Section 6.3.1 of this Article VII. The water supply plan shall be prepared by or under the supervision of a professional engineer and shall include the following:

6.3.2a Information showing the volume and peak rate of production of water required each month to supply each use at full use of the development.

6.3.2b Plans and specifications for diversion, storage and distribution facilities and a time schedule for their completion, prepared by or under the supervision of a registered professional engineer.

6.3.2c A legal description of the location of all construction, easements and right-of-way necessary for the installation of the water supply system.

6.3.2d For all systems required under this Code, an agreement providing for:

(i) The construction and operation of the Class I Water Supply System as shown in the plat documents and plans.

(ii) Collateral, in the form of a performance bond or other means, to

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adequately assure the complete construction and operation of the system in accordance with design and time specifications.

(iii) Certification of the operator of the system.

(iv) Involvement as prescribed in the plat documents, such as a Homeowners' Association, Mutual Domestic Association, or non-profit corporation for the purpose of operation and maintenance of the system.

6.3.3 Exceptions to Community Water System Requirements

Construction or expansion of a community water system shall not require a permit, or be subject to requirements of this Section 6.3, if any one of the following conditions exist:

6.3.3a The system is part of a subdivision or other development which water system has been approved under this Code, or under previous existing subdivision regulations, and the system conforms to all plans and requirements contained in that previous approval.

6.3.3b The system will serve an area for which a Community Land Use and Utility Plan has been adopted under this Code, and the system conforms to all plans and requirements contained in that community plan.

6.3.3c The construction involves remedial or upgrading work only, such as repair, replacement or installation of a well, storage tank, chemical treatment works, distribution lines, hydrants or other

facilities which will serve existing connections, and which do not involve an expansion of the service area of the utility system.

6.3.3d Expansion of the system is to serve persons who were entitled to receive such service as of the date of the adoption of this Code; such entitlement may be in the form of membership in a Mutual Domestic Water Users Association, a contract with the system, or other such commitments.

6.3.3e The system is located in a Traditional Community in Santa Fe County and is expanding to serve a total number of dwelling units not greater than 110% of the units served at the time of adoption of this Code; provided that such expansion does not require a new transfer of irrigation water rights and retirement of the irrigation use. In calculating the number of dwelling units which may be served, the existing dwelling units shall be multiplied by 1.1 and the results rounded upward to the nearest whole number.

6.3.4 Review of Community Water Systems

In reviewing community water systems, the Board shall consider: the availability of water for the system; the potential for water conservation in areas served by the system; the relationship of the system to adopted local or county land use and utility goals; the proper disposal of wastewater from areas served by the system; and the conformance of the system to federal and state regulations. In general, the Board shall

encourage the use of such systems, and shall approve them unless the indicated reviews demonstrate that such systems, or the expansion thereof, will substantially conflict with the policies and goals of the County General Plan and this Code.

6.4 Water Availability Report

A water availability report shall consist of a geohydrologic report, if all or part of the supply is to be obtained from ground water sources, and/or a hydrologic report, if all or part of the supply is to be obtained from a surface water source. A fire protection plan shall be included in a water availability report for subdivisions and development involving more than one commercial entity in a non-residential or a mining district.

6.4.1 Geohydrologic Report

Submittals shall contain the following information:

- 6.4.1a Geologic maps, cross-sections and descriptions of the aquifer systems proposed for production, including information concerning the hydrogeologic boundaries, intake areas and locations of discharge of those aquifers.
- 6.4.1b Maps and cross sections showing the depth-to-water, water-level contours, direction of ground water movement and the estimated thickness of saturation in the aquifers.
- 6.4.1c Probable yields of the proposed wells (in gallons per minute and acre feet per year) and probable length of time that the aquifer system will produce water in amounts sufficient to meet the demands under full occupation of the development. This information shall be based on pump test analysis, hydrologic boundaries, aquifer leakage and historic

water level changes, logs and yields of existing wells and, when the County Development Review Committee deems necessary, test wells and aquifer performance tests. This information will give consideration to mutual interference of the proposed wells, and the interference of existing wells.

6.4.1d An estimate of water availability for the development, suitable for calculating any proposed density adjustments utilizing the formula set forth in Section 10.2 of Article III, and specifically setting forth the value of the variable S. The estimate shall be made using procedures which are comparable to those used in the County General Plan, Hydrology Appendix. Acceptable procedures will be described in a report approved by the County Hydrologist and on file with the Code Administrator.

6.4.1e A schedule of the effects of the projected water withdrawals for the development which corresponds to the water management policies set forth in Section 10, Article III.

6.4.1f A projection of drawdown or flow reductions on all properties which will be affected by the proposed water withdrawals.

6.4.1g Well tests are required as follows:

Area as Shown on Code Map 1	Pumping Hours	Recovery Days	Additional Tests for Large Areas
<hr/> INDIVIDUAL WELLS			
1. Miscellaneous	48	5	one per 40 acres

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locations

2. Part of Santa Fe formation	36	5	one per 160 acres
3. Cretaceous	24	5	one per 40 acres

COMMUNITY WELLS

All Areas	96	10	one per 40 acres
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Tests made within one mile of the development may be utilized, provided that the report demonstrates that the geologic conditions at the site of such tests are comparable to those within the development. For developments involving more than 160 acres, at least one test shall be within the development. Except where geologic conditions are complex, the well test requirement shall not be interpreted to require more than one (1) test per four (4) dwelling units. Where cluster wells are to be used throughout a development, the requirement should not be interpreted to require more than one (1) test per ten (10) dwelling units. These well test requirements may be waived by the County Manager upon recommendation of the County Hydrologist; provided that for Subdivisions of Types I, II and IV and Subdivisions requiring community water systems, at least one (1) test shall be made within the development.

6.4.2 Hydrologic Report

Submittals shall contain the following information:

- 6.4.2a Source of water supply,
- 6.4.2b Drainage area above the point of diversion,
- 6.4.2c Analysis of relevant historical runoff records, and
- 6.4.2d Projected water supply available for the development requirements.

6.4.3 Fire Protection Plan

The developer shall provide a fire protection plan. The plan shall be designed to provide

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adequate fire flow and fire protection for the safety of the residents of the proposed subdivision. The plan shall include at least the following elements:

- 6.4.3a Storage capacity of the proposed water system;
- 6.4.3b Fire flow for the proposed water system in gallons per minute;
- 6.4.3c The facilities the developer intends to use to provide fire protection to the development. If the developer proposes to use an existing facility or fire district, the plan must include a letter from the existing facility or fire district commenting on the plan. The plan shall describe how the proposed development will affect the existing fire system or district and shall detail the assistance the developer intends to provide to the existing facility or fire district in order to assure adequate fire protection for the proposed development; and
- 6.4.3d Insurance services office projected rating for the proposed development.

6.5 Water Quality Requirements and Report

- 6.5.1 Water supply systems shall not be approved if the quality of the water exceeds the maximum allowable limit for any one or more of the following parameters:

	<u>Maximum</u>	<u>Allowable</u>	<u>Limit</u>
Arsenic	0.05	mg/l	
Barium	1.0	mg/l	
Cadmium	0.01	mg/l	
Chromium	0.05	mg/l	
Cyanide	0.2	mg/l	
Fluoride - Variable by Average daily temperatures			

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50.0 to 53.7 ⁰ F	2.4	mg/l
53.8 to 58.3 ⁰ F	2.2	mg/l
58.4 to 63.8 ⁰ F	2.0	mg/l
63.9 to 70.6 ⁰ F	1.8	mg/l
70.7 to 79.2 ⁰ F	1.6	mg/l
79.3 to 90.5 ⁰ F	1.4	mg/l
Lead	0.5	mg/l
Mercury	0.002	mg/l
Total Nitrogen	10.0	mg/l
Selenium	0.01	mg/l
Silver	0.05	mg/l
Sodium (must be noted in disclosure statement if over 20 mg/l)	250.0	mg/l
Organic carbon absorbable		
Carbon alcohol extract	3.0	mg/l
Carbon chloroform extract	0.7	mg/l
<u>Pesticides</u>		
Aldrin Plus Dieldrin	0.001	mg/l
Chlordane	0.003	mg/l
DDt	0.05	mg/l
<u>Maximum Allowable Limit</u>		
Endrin	0.005	mg/l
Heptachlor	0.0001	mg/l
Heptachlor Epoxide	0.0001	mg/l
Lindane	0.005	mg/l
Methoxychlor	0.1	mg/l
Toxaphene	0.0005	mg/l
Organophosphates and carbomates	0.1	mg/l
<u>Chlorophenosis Herbicides</u>		
2, 4-D	0.2	mg/l
2, 4, 5, TP or Silvex	0.03	mg/l
<u>Radioactive Substances</u>		
Gross beta (in absence of alfa emitters and Stronium 90)	1,000 uuc/liter	
Radium 226	3 uuc/liter	
Strontium 90	10 uuc/liter	

6.5.2 Except as provided in Subsection 4 of this section, water supply systems may not be

approved if the water to be used exceeds the maximum allowable limit for each of the following parameters:

Bicarbonate	700.	mg/l
Calcium	200.	mg/l
Carbonate	300.	mg/l
Chloride	250.	mg/l
Color	15.	mg/l
Copper	1.	mg/l
Forming Agents	0.5	mg/l
Hardness	250.0	mg/l
Hydrogen Sulfide	0.5	mg/l
Iron	0.3	mg/l
Magnesium	125.0	mg/l
Manganese	0.05	mg/l
Odor	Absent	
Phenols	0.001	mg/l
Sulfate	250.0	mg/l
Surfactants (LAS)	0.5	mg/l
Total Dissolved Solids	1,000	mg/l
Zinc	5.0	mg/l
Turbidity (5 TU may be allowed by State approval)	None Between 6 and 9	

6.5.3 The maximum allowable limits contained in the previous section may be exceeded if the developer demonstrates to the satisfaction of the Environmental Improvement Division that alternative water supply sources are not reasonably available and that treatment of the water supply to bring it within the maximum allowable limits is feasible, and public health will not be endangered. However, the developer must state in his disclosure statement which limits are being exceeded.

6.5.4 A developer need only demonstrate that the quality of the water supply he proposes for use will not exceed the maximum allowable limits for those parameters included in the minimum water quality analysis unless the Board or Environmental Improvement Division requires demonstration regarding other parameters.

