

# SANTA FE COUNTY

## ORDINANCE 1996 - 8

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AN ORDINANCE AMENDING THE SANTA FE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 1992-1) TO BRING THE CODE INTO COMPLIANCE WITH THE NEW MEXICO SUBDIVISION ACT AS AMENDED BY HOUSE BILL 1006, TO MAKE GENERAL ORGANIZATIONAL AND CLARIFICATION UPDATES AND TO IMPLEMENT DESIGN STANDARD CHANGES

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The Santa Fe County Land Development Code (Ordinance 1992-1) is hereby amended.

951,969

COUNTY OF SANTA FE                    )SS  
 STATE OF NEW MEXICO                )  
 I hereby certify that this instrument was filed  
 for record on the 9 day of July A.D.  
 19 96 at 1:19 o'clock PM m  
 and was duly recorded in book 1286  
 page 586-705 of the records of  
 Santa Fe County.  
 Witness my Hand and Seal of Office  
 Jona G. Armijo  
 County Clerk, Santa Fe County, N.M.



Esther L. Arto  
 Deputy

NOTE: Articles and Sections not included in this Ordinance have not been amended and can be found in the Santa Fe County Land Development Code (Ordinance 1992-1.)

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**ARTICLE II - ADMINISTRATION****SECTION 1 - APPOINTMENTS AND AUTHORITY****1.1 Code Administrator****1.1.1 Appointment**

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

**1.1.2 Duties**

The Code Administrator shall:

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

**1.2 County Development Review Committee****1.2.1 Appointment**

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

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

**1.2.2 Authority**

The County Development Review Committee shall have the authority provided for in the Code and other authority as determined from time to time by the Board. The County Development

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

### 1.3 Local Development Review Committee

#### 1.3.1 Appointment

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

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

#### 1.3.2 Authority

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

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

**SECTION 2 - DEVELOPMENT PERMITS**

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

**2.1 Extent of Activities Authorized by a Development Permit**

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

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

2.1.2 Development allowed by a development permit is limited by:

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

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

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

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

**2.2 Development Permit Fees and Copies**

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

**2.3 Administrative Procedures****2.3.1 Administrative Decisions**

- 2.3.1a By using the following procedure, the Code Administrator may approve or deny development permit applications for the following types of development without referring the application to the County Development Review Committee or the Board.

Applications for land divisions that constitute a subdivision under a common promotional plan shall comply with the procedure provided for in Article V. The following types of development may be approved administratively:

- i. Any home occupation;
- ii. The following divisions of land which are exempt from subdivision regulations. Applicants claiming any of the following exemptions shall submit supporting data and affidavits to verify their claim as required by the Code Administrator:
  - a. The sale, lease or other conveyance of any parcel that is thirty-five (35) acres or larger in size within any twelve (12) month period, provided that the land has been used primarily and continuously for agricultural purposes, in accordance with 7-36-20 NMSA 1978, for the preceding three years;
  - b. The division of land created by a court order where the order creates no more than one parcel per party;
  - c. The division of land for grazing or farming activities provided that the land continues to be used for grazing or farming activities;
  - d. The division of land created to provide security for mortgages, liens or deeds of trust; provided that the division is not the result of a seller-financed transaction and provided that the parcel given for security is consolidated with the original parcel upon release of the mortgage, lien or deed of trust;
  - e. The sale, lease or other conveyance of land that creates no parcel smaller than one hundred forty(140) acres;
  - f. The division of land to create a parcel that is donated to any trust or nonprofit corporation granted an exemption from federal income tax, as described in 501(c)(3) of the U.S. Internal Revenue Code of 1986, as amended; school, college or other institution with a defined curriculum and a student body and faculty that conducts classes on a regular basis; or to any church or group organized for the purpose of divine worship, religious teaching or other specifically religious activity;
  - g. The sale, lease or other conveyance of a single parcel from a tract of land, except from a tract within a previously approved subdivision, within any five (5) year period; provided that a second or subsequent sale, lease or other conveyance from the same tract of land within five (5) years of the first sale, lease or conveyance shall be subject to the provisions of the New Mexico Subdivision Act and these Regulations; provided further that a survey shall be filed with the county clerk indicating the five (5) year holding period for both the original tract and the newly created tract;
  - h. The division of land to create a parcel that is sold or donated as a gift to an immediate family member (as defined in Article X); however, this exception shall be limited to allow the seller or donor to sell or give no more than one parcel per tract of land per immediate family member. Divisions made under this exception will be referred to throughout the Code as Family Transfers, and
  - i. Lot line adjustment;
- iii. Lot consolidation;
- iv. Easement plat;
- v. Plat amendment;
- vi. Boundary survey;
- vii. Type III subdivisions containing five (5) or fewer parcels of land, unless the land within a subdivision has been previously identified in the County General Plan or this Code as an area subject to unique circumstances or conditions that require additional review;
- viii. Type V subdivisions containing five (5) or fewer parcels;
- ix. Building permits;
- x. Grading and clearing permits;

- xi. Driveway cut permits;
- xii. Road cut permits;
- xiii. Blasting permits;
- xiv. Sign permits;
- xv. Business licenses, except liquor licenses;
- xvi. Legal lot of record;
- xvii. Permitted uses in any non-residential district as set forth in Article III, Section 4;  
and
- xviii. Permits for construction materials, mine sites and road materials fabrication plants that are temporary in nature, using mobile equipment, including but not limited to: crushers, stackers, conveyors, asphalt hot mix plants and concrete batch plants, for state, federal or local highway projects. Such temporary permits, not exceeding 180 days, must comply with all provisions of this ordinance except height. Height shall be controlled by FAA regulations in those areas where applicable. If not located in an FAA regulated area, height shall not exceed that dimension as approved by the Code Administrator. All materials stockpiles should be configured so as to prevent any sight safety distance conflicts from any road or access way. Temporary permits may be renewed for an additional 180 day period.

- 2.3.1b The Code Administrator shall review the application for compliance with the requirements set forth in the Code. (See Article III, Section 2.4.2 for the submittal and review requirements for projects listed in Sections 2.3.1a.ii through viii, above.) The Code Administrator shall make and file a decision approving or disapproving the application or approving the application with conditions or modifications within thirty (30) working days from the date the application was deemed complete for projects listed in Sections 2.3.1a.ii through viii and fifteen (15) working days from the date the application was deemed complete for all other projects listed in Section 2.3.1a.
- 2.3.1c Applications for items listed in Section 2.3.1a i, ii, vii, viii, x and xii are subject to the following posting requirement. At least fifteen (15) calendar days prior to the administrative decision, The applicant shall post notice of the filing of the application prominently on the land, dwelling or other structure which is the subject of the application, in such a way as to give reasonable notice to persons interested in the application and shall provide written certification of the posting of the notice to the Code Administrator. In addition, Sections 2.3.1a vii and viii shall follow the requirements of Section 2.4.2b of this Article.
- 2.3.1d The Code Administrator may hold an informal conference with the applicant and any interested person at any time prior to the making of his decision. The Code Administrator shall give at least three (3) working days' notice either orally or in writing to the applicant who has requested in writing that he receive notice of any informal conference held under this subsection.
- 2.3.1e The Code Administrator may refer an application to an appropriate agency or official of the State of New Mexico for an opinion concerning whether the application should be disapproved or approved with conditions or modifications. The opinion of the state agency or official shall be advisory only, and in no way does it bind the Code Administrator, require him to approve or deny an application, or oblige the Code Administrator to seek additional information or clarification from said agency or official. The Code Administrator may delay the making and filing of his decision for five (5) working days after he receives the requested opinion, if he believes that such a delay is in the public interest.

- 2.3.1f A decision of the Code Administrator on an application shall become final five (5) working days after the decision has been made, unless within the five (5) working days an appeal from the decision has been filed or the Board, on its own initiative, has decided to review the decision of the Code Administrator or has referred the application to the County Development Review Committee for a decision or recommendation.
- 2.3.1g After a decision approving an application has become final, the Code Administrator shall sign the plat and shall record the plat in the records of the County Clerk.

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

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

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

- 2.3.2a Within thirty (30) working days from the date the application was deemed complete, (except for preliminary plats where the time limits shall be as set forth in Article V, Section 5.3.3d) the Code Administrator shall review the application for compliance with the requirements of the Code, and shall make and file a report to the County Development Review Committee evaluating the application and recommending that the County Development Review Committee approve, disapprove, or approve the application with modifications and/or conditions or recommending that the County Development Review Committee recommend the same to the Board depending on which body has final authority pursuant to Section 2.3.2e.
- 2.3.2b The Code Administrator may hold an informal conference with the applicant and any interested person at any time prior to the making of his recommendation. The Code Administrator shall give at least three (3) working days' notice, either orally or in writing, to the applicant or any interested person who has requested in writing that he receive notice of any informal conference held under this Subsection b.
- 2.3.2c At least twenty one (21) calendar days prior to any public meeting at which an application will be heard, the applicant shall post notice of the filing of the application prominently on the land, building, or other structure which is the subject of the application in such a way as to give reasonable notice to persons interested in the application and shall provide written verification of the posting of the notice to the Code Administrator.
- 2.3.2d For development other than subdivisions under the New Mexico Subdivision Act (which shall comply with the public agency review process as set forth in Article V, Section 5.3.3d.), the Code Administrator may refer an application to an appropriate agency or official of the State of New Mexico for an opinion concerning whether the application would be disapproved or approved with conditions or modifications. Unless otherwise required by law, the opinion of the state agency or official shall be advisory. The Code Administrator may delay the making and filing of his

recommendation for up to sixty (60) calendar days to await the opinion if he believes that such a delay is in the public interest.

- 2.3.2e The County Development Review Committee has final approval authority on preliminary and final development plans and on appeals of the Code Administrator's decisions and has recommendation authority on variances, preliminary and final plats, and all master plans, including zoning, for which the Board shall have final approval authority. Plats for Type V subdivisions containing six (6) or more parcels go directly to the Board for review and approval, in accordance with Article V, Section 5.5.4b.

#### 2.3.4 Appeals

##### 2.3.4a Filing an Appeal

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

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

- i. Any person aggrieved by a decision of the Code Administrator under Section 2.3.1 may file an appeal to the County Development Review Committee within five (5) working days of the date of the Code Administrator's decision. The County Development Review Committee shall hear the appeal within sixty (60) calendar days of the date the appeal is filed. The County Development Review Committee shall make and file its decision approving or disapproving the application or approving the application with conditions or modifications.
- ii. A decision of the County Development Review Committee on an appeal shall become final thirty (30) calendar days after the decision is filed, unless within that month an appeal of the decision has been filed by an interested person including the Code Administrator, pursuant to Section 2.3.4c of this Article or the Board on its own initiative has decided to review the decision.

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

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

#### 2.4 Notice and Conduct of Public Hearing

##### 2.4.1 Notice by County

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

##### 2.4.2 Notice by Applicant

2.4.2a For all zoning cases, master plans, development plans, variances, preliminary and final subdivision plats, Type V subdivisions containing six (6) or more parcels and appeals

of these matters, the following public notice requirements shall be completed by the applicant at least twenty one (21) calendar days prior to the public meeting:

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

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

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

2.5 Zoning

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

2.6 Subdivisions

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

2.7 Other Requirements

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

### SECTION 3 - VARIANCES

3.1 Proposed Development

Where in the case of proposed development, it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted conditions or that these conditions would result in inhibiting the achievement of the purposes of the Code, an applicant may file a written request for a variance. A Development Review Committee may recommend to the Board and the Board may vary, modify or waive the requirements of the Code and upon adequate proof that compliance with Code provision at issue will result in an arbitrary and unreasonable taking 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 result in unnecessary hardship, and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, and will do substantial justice. Additionally, no application for variance may be considered by the County Development Review Committee unless a copy of the application has been furnished to the Airport Manager for advice as to the aeronautical effects of the variance. If the Airport Manager does not respond to the application within 15 days after receipt, the County Development Review Committee may act on its own to grant or deny said application. Any permit or variance granted may be so conditioned as to require the owner of the structure in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary.

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

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

### 4.1 Dwelling and Customary Accessory Structures

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

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

### 4.2 Requirements of Code Not Involving Size of Lot

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

### 4.3 Small Lot Inheritance and Small Lot Family Transfer

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

#### 4.3.1 Purposes

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

#### 4.3.2 Definitions

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

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

#### 4.3.3 Requirements for Approval

- 4.3.3a Small Lot Inheritance Transfers
- i. Deed(s) transferring the parcel(s) to or among the heirs or beneficiaries shall be recorded at the time the plat is filed.
- 4.3.3b Small Lot Family Transfers
- i. Deed(s) transferring the parcel(s) to family members shall be recorded at the time the plat is filed;
  - ii. Proof that the land has been in the lawful possession of the family proper for no less than five years and that the recipient is an adult or emancipated minor is required;
  - iii. Lots created by family transfer under this Section shall be so noted on the plat; and
  - iv. An affidavit showing that notice of the application for approval of a family transfer plat has been mailed by certified mail to owners of property, as shown by the records of the County Assessor, adjacent to and within one hundred (100) feet, excluding public right-of-way, of the proposed family transfer parcel(s).
  - v. The person transferring the lot shall file an affidavit with the County Clerk containing the following:
    - (i) A legal description of the property being transferred; and
    - (ii) A statement that he or she has not made a family transfer of any other lot(s) to the person receiving the current lot.

4.3.4 Submittal and Review

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

4.3.5 Lot Size Standards

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

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

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

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

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

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

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

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

4.5.1 Intent

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

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

4.5.1c Expansion or re-use of unsightly or unsafe conditions associated with some non-conformities such as junk yards, mine sites, or industrial nuisances is prohibited, and

further, expansion of any non-conforming commercial uses which contribute to strip development along highways or other roads, shall also be prohibited.

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

- 4.5.2a Except as otherwise provided in this Section, any non-conforming use of land or structure may be continued so long as it remains otherwise lawful.
- 4.5.2b A non-conforming use of a structure or land, or a non-conforming structure, previously established as a use similar to a proposed new use of the structure or land, or a use of a structure or land which has been suspended by a period of time not longer than one (1) year, may be re-used, extended or expanded provided:
- 1) the re-use, expansion or extension does not increase the intensity of development or alter the character of the non-conforming use on the site according to any limitations set by the Code relating to development standards for lot coverage, height, waste disposal, water use, setbacks, traffic generation, parking needs, landscaping, buffering, outdoor lighting, access, or signage;
  - 2) The re-use, expansion or extension can be brought into compliance with the Code as specified above in 4.5.2b.1;
  - 3) The re-use, expansion or extension does not confer a privilege upon the applicant;
  - 4) The re-use, expansion or extension is not incompatible with the surrounding uses of land and is deemed to be of interest to the health, welfare and safety of the community;
  - 5) In certain instances where conformance to Code requirements is impossible, a variance may be required.
  - 6) A change of tenancy or ownership for an existing non-conforming uses does not require development review.
  - 7) All non-conforming signs shall meet the requirements set forth in Article VIII, Subsection 7.16 - Sign Removal and Non-Conforming Signs.