6.5.5 A water quality report shall contain:

- 6.5.5a the identity of the person who prepared the report;
- 6.5.5b a description of the methods used; and
- 6.5.5c a description of concentrations or characteristics of the following parameters: sodium, calcium, magnesium, iron, manganese, chloride, fluoride, nitrate, bicarbonate, carbonate, sulfates, total hardness, alkalinity, surfactants, PH, odor, color, turbidity, conductance and total dissolved solids.

6.6 Water Conservation Report

6.6.1 General Requirements

A water conservation report shall contain a water budget for the proposed development, indicating the type and amount of water withdrawals and consumption projected at full development; and it shall contain a list of any water conservation measures which are adopted by covenant or other similar means which are intended to restrict water use to specified levels. Only water conservation measures which have been adopted in a form which, in the opinion of the County Attorney, is legally binding upon any person using water on the parcel shall be deemed to meet the requirements of the Code. The report will be reviewed by the Code Administrator and need not be submitted to the County Hydrologist. This report shall be suitable for establishing the value of variable U, which is described in Section 10 of Article III.

6.6.2 Water Budgets and Conservation Covenants

Densities set forth in Section 10 of Article III of the Code are based on an average residential water use of 1.0 acre foot per year per dwelling

unit. Residential development involving greater or lesser water use may have these densities varied accordingly. Non-residential development must establish estimates of water use. In all cases where the subject of water use is part of an application for development, the applicant shall submit a water budget, which shall be a listing of all activities within the development which will utilize water, and the amount of water so used. The Code Administrator shall maintain a file of representative water budgets. The applicant may be required to adopt covenants or to take other measures necessary to ensure, with reasonable prospects of success, that the estimated water budget will be achieved. The Code Administrator will maintain a file of acceptable covenants. The Board may deny an application if, after review of the budgets or covenants proposed, the Board determines that the budgets and covenants will not reduce usage of water to the extent proposed. The following are examples of water conservation measures which may be approved:

- 6.6.2a Restrictions on water use which result from installation of watersaving bathroom and kitchen fixtures or recycling units;
- 6.6.2b Restrictions against outdoor water use, for pools, landscaping or irrigation;
- 6.6.2c Limitation of water use and measurement of the limitation by clustering of dwelling units on a metered well, with the annual meter reading reported to the State Engineer, or hookup to a metered community water system;
- 6.6.2d The use of cisterns to collect water

which falls on a site and/or the use of collected rainwater for outdoor purposes.

6.7 Reconnaissance Hydrology Report

Where permitted under Section 6.2 of this Article VII, a reconnaissance hydrology report may be substituted for the geohydrology report requirement of Section 6.4 of this Article VII. The report shall contain the following:

- 6.7.1 A log for an existing well which is located on the parcel for which the development permit is requested, which log indicates geologic conditions similar to those found in a nearby well which has been described in a detailed geohydrology report, and which indicates that the well on the parcel provides a yield adequate for the use proposed;
- 6.7.2 A summary of the findings of a detailed geohydrology report which includes data from pump tests made within one (1) mile of the parcel for which the development permit is requested, which summary indicates the availability of water for the development.
- 6.7.3 A description of measures the applicant will take to inform any person who may purchase the property as to the findings of the County General Plan regarding water availability and as to the water budget and conservation covenants which were included in the application for the development permit.

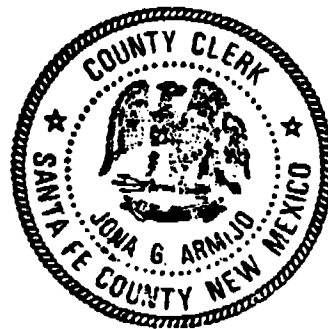
SECTION 7 - SOLID WASTE MANAGEMENT

7.1 Requirement

The developer of any subdivision, large scale residential development, or other development involving non-residential uses conducted on the same parcel by more than one entity must either 1) provide a system for collection and disposal of solid waste, or 2) be located within five (5) miles

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of an existing sanitary landfill with a valid permit issued by the Environmental Improvement Division, or 3) construct and maintain a landfill operation according to a Solid Waste Management Plan approved by the Environmental Improvement Division. Any such landfill operation must meet the requirements of Appendix A of the Subdivision Regulations, and of Article V of the Code.



Feb. 6, 1996
This page was omitted
and later recorded
(p. 318). NOTE: Recorrelation
Info.

Jona G. Armistead
Chief Deputy

COUNTY OF SANTA FE
STATE OF NEW MEXICO
I hereby certify that this instrument was filed
for record on the 18 day of Feb. A.D.
1992 at 1:42 o'clock P.M.
and was duly recorded in book 791
page 707-708 of the records of
Santa Fe County.

Witness my hand and Seal of Office
Jona G. Armistead
County Clerk Santa Fe County, N.M.

Jona G. Armistead
County Clerk

ARTICLE VIII
SIGN REGULATIONS

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These regulations apply to signs within the County.

SECTION 1 PURPOSE AND INTENT

It is the intent of these sign regulations to encourage the use of signs which are coordinated with and complimentary to either the character of the area where the sign is located, a master plan design theme, or the premises and its architectural elements, and the overall scale and design elements of the proposed uses(s) to be advertised, for the purpose of preventing a clutter of signs which distract or otherwise create safety hazards or visual unpleasantness. For purposes of sign coordination, a comprehensive sign plan may be submitted with a master plan.

SECTION 2 DEFINITIONS

"Building mounted sign" means a sign mounted on a building and includes canopy signs, marquee signs, projecting signs, and wall signs;

"Combined commercial, shopping or office center sign" means a sign for a group of two or more retail, office and/or commercial establishments built on a site which is managed as an operating unit related in its size, location and type of shops or offices to the trade area that the unit serves. The commercial, retail or office establishments may or may not be architecturally unified, may be single or multiple ownership and may be located on single or multiple lot development sites;

"Canopy sign" means a sign mounted upon or under a permanent awning, arcade or portal;

"Directional sign" means any sign utilized only for the purpose of indicating the location or direction of any object, place or area and containing absolutely no advertising;

"Free standing sign" includes pole-mounted and pedestal signs, such as pole-mounted signs and sign structures which are permanently affixed to the ground, supported by uprights or braces and not attached to any building or structure. A pedestal

or ground-mounted sign is affixed to, painted on, or incised into a structural base, usually masonry, placed on or in the ground and not attached to a structure.

"Footcandle" means a unit of illumination produced on or reflected by a surface, measured with a footcandle meter or sensitive photometer, which measures the candle power distribution of a source of light.

"Footlambert" means a measure of the relative intensity of illumination from a source of light, measured in candles per square centimeter.

"Marquee sign" means a permanent canopy projecting above an entrance and over a sidewalk or terrain.

"Portable sign" means a free-standing sign, designed and constructed to be moved from one location to another, but not necessarily displaying changeable copy, including signs mounted upon or designed to be mounted on a trailer, wheeled carrier, or other nonmotorized structure. A portable sign which has its wheels removed shall still be considered a portable sign. A portable sign or similar structure mounted in or on or otherwise attached to any motorized vehicle or conveyance and parked for purposes of display or advertising shall be considered a portable sign.

"Projecting sign" means any sign which is attached to a structure and which extends beyond the facade of the structure.

"Sign" means any medium including its structure and component parts which is used or intended to display to public view and/or promote merchandise for advertising purposes, services or activities, either within a building or property, consisting of any letter, figure, poster, pictorial picture, stripe, line, trademark, reading matter, or illuminating device.

"Sign area" means the net geometric area enclosed by the sign, including all elements such as borders or frames, perforated or solid background, but not including the projected area of structural supports for ground signs, unless it is designed in such a manner as to form an integral part of the background of the display.

"Sign height" means the vertical distance, from grade to the highest point of the sign.

"Temporary sign" means a sign which relates to an event, function or activity of a specific, limited duration. Temporary signs include but are not limited to include flags, banners, and pennants.

"Wall sign" means a sign painted on, attached to or incised into, and/or supported by an outside wall of a structure or to a fence.

SECTION 3 SIGN PERMITS, SUBMITTALS AND REVIEWS

3.1 Permit Required Except as provided by Article VIII, Section 4, infra, all new signs or any change to the design, size or placement of an existing sign, are required to have a sign permit.

3.2 Application An application for a sign permit shall include the following information:

- a. The name, address and telephone number of the applicant; the name, address and consent of the owner of the building, structure, or land to which the sign is to be attached or erected; and
- b. Name of the business and the date upon which the development permit or business license for the business was issued.

3.3 Submittals Required submittals for a sign permit include the following:

- a. A scaled line drawing showing the design, height and dimensions of the sign;
- b. A site plan or line drawing drafted to scale, showing the proposed location of the sign on the site and facade of the building, if applicable;
- c. Said plan or drawing shall include the scale, design and location of all other existing signs maintained on the premises on which the applicant's sign is proposed.

3.4 Review The submittals shall be reviewed for compliance with these sign regulations by the Code Administrator pursuant to procedures set forth in Article II, Section 2 of the Code and shall be submitted with the preliminary development plan, if appropriate.

3.5 Fee New signs requiring a permit but not part of a master plan or development plan which is subject to an approval of a County Board or Commission shall pay a fee as specified by the Santa Fe County Fee Schedule.

3.6 Certificate of Occupancy No certificate of occupancy shall be issued without a duly authorized sign permit, as required by this Ordinance.

SECTION 4 EXEMPT SIGNS: STANDARDS

4.1 Types of Signs The following types of signs are allowed without a permit, provided the number of signs or the area of the sign does not exceed the following:

- a. One (1) sign, of up to one (1) square foot denoting the name and address of the occupants of a premises, a home occupation, private day care or kindergarten, or professional name plate.

- b. One (1) sign is allowed for a temporary garage or yard sale which shall be located on the premises where the sale is conducted.

4.2 Additional Signs Applicants requesting additional signs or signs which exceed the standards set forth by sub-section 4.1 shall submit an application for a sign permit pursuant to Section 3, supra.

SECTION 5 TEMPORARY SIGNS

5.1 Permit Required; Time Limit

- a. Signs advertising temporary or one-time events require a permit pursuant to Section 3.
- b. Temporary signs may be erected or maintained for a time period not to exceed thirty (30) calendar days unless the sign is denoting the architect, engineer or contractor placed on the premises where construction, repair or renovation is in progress. In such case the sign shall be removed prior to issuance of a certificate of occupancy or prior to the sale, lease or rent of the property, which sign shall be removed when the sale, lease or rental is accomplished.

5.2 Standards and Reviews

- a. No temporary sign shall exceed four feet in any one of its dimensions, or sixteen (16) square feet.
- b. No temporary sign shall extend over or into any street, alley, sidewalk, right-of-way, visibility triangle, or other public thoroughfare.

- c. Permits for temporary signs shall be pursuant to the procedures set forth in Article II, Section 2.

SECTION 6 POLITICAL CAMPAIGN SIGNS

6.1 Signs Allowed Political campaign signs are allowed as follows:

- a. No permit is required;
- b. No sign shall exceed thirty-two (32) square feet;
- c. The owner of property on which the sign is erected must give verbal permission for the placement of the sign prior to erecting the sign; and
- d. The sign shall be removed within five days after the election.

SECTION 7 DESIGN AND OTHER STANDARDS FOR PERMANENT SIGNS

7.1 Permits Required

Sign permits are required as provided in Section 3, infra, for any sign which does not meet the requirements of Section 4, 5, or 6, infra.

7.2 Allowable Number of Signs. For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements or where there is reasonable doubt about the relationship of elements, each element shall be considered a single sign.

7.3 Height and Setback Standards.

- a. Commercial and industrial non-residential zones or districts: the maximum allowable sign height for a free standing sign located at the front

property line is five (5) feet. Sign height may be increased a maximum of five (5) feet in height for each twenty-five (25) feet the sign is set back from the front property line. Maximum allowable sign height shall not exceed twenty-five (25) feet.

- b. No sign may be located closer than ten (10) feet to any abutting property line.
- c. No sign may be located in such a way so as to limit the visibility at intersections, or in any public right-of-way.
- d. The minimum setback for ground-mounted masonry or pedestal signs is five (5) feet.
- e. The maximum allowable sign height for a building mounted sign shall be the highest point of the wall of the structure upon which it is mounted, but in no event shall the sign height be higher than any building code or County ordinance height restriction.

Note: Please refer to Appendix 8-A for sign design guidelines.

7.4 Sign Illumination

Sign illumination shall be either indirect with the source of light concealed from public view, direct, emanating through translucent materials of the sign itself, or by electrically activated gas tubing such as neon. Indirect or reflected illumination shall not exceed ten (10) vertical footcandles in mixed use or traditional community districts and twenty-five (25) vertical footcandles in non-

residential districts. Direct or interior illumination shall not exceed one hundred and fifty (150) footlamberts in mixed use or traditional community districts and two hundred and fifty (250) footlamberts in non-residential districts.

7.5 Sign Design

Signs shall be designed in manner both complimentary and compatible with the building and/or premises, and shall be clearly readable through the use of simple lettering styles and subdued colors. General rules for readability are to use: no more than two (2) simple lettering styles, a simple shape, two colors, less than eight (8) words and three (3) lines, light letters on a darker background. If mounted on a building, the sign should be mounted on the building that the sign relates to. The use of free standing plastic internally illuminated signs is discouraged. Signs shall conform to and reflect local cultural traditions and decorative styles.

7.6 Sign Materials

- a. Signs shall be constructed in accordance with the Uniform Building Code requirements.
- b. No sign or part thereof shall contain reflective or shining metal.
- c. Free standing signs may be trimmed with a material such as wood, simulated wood, or wrought iron, to create an edge to the sign. Such trim shall be in proportion to the sign, not to exceed six (6) inches in width.

7.7 Sign Area

- a. The gross geometric area of the face of the sign shall be the sign area, including trim, wall area, or pedestal area.

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- b. The area of double faced signs shall be computed for one face only.
- c. The supports, uprights or structure on which any sign is supported shall not be included in determining the sign area unless such supports, uprights or structure area is designed in such a manner as to form an integral part of the background of the display.

7.8 Free Standing Signs: Base

All free standing signs shall have a base area equal in length to the sign's length along its longest side, and not less than two (2) feet in width and sixteen (16) inches in height, to be installed and maintained by the owner using one or combining the use of both of the following:

- a. A banco, planter or a low wall compatible and complimentary to the building or premises;
- b. Shrubs, flowers or a groundcover.

7.9 Wall Signs

- a. A wall or building mounted sign shall not project more than one foot from the wall on which it is displayed and shall not project over public property except where the building wall is less than one foot from the property line. In this case, the sign may project up to one (1) foot from the building wall, provided that it does not impede or endanger pedestrian or vehicular traffic; and

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- b. A wall or building mounted sign shall, in no case, exceed ten (10) percent of the area of the wall on which it is displayed, or seventy (70) square feet in sign area, whichever is less;
- c. The sign area of wall signs shall be counted toward total sign area except as otherwise provided for non-residential districts where there are multiple occupants of a premises;
- d. The bracing for wall and building mounted signs must be installed below the parapet walls or otherwise screened from public view.

7.10 Canopy, Marquee and Projecting Signs

- a. The area of a canopy or marquee sign shall be counted as a part of the total allowable sign area.
- b. All canopy, marquee and projecting signs shall be at least seven (7) feet above grade. However, when such signs are erected over a driveway, the minimum height above the grade shall be fifteen (15) feet.

7.11 Clocks and Thermometers, when constructed within or as a part of sign or when displayed as a separate sign, shall, in addition to other regulations herein for signs, conform to the following special regulations and exceptions;

- a. The hands of the clock and the motive mechanism shall not be classed as moving parts.

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- b. Illuminated numerals shall not be classified as blinking or flashing lights.
- c. Clocks and thermometers shall not exceed sixteen (16) square feet.
- d. If no advertising is present, the area of such public service signs shall not be computed as part of the sign area.
- e. All clock signs shall keep accurate time and all thermometer signs shall accurately record the temperature. If these conditions are not complied with, the instruments shall be promptly repaired or removed.

7.12 Directional or Information Sign or Historic Markers shall exceed four (4) square feet.

7.13 Sign Area in Residential Areas

Signs in mixed use or traditional community districts for special uses; or in large scale residential uses are allowed as follows:

- a. One (1) sign for the permanent identification of the entrance to the site of a special use shall be permitted, provided it is mounted on a permanent masonry or similar structure and the sign area does not exceed twenty (20) square feet.
- b. If the special use has an entrance on another street, a second sign not to exceed twenty (20) square feet will be permitted.

7.14 Sign Area Size: Commercial or Industrial Non-residential Districts

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The allowable sign area that may be displayed by any business, professional, or industrial use shall be calculated by the following method for each type of location:

- a. Free standing buildings with a single occupying business or office shall be allowed two (2) identification signs.
- b. Each single sign on the premises shall not exceed seventy (70) square feet in sign area.
- c. Business offices or other business uses located in commercial or industrial buildings separated by common walls, or a premises where shopping centers or commercial uses or other businesses with multiple occupants, shall calculate permitable sign area based on the front footage of the space being occupied. The rate of calculation shall be one (1) square foot of signage for each linear foot of occupied frontage. The maximum allowable sign area per use shall not exceed seventy square feet.
- d. Business offices or other business uses located in industrial or commercial buildings separated by common walls or premises where a shopping center or multiple occupancy commercial uses or other businesses shall not be allowed to utilize individual free standing signs. There is permitted only one (1) directory sign or other free standing

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sign to identify the premises. The size of this sign is calculated by allowing one square foot for each linear foot of frontage of each business, not to exceed a sign area of one hundred and fifty (150) square feet.

- e. For buildings with two (2) front facades located at intersecting arterials, one additional sign is allowed. The maximum sign area for one (1) facade is one hundred (100) percent of the allowed sign and for the second facade the maximum sign size is fifty (50) percent of the allowed sign size.

7.15 Prohibited Signs

- a. Off-site advertising or billboards.
The advertising on any sign shall pertain only to a business, industry or activity conducted on or within the premises on which such sign is erected or maintained.
- b. It is unlawful for any reason to display on any sign or other similar advertising structures any obscene, indecent or immoral matter.
- c. No sign shall flash, blink, vary in intensity, revolve or otherwise appear to be in motion.
- d. No sign shall have audible devices.
- e. No sign shall have movable parts, except for those signs or marquees having design features for changing of legend or inscription.

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- f. Pennants, tinsel or fringe are not allowed on any sign.
- g. No portable sign as defined by Article VIII, Section 2 supra, is allowed.
- h. Inflatable signs or oversized flags are not allowed.

7.16 Prohibited Locations for Signs

- a. No sign or other advertising regulated by the Code shall be erected or maintained 1) at the intersection of any street in a manner which obstructs free and clear vision; 2) at any location where, by reason of position, shape or color, a sign may interfere with, obstruct the view of, or be confused with any authorized sign, signal, or device; or 3) which makes use of the words "STOP", "LOOK", "DANGER" or any other words, phrases, symbol or character in such manner as to interfere with, mislead or confuse traffic or drivers of motor vehicles.
- b. No sign shall be erected or maintained 1) within a triangle sight area; 2) at an intersection, such triangle sight area shall include that portion of public right-of-way and any portion of a corner lot within a triangle formed by a diagonal line extending through points on the two property lines thirty (30) feet from the street corner intersection of the property lines (or the point of intersection of the

property lines extended) and intersecting the curb lines. In no event shall such measurement be less than twenty-five (25) feet from the back of the curb at the corner apex.

- c. No sign shall be erected or maintained on or over public property. However, wall signs may project over a front property line where the building wall is less than one (1) foot from the property line, providing that such a sign shall not impede or endanger pedestrian or vehicular traffic and the sign projects no more than one (1) foot from the building wall.
- d. No sign or part thereof may be erected or constructed and/or maintained upon the roof of any building or on top of any structure.
- e. No signs shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape; no sign of any kind shall be attached to standpipes or fire escapes.

7.17 Sign Removal and Non-conforming Signs

- a. Any sign now or hereafter existing which no longer advertises a bona fide business conducted or a product sold on a premises shall be taken down and removed by the owner, agent or person having the beneficial use of the building, lot or structure upon which the sign may be found.