#### 4.5.3 Submittals and Reviews

- 4.5.3a Re-use or expansion of non-conforming uses are subject to the submittals and review requirements set forth in the Code for the category of use which is proposed.
- 4.5.3b If deemed to be in the public interest by the Code Administrator, a public hearing shall be required pursuant to this Article II.

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

### SECTION 5 - ENFORCEMENT

- 5.1 Complaints. Whenever a violation of this Code occurs or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be submitted to the County Land Use Department. The code enforcement staff shall investigate promptly and take action thereon as follows:
- 5.2 Inspection. The code enforcement staff shall, when required, inspect a site or building(s) where provisions of the Code are alleged to have been violated or a certificate of occupancy is required.
- 5.3 Notice of Violation. Where provisions of this Code are being violated, notification in writing shall be submitted to the owner or tenant of the property, indicating the nature of the violations and ordering the action necessary to correct it. Such notice shall require discontinuance of illegal use of land,

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

#### 5.4 Certificate of Occupancy

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

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

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

#### 5.5 Letters of Credit, Surety Bonds

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

#### 5.6 Penalties

##### 5.6.1 Violation of the Code

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

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

5.6.2a Any person who knowingly, intentionally, or willfully commits a material violation of the New Mexico Subdivision Act is guilty of a misdemeanor, punishable by a fine of not more than ten thousand dollars (\$10,000) per violation, or by imprisonment for not more than one year, or both; and

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

##### 5.6.3 Utility Connections

Any water, sewer, electric, or gas utility that connects service to individual parcels within a subdivision before a final plat for the subdivision has been approved by the Board or before the landowner holds a valid building permit, may be fined a civil penalty of up to five hundred

dollars (\$500) by the Board. The Board may also require that any utility connected in violation of this Section and of 47-6-27.2 NMSA 1978 be disconnected.

**5.6.4 Injunctive Relief, Mandamus**

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

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

**5.6.5 Bonds**

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

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

**ARTICLE III - ZONING REGULATIONS, SUBMITTALS AND REVIEWS****SECTION 2 - RESIDENTIAL USES**

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

**2.1 Location of Residential Uses**

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

**2.2 Lot Requirements for Residential Use**

Residential uses are permitted under the following circumstances:

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

**2.3 Site Planning Standards for Residential Uses****2.3.1 Purpose and Intent**

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

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

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

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

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

- 2.3.3b. A complete terrain management plan (see Article VII, Section 3, Terrain Management) shall be required if any portion of land within a development site has a natural slope of fifteen percent (15%) or greater; for construction of one dwelling or accessory structure, the terrain management plan shall address the land proposed to be disturbed only; the Code Administrator may waive this requirement if the portion of the development site over 15% slope is incidental to the entire site.
- 2.3.3c. Density transfers are encouraged to take advantage of naturally occurring development sites below ridgetops and to set aside ridgetop areas for open space.
- 2.3.3d. Any legal nonconforming lot, that is, a legal lot of record which was created before May 1, 1996 (Ordinance 1996-3 adopted March 12, 1996), and which does not contain a Buildable Area as defined in Article VII, Section 3.4.1.b of the Code, is eligible for application for a variance to the Buildable Area standard. See Article II, Section 3, Variance.
- 2.3.4 Setbacks
- 2.3.4a. In order to avoid flood and erosion hazards, a twenty-five foot (25') minimum set back from the natural edge of streams, waterways, drainage ways or arroyos pursuant to Article VII, Section 3.4.6 j of the Code is required: the required setback may be increased if the Code Administrator determines that a clear hazard exists because of slope stability and hydrologic/hydraulic conditions. In evaluating the need to increase the setback, the Code Administrator shall consider property and channel slope, velocity of channel flow, hydraulic radius, roughness coefficient, and sectional area of the particular drainage way.
- 2.3.4b. Any development site on a ridgetop must be set back from the shoulder toward the crest of a hill or ridge pursuant to Article VII, Section 3.4.1 d, Performance Standards for Development Site.
- 2.3.5. Shared points of ingress and egress to adjacent development sites is encouraged, unless it can be demonstrated that additional or separate access is necessary. Design standards and submittal requirements as set forth in Article III, Section 4.4.3a, for Driveway Access, and Article VII, Section 3.4.4, Roads and Driveways shall be applied.
- 2.3.6 Height Restrictions for Dwellings or Residential Accessory Structures
- 2.3.6a. For the purpose of this Section, height means the vertical distance from any point on the upper surface of a building or structure to the natural grade or finished cut grade, whichever is lower, directly below that point.
- 2.3.6b. The height of any dwelling or residential accessory structure shall not exceed twenty-four feet (24'). The vertical depth of fill materials from the natural grade, with or without retaining walls, shall be considered as a component of the building or structure; this depth shall be included in the determination of building height. Chimneys may extend three feet (3') beyond the height limitation. In addition:
1. The height of any dwelling or residential accessory structure located on land which has a natural slope of fifteen percent (15%) or greater shall not exceed eighteen feet (18'). The vertical distance between the highest point of a building and the lowest point of a building at natural grade or finished cut grade, whichever is lower, shall not exceed thirty feet (30'). The Code Administrator may waive this requirement if the portion of the structure located on land over 15 % slope is incidental to the entire site.

2. On ridgetops as defined in Article X of the Code, only one story buildings are allowed. On ridgetops, the height of any dwelling or residential accessory structure shall not exceed fourteen feet (14'), except one story pitched roof style buildings may be allowed a maximum height of eighteen feet (18') provided such roof can be screened from a public way and pursuant to a site visit and approval of the Code Administrator.
3. Structures for agricultural purposes shall meet the requirements of Article III, Section 1.

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

#### 2.3.7 Terrain Management

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

#### 2.3.8 Architectural and Appearance Standards

##### 2.3.8a. Purpose and Intent

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

- 1) Architectural styles are not regulated; however, buildings which fit the traditional or local building types, styles, and scale, as these vary throughout the County, are encouraged.
- 2) Neutral and darker shades of colors shall be used for exterior walls, facades, and roofs which blend with the natural foliage of the native trees or other vegetation or, where vegetation is sparse, with the natural earth tones of the soils on the building site. Roof colors visible from adjacent properties and all wall and facade colors shall be muted and of non-reflective or non-glossy materials with a Light Reflective Value (LRV) of less than forty (40) pursuant to manufacturers specifications. When such data is unavailable, compliance will be determined by a comparison of samples where data is available. This Light Reflective Value standard shall not apply within established Traditional Community Districts.
- 3) Pitched or shed roofs are allowed, provided they are within the height limitations set forth in Article III, Section 2.3.6, Height Restrictions.
- 4) Buildings should be designed using such techniques as variations in height and orientation and offset walls to reduce the visible mass or bulk.

- 5) Window and door glazing shall be non-mirrored with a Light Reflectance Value of forty (40) or less.
- 6) To minimize cuts and fills, buildings shall be designed to conform to the natural terrain by following contours, fitting into existing landforms, and solidly meeting the ground plane. Any pier foundations shall be enclosed so that exterior walls appear to meet the ground and shall not exceed the height limitations set forth in Article III, Section 2.3.6. For a structure built on a natural slope of over twenty percent (20%), the finished floor elevation at any point shall not exceed five feet (5') above the natural grade below that point. (See Article VII, Section 3.4.1, Terrain Management Performance Standards.)
- 7) Free standing walls and fences and retaining walls shall also be designed to conform to the natural terrain.
- 8) Multi-story buildings are prohibited on ridgetops.

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

### 2.3.9 Utilities

#### 2.3.9a Purpose and Intent

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

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

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

### 2.3.10 Landscaping

#### 2.3.10a. Purpose and Intent

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

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

- 3) Screening of development in areas of steep terrain and ridgetops to protect and enhance the visual appearance of natural hillsides.

2.3.10b Preservation and Revegetation of Native Vegetation

- 1) Grading and clearing of existing native vegetation shall be limited to approved development sites. No significant tree may be removed from slopes greater than thirty percent (30%).
- 2) Cleared or graded areas which are not built on and cut and fill areas shall be revegetated to the approximate original density and type of vegetation existing prior to disturbance. Areas to be used for recreation or park landscaping or rural agricultural uses shall be excluded from this requirement.
- 3) Any transplantable tree that will be displaced by construction shall be the primary source of new vegetation required for screening, buffering or other landscaping purposes. (See Appendix G, incorporated by reference herein for tree preservation and transplanting guidelines.)
- 4) Native trees, shrubs and landscape shall be retained within any designated landscape areas set aside for buffers. Retention of the natural vegetation will reduce the requirement for new planting.
- 5) Native trees which are to be preserved on a development site shall be protected during construction from such hazards as damage by vehicles and equipment, compaction of soils, and spills of contaminants by temporary fences or barricades erected at the perimeter of the critical root zone. Permanent installation of such techniques as retaining walls, terracing and tree wells with drainage shall be used to protect trees in areas where significant grade changes are approved.

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

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

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

2.3.10d Landscaping Plan

1) Multifamily, Large Scale Residential and Subdivision Uses

Multifamily and large scale residential uses and subdivisions shall meet the standards and submittals of Article III, Section 4.4.4 f of the Code, including general landscaping requirements, landscaping for road frontage areas, landscaping for parking lots and screening and buffering for residential uses.

- 2) A landscaping plan for revegetation and buffers is required for all residential development sites with a natural slope of fifteen percent (15%) or greater and development sites on ridgetops. For residential development where applicants propose to preserve native vegetation to meet all requirements for buffers and where no revegetation is required, the landscaping plan shall include the following:
  - (a) a landscaping map drafted to scale describing the lot, the development site, proposed structures, and the designated landscape areas;
    - (1) the landscape plan may be shown on the site plan where the scale is adequate to describe the vegetation;
    - (2) the landscaping plan shall address only those areas where buffering and revegetation are required, not areas of ornamental landscaping or private gardens.
  - (b) within the designated landscape areas, existing vegetation which will be retained or transplanted shall be located and labeled, showing the existing size of specific trees and plants by approximate width of canopy spread and caliper and common names;
  - (c) a description of methods and details for protecting existing vegetation during construction.
  
- 3) For residential development where revegetation of cuts, fills, or graded areas is required or where new planting will be needed to meet buffering requirements, the landscaping plan shall include the following:
  - (a) a landscaping map drafted to scale describing the lot, the development site, proposed structures, and the designated landscape areas, including revegetation areas; the landscape plan may be shown on the site plan where the scale is adequate to describe the vegetation; the landscaping plan shall address only those areas where buffering and revegetation are required, not areas of ornamental landscaping or private gardens.
  - (b) within the designated landscape areas, including revegetation areas, the plan shall locate and label:
    - (1) existing vegetation which will be retained by type and size;
    - (2) existing vegetation which will be transplanted, or removed by type and size.
    - (3) location, type, and size of plants to be installed;
  - (c) All plant material to be retained or installed shall be located and labeled, footprinted according to the spread of the plants at maturity;
  - (d) A list of the type and number of plants to be retained and installed, with common and botanical names, showing the existing size of specific trees and plants by approximate width of canopy spread and caliper or gallon size at time of planting and the size of the plant material at maturity in height and width;
  - (e) The location, description, and quantity of all other materials to be used as part of the landscape treatment; planting and installation details as necessary to show conformance with standards;
  - (f) a description of any proposed system of irrigation including the use of on-site storm water collection, drip irrigation, recycled water, or other systems;
  - (g) a description of methods and details for protecting existing vegetation during construction.
  
- 4) The designated landscape areas shall be shown on the development plan and, where applicable, the plat. Where applicable, the landscaping plan submitted with the development plan or development permit application for an individual

use shall be in conformance with the approved master plan for landscaping for a development.

2.3.10e Landscaping Design Standards

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

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

long as the substance of landscape standards for screening and buffering are met.

- (b) Adjustments to the location and size of landscaped areas and these design standards may also be considered if existing conditions such as terrain or location of development site provide adequate buffering opportunities.
- (c) Adjustments shall be subject to the approval of the Code Administrator pursuant to a site visit.

5) Installation, Inspection, Enforcement

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

2.3.11 Outdoor Lighting Standards

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

2.4 Submittals and Review

2.4.1 Construction of One to Four Dwellings

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

1. Submittals

- (a) The applicant shall fill out a development permit application on a form provided by the Code Administrator. The application shall be accompanied by the following:
  - (i) Proof that the applicant owns the parcel on which the dwelling(s) will be constructed and that the lot is a legal lot of record;
  - (ii) Plans and specifications for the proposed dwelling(s) or accessory structure, including elevations demonstrating natural and finish grades and heights of all structures;
  - (iii) Name of the contractor and subcontractor, if any. All contractors and subcontractors shall have a valid and current New Mexico Contractor's License;
  - (iv) An ED septic tank registration certificate if the applicant proposes to use an individual waste disposal system, or other evidence of compliance with Article VII, Section 2 must be submitted;
  - (v) Plans shall include residential sprinkler system plans if required by Section 2.3.12 of this Article; and
  - (vi) A site plan of the lot or parcel showing all existing and proposed structures and improvements, including location of driveways wells, septic tanks, and the distance to the nearest fire hydrant.

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

## 2. Reviews

### (a) Lot Size Requirement Review

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

### (b) Access

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

- (ii) Installation of culverts, where applicable, shall be required at intersections of driveways with County roads.
  - (iii) Road Construction and/or Road Cut Permits must be obtained prior to road or driveways construction. The applicant must provide submittals for new construction pursuant to this Section 2.4.1 and meet standards as applicable and as required in Article V, Section 8, Subdivision Design Standards, and Article VII, Section 3, Terrain Management. Notification of all affected property owners and posting of notice will be required for roads and driveways accessing more than one property.
- (c) Special District Review  
The Code Administrator shall check the location of the proposed dwelling, and if the location of the proposed dwelling is within a Special Review District as described in Article VI, the Code Administrator shall inform the applicant of any additional submittals or reviews required, if any, and make the applicable review.
- (d) Environmental Review  
The Code Administrator shall inform the applicant of any additional submittals and make the reviews required under Article VII - Environmental Requirements.
- (e) Siting Review  
The Code Administrator shall review the application for compliance with the site planning standards. Additional submittals in connection with the siting may be required; site visits to assure compliance with the standards of Section 2.3 of this Article and approval of the Code Administrator will also be required.
- (f) Building, Mechanical and Electrical Code Review  
The Code Administrator shall cause the submitted plans and specifications to be reviewed for compliance with Article IV - Construction Codes of the Code and for engineering design.
- (g) Commencement of Development  
Construction must begin within one (1) year of the date of issuance of development permit, or the development permit is void and a new application shall be made prior to any development. The work described in any development permit shall be substantially completed within two (2) years from the date it is issued, unless an extension is granted by the Code Administrator. Extensions of up to two (2) years may be granted by the Code Administrator pursuant to a review of the site and the original conditions of the Development Permit. Any permit not extended shall expire and be canceled by the Code Administrator. Written notice will be sent to the applicant that further work as described in the canceled permit shall not proceed unless and until the development permit has been reissued.

#### 2.4.2. Division of a Parcel of Land, Summary Review Subdivisions and Other Plat Reviews

##### 2.4.2a. Types of Plats. All plats are to be prepared by a licensed surveyor.

1. Division of Land Plat is a graphic representation and legal description of the separation, splitting, or dividing of a lot, parcel, or tract of land into more than one lot, parcel, or tract of land for any of the purposes listed under Article II, Section 2.3.1.a.ii. (a) through (h).

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

2.4.2b Submittals and Reviews.

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

1. Submittals

- (a) Proof that the parcel is a legal lot of record;
- (b) The application shall be accompanied by three (3) copies of a plat which shall:
  - (1) include a vicinity map;
  - (2) be drawn at a scale of one inch equals one hundred feet (1" = 100'), or larger, or other appropriate scales approved by the Code Administrator;
  - (3) refer to permanent monuments (tied to a section or quarter corner when within a section and notation describing all monuments found or set;
  - (4) indicate the lots to be created or changed, accurately describe each lot, number each lot in progression, give its dimensions and the area of each lot or tract to the nearest one-hundredth of an acre, and the dimensions and acreage of all land dedicated for public use or for the use of the owners of lots fronting or adjacent to the parcel; if the lot size is one (1) acre or less, the net acreage without easements shall also be shown;
  - (5) show the locations of permanent improvements with reference to the boundaries, including but not limited to, the location of liquid waste disposal systems, wells, buildings and roads; a description and location of any evidence of occupation found along a boundary line, including fences, walls, buildings or monuments;
  - (6) bear the date of field survey, and the name, signature, seal, certificate number, and address of the surveyor responsible for the survey; the plat shall be certified as meeting the minimum standards for surveying in New Mexico by a professional surveyor, licensed in accordance with the Laws of the State of New Mexico;
  - (7) contain a certification of title showing that the applicant is the owner of the land, and that the lot(s), parcel(s), or tract(s) represented by the plat

- are created or changed with the free consent and in accordance with the desires of the owner, and do further grant public and/or private easements signed on the plat by the owner of the property and notarized. If the plat is for a summary review subdivision the plat shall state that the proposed subdivision lies within the subdivision jurisdiction of the County.
- (8) indicate its title. A title shall include the type of plat, appropriate township(s), range(s) and section(s), conservancy district, grant (project the section number), subdivision - designations which describes the general location of the property and statement of jurisdiction, scale (equivalent and graphic), true and magnetic north arrows, and date;
  - (9) provide a permit number line, date line, and a signature line for approval by the Code Administrator;
  - (10) indicate required dimensions to the nearest one hundredth of a foot (.01') and angles to the nearest second;
  - (11) show the basis of bearing;
  - (12) reference all documents used to determine the boundary of the land surveyed including the recording information for documents of record;
  - (13) state any discrepancy exceeding the requirements of these standards between the survey and the record description, and the source of all information used in making the survey. When an inconsistency is found, including a gap or overlap, excess or deficiency, erroneously located boundary lines or monuments, or when any doubt as to the location of the ground of the true boundary or property rights exists, the nature of the inconsistency shall be clearly shown on the plat;
  - (14) indicate the horizontal length (ground) and direction (bearing of azimuth) of each line as specified in the legal description and as determined in the actual survey process;
  - (15) show central angle, length and chord dimensions for all curves;
  - (16) indicate and tie to property corners the natural drainage flow and hundred year flood hazard zones as identified in the "Flood Insurance Study for Santa Fe County, New Mexico" dated October 5, 1987, as updated, with the accompanying Flood Insurance Rate Maps and Flood Boundary - Floodway Maps, together with a notation of the Base Flood Elevation, in compliance with Santa Fe County Ordinance 1988-1, as incorporated by reference herein, and where applicable, floodway areas designated as drainage easements;
  - (17) indicate lot, block, and tract numbers or other designations including adjoining lots and tracts if the survey is within a recorded subdivision or conservancy district tract;
  - (18) graphically show all public and private rights-of-way or easements which are recorded or apparent and crossing or adjoining the land surveyed;
  - (19) graphically show the extent of any visible encroachments onto adjoining property or abutting streets;
  - (20) include all information called for in the property description on the deed and referenced on the plat, the point of beginning, course bearings, distances, etc.
  - (21) indicate the latest available recorded property owner and book and page number of all adjacent properties;
  - (22) include a box labeled "Indexing Information for the County Clerk" located near the lower right hand corner of the plat;
  - (23) provide signature lines for utilities, where applicable; and
  - (24) for surveys of parcels within a tract of land, show the relationship to at least one established identifiable property corner of the tract.

- (c) The following terrain management submittals shall be required:
- (1) A storm drainage and erosion control plan pursuant to Article VII, Section 3.3.5 of the Code;
  - (2) Clearly indicate the Buildable Area, No Build Area(s) and any development sites within the Buildable Area of each lot by shading, pattern or comparable graphic method on the plat (see Article VII, Section 3.4.1 for Buildable Area Performance Standards); a slope analysis pursuant to Article VII, Section 3.2.1 shall be required to verify the Buildable Area.
  - (3) For development sites containing any portion of land with natural slopes of fifteen percent (15%) or greater, a terrain management plan pursuant to Article VII, Section 3. The Code Administrator may waive this requirement if the portion of the development site over 15% slope is incidental to the entire site.
  - (4) Further Land Divisions. Lots and subdivisions which were legally platted or approved prior to April 30, 1996 (Ordinance 1996-3) and which cannot meet the terrain management performance standards shall not be further subdivided or replatted in a manner which creates an additional number of non-conforming lots or parcels. Additionally, lot line adjustments shall not result in a conforming lot becoming non-conforming based on terrain management performance standards.

2. Reviews

(a) Lot Size Requirement Review.

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

(b) Special District Review

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

(c) Environmental Review.

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

(d) Other Reviews

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

3. Required Improvements and Standards

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

- (1) Except as provided below in paragraphs (6) - (9) of this Subsection, all lots created under this Section shall be provided with adequate access for ingress and egress, utility service, fire protection, and emergency services whether by a road meeting county requirements constructed within an easement and utility easement or by direct access to a public right-of-way. All on and off-site roads shall meet the design standards for a local road as set forth in Appendix B.3, except that the minimum width of any easement created for

access purposes shall be no less than twenty (20) feet for access to two (2) lots and no less than thirty-eight (38) feet for access to three (3) or more lots. However, for off-site roads the Code Administrator may reduce the road easement width to no less than twenty (20) feet if adequate drainage control is provided and may allow the road surface to be hard packed dirt with a compaction of ninety-five percent (95%) of the maximum density. All roadways and access shall be subject to the provisions of Section 10.207 of the Uniform Fire Code and to the policy established by the County Fire Marshal regarding fire apparatus access roads under Section 10.207. Provision of easements may also be accomplished by contiguous access easements along property line of adjacent parcels or lots which, when added together, provide the total required width.

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

**(b) Other Off-Site Improvements**

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

**(c) Special Provisions for Family Transfer Improvements**

Off-site improvement requirements do not apply to lots created by Family Transfer for the first lot per immediate family member, Small Lot Family Transfer, or Small Lot Inheritance Transfer provided that the recipient does not sell or transfer

such lot for three years from the time the plat is recorded. For second and subsequent lots and for lots sold or transferred by the recipient prior to such three year period off-site improvement requirements of this Code shall be met at the time of sale. For Family Transfers to be exempt from off-site road improvements for the first lot, the person transferring the lot shall file an affidavit as described in Article II, Section 4.3.2b.v.

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

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

**ARTICLE V - SUBDIVISION REGULATIONS**

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

**SECTION 1 - TITLE AND AUTHORITY**

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

**SECTION 2 - PURPOSE**

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

**SECTION 3 - JURISDICTION**

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

**SECTION 4 - GENERAL POLICY REQUIREMENTS****4.1 Acceptance of Public Lands**

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

**4.2 Community Assets**

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

#### 4.3 Suitability of the Land for Subdivision

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

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

#### 4.4 Master Plan and Development Plan

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

#### 4.5 Staging/Phasing

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

#### 4.6 Conflicts with Other Regulations

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

#### 4.7 Consulting Other Agencies

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

#### 4.8 Common Promotional Plans

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

## SECTION 5 - PROCEDURES AND SUBMITTALS

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### 5.1 Pre-application Procedures

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

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

### 5.2 Master Plan Procedure

#### 5.2.1 Introduction and Description

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

#### 5.2.2 Master Plan Submittals

- a. Vicinity Map. A vicinity map drawn at a scale of not more than 2,000 feet to one inch showing contours at twenty (20) foot intervals showing the relationship of the site to its general surroundings, and the location of all existing drainage channels, water courses and water bodies located on the parcel and within three miles of the Parcel. The locations of all Federal, State, or County Roads within one thousand (1000) feet of the parcel shall be shown. In addition, location of future highways and arterials as designated on the appropriate master plan for roads in the County (see 3-19-9 N.M.S.A. 1978) shall be shown.
- b. Existing Site Data. A description of existing conditions on or adjacent to the site. Maps shall be at a scale of one (1) inch to one hundred (100) feet or other appropriate scale as determined by the Code Administrator and shall include the following:
  - 1) Boundary lines: bearings and distances. The error of closure shall be of a third order survey, and no discrepancy between computed and measured distances shall exceed one (1) part in 1,280 parts;

- 2) Easements: Location, width and purpose;
  - 3) Streets or Roads on and immediately adjacent to the tract, name and right-of-way width;
  - 4) Utilities on and immediately adjacent to the tract;
  - 5) Owners of record of unplatted land and existing subdivision plats by name and recordation, together with owners of record for affected lots shall be shown for property within one-hundred (100) feet of that tract not including public rights-of-ways.
  - 6) Title and certificates: Present tract designations according to official records in the County Clerk's Office, title under which the proposed development is to be recorded with name and address of owner, notation stating acreage, scale, true and magnetic north arrow, U.S.G.S. datum and benchmarks, if any, certification of the engineer or land surveyor licensed in accordance with the laws of the State of New Mexico who prepared the plat.
  - 7) Proof of legal access from a county or state road as required by the Code.
- c. Conceptual environmental plan shall include, when appropriate:
- 1) Graphic representation of existing topography, natural features, slopes, and floodplains,
  - 2) Soils maps and reports (SCS)
  - 3) Recreational and/or open space plan, or landscape concepts,
  - 4) Liquid waste disposal plan, and
  - 5) Water Supply plan.
- d. Master plan map(s) showing the proposed development in sketch form, including:
- 1) Proposed major vehicular and pedestrian circulation system,
  - 2) Designation and description of proposed land uses, including information about residential uses by type, area and density, and information about office, general commercial and industrial uses by area and intensity of development. Mixed uses shall not be prohibited,
  - 3) Logical and natural boundaries defining development limitations, and
  - 4) Any proposed sites for schools or other community facilities.
- e. A phasing schedule shall be included in the master plan giving a general description of each phase of the development.
- f. A schematic utilities plan showing location, locational cross sections, and approximate line sizes. It is recognized that there may be changes in the final utilities plan due to the requirements of utility companies or final engineering plans and specifications.
- g. Master plan report which includes the following:
- 1) A general description of the project, existing development on the parcel, location, adjacent properties, acreage, lot coverage, access, traffic impacts, terrain management, soils, landscaping, outside lighting, parking, signage, water, liquid waste, solid waste, archaeological sites and fire protection measures;
  - 2) If appropriate, market analysis and economic impact report which address: demand, projected sales and build-out; identifies a trade area; estimates retail sales and potential, and identifies the scale and extent of local competition.
  - 3) Preliminary fiscal impact estimates of net local public costs, including capital outlay and operating expenses, and revenues attributable to the proposed project.
  - 4) Preliminary environmental assessment, which identifies the possible effects of proposed development on natural resources or natural features. This may be combined with Section 5.2.2.c of this Article.

- 5) A written preliminary traffic report prepared by a licensed traffic engineer or other qualified expert acceptable to the Code Administrator.
- 6) Description of concepts for restrictive covenants proposed for the development if applicable, outlining the areas and extent of restriction or regulation. Detailed covenants are not required at this time.
- 7) Schools impact report. A written report which projects the effects the proposed project will have on public schools, and which includes:
  - the proposed number, size, and price of residential units within the project;
  - a description of the project's target market; and
  - where applicable, any special educational needs of the project's school-aged residents.

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

#### 5.2.3 Master Plan Review

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

#### 5.2.4 Master Plan Approval

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

#### 5.2.5 Filing of Approved Master Plan

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

#### 5.2.6 Amendments and Future Phase Approvals

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

#### 5.2.7 Expiration of Master Plan

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

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

### 5.3 Preliminary Plat Procedure

#### 5.3.1 Introduction and Description

- 5.3.1a Preliminary plats shall be submitted for Type-I, Type-II, Type-III, except Type-III subdivisions that are subject to review under summary procedure as set forth in Subsection 5.5 of this Section, and Type-IV subdivisions.
- 5.3.1b Application and Fees. Copies of the preliminary plat, required plans and data and a completed application form shall be submitted to the Code Administrator or his authorized representative. A cashier's check made payable to Santa Fe County in the amount required in the schedule of fees for preliminary plat review must accompany the application materials.
- 5.3.1c Conformance with Master Plan and Preliminary Development Plan. A preliminary plat may be submitted for only a phase or portion of the entire project so long as it conforms to the approved master plan and preliminary development plan submitted pursuant to Sections 5.2 and 7 of this Section, respectively.
- 5.3.1d Plat Deemed Complete. A plat shall not be deemed complete until all submittals, in completed form required by these regulations, have been delivered to the Code Administrator.