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- b. Whenever a sign is removed from a building or structure, the building or structure shall be cleaned, painted or otherwise altered, and all sign supports, brackets, mounts, utilities or other connecting devices shall be removed so that there is no visible trace of the removed sign or the supports, brackets, mounts, utilities or other connecting devices.
- c. Upon failure to comply with the sign regulations as set forth in the Code, a Code Enforcement Officer is authorized to cause immediate removal of such sign, as follows:
 - 1) For temporary signs in the public right-of-way, verbal notification of the owner shall be given requesting removal within fifteen (15) days. If after this time, the sign is not removed, then the Code Enforcement Officer shall remove the sign at the owner's expense.
 - 2) For non-complying temporary signs on private property, written notification to the owner shall be given requesting compliance or removal within thirty (30) days. If after this time the sign is not removed, a Code Enforcement Officer shall remove the sign at the owner's expense in an amount to be determined by the Code Administrator;

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- 3) For non-complying temporary signs creating a threat to health, safety, and welfare, in a visibility triangle, on a sidewalk or for other reasons, a Code Enforcement Officer shall immediately remove the sign at the owner's expense and shall notify the owner by certified mail;
- 4) For non-complying temporary signs for which no permit is required, the Code Enforcement Officer shall immediately remove the sign at the owner's expense and shall notify the owner by certified mail; and
- 5) For non-complying permanent signs, the regular procedure for the violation of the Code shall be followed.
- 6) Billboards or other non-conforming signs: owners or custodians of existing signs affected by this Code shall five years from the effective date of the Code to conform to the applicable sign provisions.

History. 1980 Comp. 1980-6. Article VIII, Sign Regulations was completely revised and amended by County Ordinance 1990-11.

ARTICLE IX
MOBILE HOME PARKS

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SECTION 1 - SUBMITTALS

1.1 Mobile Home Parks Which are Subdivisions

All mobile home parks which are subdivisions shall submit all submittals required by Article V and this Section.

For all mobile home parks, the applicant shall submit a development plan which:

- 1.1.1 Depicts proposed land use for the entire land area set forth in the application.
- 1.1.2 Encompasses the entire boundaries of the tract proposed for development and indicates existing conditions and development for the additional surrounding area at least two hundred feet (200') from the exterior tract boundaries;
- 1.1.3 Is drawn at a scale of either fifty feet (50') or one hundred feet (100') to the inch and which indicates topography at a two foot (2') contour interval; and
- 1.1.4 Depicts, with appropriate dimensions, an arrangement of buildings and their uses, off-street parking and loading facilities, internal automobile and pedestrian circulation, ingress and egress from adjoining streets, roads or highways, service area and facilities, drainage systems, landscaping, fences and walls, and the size, location orientation and type of all signs proposed.

SECTION 2 - PROTESTS

In case of a protest filed with the Code Administrator in writing against any proposed mobile home park signed by the owners of twenty percent (20%) or more, either of the area of:

- a. The lots and lands included in such proposed mobile home park or;

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- b. Those immediately adjacent in the rear thereof extending 200 feet therefrom; or
- c. Those directly opposite thereto lying 200 feet from the street or road frontage of such opposite lots or lands.

SECTION 3 - PERFORMANCE STANDARDS

A mobile home park shall not be approved if it will significantly interfere with the existing use of property in the adjacent area.

SECTION 4 - DESIGN STANDARDS

All mobile home parks shall comply with the following design standards and a subdivision which is a mobile home park shall be reviewed for compliance with the following design standards. For mobile home parks which are subdivisions, the design standards set forth in this Article shall apply and the design standards set forth in Section 9 of Article V (Subdivision Regulations) shall not apply.

4.1 Location of the mobile home park on a well drained site, properly graded to insure rapid drainage of this site.

4.2 Spaces Provision of spaces that are well defined and delineated with a minimum lot size per mobile home unit of thirty five hundred (3,500) square feet, if a variance from the density requirements of the Code is obtained.

4.3 Support Each mobile home shall be supported in such manner as provided in the rules and regulations specified by the New Mexico Mobile Housing Commission.

4.4 Spaces Per Acre A maximum of ten (10) mobile home spaces per acre within a mobile home park.

4.5 Distance Between Mobile Homes Location of mobile homes on each space so as to provide:

4.5.1 At least a twenty foot (20') clearance between the mobile homes;

4.5.2 Location of mobile homes not closer than ten feet (10') from any mobile home space or lot, or from any building on any adjacent property within the park, including small individual storage units, or other structures such as

porches or portals or any property line of the park which does not abut upon a public street or highway;

4.5.3 Location of mobile homes not closer than twenty five feet (25') from any property line of the park abutting upon a public street or highway, or such other distance as may be established by ordinance or regulation as front yard or setback requirement with respect to conventional buildings in the district in which the mobile home park is located.

4.5.4 For the purpose of this Section, the distance between mobile homes must be calculated to include any porch, attached room or deck, or any similar addition or improvement.

4.6 Parking Provision for two (2) off-street parking spaces for each mobile home space, which such parking places shall be paved in concrete or asphalt.

4.7 Walkways Provision for walkways from all mobile home spaces to all common areas within the mobile home park, and such walkways shall not be less than thirty six inches (36") in width and constructed of any hard surface material (e.g., concrete, asphalt, brick or flagstone).

4.8 Light All mobile home parks shall be adequately lighted at night.

4.9 Provision that:

4.8.1 Private streets shall have a minimum six (6) inch base course and a minimum width of twenty four feet (24');

4.8.2 Private collector streets shall have a minimum of six (6) inch base course and a minimum width of thirty feet (30'); and

4.8.3 Public dedicated streets shall observe right of way requirements and subdivision design standards set forth in Article V, Sections 8.2 and 8.5 and Appendix B of the Santa Fe County

Subdivision Regulations.

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4.10 Landscape The perimeter of the park shall be landscaped to blend as closely as possible with the surrounding land contours and vegetation.

4.11 Porch and Step Pad Provision of a porch and step pad which such pad is to be located adjacent to the mobile home stand and constructed of hard surface material (e.g., concrete, asphalt, brick or flagstone, with a minimum area of seventy two (72) square feet and a minimum thickness of four inches (4").

4.12 Entrance Roadways Entrance roadways to the mobile home park shall be designed in accordance with current traffic engineering criteria and shall be subject to the approval of the Code Administrator.

4.13 Service Buildings All service buildings, if provided, shall comply with the standards prescribed by the New Mexico Mobile Housing Commission and the New Mexico Construction Industries Division.

4.14 Maintenance of Grounds and Buildings All service buildings and grounds of the mobile home park shall be maintained in a clean condition and kept free of any conditions that will menace the health or safety of any occupant and the public and shall not constitute a nuisance.

SECTION 5 - DISCLOSURE STATEMENT

5.1 Developer to Provide Disclosure Statement Prior to renting or leasing any space within a mobile home park, the developer shall provide the prospective tenant or lessee with a written disclosure statement in order that the prospective tenant or lessee may make an informed decision whether or not to rent or lease the space or property in the mobile home park.

5.2 Form of Disclosure Statement The disclosure statement shall be headed in the manner and form substantially as shown on the following form. The disclosure statement requirements of Article V do not apply to mobile home parks.

ARTICLE X
DEFINITIONS

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SECTION 1 - DEFINITIONS OF WORDS AND PHRASES USED IN THE CODE

The following definitions apply to words and phrases used in the Code:

1.1 "Absorption field" - means an area in which open, joint or perforated piping is laid in gravel-packed trenches, or excavations for the purpose of distributing the effluent discharged from a tank used as a part of an individual liquid waste disposal system for absorption into the soil.

1.2 "Aerobic disposal system" - means an absorption field and a tank where air is introduced to the liquid waste by mechanical means.

1.3 "Airport" - means an area of land designated for the landing and taking off of aircraft and utilized or to be utilized by the public as a point of arrival or departure by air.

1.4 "Application" - means all materials required to be submitted by an applicant to the Code Administrator, the County Development Review Committee, or the Board in support of a request for a development permit.

1.5 "Area of land" - 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.

1.6 "Base Flood" - means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

1.7 "Block" - means the distance measured along a street between intersection streets from center line to center line and

where the context requires, it also means the enclosed area within the perimeter of the streets or property lines enclosing it.

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

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

1.10 "Buffer Strip" - means:

1. The land adjoining a watercourse or drainage channel with a vertical bank of at least forty-five (45) degrees, and extending perpendicularly from the vertical bank of the watercourse or drainage channel to a distance three times the depth of the watercourse or drainage channel measured from the bottom of the watercourse or drainage channel to the top of the vertical bank; or

2. The area adjoining highways or railroads.

1.11 "Building Line" - means a line on a plat between which line and a street no building or structure may be erected.

1.12 "Class I Water Supply System" - means a water supply system serving eleven (11) or more parcels.

1.13 "Class II Water Supply System" - means a water supply system serving ten (10) or less parcels.

1.14 "Cluster Wells" - means a well which provides water to more than one (1) dwelling but which is not part of a community water system.

1.15 "Code Administrator" - means the Code Administrator of the County, appointed and having authority as set forth in Article II of the Code.

1.16 "Code Map" - means an original map approved by the Board and on file with the Code Administrator, of which a smaller scale facsimile reproduction appears in the County General Plan, a map approved by a County or Local Development Review Committee and by the Board as part of the Code, or any other map specifically identified in the Code.

1.17 "Community Liquid Waste Treatment System" - means a system serving two or more parcels for the collection and treatment of liquid waste.

1.18 "Community Water System" - means a water supply system which serves five (5) or more dwelling units or commercial units through facilities which are under central or common ownership and/or management.

1.19 "Compatible Use" - as used in Article VI means a use which is presumed to be compatible for the Ldn Zone in which it is proposed and may be permitted pursuant to the Code. A compatible use shall not be regarded as a use by right.

1.20 "County" - means Santa Fe County, New Mexico.

1.21 "County Assessor" - means the County Assessor of Santa Fe County, State of New Mexico.

1.22 "County Clerk" - means the County Clerk of Santa Fe County, State of New Mexico.

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

1.24 "County General Plan" - means the comprehensive master plan for the land in the County which has been adopted pursuant to New Mexico law and shall include without limitation any Local Land Use and Utility Plan which has been incorporated as part of the County General Plan.