#### 5.3.2 Preliminary Plat Submittals

- a. Preliminary Plat Format. As part of the application for preliminary plat approval, the subdivider shall submit a specified number of blueline 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:
- i. The subdividers' name and address;
  - ii. All items (1) - (24), listed in Article III, Section 2.4.2b.1(b);
  - iii. Streets: Names, right-of-way widths and distance between intersections and curve radii;
  - iv. Proposed easements: Location, width and purpose;
  - v. Minimum building set back lines; and
  - vi. The date of completion and/or amendment.
- c. Plans and Data. The following plans and data are required with each preliminary plat application and shall be sufficient enough to permit the County and other public agencies to determine whether the subdivider can fulfill the requirements of this Code, the New Mexico Subdivision Act and the subdividers' disclosure statement.
- i. The subdividers' name and address shall be on all documents.
  - ii. The date of completion and/or amendment shall be on each set of plans.
  - iii. Proof that the parcel is a legal lot of record.
  - iv. Vicinity Map: A vicinity map drawn at a scale of not more than two thousand (2,000) feet to one (1) inch showing contours at twenty (20) foot intervals showing the relationship of the site to its general surroundings, and the location of all existing drainage channels, water courses and water bodies within three (3) miles of the subdivision site.
  - v. Existing Site Data Map: A description of existing conditions and all improvements on or adjacent to the site. Maps shall be at the same scale as the preliminary plat, one (1) inch to one hundred (100) feet, and shall include the following:
    - a. Boundary lines: bearings and distances. The error of closure shall be of a third order survey, and no discrepancy between computed and measured distances shall exceed one (1) part in one thousand two hundred eighty (1,280) parts.
    - b. Easements: Location, width and purpose.
    - c. Streets on and immediately adjacent to the parcel including, name and right of way width and location, type, width of surfacing and sidewalks, curbs, gutters, culverts, etc.
    - d. Utilities on and immediately adjacent to the parcel: location, size, and invert elevation of storm and sanitary sewers, if any; the location and size of water mains, if any; location of gas lines, water mains, and sanitary sewers if they are located on or adjacent to the parcel, and the direction, distance and size of closest utilities shall also be indicated.
    - e. Owners of record of unplatted land and existing subdivision plats by name and recordation shall be shown for property within one thousand (1,000) feet of the parcel.
    - f. Zoning on and within one thousand (1,000) feet of the parcel.
    - g. Title and certificates: Present parcel designations according to official records in the County Clerk's Office, notation stating acreage, scale, true and magnetic north arrow, U.S.G.S. datum and benchmarks, if any, certification of the engineer or land surveyor licensed in accordance with the laws of the State of New Mexico who prepared the plat and a metes and bounds description of the parcel.
  - vi. Topographical and Natural Features. As required by Article VII, Sections 1 and 3 of the Code.

- vii. Soil Survey. As required by Article VII, Section 3 of the Code.
- viii. Street and Access Plan. Pursuant to Sections 8 and 9 of this Article V, plans shall show satisfactory roads to each parcel, including ingress and egress for emergency vehicles and proof of legal access from a county or state road and shall include profiles showing existing ground surface and proposed street grades and typical cross sections of the proposed grading.
- ix. Terrain Management Plan. As required by Article VII, Section 3 of the Code.
- x. Water Supply Plans and Water Permits. As required by Article VII, Section 6 of the Code.
- xi. Liquid Waste Disposal Plan. As required by Article VII, Section 2 of the Code.
- xii. Solid Waste Plan. As required by Article VII, Section 7 of the Code.
- xiii. Community Facilities Plan. Community facilities may be required, which are reasonably necessary for and related to the projected population of the subdivision. The Community Facilities Plan shall contain the type, location and size of proposed facilities. Responsibility for development and maintenance of Community Facilities shall be stated. Community Facilities shall include, but are not limited to:
  - a. Parks, open space, trails and recreation facilities;
  - b. Schools;
  - c. Fire and police stations or substations;
  - d. Gas lines, power lines, telephone lines or fiber optic cable, cable TV, and substations; and
  - e. Hospitals, emergency medical service facilities, ambulance facilities and related services.
- xiv. Environment and Economic Impact Statement. The County Development Review Committee may recommend to the Board and the Board may require that the subdivider provide an environmental and/or economic impact statement for the proposed subdivision. If an environmental impact statement is required, it shall be in such form and contain such information as the Board may request in order for them to be able to fully assess the cumulative and long range impact of the proposed subdivision on the environment of Santa Fe County. If an economic impact statement is required, it shall be in such form and contain such information as the Board may request in order for them to be able to fully assess the cumulative and long range impact of the proposed subdivision. The economic impact statement shall include, but is not limited to:
  - a. additional services that will be required of the governmental entities within Santa Fe County, including but not limited to services such as public schools, fire and police protection;
  - b. additional services to be provided by utility companies;
  - c. additional medical services and/or facilities; and
  - d. impact of the project on the economy of Santa Fe County.

If an environmental and/or economic impact statement is required by the Board, no final plat approval shall be granted to such subdivisions until such requested statement or statements for the subdivision is approved by the with recommendations from the County Development Review Committee.
- xv. Disclosure Statement. As required by Article V, Section 10 of this Code
- xvi. Schedule of Compliance.
- xvii. Schools Impact Report. A written report which projects the effects the proposed project will have on public schools, and which includes:
  - a. the proposed number, size, and price of residential units within the project;
  - b. a description of the project's target market; and
  - c. where applicable, any special educational needs of the project's school-aged residents.

The report will also identify the schools that service the area of the proposed project and their boundaries, the transportation available to those schools, and a list of any

- pending or approved residential developments within those schools' boundaries. Copies of the schools impacts notice shall be submitted to the school district in which the project is located and to the Code Administrator.
- xviii. Copies of all covenants, deeds or homeowners association by-laws for development and maintenance of subdivision improvements.

### 5.3.3 Preliminary Plat Reviews

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

v. Receipt Required. If requests for opinions or additional information is submitted to a public agency by mail, the County shall send them by certified mail "return receipt requested"; if hand delivered a receipt shall be obtained by the County showing the day the opinion request or additional information was received by the agency.

e. Other Reviews

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

5.3.4 Public Hearings on Preliminary Plats

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

5.3.5 Preliminary Plat Approval

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

5.3.6 Expiration of Preliminary Plat

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

5.4 Final Plat Procedure

5.4.1 Introduction and Description

- 5.4.1a Final plats shall be submitted for Type-I, Type-II, Type-III, except Type-III subdivisions that are subject to review under summary procedure as set forth in Subsection 5.5 of this Section, and Type-IV subdivisions. Following approval or conditional approval of a preliminary plat, and before the expiration of the plat, the subdivider may prepare a final plat in substantial conformity with the approved or conditionally approved preliminary plat. At the discretion of the Code Administrator, preliminary and final plats may be reviewed for approval simultaneously. Final plats

for subdivisions proposed to be phased shall be submitted as indicated on the phasing schedule submitted with the master plan as specified in Section 5.2. above. The final plat shall comply with the New Mexico Subdivision Act and these regulations.

- 5.4.1b Application and Fees. A subdivider shall prepare a final plat and supporting documentation in accordance with the requirements provided in these regulations. Final plat submittal is initiated by completing an application on a form available from the Code Administrator. A cashier's check made payable to Santa Fe County in the amount required in the schedule of fees (Section 6 of this Article) shall accompany the final plat application.

5.4.2 Final Plat Submittals

5.4.2a Final Plat Format

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

5.4.2b Final Plat Content

The final plat shall show the following information:

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

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

#### 5.4.2c. Plans and Data

The following information is required with each final plat application:

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

#### 5.4.3 Review Process

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

#### 5.4.4 Approval

- 5.4.4a If the final plat is approved by the Board, such approval shall be recorded on the face of the original drawing of the final plat and on two copies thereof and such approval shall be dated and verified thereon by the signatures of the Chairman of the Board and the Code Administrator, the Chairman of the County Development Review Committee and the appropriate utility companies in the space provided for such, and such dates and signatures shall be in black waterproof ink after all conditions of the final plat have been complied with. One signed copy shall be returned to the subdivider and the other shall become a part of the files of the Code Administrator's Office. The original drawing shall be used for recordation purposes and thereafter retained in the files of the Code Administrator.
- 5.4.4b The Board shall not deny a final plat if it has previously approved a preliminary plat for the proposed subdivision if: 1) the preliminary plat was approved after July 1, 1996; 2) all preliminary plat conditions have been or are in the process of being met; and 3)

it finds that the final plat is in substantial compliance with the previously approved preliminary plat.

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

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

#### 5.4.5 Filing

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

#### 5.4.6 Expiration of Final Plat

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

#### 5.4.7 Acceptance of Dedications and Improvement Agreement

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

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

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

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

### 5.5 Summary Review Procedure

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

- a. Type III subdivisions containing five (5) or fewer parcels of land, unless the land within the proposed subdivision has been previously identified in the County General Plan or this Code as an area subject to unique circumstances or conditions that require additional review; and

- b. all Type V subdivisions.
- 5.5.2 Pre-application Conference. A pre-application conference is recommended before application for summary review and approval. The pre-application process is described in Section 5.1 of this Article.
- 5.5.3 Submittal Requirements. The submittal requirements of Article III, Section 2.4.2.b.1 and any additional requirements listed below shall apply to summary review subdivisions.
- 5.5.4 Review and Approval Procedures
- a. In addition to requirements set forth in this Section 5.5, Type III and Type V subdivisions containing five (5) parcels or fewer shall be reviewed and approved or disapproved under the procedures set forth in Article II, Section 2.3.1. and Article III, Sections 2.4.2.b.2 and 3.
  - b. In addition to requirements set forth in this Section 5.5, Type V subdivisions containing six (6) or more parcels shall be reviewed and approved or disapproved under the procedures set forth in Article II, Section 2.3.2 and Article III, Sections 2.4.2.b.2 and 3, however, County Development Review Committee review is not required and the project shall go directly to the Board for final approval.
  - c. All applicable public notice and hearing requirements set forth in Article II, Sections 2.3.1, 2.3.2 and 2.4 shall apply to summary review subdivisions.
- 5.5.5 Appeals. Appeals of summary review cases shall follow the appeal procedures set forth in Article II, Section 2.3.4.
- 5.5.6 Road Requirements. All summary review subdivisions shall comply with the requirements of Article III, Section 2.4.2b.3 and Sections 8 and 9 of this Article, as applicable.
- 5.5.7 Covenants, Deeds and By-laws. For all Type V subdivisions containing 6 to 24 parcels, copies of all covenants, deeds and homeowners association by-laws for development and maintenance of subdivision improvements shall be submitted with the application for development permit. The Code Administrator shall review this material for compliance with the Code and consistency with the disclosure statement.
- 5.5.8 Disclosure Statement. For all summary review subdivisions, a disclosure statement shall be prepared in accordance with the standardized format provided in Appendix C of the Code. It is unlawful to sell, lease or otherwise convey land in a subdivision until the required disclosure statement has been filed with the County Clerk, the Board, and the Attorney General's Office; and the prospective purchaser, lessee or other person acquiring an interest in the subdivided land has been given a copy of the disclosure statement. Any subdivider who has satisfied the disclosure requirement of the Interstate Land Sales Full Disclosure Act may submit the approved statement of record in lieu of the disclosure statement required by the New Mexico Subdivision Act. However, any information required in the New Mexico Subdivision Act and not covered in the subdivider's statement of record shall be attached to the statement of record.
- 5.5.9 Dedication. The summary review plat shall contain a certificate stating that the Board or its' designee has accepted, accepted subject to improvement, or rejected, on behalf of the public, any land offered for dedication for public use in conformity with the terms of the offer of dedication. Upon full conformity with County road construction standards, the roads may be accepted for maintenance by the County. Acceptance of offers of dedication on a summary review plat shall not be effective until the summary review plat is filed in the office of the County Clerk or a resolution of acceptance by the Board is filed in that office. Maintenance of public dedications require a separate action of the Board pursuant to Section 8.1.9 of this Article.

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

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

#### 5.6 Administrative Approval of Lot Layout

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

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

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

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

#### 5.7 Vacation of Plats

- 5.7.1 Cause. Any final plat filed in the office of the County Clerk may be vacated or a portion of the final plat may be vacated if:
- a. the owners of the land proposed to be vacated sign an acknowledged statement, declaring the final plat or a portion of the final plat to be vacated, and the statement is approved by the Board; or
  - b. the Board finds that a plat was obtained by misrepresentation or fraud and orders a statement of vacation to be prepared by the County.

- 5.7.2 Action. Action shall be taken at a public meeting. In approving the vacation of all or a part of a final plat, the Board shall decide whether the vacation will adversely affect the interests of persons on contiguous land or of persons within the subdivision being vacated. In approving the vacation of all or a portion of a final plat, the Board may require that roads dedicated to the County in the final plat continue to be dedicated to the County.
- 5.7.3 Filing. The approved statement declaring the vacation of a portion or all of a final plat shall be filed in the office of the County Clerk
- 5.7.4. Utilities. The rights of any utility existing before the total or partial vacation of any final plat are not affected by the vacation of a final plat.
- 5.8 Requirements Prior to Sale, Lease or Other Conveyance  
It is unlawful to sell, lease, or otherwise convey land within a subdivision before the following conditions have been met:
- Final plat approval. The final plat shall be approved by the Board and shall be filed with the County Clerk. If a subdivision lies within more than one county, the final plat shall be approved by the Board of each county in which the subdivision is located and shall be filed with the County Clerk of each county in which the subdivision is located.
  - Relevant documents. The subdivider shall furnish the Board a sample copy of sales contracts, leases and any other documents that will be used to convey an interest in the subdivided land.
  - Permanent markers. All corners of all parcels and blocks within a subdivision shall be permanently marked with metal stakes in the ground and a reference stake placed beside one corner of each parcel.
- 5.9 Succeeding Subdivisions. Any proposed subdivision may be combined and upgraded for classification purposes by the Board with a previous subdivision if the proposed subdivision includes:
- Part of a previous subdivision that has been created in the preceding seven (7) year period; or
  - Any land retained by a subdivider after creating a previous subdivision when the previous subdivision was created in the preceding seven (7) year period.

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

## SECTION 6 - FEES AND LEVIES

### 6.1 Standard Fees

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

### 6.2 Additional Fees for Unusual Circumstances

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

## SECTION 7 - DEVELOPMENT PLAN REQUIREMENTS

7.1 Preliminary Development Plans7.1.1 Pre-application conference

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

7.1.2 Information to be submitted

- a. Evidence of legal lot of record;
- b. Contour intervals of two feet or such other appropriate scale as determined by the Code Administrator;
- c. Arrangements, location and size of buildings, where applicable;
- d. Off-street parking and loading or dumping facilities, where applicable;
- e. Internal vehicular and pedestrian circulation, and ingress and egress;
- f. A drainage, grading, and erosion control plan including existing and proposed contours for roads and utilities; a preliminary/conceptual grading plan around buildings, when applicable;
- g. A landscaping plan providing a schedule specifying conceptual methods, to include type, size, and location of vegetative and non-vegetative landscape material, and a preliminary description of the irrigation system to be used;
- h. Walls, fences and earth berms; their approximate locations and identifying types of fences and walls, if applicable;
- i. Size, location, orientation, lighting and type of signage, where applicable;
- j. Conceptual plan for outdoor lighting, including type, size, location of fixtures, if applicable;
- k. Easements, rights-of-way and street design;
- l. Access to telephone, gas, and electric utility service;
- m. Utility plan for water and sanitary sewer;
- n. Residential densities/gross acres;
- o. Intensity of non-residential development, including lot coverages, gross floor area ratios or gross square feet of building area;
- p. A vicinity map showing the boundaries of the project, owners of record within one hundred feet of the tract including public rights-of-way and existing conditions and development, including adjacent streets and utilities, for at least two hundred feet from the project boundaries;
- q. If appropriate, the phases and approximate dates of development of the phases;
- r. The plan shall be drawn at a scale of one hundred feet (100') to the inch or such other appropriate scale as determined by the Code Administrator;
- s. Proposed community facilities and/or sites and recreational areas, if any, and proposed ownership of such;
- t. A schedule of on-site and off-site public improvements with the time of construction related to the phasing schedule;
- u. Information as required by state agencies;
- v. The preliminary subdivision plat may be submitted concurrently with the preliminary development plan, but is not required. Submittal of a schematic or sketch subdivision plat showing proposed lot layout, approximate dimensions and lot areas together with topography and natural features; and
- w. A written traffic report prepared by a licensed traffic engineer or other qualified expert as determined by the Code Administrator.

- x. Schools Impact Report. A written report which projects the effects the proposed project will have on public schools, and which includes: the proposed number, size, and price of residential units within the project; a description of the project's target market; and where applicable, any special educational needs of the project's school-aged residents. The report will also identify the schools that service the area of the proposed project and their boundaries, the transportation available to those schools, and a list of any pending or approved residential developments within those schools' boundaries. Copies of the schools impacts notice shall be submitted to the school district in which the project is located and to the Code Administrator.
- y. Water Supply Plan - Water System. As required by Article VII, Section 6 of the Code and Table 5.1, of Section 9.3 of this Article V.
- z. Solid Waste Disposal Plan. As required by Article VII, Section 7 of the Code.
- aa. Liquid Waste (Disposal) Plan. As required by Article VII, Section 2 of the Code.
- bb. Timing and Phasing of Development. Projections for 5 to 10 years.
- cc. Copies of deed restrictions and protective covenants must be submitted.

### 7.1.3 Review

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

### 7.1.4 Criteria for development plan phase approval

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

## 7.2 Final Development Plan

### 7.2.1 Submittals

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

### 7.2.2 Review

The final development plan shall be submitted to the County Development Review Committee accompanied by a staff report. The County Development Review Committee shall review the

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

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

## **SECTION 8 - SUBDIVISION DESIGN STANDARDS**

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

### **8.1 General Policy on Roads**

#### **8.1.1 General**

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

#### **8.1.2 The Santa Fe County Master Plan For Roads**

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

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

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

#### **8.1.5 Coordination of Roads With Surrounding Property**

- a. The arrangement of roads in a development shall provide for the continuation or appropriate projection of existing or proposed highway or arterial roads in surrounding areas according to the Santa Fe County Master Plan for Roads, and shall provide reasonable means of ingress and egress to surrounding property.
- b. Where land is subdivided into large tracts or where there is a potential for further subdivision or development of subsequent phases exists, the proposed development shall be designed to provide for a coordinated road system for the entire tract.

- c. Where it is in the public interest to establish a right-of-way or access to property which adjoins a proposed development, the right-of-way shall be extended to the boundary of the property which is the subject of a development application. The right-of-way shall either be dedicated to the County or granted to the Owner's Association, subject to a conditional dedication governed by Article V, Section 8.1.9. Such right-of-way shall be designated on the master or phase development plan and on the plat as a public access.

8.1.6 Access to highways and arterials; buffering requirements

- a. Where a proposed subdivision contains lots abutting or adjacent to an arterial or highway, it shall be planned so as to avoid having lots having frontage on said thoroughfares.
- b. The subdivision shall be laid out to have a minimum number of intersections with arterials or highways, and where appropriate, shall provide at least two separate points of ingress and egress to assure adequate access, and shall be designed for all weather conditions. Driveways from lots shall access local roads and may access collector roads on a limited basis as approved by the County Development Review Committee.
- c. Where the subdivision is traversed by or is adjacent to a state or federal highway, and in addition to these regulations, the subdivision must satisfy the New Mexico State Highway Department Regulations Covering Design and Construction of Driveways on Non-Controlled Access Highways in New Mexico, a copy of which is on file in the office of the Code Administrator for public inspection.
- d. Where a subdivision borders on or contains a railroad right-of-way or a limited access highway right-of-way, a parallel road or frontage road may be required at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
- e. An open space setback shall be provided between residential lots and the right-of-way boundary of any major arterial, limited access highway, railroad, or established major center district, for the purpose of protecting adjacent or proposed residential uses from noise, fumes or other nuisances associated with such facilities. The open space setback shall consist of one of the following alternatives:
  - 1) An open space setback of one hundred (100) feet in width;
  - 2) An open space setback of seventy five (75) feet in width of which twenty five (25) feet shall be a landscaped buffer planted with trees with a minimum height at maturity of twenty four (24) feet. The trees shall be planted to achieve a ratio of one (1) tree for every two hundred and fifty (250) square feet of the landscape buffer. The introduced trees shall be at least six (6) feet in height at the time of planting and have a caliper or diameter of one and one-half (1.5) inches. Existing trees may be utilized in determining the number of trees to be planted;
  - 3) An open space setback of fifty (50) feet in width of which twenty five (25) feet shall be a landscaped buffer planted with a combination of trees with a minimum height at maturity of thirty-six (36) feet and shrubs with a minimum height at maturity of twelve (12) feet. The trees shall be planted to achieve a ratio of one tree for every three hundred (300) square feet and one shrub for every two hundred and fifty (250) square feet of the landscape buffer. The introduced trees shall be at least six (6) feet in height and have a caliper or diameter of one and one-half (1.5) inches, and the shrubs shall be five gallon size at the time of planting. Existing trees may be utilized in determining the number of trees to be planted;
  - 4) Further reductions of the landscape buffer, but not the open space setback, may be considered where a combination of trees and the construction of a solid masonry wall is proposed, or a combination of trees and an earth berm of six (6) to ten (10) feet in height is to be constructed. The ratio of trees to square footage will depend on the variables of the site and nuisance factors to be mitigated; and
  - 5) A landscape plan for the open space setback area shall be submitted. Landscape materials to be used shall be listed and drawn to scale as they will appear at maturity.

At least one third of the trees in landscape buffers shall be evergreen. A list of suitable plant materials for the southwest region is on file at the County Land Use Office to assist the subdivider in preparing the landscape plan.

**8.1.7 Required Setbacks**

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

**8.1.8 Road Names**

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

**8.1.9 Coordination of dedication and maintenance responsibilities and notice thereof**

- a. In order to coordinate roads and facilitate transportation between subdivisions or other developments and so to assure that proposed roads are well planned and conform to adjoining or planned roads which may carry traffic from more than one development or subdivision, the Board may require dedication of roads, which dedication may be accepted for maintenance at such time as the Board determines appropriate.
- b. A road not accepted for maintenance by the County shall be maintained by the developer or Owner's Association.
- c. A disclosure statement shall set forth whether the roads will be accepted by the County for maintenance or whether the developer or the Owner's Association will be responsible therefor. If an Owner's Association is responsible for maintenance, such a requirement shall be incorporated in its by-laws. The by-laws shall establish a method acceptable to the County for charging each lot owner for an equitable portion of the maintenance and repair expenses; require the establishment of an account for holding such monies; and require a maintenance and repair plan which shall require periodic maintenance designed to assure the quality of travel and integrity of the roadway. The developer shall be responsible for charges attributable to unsold lots. The by-laws shall also provide that a lot owner who sues to enforce such terms shall be compensated for attorneys fees and court costs by the Owner's Association, should he prevail. Any covenants relating to road maintenance responsibilities may not be amended without County Development Review Committee approval.
- d. No road will be accepted for the County road maintenance program that has not been brought to the minimum construction standard required by this Code as determined by the average daily traffic carried on or to be carried by the road. Upon full conformance with county road construction standards, roads may be accepted for maintenance by the County.
- e. Construction and design standards for new roads or improvements to existing roads whether publicly or privately maintained, shall be dictated by the level of service and projected use of the road, as indicated by traffic impact studies required by master plan or preliminary development plan or other submittals. Guidelines for required improvements are set forth accordingly by Appendix A - Road Classification and Design Standards.
- f. Cut and fill or slope easements are permitted in lieu of additional rights-of-way to accommodate terrain constraints.
- g. Reservation or dedication of right-of-way for partial roads at the perimeter of a new subdivision is discouraged. If circumstances render the reservation or dedication of full road right-of-way impracticable, then adequate provision for the concurrent dedication or reservation of the remaining portion of the road must be assured by the subdivider. Where

there exists a partial road at the perimeter of an adjoining subdivision, the remaining half shall be provided by the adjacent developer.

- h. When a tract to be developed borders an existing road having a right-of-way insufficient to conform to the minimum standards required by these regulations, which right-of-way will be used by the proposed development, sufficient right-of-way shall be platted, and dedicated or reserved in such a way as would make the resulting right-of-way or road conform with Code requirements
- 8.1.10 Where appropriate, a plan prepared by a licensed engineer for signs, striping, signals and other traffic safety devices shall be submitted by the developer.
- 8.1.11 Bonds, letters of credit or other acceptable forms of security shall be required to assure road improvements are installed as approved. Release of said security instruments shall be subject to County inspections to assure compliance with the approved standards. Certification by a licensed professional engineer shall be required to assure the road or related improvements have been built according to specified project standards. The Board shall adopt by resolution a schedule for road inspection fees, which schedule is on file at the Office of the Public Works Director and the Land Use Office.
- 8.1.12 Construction of roads or other required improvements may be phased according to a schedule that is part of an approved master or development plan.
- 8.1.13 Local roads shall be laid out so that their use by through traffic will be discouraged.

## 8.2 Road Design

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

### 8.2.1 Classification of Highways, Streets and Roads

#### 8.2.1a Arterial Roads and Highways

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

#### 8.2.1b Collector Roads

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

#### 8.2.1c Local Roads

A local subcollector road has two (2) twelve (12) foot driving lanes, serves 31 to 60 dwelling units or lots, and carries an average daily traffic volume of 301 to 600 vehicles with a minimum right-of-way of fifty (50) feet. A local subcollector road has a six (6) inch minimum surface thickness of crushed gravel base course material, provided it can be shown that such minimum thickness is adequate based on subgrade soil conditions; a plasticity index of eight (8) to twelve percent (12%) shall be provided. A local lane, place or cul-de-sac road serves 0 to 30 dwelling units or lots

and carries an average daily traffic volume of 0 to 300 vehicles with two (2), ten (10) foot driving lanes with a minimum right-of-way of fifty (50) feet. Local lanes, places and cul-de-sac roads shall be constructed with the same sub-grade and base course specifications as the subcollector road. See also Appendices A, B.1, B.2 and B-3 and Section 8.3 of this Article.

8.2.1d Cul-de-sacs

Cul-de-sacs (dead end roads) shall not be longer than five hundred (500) feet. At the closed end there shall be a turn around having a minimum driving surface radius of at least forty-two (42) feet for roads under 250 feet long and of at least fifty (50) feet for roads 250 feet and longer. A suitable alternative, such as a hammerhead turn around, may be acceptable if approved by the Code Administrator and the Fire Marshal. All turn around areas shall be designed to protect existing vegetation and steep terrain. There shall be a minimum right-of-way diameter at the closed end of one hundred (100) feet. In low density residential areas the length of cul-de-sacs may be adjusted by the County Development Review Committee with the changes consistent with public safety factors. For local roads designated as a lane or place and designed to a twenty foot (20') width, the turn-around area remains the same as specified above.

8.2.1e Other Road Standards

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

8.2.2 Curve Radii and Superelevation

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

8.2.3 Intersections

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

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

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

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

8.2.7 Grade percentages

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

- a. Major and minor arterial roads or highways of 4 lanes or more with a speed limit of 55 miles per hour or greater as permitted by law: six to eight percent grade;

- b. Collector roads of 2 lanes with a speed limit of 25-35 miles per hour: ten percent grade;
- c. Local roads of 2 lanes with a speed limit of 10 miles per hour: eleven percent grade;
- d. Grades at the approach to intersections shall not exceed 3% for 100 linear feet, excluding vertical curve distance; and
- e. No horizontal road grade shall be less than one percent.

#### 8.2.8 Cut and Fill

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

#### 8.2.9 Roads and Driveways in Steep Terrain

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

### 8.3 Local Gravel Roads

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

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

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

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

8.3.5 The New Mexico State Highway Department (NMSHD) "Standard Specifications for Road and Bridge Construction", NMSHD "Standards and Criteria for Safer Off System (SOS) projects and System Bridge Replacement (BRO) projects", and the NMSHD Geometric Design Guide

shall apply to all road projects in the County. A copy of each is available for public inspection in the office of the County Public Works Director.

#### 8.4 Sidewalks and Paths - Requirements

- 8.4.1 When appropriate for purposes of public safety, sidewalks or walking paths may be required with paved roads of arterial classification. Surfacing of public sidewalks along roads may include concrete or brick. Other hard surface materials may be used if evidence is shown that they are coordinated with streetscape and project design.
- 8.4.2 For subdivisions of twenty-five (25) or more parcels, non-vehicular trails shall be required with roads of arterial, collector and subcollector classification. In lieu of this requirement, an internal, off-road trail system may be substituted, if the result connects existing trails, trail easements, or assists in the creation of an area-wide trail network on adjacent lands.
- 8.4.3 Where a subdivision is traversed by a trail, recognized by Santa Fe County, a trail easement shall be platted which conforms substantially with the trail. In lieu of this requirement an alternative trail connection or access may be substituted.

#### 8.5 Curb and Gutter Requirements - Waivers

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

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

#### 8.6 Utility or Drainage Easements

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

#### 8.7 Blocks

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

8.8 Lots

- 8.8.1 Shapes and location of lots shall be governed by topographic conditions, use and surrounding or adjacent areas.
- 8.8.2 Every lot shall have egress and ingress to a public or private road network or system.
- 8.8.3 Double frontage lots should be avoided. Backing a lot up to an existing highway or arterial is not considered as double frontage, provided a buffer strip or extra depth has been added to the lot. The front of the lot and driveway access shall be designated on the plat.
- 8.8.4 Side lot lines shall be substantially at right angles or on a radial line to street lines.

8.9 Parking

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

8.10 Street Lights

- 8.10.1 Street lights are required in the following circumstances:
- on paved streets and roads where curb, gutter and sidewalk are required;
  - for safety purposes on arterial roads or at intersections of any road with a highway or arterial.
- 8.10.2 Standards for all outdoor lighting are found in Article III, Section 4.4.4h of the Code.

8.11 Conflict

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

**SECTION 9 - REQUIRED IMPROVEMENTS**9.1 Monuments

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

9.2 Roads

- 9.2.1 Construction Schedule. Roads within a subdivision shall be constructed only on a schedule approved by the Board. In approving or disapproving a subdivider's road construction schedule, the Board shall consider:
- the proposed use of the subdivision;
  - the period of time before the roads will receive substantial use;
  - the period of time before construction of homes will begin on the portion of the subdivision serviced by the road;
  - the county regulations governing phased development; and
  - the needs of prospective purchasers, lessees and other persons acquiring an interest in subdivided land in viewing the land within the subdivision.