1.25 "County Manager" - means the County Manager of Santa Fe County, State of New Mexico.

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

1.27 "Cul-de-sac" - means a street with only one outlet and culminated by a turnaround.

1.28 "Development" - means the making of any material change in the use or appearance of any structure or land, or the performance of any building or terrain modification, including, without limitation:

1.28.1 construction, reconstruction, alteration, repair, addition to or location of a structure;

- 1.28.2 thereon for commercial, industrial, agricultural, or residential purposes;
- 1.28.3 division of the surface area of land;
- 1.28.4 installation of water, sewer or other sanitation utility facilities; except wells for which a permit is obtained under Section 75-11-1 NMSA (1953 Comp) as it may be amended and individual on-site liquid waste systems.
- 1.28.5 erection, alteration or destruction, within Historic Districts, of the exterior features of a structure which are subject to public view from any public thoroughfare or place; or
- 1.28.6 use of water which is inconsistent with the water management policies of the Code and the General Plan.

1.29 "Development Permit" - means any permit issued by the County under the Code, whether or not so denominated, including a permit customarily called a building permit or a zoning permit or other action taken by the County having effect of permitting development as defined in this Code.

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

1.31 "Dwelling" - means (1) a structure or portion thereof used, or intended to be used, by a person or persons for residential use, (2) a mobile home, or (3) each unit occupied by a person or persons in any structure or portion thereof used or intended to be used for residential purposes by a person or persons.

1.32 "Easement" - means a right or privilege that a person or persons may have in another's land, such as the right of passage.

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

1.34 "Engineering Interpretations" - means the evaluation of soil properties that might affect intended uses.

1.35 "Erosion" - means soil movement due to wind or water.

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

1.37 "Estancia Valley Agricultural Area" - means agricultural land within the Estancia Valley Water Basin but not within the Edgewood Metropolitan Area where water rights are permitted or declared.

1.38 "Final Plat" - means a map of a land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications and acceptance and with complete dimensions of all lines defining lots and blocks, streets, alleys, public areas and other designations required by this Code.

1.39 "Floodway" - means that part of a special flood hazard area which would be inundated by water or mud to a depth of six (6) inches or more in response to a storm event having a return period of once in 25 years.

1.40 "Flood Fringe" - means that part of a special flood hazard area which would be inundated by water or mud to a depth of six (6) inches or more in response to a storm event having a return period of once in 50 years.

1.41 "Flood Hazard Area" - means an area within a floodway, flood fringe or flood plain.

1.42 "Flood Hazard Boundary Map (FHBM)" - means an official map of a community, issued by the Federal Insurance Administration, where the areas within the boundaries of special flood hazards have been designated as Zone A.

1.43 "Flood Insurance Rate Map (FIRM)" - means an official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

1.44 "Flood Insurance Study" - is the official report provided by the Federal Insurance Administration. The report contains flood profiles, the water surface elevation of the base flood, as well as the Flood Hazard Boundary-Floodway Map.

1.45 "Flood Plain" - means that part of a Special Flood Hazard Area which would be inundated in water or mud to a depth of six (6) inches or more in response to a storm event having a return period of once in 100 years.

1.46 "Geohydrologic Report" - means a report on subsurface water availability.

1.47 "Home Occupation" - means an occupation conducted within a dwelling, or on a parcel on which a dwelling is located by the occupant of the dwelling.

1.48 "Hydrologic Report" - means a report on surface water availability.

1.49 "Incompatible Use" - as used in Article VI means a use which shall not be permitted in the Ldn Zone where it is proposed.

1.50 "Individual Liquid Waste Disposal System" - means a disposal system which services an individual dwelling or parcel and includes, but is not limited to, septic tank systems, aerobic disposal systems and evapotranspiration systems.

1.51 "In the County", "Within the County" - or similar phrases mean within the boundaries of the County, but not within the limits of any incorporated municipality.

1.52 "Lease" - means to lease, or offer to lease, land.

1.53 "Liquid Waste" - means domestic, commercial or industrial wastewater containing human excretes or other liquid carried waste.

1.54 "Ldn" - means day/night equivalent sound level computed to United States Environmental Protection Agency Standards and Procedures.

1.55 "Ldn Zone 1" - means a designated area over which the noise rating is less than 65 Ldn.

1.56 "Ldn Zone 2" - means a designated area over which the noise rating is between 65 and 70 Ldn.

1.57 "Ldn Zone 3" - means a designated area over which the noise rating is between 70 and 75 Ldn.

1.58 "Ldn Zone 4" - means a designated area over which the noise rating exceeds 75 Ldn.

1.59 "Local District" - means any Natural Resource Conservation District within the County in which the proposed subdivision is located.

1.60 "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.

1.61 "mg/l" - means milligrams per liter

1.62 "Mine Site" - means the area of land in which the mine, mill recovery plant, crushers, buildings, structures, improvements, wells, excavations, dumps, waste piles, tailings ponds and other features normally utilized in mining operations are located and shall include all of the area of land containing the same, similar or related mineral bodies or deposits which the mine operator may excavate and mine which is lying within the same or contiguous mining zone. (Applies to Article XI only)

1.63 "Mineral" - means an inanimate constituent of the earth, in solid, liquid, or gaseous state which, when extracted from the earth, is usable in its natural form or is capable of conversion into a usable form of metal, or metallic compound, a non-metal, a non-metallic compound, a chemical, an energy source, or a raw material for manufacturing, road building or construction material or oil, oil shale, natural gas, geothermal resources, but shall not include surface or subsurface water. (Applies to Article XI only)

1.64 "Mineral Exploration Uses" - means the prospecting, geophysical and geologic surveying and sampling techniques, which include but are not limited to core or rotary drilling or making an excavation, performed in the search and evaluation of valuable mineral deposits when as a result of such activities minerals are not products for commercial sale. (Applies to Article XI only)

1.65 "Mining Use" - means drilling drillholes, establishment or operation of placer mine, shaft, open pit mine, removal of overburden or other excavation from which minerals, ore or other mineral substances are to be removed or taken and the processing of minerals, ore or mineral substances. (Applies to Article XI only)

1.66 "Mobile Home" - means any vehicle or transportable structure without motive power, that is equipped with wheels and axles, is designed with bathroom and kitchen facilities, and is intended for occupancy as a dwelling for unlimited periods of time.

1.67 "Mobile Home Park" - means any area of land upon which five or more mobile homes, occupied for dwelling or sleeping purposes are located, and where a charge is made for such accommodation or where mobile homes are proposed to be located and a charge made.

1.68 "Mobile Home Space" - means an area of land, within a mobile home park, designed for the accommodation of one mobile home in accordance with the requirements set forth in the Code.

1.69 "Non-residential Use" - means any use which does not involve the use of a structure as a dwelling.

1.70 "Nonconformity" - means development which does not comply with the Code or amendments thereto, and which lawfully existed on the effective date of the Code or amendment.

1.71 "Northern Valley Agricultural Area" - means agricultural land north of the Santa Fe Metropolitan Area and south of Espanola Metropolitan Area on which permitted or declared water rights are being put to beneficial use for agricultural purposes.

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

1.73 "Parcel" - means an area of land not dedicated for public or common use capable of being described with such definiteness that its location and boundaries may be established, and includes but is not limited to lots.

1.74 "Parcel, double frontage" - means a parcel which is accessible from both parallel streets upon which it fronts.

1.75 "Permitted Rights" - means the right to appropriate water to beneficial use as authorized by a permit issued by the New Mexico State Engineer other than a permit issued under the provisions of Section 72-12-1 NMSA 1978, as amended.

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1.76 "Person" - includes an individual, partnership, association, corporation, Indian Tribe, the State, any political subdivision of the State and its agencies or any other entity.

1.77 "Plat" - means a map, chart, survey, plan or replat certified by a licensed registered land surveyor containing a description of subdivided land with ties to permanent monuments. As used in the Subdivision Regulations, "Plat" also means a map and other submittals as required by the subdivision regulations of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the proposed subdivision of land.

1.78 "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 proposed subdivision of land.

1.79 "Reclamation" - means the employment during and after a mining operation of procedures reasonably designed to minimize as much as practicable the disruption from the mining operation and to provide for the rehabilitation of affected land through the rehabilitation of plant cover, soil stability, water resources, or other measures appropriate to the subsequent beneficial use of such mined and reclaimed lands.

1.80 "Reconnaissance hydrology report" - means an abbreviated geohydrology report submitted according to the requirements of Article VII, Section 6.

1.81 "Residential" - means a structure which is arranged, designed, or used as a dwelling.

1.82 "Sediment" - means soil or other surface material transported by wind or surface water as a product of erosion.

1.83 "Septic Tank System" - means a tank which is designed and constructed to separate solids from the liquid and digest organic matter through a period of detention together with an absorption field.

1.84 "Site" - means the location of a lot or parcel or a structure thereon.

1.85 "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 Natural Resource Conservation District.

1.86 "Solid Waste" - means any solid or semi-solid discarded material which results from household, commercial, industrial or other operations, but does not include water-carried waste in sewage systems.

1.87 "Standard Density" - means lot size considering the proposed water usage. For example, the standard lot size for the Basin Zone where water usage is proposed to be 1.0 acre feet is ten (10) acres.

1.88 "State Engineer" - means the duly authorized State Engineer of New Mexico whose office has jurisdiction over surface and subsurface water rights.

1.89 "State Environmental Improvement Division" - means that duly authorized agency of the State of New Mexico whose agency has jurisdiction over water quality, water delivery systems, liquid waste disposal system(s) and solid waste systems.

1.90 "State Highway Department" - means that duly authorized agency of the State of New Mexico whose agency has jurisdiction over the construction and maintenance of all State highways.

1.91 "Street" - means all real estate dedicated or intended for public use for access to abutting lands or subject to public easements therefore, whether improved or unimproved and whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, alley, avenue, boulevard, lane, place, circle, or however otherwise designated, and including median and divider strips, sidewalks, curbs, gutters and borrow ditches.

1.92 "Street, Collector" - means a street that serves as a connection between several local streets and one or more arterial streets.

1.93 "Street, Local" - means a street of relatively short length that provides direct access to a limited number of abutting properties.

1.94 "Street, Roadway" - means that portion of the street available for vehicular traffic and, where curbs are laid, the portion from back-to-back of curbs.

1.95 "Structure" - means anything constructed or installed or portable, the use of which requires a location on, above or under a parcel of land, including without limitation a dwelling, a movable structure while it is located on land, usable for housing, business, commercial, agricultural or office purposes either temporarily or permanently; advertising signs, billboards; poles; pipelines, transmission lines and tracks; provided, however, that structure does not include fences and signs used for advertising consisting of less than three (3) square feet. "Structure" does not mean walls, fences, telephone booths, swimming pools, wells, septic tanks, drainfields, cesspools or privies.

1.96 "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.

1.97 "Subdivision" - means an area of land within the County, the surface of which has been divided into five or more parcels for the purpose of sale or lease. Subdivision does not include:

- 1.97a Any land retained by the subdivider after subdivision but which has not been divided for a subdivision.
- 1.97b The sale or lease of apartments, offices, stores or similar space within a building.
- 1.97c Subdivisions within boundaries of a municipality at the time of approval of the subdivision by the municipality.
- 1.97d Any division of land in which only gas, oil mineral or water rights are severed from the

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subsurface ownership of the land.

1.97e Any division of land created by court order, except court orders involving land grant adjudications.

1.97f The leasing of land for grazing or farming activities.

1.97g The alteration of parcel boundaries within a previously approved subdivision where parcels are altered for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased nor the type of subdivision changed.

1.98 "Tank" - means a watertight receptacle which receives liquid waste from the sanitary drainage system of a building and in which bacterial assimilation of organic matter takes place.

1.99 "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.

1.100 "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.

1.101 "Traditional Community" - means a Traditional Community located in the County as established by the Code.

1.102 "Trailer" - means a house trailer or structure that exceeds neither a width of eight (8) feet nor a length of thirty two (32) feet designed to be transported and intended for human occupancy as a dwelling for short periods of time and containing limited or no kitchen or bathroom facilities.

1.103 "Type I Subdivision" - means any subdivision containing five hundred (500) or more parcels, any one of which is less than ten (10) acres in size.

1.104 "Type II Subdivision" - means any subdivision containing not less than twenty-five (25) but not more than four-hundred-ninety-nine (499) parcels, any one of which is less than ten (10) acres in size.

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1.105 "Type III Subdivision" - means any subdivision containing not less than five (5) but not more than twenty-four (24) parcels, any one of which is less than ten (10) acres in size.

1.106 "Type IV Subdivision" - means any subdivision containing twenty-five (25) or more parcels, each of which is ten (10) acres or more in size.

1.107 "Type V Subdivision" - means any subdivision containing not less than five (5) parcels and not more than twenty-four (24) parcels, each of which is ten (10) acres or more in size.

1.108 "Water Conservation Covenant" - means a covenant running with the land which requires the owner to observe certain water conservation practices.

1.109 "Watercourse" - means any river, creek, spring, stream or any other like body having definite banks and evidencing an occasional flow of water.

1.110 "Water Supply System" - means a system to provide water for domestic use of human consumption.

SECTION 2 - DEFINITIONS IN SUBDIVISIONS REGULATIONS

The definitions provided in the Subdivision Regulations are incorporated as part of Article X of the Code and the definitions may be reproduced as part of Article X in any reproduction of the Code.

SECTION 3 - MISCELLANEOUS

When not inconsistent with the context, words used in the present tense include the future tense; words used in the plural form include the singular form. The word "Shall" is mandatory, and the word "may" is permissive. The masculine includes the feminine form.

ARTICLE XIZONING FOR EXTRACTION OF CONSTRUCTION MATERIALSSECTION 1 - MINERAL EXTRACTION: CONSTRUCTION MATERIALS1.1 Applicability

Mineral extraction activity for construction materials, including but not limited to, stone, sand, gravel, aggregate, or similar naturally occurring materials, (hereinafter: construction materials) shall be allowed anywhere in the County, provided the requirements of this Ordinance are met.

1.1.1 Special Uses.

Industrial, manufacturing and related office uses not related to mining uses are allowed in mining zones, provided they meet the requirements of the Santa Fe County Land Development Code 1980-6 as amended, (hereinafter: "Code").

1.1.2 Conflicting Provisions.

The provisions of this Article XI shall apply to zoning for extraction of construction materials; namely, stone, sand and gravel, and any provision in this Code which is contrary to this Article XI, shall have no application and shall be precluded by this Article XI.

1.1.3 Penalties.

- A. Failure to comply with this Article XI of the Code shall result in the imposition of penalties as set forth in Article II, Section 5, of this Code.
- B. Penalties may also include suspension or revocation of the Mineral Exploration and/or Mining Land Use Permit.

1.2 Location Standards for Creation of New Mining Zones

The Santa Fe County Board of County Commissioners may create new mining zones, provided the following location standards are satisfied.

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- 1.2.1 Demonstrated existence of significant mineral resources.
- 1.2.2 Use of the land for mining uses is reasonably compatible with other uses in the area affected by the mining use, including but not limited to traditional patterns of land use, recreational uses, and present or planned population centers or urban and metropolitan areas.
- 1.2.3 A history of significant mining activity in the area, if mining has been conducted in the area (not required for creation of new mining zones).
- 1.2.4 The area designated is particularly suited for mining uses, in comparison with other areas of the County, as set forth in Sections 1.2.1, 1.2.2 and 1.2.3, supra.

1.3 Maximum Height.

Structures shall be limited to a maximum height of thirty six (36) feet from the highest point of the surface of the ground at the perimeter of the structure. This height limitation shall also apply to temporary or portable drilling equipment. It is acknowledged that the provisions of this Section may be pre-empted by height restrictions of structures as imposed and regulated by the Federal Aviation Administration, and that such standards may be imposed upon mining operations, applications and permits. See Article II, Section 3.4 for additional information.

1.4 Submittals Required for Creation of Mining Zones

In addition to submittals required by Section 1.5, an applicant seeking the creation of a mining zone shall submit information showing that the proposed zone meets the locational standards set forth in Section 1.2.

1.5 Submittals for Mining Uses

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1.5.1 Submittals for Mining Uses

All applications for mining uses shall contain:

- a. Vicinity map. A vicinity map showing the mine site and the area within a three (3) mile radius of the mine site drawn on a U.S.G.S. topographic quadrangle map.
- b. Existing site data. A map for the mine site, general survey, aerial photograph or any combination of the foregoing shall be at a scale of one (1) inch to five hundred (500) feet, or such other scale as approved by the Code Administrator, and shall include the following:

- 1) A description of existing structures and improvements, including streets and utilities on and within two hundred (200) feet of the mine site unless otherwise required by the Code Administrator.
- 2) A survey of the mine site showing the exterior boundary lines, bearings, and distances which, unless otherwise specified by the Code Administrator, shall be determined to a degree of precision such that no discrepancy between computed and measured distances shall exceed one (1) part in one thousand two hundred and eighty (1,280) parts.

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- 3) A notation stating acreage, scale, true and magnetic north arrow, U.S.G.S. datum and bench marks, if any, and certification of a professional engineer or a qualified land surveyor or other qualified person who prepared the existing site data.
 - 4) The location, width and purpose of any known or visible easements, right-of-way, or access to the mine site.
 - 5) Present tract designations or other identification according to official records in the County Clerk's office, if any, including the name and address of the owner of the property on which the mine site is located; and the name and address of the mineral owner of the property on which the mine site is located.
 - 6) Owners of record of property adjacent to the mine site.
- c. An operations plan consisting of the following:
- 1) Maps, plans, graphics, descriptions, timetables, and reports which correlate and specify:
 - a) a detailed description of the method(s) or technique(s) of mining to be employed in each

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stage of the operation where any surface disturbance on affected lands will occur;

- b) pursuant to the standards in Article VI, Section 3, Terrain Management of the Code, a description of all earthmoving activities which includes backfilling of cuts, and leveling or compaction of overburden;
- c) if applicable, the location and size of all water diversions and impoundments or discharge of water used in mine operations;
- d) the size and location of area(s) to be disturbed, which includes excavations, overburden spoils, topsoil stockpiles, driveways and roads;
- e) areas to be used for storage of equipment and vehicles;
- f) location and size of any structures;
- g) areas designated to be reclaimed;
- h) hours of operation and, if applicable, a description of outdoor lighting; and
- i) fire protection plans.

- 2) A description of how construction materials will be processed on and/or removed from the site.
 - 3) A description of how each phase of exploration or extraction correlates to the reclamation plan.
 - 4) A time table for each phase of operations and reclamation.
 - 5) A description of the steps to be taken to comply with applicable air and water quality laws and regulations and any applicable health and safety standards.
 - 6) A drainage control plan showing methods which will be utilized to avoid erosion on and adjacent to the affected lands.
 - 7) A traffic generation report pursuant to Article III, Section 4.4.1, Submittals, Subsection 6).
 - 8) A description of all hazardous materials to be used and transported in connection with the mining activity and a description of steps that will be taken to insure that the use of such materials will have no adverse impact on the residents or environment of Santa Fe County.
- d. A plan to provide for reclamation of the mine site. For mining uses involving open pit mining operations, the mining operator shall be required

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to submit a plan for recontouring and reseeding or revegetation of the mine site or any phases thereof when the property or portions thereof has been mined.

The plan for reseeding or revegetation may not require seeding or reseeding or revegetation of the open pit, but it shall require a plan to reseed or revegetate the remaining disturbed areas of the mine site, excluding roads, with reasonable allowances to recognize areas that cannot be practically seeded or revegetated because of slope, rock conditions or other limitation factors, in an attempt to provide roughly comparable vegetation to that which existed in the area prior to mining, through a single reasonable effort. The Board may require a security for completion of the reclamation required under the section. The security may be in the form of a (1) surety bond issued by an insurance company which is rated "A" or better by Standard and Poors or a comparable rating service; or (2) by a letter of credit in a form approved by the Board, issued by a state or national bank whose deposits are insured by the Federal Deposit Insurance Corporation; or, (3) if approved by the Board, by a corporate

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undertaking issued by the applicant corporation or its parent corporation listed on the New York or American Stock Exchange or major foreign stock exchange.