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

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

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

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

9.3 Water and Sewer Systems

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

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

A = Community Water Systems

B = Community Liquid Waste Disposal Systems

C = Nitrate Removal Liquid Waste Systems

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

- 9.3.1 Further requirements for community water systems are located in Article VII, Section 6.3 and for liquid waste disposal systems in Article VII, Section 2.
- 9.3.2 All water systems, including individual water systems and clustered or shared wells, and individual sewage disposal systems shall be approved by the Board only when meeting the requirements of the New Mexico Environment Department, the State Engineer's Office and County standards, as specified in the Code.
- 9.3.3 The proposed water supply and sewer system shall be identified in the preliminary plat application and the subdivider's disclosure statement.
- 9.4 Utilities  
All utilities shall be placed underground.
- 9.5 Solid Waste Disposal  
The subdivider shall comply with the requirements of Article VII, Section 7 of the Code. The proposed means of solid waste disposal shall be identified in the preliminary plat application and in the subdivider's disclosure statement.
- 9.6 Drainage Structures  
The subdivider shall comply with the requirements of Article VII, Section 3 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.
- 9.8 Fencing  
It shall be the duty of the purchaser, lessee or other person acquiring the subdivided land to fence out livestock, where appropriate, in conformity with Section 77-16-1 NMSA 1978.
- 9.9 Improvement Guarantees  
In order for the County to be assured of the completion of required improvements, the subdivider shall comply with one (1) of the following:
- That all improvements have been installed in accordance with the requirement of these regulations; or
  - A surety bond or other security acceptable to the Board has been filed with the Code Administrator in sufficient amount to assure completion of all required improvements. The surety bond shall be based on a county approved engineering cost estimates. The improvements shall be installed and ready for acceptance within eighteen months.

#### SECTION 10 - DISCLOSURE STATEMENT REQUIREMENTS

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

**SECTION 11 - RESERVATION OF JURISDICTION**

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

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

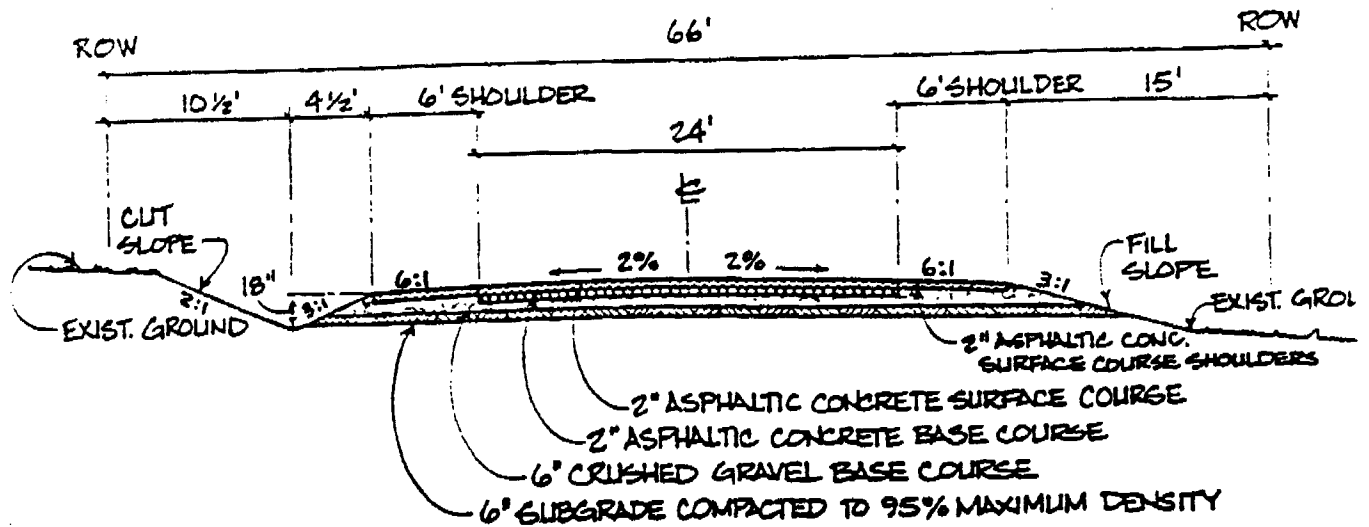
## APPENDIX A

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

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

APPENDIX B.1

MINOR ARTERIAL

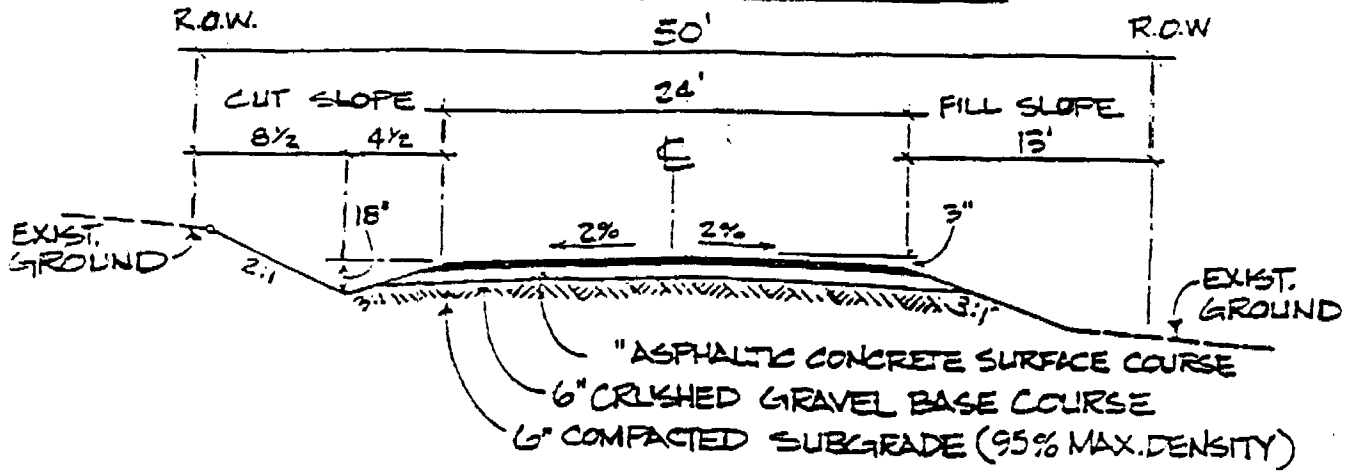


NUMBER OF LOTS: 200+  
 ESTIMATED A.D.T.: 2000 - 4999

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.

APPENDIX B.2

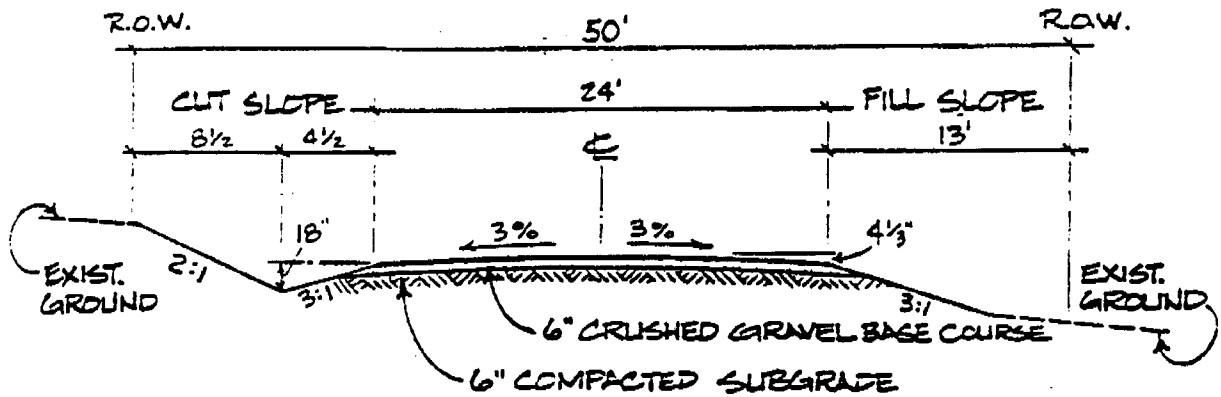
COLLECTOR ROAD



NUMBER OF LOTS : 100 - 199  
 ESTIMATED A.D.T. : 1000 - 1999.

THE PLASTICITY INDEX DOES NOT APPLY TO ROADS THAT ARE TO BE PAVED.

## APPENDIX B.3

LOCAL ROAD

NUMBER OF LOTS: 0 - 99

ESTIMATED A.D.T.: 0 - 999

A PLASTICITY INDEX (P I) OF 8% to 12% IS REQUIRED.

95% MAXIMUM DENSITY COMPACTION IS REQUIRED.

This standard applies to all local roads including subcollectors, places, lanes, and cul-de-sacs.

**DISCLOSURE STATEMENT**

FOR ALL SUBDIVISIONS CONTAINING FIVE (5) OR MORE PARCELS

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

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

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

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

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

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

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

**1. NAME OF SUBDIVISION**

(name of subdivision)

**2. NAME AND ADDRESS OF SUBDIVIDER**

(name)

(address)

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

(name)

(address)

(telephone number)

**4. SIZE OF SUBDIVISION BOTH PRESENT AND ANTICIPATED**

Present

Anticipated

(number of parcels)

(number of parcels)

(number of acres in  
subdivision)

(number of acres in  
subdivision)

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

(size of largest parcel in acres)

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

(size of smallest parcel in acres)

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

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

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

**8. FINANCING TERMS**

(interest)

(term of loan or contract)

(minimum down payment)

(service charges and/or escrow fees)

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

(closing costs)

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

**9. NAME AND ADDRESS OF HOLDER OF LEGAL TITLE**

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

(address)

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

**10. NAME AND ADDRESS OF PERSON HAVING EQUITABLE TITLE**

(name of person recorded as having equitable title)

(address)

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

**11. CONDITION OF TITLE**

Include at least the following information where applicable:

(number of mortgages)

(name of each mortgagee)

(balance owing on each mortgage)

(summary of the release provisions in each mortgage)

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

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

(balance owing on each real estate contract)

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

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

(statement of any other encumbrances on the land)

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

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

**13. ESCROW AGENT**

(name)

(address)

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

#### 14. UTILITIES

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

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

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

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

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

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

#### 15. INSTALLATION OF UTILITIES

(water) (date)

(telephone) (date)

(electricity) (date)

(gas) (date)

(liquid waste disposal) (date)

(solid waste disposal) (date)

#### 16. UTILITY LOCATION

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

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

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

#### 17. WATER AVAILABILITY

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

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

(describe the means of water delivery within the subdivision)

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

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

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

**18. FOR SUBDIVISIONS WITH COMMUNITY WATER SYSTEMS**

(name and address of entity providing water)

(source of water and means of delivery)

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

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

**19. FOR SUBDIVISIONS WITH INDIVIDUAL DOMESTIC WELLS OR SHARED WELLS**

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

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

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

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

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

(recommended total depth of well)

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

**20. LIFE EXPECTANCY OF THE WATER SUPPLY**

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

**21. SURFACE WATER**

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

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

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

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

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

**23. WATER QUALITY**

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

(describe any quality that would make the water unsuitable for use within the subdivision)

(state each maximum allowable water quality parameter that has been exceeded and the name of the element, compound, or standard that has exceeded that parameter)

**24. NEW MEXICO ENVIRONMENT DEPARTMENT'S OPINION ON WATER QUALITY**

Include here the approved summary of the opinion from the New Mexico Environment Department regarding:

(whether or not the subdivider can furnish water of an acceptable quality for human consumption and measures to protect the water supply from contamination in conformity with state regulation)

(whether or not the subdivider can fulfill the water quality proposal made in this disclosure statement)

(whether or not the subdivider's proposal for water quality conforms to the County's regulations on water quality)

**25. LIQUID WASTE DISPOSAL**

(describe the precise type of liquid waste disposal system that is proposed and that has been approved by the Board for use within the subdivision)

**NOTE: No other liquid waste disposal system may be used in a subdivision other than the system approved by the Board.**

**26. NEW MEXICO ENVIRONMENT DEPARTMENT'S OPINION ON LIQUID WASTE DISPOSAL**

Include here the approved summary of the opinion received by the Board from the New Mexico Environment Department regarding:

(whether there are sufficient liquid waste disposal facilities to fulfill the requirements of the subdivision in conformity with state regulations)

(whether or not the subdivider can fulfill the liquid waste disposal proposals made in this disclosure statement)

(whether or not the subdivider's proposal conforms with the County's regulations on liquid waste disposal)

**27. SOLID WASTE DISPOSAL**

(describe the means of solid waste disposal that is proposed for use within the subdivision)

**28. NEW MEXICO ENVIRONMENT DEPARTMENT'S OPINION ON SOLID WASTE DISPOSAL**

Include here the approved summary of the opinion received by the Board from the New Mexico Environment Department regarding:

(whether or not there are sufficient solid waste disposal facilities to fulfill the needs of the subdivision in conformity with state regulations)

(whether or not the subdivider can fulfill the solid waste disposal proposals made in this disclosure statement)

(whether or not the subdivider's proposal for solid waste disposal conforms to the County's regulations on solid waste disposal)

## 29. TERRAIN MANAGEMENT

(describe the suitability for residential use of the soils in the subdivision as defined in the Soil and Water Conservation District's soil survey for Santa Fe County)

(describe any measures necessary for overcoming soil and topographic limitations and who will be responsible for implementing these measures)

(identify by lot and block numbers all parcels within the subdivision located in whole or in part on slopes in excess of 15%)

(identify by lot and block number all parcels within the subdivision that are subject to flooding)

(describe the subsurface drainage for all lots in the subdivision)

(describe the surface drainage for all lots in the subdivision)

(describe the nature, location and completion dates of all storm drainage systems constructed in the subdivision, including the completion date of any required to be constructed)

(describe restrictions and other development requirements if lots are located on 15% slopes or ridgetops)

(describe detention pond requirements for each lot)

(describe restrictions of development within buildable areas per approved plans and County terrain management regulations)

## 30. SOIL AND WATER CONSERVATION DISTRICT'S OPINION ON TERRAIN MANAGEMENT

Include here the summary of the opinion received by the Board from the Soil and Water Conservation District regarding:

(whether or not the subdivider can furnish terrain management sufficient to protect against flooding, inadequate drainage and soil erosion)

(whether or not the subdivider can satisfy the terrain management proposals made in this disclosure statement)

(whether or not the subdivider's proposal conforms with the County's regulations on terrain management)

## 31. SUBDIVISION ACCESS

(name of town nearest subdivision)

(distance from nearest town to subdivision and the route over which the distance is computed)

(describe access roads to subdivision)

(state whether or not any roads are required within the subdivision which will not be built until a future date. e.g. connection roads to future developments on adjoining parcels.)