- e. If applicable, a description of hazardous materials produced or used by the operation, and a plan for disposal of the wastes, including comments by the New Mexico Environmental Improvement Division.
- f. An estimate of the average annual payroll, ad valorem taxes, gross receipts and other economic benefits for the proposed mining uses.
- g. A listing of the permits required to be obtained to engage in the mining use on the mine site. Upon obtaining copies of the required permits, submission of a copy of each of these permits to the Code Administrator. Copies of the submittals or other data presented in support of obtaining required permits shall be provided to the Code Administrator upon request and the listing of the regulatory agency under which this permit is required.
- h. The Code Administrator or the County Development Review Committee may recommend to the Board of County Commissioners and the Board of County Commissioners may require that the applicant provide an environmental

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impact statement for the proposed mining use. No impact statement shall be required until specific regulations are adopted by the Board setting forth the requirements for the scope, format, and content for environmental impact statements.

- i. Submission of an affidavit of ownership of mineral rights, in a form supplied by the Code Administrator.
- j. Exceptions and Substitutions for Submittals.

Upon request of the applicant and approval of the Code Administrator, submittals may be substituted for submittals required by the Code. Upon request of the applicant and the approval of the Code Administrator, submittals required in this section may be omitted or modified.

1.6 Performance Standard

No mining use activity will be permitted if it is determined that the use will have a significant adverse affect on health, safety, morals or general welfare of the County or its residents.

1.7 Reviews for Mining Uses

Except as provided in this Section, mining uses as defined in the Code shall not be subject to the provisions of Article III, Section 10, Lot Size Regulations of the Code. The applicant shall submit evidence that the applicant has obtained an adequate water supply as evidenced by appropriate permits issued by the State Engineer's Office/Interstate State Stream Commission of the State of New Mexico.

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1.7.1 Special District Review.

The Code Administrator shall check the location of the proposed use and shall inform the applicant of any additional submittals or reviews required because of location of the proposed use within a Special Review District and make the applicable review.

1.7.2 Environmental Review.

Except as otherwise provided in this Ordinance, mining uses shall not be subject to the Code. The applicant shall submit evidence of planned compliance with all federal and state environmental laws, rules and regulations, including but not limited to permits required by the U.S.

Environmental Protection Agency, State of New Mexico; Environmental Improvement Division of the Health and Environment Department; Water Quality Control Commission of the New Mexico Environmental Improvement Division of the Health and Environment Department; and other appropriate federal and state agencies. In addition, the applicant shall be subject to the following sections of Article VII, Environmental Requirements of the Code:

- a. Section 1, except, Sections 1.2.3c, d; 1.2; 1.4.2; 1.4.3; 1.4.4, 1.4.4a, (Flood Hazards)
- b. Section 2. (Liquid Waste Disposal)
- c. Section 3, (Terrain Management)
- d. Section 4. (Air Quality)

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e. Section 6 (Water Supply) does not apply if the mining use will not be utilizing water or will utilize permitted water rights for its water supply.

f. Section 7. (Solid Waste)

1.7.3 Procedures for zoning for extraction of construction materials are set forth in Article II of the Code.

1.8 Conformance to Building, Mechanical and Electrical Codes.

The Code Administrator shall review the submitted plans, and specifications for compliance with the building, mechanical, and electrical provisions of the Code and for engineering design. Upon approval of a development permit, construction must begin within one year of the date of the issuance of the development permit, or it becomes void and a new application for a development permit must be made.

1.9 General Review.

A. The Code Administrator shall review the submittals, and the performance standard(s), make recommendations according to the procedures set forth in Article II, Section 2.3.2, and 3.1.

B. Applications for permits to mine construction materials, to construct sand and gravel mine sites, and to construct road materials fabrication plants, that are temporary in nature, using mobile equipment, including but not limited to: crushers, stackers, conveyors, asphalt hot mix plants and concrete batch plants, for state, federal or local highway projects may be approved by the Code Administrator, according to this Section.

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Such temporary permits, not exceeding 180 calendar days, must comply with all provisions of this Ordinance except for the requirements for height. Height requirements shall be controlled by FAA regulations in those areas where applicable. If not located in an FAA regulated area, height of any improvement shall not exceed that dimension as approved by the Code Administrator. All materials stockpiles should be configured so as to prevent any sight safety distance conflicts from any road or access way. Temporary permits may be renewed once up to 180 additional calendar days, in discretion of the Code Administrator.

1. Before any temporary permit or renewal of a temporary permit shall be granted by the Code Administrator under this section, a public administrative hearing shall be held by the Code Administrator at which time sworn testimony shall be taken by the Code Administrator from the applicant, any person opposed to the application and the general public. The Code Administrator shall require the applicant to post notice, such notice provided or approved by the Code Administrator on the subject property for at least fifteen (15) calendar days prior to the posted hearing date on the matter. The applicant shall further publish in a newspaper of general circulation in the County of Santa Fe, a notice alerting the public to the date, place, time, and scope of the hearing to

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be held by the Code Administrator for approval of such mining application. The Code Administrator shall approve the content of the notice prior to publication.

2. The applicant shall mail, by certified mail, return receipt requested, notice of the hearing to be held by the Code Administrator on the application, which mailing shall set forth the date, place, time, and purpose of such hearing in a form approved by the Code Administrator. The notice shall be sent to all property owners within one hundred (100) feet of the boundaries of the subject property.
3. At the hearing held by the Code Administrator in this matter, the Code Administrator shall accept sworn testimony from interested persons as well as from the applicant. The applicant shall have the right to cross-examine any opponent to the application, and the Code Administrator may, in his discretion, permit the applicant to be cross-examined by competent interested parties. After the hearing, the Code Administrator may (a) grant the permit, (b) deny the permit, (c) grant the permit with conditions or (d) refer the entire matter to the County Development Review Committee. The Code Administrator may announce the ruling at the time of the hearing and shall follow the oral ruling by a written decision

within five days. Should the Code Administrator not announce a ruling at the hearing, his written decision must be rendered within five days of the hearing. Copies of the written decision shall be supplied by regular mail to the applicant and all interested parties who request same at the hearing. The decision shall include a certification of mailing containing the date of mailing to the applicant and any interested parties.

4. If there is no opposition to the application, the Code Administrator, upon being satisfied that all submittal requirements contained in this Ordinance have been complied with, may issue the temporary mining certificate to the applicant, five (5) working days after the Code Administrator enters the written decision.
5. Any aggrieved party to the Code Administrator's decision may file an appeal of that decision by submitting, within five (5) working days of the decision in writing, a Notice of Appeal with the Code Administrator, requesting the matter of the application to be heard by the County Development Review Committee. In such case, the Code Administrator shall not issue any permit to the applicant, but must schedule a hearing on the application before the County Development Review Committee. If

appealed, the Code Administrator may send his opinion to the County Development Review Committee. Any request for appeal received more than five (5) working days after the date the Code Administrator's hearing shall have no force or effect.

6. If the decision of the Code Administrator is appealed, the County Development Review Committee shall follow those procedures set forth in Article 2, Section 2.4 of the Santa Fe County Land Development Code, Ordinance 1980-6, as amended.
7. The Board of County Commissioners may, in its discretion, decide to hear the matter of the application pursuant to Section 2.3.2e of the Santa Fe County Land Development Code. In that case, the County Development Review Committee shall not hear the matter of the application.
8. The issuance of the temporary permit shall not be considered by the County Development Review Committee or the Board of County Commissioners as justification for a permanent zoning change to permit sand and gravel mining on the subject property at a subsequent hearing by any applicant.
9. For the purposes of application for temporary sand and gravel, mining permits, this procedure supersedes the procedure set forth in Santa Fe County Ordinance 1980-6, Article 4, Section 2.3.1a.

1.10 Continuance of Existing Mining Uses

789774

A. The provisions of Article II, Section 4.5 of the Code shall apply to mining uses in existence on the effective date of this Ordinance. Mining uses in existence as of the effective date of this Ordinance shall not be subject to the requirements of this Ordinance except as follows.

1. A description of current operations, which sets forth the following:

- a. The area which the operator is currently mining or which is in a temporary state of cessation. This description shall be either a legal description, or a US Geological Survey map or comparable map, outlining, to the satisfaction of the County, the area of operation;
- b. The type of mining operation;
- c. The date the mining interest was acquired; and
- d. The nature of the title of the ownership or possessory interest (fee simple, lease, and mining location) all of which are to be submitted within four (4) months of the effective date of this Ordinance, and

2. A reclamation plan for the current operations which provides for the following requirements:

- a. On all affected areas, the operator, in consultation with the surface estate owner and mineral estate owner, where possible, and in agreement with

AFFIDAVIT

791707

COMES NOW the affiant, Terry Brennan, Santa Fe County Attorney, and after being duly sworn states the following:

1. When Santa Fe County Ordinance 1992-1 was recorded in the office of the Santa Fe County Clerk on February 10, 1992, one page was inadvertently omitted from being recorded, although this page was part of the ordinance that was passed and approved by the Santa Fe Board of County Commissioners on February 10, 1992.
2. In order for this page to be duly recorded, it must be attached to this affidavit and recorded in the County Clerk's Office.
3. The attached page, number 318, is true and proper in every respect, and represents the actions of the Santa Fe Board of County Commissioners when that body adopted Santa Fe County Ordinance 1992-1.


Terrence P. Brennan,
Santa Fe County Attorney

Date: Feb 18, 1992

ACKNOWLEDGEMENT

STATE OF NEW MEXICO)

COUNTY OF SANTA FE)

SS.



OFFICIAL SEAL

JULIE L. FRESQUEZ

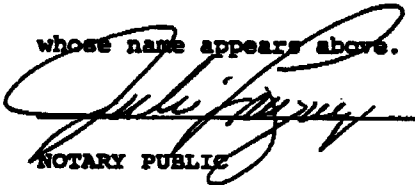
NOTARY PUBLIC - STATE OF NEW MEXICO

Notary Public Filed with Secretary of State

My Commission Expires

On this 18 day of February, 1992, the

forgoing instrument was acknowledged before me by the person
whose name appears above.