(state whether or not subdivision is accessible by conventional vehicle)

(state whether or not subdivision is ordinarily accessible in all seasons and under all weather conditions)

(describe width and type of surfacing of all roads within the subdivision)

### 32. MAINTENANCE

(state whether the roads, drainage improvements and other improvements within the subdivision will be maintained by the County, subdivider or an association of lot owners)

(if the roads within the subdivision have not been accepted for maintenance by the County, state how the roads will be maintained and describe lot owner's responsibilities and obligations with respect to road maintenance)

(describe what measures have been taken to make sure maintenance takes place)

### 33. STATE HIGHWAY DEPARTMENT'S OPINION ON ACCESS

Include here the approved summary of the opinion received by the Board from the State Highway Department regarding:

(whether or not the subdivider can fulfill the state highway access requirements for the subdivision in conformity with state regulations)

(whether or not the subdivider can satisfy the access proposals made in this disclosure statement)

(whether or not the subdivider is conforming with the County's regulations on access)

### 34. CONSTRUCTION GUARANTEES

(describe any proposed roads, drainage structures, water treatment facilities or other improvements that will not be completed before parcels in the subdivision are offered for sale)

(describe all performance bonds, letters of credit, or other collateral securing the completion of each proposed improvement)

**NOTE:** Unless there is a sufficient bond, letter of credit or other adequate collateral to secure the completion of proposed improvements, it is possible that the proposed improvements will not be completed. Caution is advised.

### 35. ADVERSE OR UNUSUAL CONDITIONS

(state any activities or conditions adjacent to or nearby the subdivision, such as feedlots, cement plants, dairies, airports and the like, that would subject the subdivided land to any unusual conditions affecting its use or occupancy)

**36. RECREATIONAL FACILITIES**

1286659

(describe all recreational facilities, actual and proposed, in the subdivision)

(state the estimated date of completion of each proposed recreational facility)

(state whether or not there are any bonds, letters of credit or other collateral securing the construction of each proposed recreational facility and describe any such bond, letter of credit or other collateral)

**37. FIRE PROTECTION**

(statement as to whether or not on-site fire protection will be provided)

(distance to nearest fire station from subdivision)

(state whether the fire department is full-time or volunteer)

(state whether or not a fire hydrant is within 1000 feet of the buildable portion of each lot.)

(state whether or not a residential sprinkler system meeting NFPA standards is required.)

**38. POLICE PROTECTION**

List the various police units that would patrol the subdivision:

(sheriff's department, if applicable)

(municipal police, if applicable)

(state police, if applicable)

**39. PUBLIC SCHOOLS**

(name of and distance to nearest public elementary school serving the subdivision)

(name of and distance to nearest public junior high or middle school serving the subdivision)

(name of and distance to nearest public high school serving the subdivision)

**40. HOSPITALS**

(name of nearest hospital)

(distance to nearest hospital and route over which distance is computed)

(number of beds in nearest hospital)

**41. SHOPPING FACILITIES**

(description of nearest shopping facilities including number of stores)

(distance to nearest shopping facilities and route over which that distance is computed)

1286660

**42. PUBLIC TRANSPORTATION**

(Describe all public transportation that serves the subdivision on a regular basis.)

**43. COMPLETION DATES**

(state the projected dates upon which the items mentioned in #36 through #42 above will be available if they are not yet available)

**DISCLOSURE STATEMENT**

FOR ALL SUBDIVISIONS CONTAINING NO MORE THAN FOUR (4) PARCELS

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

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

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

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

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

**1. NAME OF SUBDIVISION**

(name of subdivision)

**2. NAME AND ADDRESS OF SUBDIVIDER**

(name)

(address)

**3. TITLE**

Include at least the following information where applicable:

(name of legal title holder)

(names of any other persons in the chain of title between the legal title holder and the applicant, e.g. other buyers or sellers under outstanding real estate contracts on the same land)

(number of mortgages)

(name of each mortgagee)

(balance owing on each mortgage)

(summary of the release provisions in each mortgage)

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

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

(balance owing on each real estate contract)

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

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

(statement of any other encumbrances on the land)

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

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

**5. UTILITIES**

(name of entity providing telephone service, if available)	(estimated cost)
(name of entity providing electricity, if available)	(estimated cost)
(name of entity providing gas service, if available)	(estimated cost)
(name of entity providing water if available)	(estimated cost)
(name of entity providing liquid waste disposal, if available)	(estimated cost)
(name of entity providing solid waste disposal, if available)	(estimated cost)

**6. INSTALLATION OF UTILITIES**

(water)	(date)
(telephone)	(date)
(electricity)	(date)

(gas) (date)

(liquid waste disposal) (date)

(solid waste disposal) (date)

**7. UTILITY LOCATION**

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

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

(state whether each utility will conform to the County's requirement to locate utilities)

(water)

(telephone)

(electricity)

(gas)

(liquid waste disposal)

(solid waste disposal)

**8. WATER AVAILABILITY**

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

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

(describe the means of water delivery within the subdivision)

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

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

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

**9. FOR SUBDIVISIONS WITH COMMUNITY WATER SYSTEMS**

(name and address of entity providing water)

(source of water and means of delivery)

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

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

**10. FOR SUBDIVISIONS WITH INDIVIDUAL DOMESTIC WELLS OR SHARED WELLS**

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

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

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

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

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

(recommended total depth of well)

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

**11. LIQUID WASTE DISPOSAL**

(describe the precise type of liquid waste disposal system that is proposed and that has been approved by the Board for use within the subdivision)

**NOTE: NO OTHER LIQUID WASTE DISPOSAL SYSTEM MAY BE USED IN A SUBDIVISION OTHER THAN THE SYSTEM APPROVED BY THE BOARD.**

**12. SOLID WASTE DISPOSAL**

(describe the means of solid waste disposal that is proposed for use within the subdivision)

**13. TERRAIN MANAGEMENT**

(describe the suitability for residential use of the soils in the subdivision as defined in the Soil and Water Conservation District's soil survey for Santa Fe County)

(describe any measures necessary for overcoming soil and topographic limitations, and who will be responsible for implementing these measures)

(identify by lot and block numbers all parcels within the subdivision located in whole or in part on slopes in excess of 15%)

(identify by lot and block numbers all parcels within the subdivision that are subject to flooding)  
(describe the subsurface drainage for all lots in the subdivision)

(describe the surface drainage for all lots in the subdivision)

(describe the nature, location and completion dates of all storm drainage systems constructed in the subdivision, including the completion date of any required to be constructed)

(describe restrictions and other development requirements if lots are located on 15% slopes or ridgetops)

(describe detention pond requirements for each lot)

(describe restrictions of development within buildable areas per approved plans and County terrain management regulations)

#### 14. SUBDIVISION ACCESS

(name of town nearest subdivision)

(distance from nearest town to subdivision and the route over which the distance is computed))

(describe access roads to subdivision)

(state whether or not any roads are required within the subdivision which will not be built until a future date. e.g. connection roads to future developments on adjoining parcels.)

(state whether or not subdivision is accessible by conventional vehicle)

(state whether or not subdivision is ordinarily accessible in all seasons and under all weather conditions)

(describe width and type of surfacing of all roads within the subdivision)

#### 15. MAINTENANCE

(state whether the roads, drainage facilities and other improvements within the subdivision will be maintained by the County, the subdivider or an association of lot owners)

(if the roads within the subdivision have not been accepted for maintenance by the County, state how the roads will be maintained and describe lot owner's responsibilities and obligations with respect to road maintenance)

(describe what measures have been taken to make sure maintenance takes place)

#### 16. CONSTRUCTION GUARANTEES

(describe any proposed roads, drainage structures, water treatment facilities or other improvements that will not be completed before parcels in the subdivision are offered for sale)

(describe all performance bonds, letters of credit, or other collateral securing the completion of each proposed improvement)

**NOTE:** Unless there is a sufficient bond, letter of credit or other adequate collateral to secure the completion of proposed improvement, it is possible that the proposed improvements will not be completed. Caution is advised.)

#### 17. ADVERSE OR UNUSUAL CONDITIONS

(state any activities or conditions adjacent to or nearby the subdivision, such as feedlots, cement plants, dairies, airports and the like, that would subject the subdivided land to any unusual conditions affecting its use or occupancy)

#### 18. FIRE PROTECTION

(distance to nearest fire station from subdivision)

1286666

(route over which distance is computed)

(state whether the fire department is full-time or volunteer)

(state whether or not a fire hydrant is within 1000 feet of the buildable portion of each lot.)

(state whether or not a residential sprinkler system meeting NFPA standards is required.)

**19. POLICE PROTECTION**

List the various police units that would patrol the subdivision:

(sheriff's department, if applicable)

(municipal police, if applicable)

(state police, if applicable)

**20. PUBLIC SCHOOLS**

(name of and distance to nearest public elementary school serving the subdivision)

(name of and distance to nearest public junior high or middle school serving the subdivision)

(name of and distance to nearest public high school serving the subdivision)

## ARTICLE VI - SPECIAL REVIEW DISTRICTS

### SECTION 3 - HISTORIC AND CULTURAL SITES, LANDMARKS AND ARCHAEOLOGICAL DISTRICTS

#### 3.1 Purpose and Intent

- 3.1.1 In order to preserve and enhance the unique heritage of the County of Santa Fe, special review requirements are established for historic and cultural sites, landmarks and archaeological districts. Such sites, landmarks and districts include, but are not limited to, structures which either are designated by the official register of cultural properties maintained by the New Mexico Cultural Properties Review Committee or are properties which may contain historic or pre-historic structures, ruins, sites or objects, desecration or destruction of which would result in an irreplaceable loss to the public of their scientific, educational, informational, or economic interest or value.
- 3.1.2 Preservation of historic and cultural sites, landmarks and archaeological sites shall be achieved by establishing a procedure for discovering, evaluating, reporting and treating such resources at the planning stage of development proposals.
- 3.1.3 This ordinance is adopted pursuant to the Zoning Act, Section 3-21-1, et. seq., N.M.S.A., 1978, the Historic Districts and Landmarks Act, Section 3-22-1, et. seq., N.M.S.A., 1978, and the Cultural Properties Act, Section 18-6-1, et. seq., N.M.S.A., 1978 as amended.

#### 3.2 Definitions

- 3.2.1 Archaeological districts - districts as described on Code Map 34 which have high, medium or low potential for cultural remains.
- 3.2.2 Archaeological features - nonportable cultural remains including but not limited to hearths, storage pits, firepits, architecture, or undisturbed layers of deposited materials.
- 3.2.3 Archaeological site - a concentration of cultural remains inferred to be the location of specific human activities.
- 3.2.4 Archival research - research in primary documents likely to yield information concerning the human occupation of the site in question, including but not limited to deed, census, cartographic, judicial records, historic maps, and Archaeological Records Management Systems (ARMS) site files maintained by the State of New Mexico and other existing data.
- 3.2.5 Artifact - portable cultural remains that exhibit evidence of human use or alteration.
- 3.2.6 Culturally altered landscape - a landscape modified by human activity, including but not limited to roadways, agricultural fields, farming terraces, and irrigation ditches or other water control devices.
- 3.2.7 Cultural Site - a location or structure with historic, scientific, architectural, or other importance to the residents of Santa Fe County.
- 3.2.8 Cultural remains - the remains of prior human occupation or activity more than seventy-five years old whether portable or non-portable, including but not limited to, historic and prehistoric artifacts, archaeological features, human skeletal remains, animal skeletal remains found in an archaeological context, rock carvings, and culturally altered landscapes.
- 3.2.9 Historical Site - a location, building or neighborhood more than 75 years old.

- 3.2.10 Landmark - a structure or site of historic interest.
- 3.2.11 Non-disturbance easement - an easement or covenant to avoid and protect significant sites as an alternative to treatment. No construction or alteration of the landscape may occur within a non-disturbance easement without prior approval of the Code Administrator.
- 3.2.12 Reconnaissance survey - a visual examination of land surfaces that are to be disturbed.
- 3.2.13 Significant Sites - those archaeological sites that have yielded, or may be likely to yield, information important in the study of prehistory or history. Significant sites shall be those:
- (1) with cultural remains that are more than seventy-five years old;
  - (2) with cultural remains that are directly associated with events or developments that have made an important contribution to local history or prehistory;
  - (3) with cultural remains that are directly associated with the lives of persons significant in local history;
  - (4) areas where a substantial number of prehistoric cultural remains are present; or
  - (5) areas having cultural remains known to rarely occur in the Santa Fe County area.
- 3.2.14 Treatment Plan - a plan for the recovery or protection of discovered cultural remains at those historical, cultural or archaeological sites or landmarks that are considered significant. A plan shall include proposed excavation or preservation methods, proposed analysis techniques, and plans for the final disposition of artifacts recovered.

### 3.3 Location of Historic or Cultural Sites, Landmarks and Archaeological Districts

#### 3.3.1 Location of Historic or Cultural Sites and Landmarks

The following Historic or Cultural Sites and Landmarks are established, as amended from time to time, at the following locations:

- a. Apache Canyon Railroad Bridge, Canoncito; Mesita Huerfana (Tunyo), near San Ildefonso; Bouquet Ranch, Pojoaque; Cerrillos Opera House (Clear Light); 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; Nuestra Senora de Luz Church and Cemetery in Canoncito; Old Cienega Village Museum; Oratorio de San Buenaventura, Chimayo Plaza; Otowi Bridge Historic District on the Rio Grande; Pigeon's Ranch, near Glorieta; Plaza del Cerro, Chimayo; Galisteo Pueblo, Lamy; Pueblo Blanco, Galisteo Basin; Pueblo Colorado (north), Galisteo Basin; Pueblo of San Ildefonso; Pueblo of San Lazaro (National Historic Landmark), Galisteo Basin; Pueblo of San Marcos; Pueblo of She, Galisteo Basin; Pueblo of Tesuque; Roybal (Ignacio) House, Jacona; Santa Cruz Dam; Santa Fe River Sites, south of Agua Fria; Santa Fe Waterworks Reservoir; Sol y Sombra (Los Llanos), Old Santa Fe Trail; Spanish Log Cabin, Upper Canyon Road; West Otto Site; Waldo Coke Ovens; La Bajada Mesa Agricultural Site; Pueblo Largo; San Cristobal Pueblo; Los Cerrillos Mining District; 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 or the National Register of Historic Places.

- c. Other areas of exceptional historical, archaeological scientific, architectural or cultural interest or value hereafter designated by the Board as Historic or Cultural Sites or Landmarks.

3.3.2 Location of Archaeological Districts

All areas shown on Code Map 34, as amended, having known or probable archaeological sites are hereby designated as Archaeological Districts. Code Map 34 has been prepared under the direction of the New Mexico State Historic Preservation Division and is based upon a data base maintained by that Division. Code Map 34 shall be updated periodically in consultation with the New Mexico State Historic Preservation Division .