NOTARY PUBLIC

My commission expires: 1/23/93

the County, whose agreement will not be unreasonably withheld, shall determine which parts of the affected area shall be reclaimed;

- b. A detailed description of how the reclamation is to be achieved;
- c. A detailed description of techniques proposed to be used in reclamation;
- d. A detailed timetable for each phase of reclamation;
- e. An estimated cost of accomplishing the reclamation plans, or an explanation of how the reclamation is to be done, with any bonding or financial responsibility requirements to be decided by the Code Administrator on a case-by-case basis;
- f. A detailed description of the measures to be taken during the reclamation process to provide for the protection of the quantity and quality of surface and ground water systems, both on and off site, from adverse effects of the mining and reclamation processes; all of which (a through f) are to be submitted within 18 months of the effective date of this Ordinance.
- g. In order for the County to determine present environmental conditions or land that the mining operation claims to be a pre-existing mining use under this Section and on which such mining operator intends to conduct mining activities:

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- 1) Where such information can be lawfully obtained, a description of all streams, creeks, arroyos, and bodies of water within 1000 feet of the boundaries of the current mining activity;
 - 2) A detailed description and maps of the tailings, mineral waste, and geologic conditions on the tract;
 - 3) A scaled plan in cross-section by length and height, showing existing profiles of slope of the affected area, and the proposed mineral exploration and/or mining operation; and
 - 4) An inventory and detailed description of existing vegetation, wildlife and wildlife habitat according to species and density of occurrence.
- B. An existing mining use shall be permitted to continue as a non-conforming use in accordance with the provisions of this Ordinance, until it is abandoned. For purposes of this Ordinance "abandoned" means a mine site on which no significant mine use has occurred for more than 3 years. Mining uses and mining operations shall be deemed to be in existence on the mine site on the effective date of this Ordinance if actual construction has commenced on a substantial portion of any structures and improvements subsequently used in the mining use and/or a substantial portion of the

789777

planned mining operation has begun. However, an operator of a mining use or mining operation shall submit copies of any of its permits or approvals which it holds from the United States Environmental Protection Agency, the State of New Mexico Environmental Improvement Division, the State of new Mexico Natural Resources Division, Water Resources, and the County of Santa Fe Blasting Permit, if any of these are required by the applicable governmental agency. Mining uses in existence on the effective date of the Ordinance may not be enlarged upon, expanded or extended without obtaining a development permit.

1.11 Penalties:

- A. Failure to comply with this Article XI of the Code shall be subject to penalties as set forth in Article II, Section 5, Enforcement of the Code.
- B. Penalties may also include suspension or revocation of the mineral exploration and/or mining land use permit or the calling and exercise of the financial warranty. The penalties in this paragraph will be imposed only after a hearing before the board.

History. 1980 Comp. 1980-6. Article XI, Zoning for Extraction of Construction Materials, incorporating County Ordinance 1991-2 into the Code by County Ordinance 1991-9.

789778

EFFECTIVE DATE: This ordinance shall become effective on the 30th day after the day of adoption by the Board.

PASSED, APPROVED AND ADOPTED THIS 14th DAY OF JANUARY, 1992.

SANTA FE COUNTY BOARD OF COUNTY COMMISSIONER:

Linda Grill
LINDA GRILL, CHAIRPERSON

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

Terrence Brennan
TERRENCE BRENNAN, COUNTY ATTORNEY

ATTEST:

Jona G. Armiijo
JONA G. ARMIJO, COUNTY CLERK

CERTIFICATE OF FILING

I Jona G. Armiijo, County Clerk, do hereby certify that the foregoing ordinance designated as Ordinance 1992-1 was filed in my office on the 10th day of February, 1992

In Book Number 789 Pages 397-778-778A-778B
778C-778D

Jona G. Armiijo
JONA G. ARMIJO
(Seal)

789778A

SANTA FE COUNTY
P. O. Box 276,
Santa Fe, New Mexico 87501

LEGAL NO.: 50187

ACCOUNT : 73450

P.O. NO.: 37481

340 LINES three times at \$ 241.40
Affidavits: 5.00
TAX: 15.09
TOTAL: \$ 261.49

AFFIDAVIT OF PUBLICATION

State of New Mexico
County of Santa Fe

I, Michael James Kott being first duly sworn, declare and say that I am Legal Advertising Representative of THE NEW MEXICAN, a daily newspaper published in the English Language, and having a general circulation in the Counties of Santa Fe and Los Alamos, State of New Mexico, and being a newspaper duly qualified to publish legal notices, and advertisements under the provisions of Chapter 167 on the Session Laws of 1937; that the publication # 50187 a copy of which is hereto attached was published in said newspaper once each week for three (consecutive) week(s) and that the notice was published in the newspaper proper and not in any supplement; the first publication on the 2nd day of January 1991; and that the undersigned has personal knowledge of the matters and things set forth in this affidavit.

/S/.....
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this
14th day of January A.D., 1992.

JAN 28 1992
PM
11:28:16

789778B

**TITLE AND
GENERAL SUMMARY OF
PROPOSED ORDINANCE
REGARDING
SANTA FE COUNTY
LAND DEVELOPMENT
CODE**

On Tuesday, January 14, 1992, the Board of County Commissioners of Santa Fe County, New Mexico, at an open meeting to be held at the Santa Fe County Courthouse, Santa Fe, New Mexico, at 3:00 p.m., will allow public participation on any provision of the proposed amendments to the Santa Fe County Land Development Code, 1980-6, as amended. The proposed amendments are primarily to correct misspellings and grammatical and punctuation errors. However, there will be some substantive amendments proposed, and those changes are summarized below. Finally, Santa Fe County Ordinances 1991-2 and 1991-3 which pertain to mining operations, as well as all prior amendments to the Land Development Code, will be incorporated into the Land Development Code. All proposed amendments may be reviewed during normal business days and hours at the County Courthouse. The Board will then readopt and recodify Ordinance 1980-6. Below is a general summary of the substantive changes to Santa Fe County Ordinance 1980-6:

ARTICLE 2 Sec. 1.2.1:
The requirement that two members of the County Development Review Committee be appointed from

District I and District II is deleted.

ARTICLE 2 Sec. 2.1.4:
Requires construction or work pursuant to a development permit to be completed within a set period of time.

ARTICLE 2 Sec. 2.3.1c and 2.3.2c:
Clarifies the notice requirement that applicants for permits must give.

ARTICLE 2 Sec. 2.3.1e:
Clarifies the role of advisory State agencies in the permit procedure.

ARTICLE 2 Sec. 2.3.2e:
Corrects an error so that the decision of the County Development Review Committee is final 30 days after it is rendered.

ARTICLE 2 Sec. 2.4.2a and 2.4.3a:
Requires County Development Review Committee to hear an appeal within 2 months.

ARTICLE 2 Sec. 2.4.2b:
Interested parties only can file appeals to County Development Review Committee decisions.

ARTICLE 2 Sec. 2.4.3c:
Requires all appeals to be filed with the Code Administrator.

ARTICLE 2 Sec. 5.3:
Notice of Violations or Citations may be issued for development violations.

ARTICLE 3 Sec. 2.4.2b:
Clarification of submittal requirements for environmental review.

ARTICLE 3 Sec. 4.3.4c:
The correct appellate procedures are set forth.

ARTICLE 5 Sec. 5.3.1.c.xi:
Community facilities are more fully defined and delineated.

ARTICLE 5 Sec. 7.1.2c:
The reference to "City" is removed.

ARTICLE 5 Sec. 9.7:
Location is made an additional criteria for the development of parks.

ARTICLE 5 Sec. 11:
Gives the Board, not the Commission, the jurisdiction over subdivision plats.

ARTICLE 6 Sec. 2.2.5a:
Zone 4 was omitted from this Section.

ARTICLE 6 Sec. 2.2.6:
Language added to include those restrictions found in the Land Development Code.

ARTICLE 6 Sec. 3.4.3:
The exemptions from the requirements for obtaining a reconnaissance survey for archeological purposes are deleted.

ARTICLE 7 Sec. 2.7.5:
The classification and the percolation tests are both required; not either.

ARTICLE 7 Sec. 3.1.3:
Language added to require sketch terrain management plans for subdivisions of four lots or less.

ARTICLE 7 Sec. 5.2:
Amendment would clearly

allow Code Enforcement Officers to enforce the noise limitation provisions.

ARTICLE 7 Sec. 6.4.1d:
Allows well test requirements to be waived by the County Manager, not the County Hydrologist.

ARTICLE 8:
The provisions regarding sign regulations have been substantially rewritten.

ARTICLE 9 Sec. 4.5:
Location of mobile homes on each space is more clearly defined and affords greater fire protection.

ARTICLE 10 Sec. 1.30:
The definition of "dwelling" was changed so as not to conflict with the "home occupation" portions of the Code. Use of the words "single family" is replaced by "person or persons".

ARTICLE 10:
Certain definitions that relate to mobile homes and which are not used in the code are deleted.

ARTICLE 10 Sec. 1.71:
A clearer definition is given for "double frontage parcel".

ARTICLE 10 Sec. 1.85:
The definition for "residential" is clarified.

ARTICLE 10 Sec. 1.88:
The definition for "site" is clarified.

ARTICLE 10:
Other unused definitions are deleted.
Legal #50187
Pub. January 2, 6, 13, 1992

DEPARTMENT
JAN 13 1992
FRI
JAN 13 1992

m6R 1-30-92
789778c

LEGAL NO.: 50330

ACCOUNT : 73450

P.O. NO.: 37697

Santa Fe County

300 LINES twice at \$ 147.00

Affidavits: 5.00

TAX: 9.31

TOTAL: \$ 161.31

AFFIDAVIT OF PUBLICATION

State of New Mexico
County of Santa Fe

I, Michael James Kott being first duly sworn, declare and say that I am Legal Advertising Representative of THE NEW MEXICAN, a daily newspaper published in the English Language, and having a general circulation in the Counties of Santa Fe and Los Alamos, State of New Mexico, and being a newspaper duly qualified to publish legal notices, and advertisements under the provisions of Chapter 167 on the Session Laws of 1937; that the publication # 50330 a copy of which is hereto attached was published in said newspaper once each week for two (consecutive) weeks, and that the notice was published in the newspaper proper and not in any supplement; the first publication on the 20th day of January 1992; and that the undersigned has personal knowledge of the matters and things set forth in this affidavit.

/S/.....
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this
28th day of January A.D., 1992.

OFFICIAL SEAL

NOTARY PUBLIC

Laura R. Harding 11/23/95
MY COMMISSION EXPIRES