3.4 Review and Report Procedures For Development in Areas Designated as Historic or Cultural Sites, Landmarks, or Archaeological Districts

3.4.1 General Requirements for Historic or Cultural Sites, Landmarks or Archaeological Districts

Pursuant to the requirements of Sections 3.4.2 and 3.4.3 below, applicants shall submit two copies of reports, drawings, and surveys, describing all proposed changes to structures, or development within a Historic or Cultural Site, Landmark or Archeological District. Unless a report is specifically required by the Code Administrator, individual permits for construction of single dwelling units, accessory structures, agricultural facilities, roads, utility installations and family transfers which do not alter any known Historic or Cultural Site or Landmark and lands which have been previously surveyed by a professional archaeologist and accepted by the Code Administrator are exempt from these reporting requirements.

3.4.2 Historic or Cultural Sites and Landmarks

A report and drawings describing all proposed changes to structures or development within a Historic or Cultural Site or Landmark listed in Section 3.3.1 of this Article shall be prepared by a professional qualified to evaluate, design and report on such changes. Two copies of this report shall be submitted to the Code Administrator prior to preliminary plat approval. The report shall include a treatment plan which provides methods by which the site or landmark affected by the development will be protected, preserved or salvaged. The treatment plan shall be reviewed by the County Development Review Committee, who shall decide on further course of action regarding treatment.

3.4.3 Archaeological Districts

a. Reconnaissance Survey and Report Required

Applicants proposing developments within an Archaeological District shall complete an archaeological reconnaissance survey and report prior to the County Development Review Committee approval of any preliminary development plans or plats unless the project area has been previously surveyed and a report has been prepared that is acceptable to the Code Administrator. Two copies of the report shall be submitted to the Code Administrator. Code Map 34, as amended, describes Archaeological Districts in the County of Santa Fe which have high, medium or low potential for archaeological sites. The following development shall be required to conduct a reconnaissance survey and prepare a report subject to these regulations:

- i. Developments of 5.0 acres or more within areas designated as having high archaeological potential as shown on Code Map 34, as amended.
- ii. Developments of 2.0 acres or more within areas identified in a traditional community, as defined in Article VI, Section 4, as having high archaeological potential as shown on Code Map 34, as amended.
- iii. Developments of 10.0 acres or more within areas designated as having moderate archaeological potential as shown on Code Map 34, as amended.

- iv. Developments of 40 acres or more within areas designated as having low archeological potential as shown on Code Map 34, as amended. A 50% sample survey is required for low potential areas.
  - v. The Code Administrator may waive the survey and reporting requirements, or may reduce the area to be surveyed and the sampling methods to be employed for developments that are located in areas with extensive surface disturbance, such as gravel quarries.
- b. Professional Qualifications: Archaeologist  
All archaeological reconnaissance surveys, reports and treatment plans required shall be conducted by a professional archaeologist who is permitted by the State Cultural Properties Review Committee to conduct surveys on State lands and who is also approved by the Code Administrator.
- c. Standards and Criteria for Reconnaissance Surveys and Reports
- i. The reconnaissance survey shall consist of:
    - 1) research and analysis of the Archeological Records Management Systems (ARMS) site files; the State Register of Cultural Properties maintained by of the State of New Mexico, Historic Preservation Division; the Bureau of Land management historic plat records maintained in the BLM State Office public room; and
    - 2) a visual examination of the property for evidence of archaeological features, artifacts or culturally altered landscape at least seventy-five years old following the archaeological survey procedural manual prepared by the Museum of New Mexico, Office of Archaeological Studies, Notes no 24A (1994), as amended. Linear transects shall be used. A sample of surface artifacts shall be analyzed during the field survey.
  - ii. If cultural remains are found, two copies of a report shall be submitted to the Code Administrator containing the following:
    - 1) the name of the person who prepared the report and survey and the name of the property owner;
    - 2) a description of the project site and proposed land altering development;
    - 3) a vicinity map at a scale of at least one inch equals 2,000 feet (USGS 7.5 Quad);
    - 4) a brief description and justification of the research design, methods and techniques used;
    - 5) quantitative and qualitative summaries of cultural remains tested and analyzed during the field investigations including a description and the significance of the remains. If the remains are significant the requirements in Section 3.4.3d of this Article shall also apply;
    - 6) a brief description of human occupation and land use, as evidenced through documentary and archaeological research; additional research of archival sources, land titles and historic maps, is required when historic period cultural remains are found;
    - 7) a complete listing of sources, including individuals with personal knowledge of a site, records and literature, which were consulted during the reconnaissance;
    - 8) documentation of the project site including a site map at a minimum scale of one inch equals 400 feet showing the location of field work; visible cultural sites or structures; photographs of sites or structures completed; State of New Mexico site inventory and activity forms which can be obtained from the New Mexico Historic Preservation Division; and an overview of previous work and findings in the vicinity;
    - 9) an assessment of the impact of the proposed development on the cultural remains of the site; and
    - 10) one of the following recommendations to the Code Administrator:

- (a) the proposed development will not affect a significant site or the integrity of the district and no further treatment is required;
  - (b) the proposed development will adversely impact a significant site or structure or the integrity of the district, but the effects can be mitigated by a non-disturbance easement, through avoidance of the site by project redesign, or through a specified treatment plan as outlined in Section 3.4.3d of this Article; or
  - (c) the proposed development will adversely impact a significant site or structure or the integrity of the district, and the affected structures or sites are of such size or significance that an adequate treatment is not feasible. Therefore, a protective non-disturbance easement, avoidance of the site by project redesign, or other protective measure approved by the Board is required.
- iii. If cultural remains are not found, two copies of a report shall be submitted to the Code Administrator containing the following:
- 1) the name of the person who prepared the report and survey and the name of the property owner;
  - 2) a description of the project site and proposed land altering development;
  - 3) a vicinity map at a scale of at least one inch equals 2,000 feet (USGS 7.5 Quad);
  - 4) a brief description and justification of field methods and research techniques used;
  - 5) a brief summary of the findings of the ARMS, State Register and BLM historic plat reviews.
- d. Procedure for Treatment Plan for a Significant Archaeological Site  
 If an archaeological site is determined to be significant and a treatment plan is recommended the treatment plan shall be completed as follows:
- i. A sample of surface artifacts shall be collected and documented;
  - ii. If there is reason to believe that subsurface remains exist, excavations shall take place following current professional standards up to the maximum funding limit allowed pursuant to Section 3.7 of this Article. Excavations shall proceed to a depth where no archaeological features or artifacts are encountered.
  - iii. Further archival research shall be conducted concerning human occupation and the land use of the site. A final report of the results of treatment is required and shall be submitted to the Code Administrator.
  - iv. If test excavations are required to recover additional information about a site for the purposes of guiding subsequent treatment, then a preliminary excavation report for the results of the test excavations shall be submitted to the Code Administrator.
  - v. If excavations do not exhaust retrievable information from a significant site, then a non-disturbance easement shall be created to protect the remaining portions of the site, at the discretion of the County Development Review Committee.
  - vi. The cost of implementing the treatment plan and associated report shall not exceed the maximum funding limit pursuant to Section 3.7 of this Section.
- 3.4.4 Review Procedures: Historic or Cultural Sites, Landmarks or Archaeological Districts
- a. a survey and report are required for the proposed development, two copies shall be submitted to the Code Administrator during the preliminary stage of the development review process. The Code Administrator shall submit comments summarizing the report's findings to the County Development Review Committee and to the Board when the development is presented for review.
  - b. If the applicant does not agree with the findings of the report and proposed treatment plan, the applicant may engage a consultant, who meets the qualifications of Section 3.4.4 or 3.4.2 of this Article, to review the findings and the proposed treatment plan and render a second opinion.

- c. If, after the second opinion, the applicant still does not agree with the findings, the applicant may request an opinion regarding the findings from the New Mexico State Historic Preservation Division. necessary, the opinions and recommendations of the New Mexico State Historic Preservation Division or the consultant will be presented to the County Development Committee, who will decide the required action to be taken.
- d. A mapped and written record shall be kept by the County of all surveyed areas.
- e. The Code Administrator shall submit one copy of reports and surveys to the Archacological Records Management System at the Historic Preservation Division for filing

### 3.5 Archaeological Review Districts - Unexpected Discoveries; Human Remains; Penalties.

- 3.5.1 A report of any unexpected discoveries of cultural remains during construction activities shall be made to the Code Administrator. Construction activities within the area of the discovery that in any way endangers the cultural remains shall cease. The applicant shall be responsible for having a qualified archaeologist visit the site within forty eight (48) hours, excluding weekends or holidays, and determine the archaeological significance and the data potential of the site. If the site is determined to be significant and to have data potential, then:
  - a. the archaeologist will determine a buffer area in which construction activities shall temporarily cease; and
  - b. the property owner shall present a treatment plan to the Code Administrator for approval. The treatment plan shall meet the requirements of Sections 3.4.3d. Alternatively, a non-disturbance easement may be platted to protect the significant site.
- 3.5.2 Human remains are considered part of an archaeological record, and shall be afforded special treatment pursuant to the provisions of New Mexico Cultural Properties Act Section 18-6-11.2 NMSA 1978, which shall be followed whenever unmarked human remains are discovered. If the remains represent permanent interment in any church, church yard or cemetery, they may not be disturbed without a district court order, in accordance with Section 30-12-12 N.M.S.A. 1978, as amended.
- 3.5.3 Failure to report such finds shall result in the imposition of penalties provided in Article 1, Section 11 of this Code in addition to those provided for under state law.

### 3.6 Public Use

If the owner of an archaeological, historic, or cultural site or landmark intends to make the premises open to the public or charge user fees to the public for visiting the site, the owner shall be subject to the provisions of this Code relating to non-residential or other development.

### 3.7 Maximum Funding Limit

In no case shall the applicant be required to spend more than two percent (2%) of the value of the proposed development shown on the development permit in preparing for and completing treatment

History. Section 3 amended by Ordinance 1988-8, providing for surveys and a review procedure relating to the archaeological resources of the County. Ordinance 1996-8 amended Section 3 to update and clarify language and to change the review procedure.

**ARTICLE VII - ENVIRONMENTAL REQUIREMENTS****SECTION 1 - FLOOD HAZARDS****1.1 Requirements for a Flood Hazard Analysis**

All applications for a development permit shall be reviewed by the Code Administrator to determine if the proposed development involves land located in a Flood Hazard Area as defined in Section 1.3 of this Article VII. If the proposed development involves activities in a Flood Hazard Area which are not permitted by Section 1.4 of this Article VII, the development permit application shall be denied. Applicants shall also comply with related regulations in County Ordinance 1988-1 which sets forth minimum floor elevations for flood hazard areas pursuant to 3-18-7 NMSA 1978 and Federal Emergency Management Agency (FEMA) regulations in issuing development permits.

**1.2 Procedures and Submittals****1.2.1 Types of Development Requiring Flood Hazard Analysis**

An applicant for a development permit involving a subdivision, a use authorized and located in a non-residential district, a large scale residential development, or mining uses, shall submit a map showing the location of all floodways, flood fringe areas, flood plains and flood hazard areas within the property which is the subject of the application, except that if no development is proposed within the flood hazard area, then only the flood hazard area shall be mapped. The map will be at the same scale as other detailed maps required under the Code, and shall be prepared as set forth in Section 1.3 of this Article. If the proposed development is located within a Flood Hazard Area, submittals as required in Section 1.2.3 are required in a report prepared by a professional engineer registered in the State of New Mexico, demonstrating that adequate drainage is provided to reduce exposure to flood hazards.

**1.2.2 All Other Development**

An applicant for a development permit not governed by Section 1.2.1 above shall be required to make the submittals required in Section 1.2.3 of this Article VII, if the Code Administrator determines that the proposed development is located in a Flood Hazard Area.

**1.2.3 Submittals if Development is Proposed in a Flood Hazard Area**

If an applicant proposes development within a Flood Hazard Area, then required submittals shall include the following:

- 1.2.3a A flood hazard analysis as described in Section 1.3 of this Article;
- 1.2.3b Plans drawn to scale showing the location, dimensions and elevation of proposed landscape alterations, existing and proposed structures, and the location of the foregoing in relation to the flood way, flood fringe, flood plain and flood hazard area;
- 1.2.3c Elevation in relation to mean sea level, of the lowest floor including the basement of all proposed structures;
- 1.2.3d Elevation in relation to mean sea level, to which any non-residential structure shall be flood-proofed;
- 1.2.3e Flood elevation data adjacent to the proposed development. If FEMA flood elevation data is unavailable, such information shall be provided by a New Mexico registered professional engineer;
- 1.2.3f Description of the extent to which any course or natural drainage will be altered or relocated as a result of proposed development; and
- 1.2.3g Additional submittals as necessary to establish conformance with Section 1.4 of this Article VII.

**1.2.4 Special Submittals for Appeal Procedures**

If any application for a development permit is denied at the first level of review under this Section, the Code Administrator, or his designee, shall perform a field inspection of the site if

requested by the applicant. If the Code Administrator upholds denial of the permit, based on the reasonable possibility of a flood hazard to the development, the applicant may appeal the decision following the procedures set forth in Article II of the Code. The applicant shall be required to submit a detailed report, prepared by a professional engineer registered in the State of New Mexico, which addresses the following relevant factors:

- 1.2.4a The danger to life and property due to flooding or erosion damage.
- 1.2.4b The susceptibility of the proposed development and its contents to flood damage and the effect of such damage on the individual owner.
- 1.2.4c The danger that materials may be swept onto other lands to the injury of others or their property.
- 1.2.4d The compatibility of the proposed development with existing and anticipated development to adjacent properties.
- 1.2.4e The safety of access to the property in times of flood for ordinary and emergency vehicles.
- 1.2.4f The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems.
- 1.2.4g The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site of the development.
- 1.2.4h The availability of alternative sites, not subject to flooding or erosion damage, for the proposed development.

#### 1.2.5 Review by State and Federal Agencies

All submittals for subdivisions which are required under this Article VII, Section 1, shall be reviewed by the local Soil and Water Conservation District and must conform to any standards and requirements set by that district. All other submittals may, at the discretion of the Code Administrator, be subject to review by a State or Federal agency having authority over matters pertaining to flood hazard areas, including, but not necessarily limited to: the Soil and Water Conservation District; the U.S. Soil Conservation Service; the U.S. Army Corps of Engineers; Federal Emergency Management Agency (FEMA); and the New Mexico State Engineer.

### 1.3 Location of Flood Hazard Areas

#### 1.3.1 Flood Hazard Boundary Maps

- 1.3.1a Flood Hazard Areas identified by FEMA on its Flood Hazard Boundary Maps for Santa Fe County, Community No. 350069, dated November 4, 1988, and any revisions thereto are hereby adopted by reference and incorporated as part of the Code.
- 1.3.1b Where interpretation is needed as to the exact location of the boundaries of a Flood Hazard Area, for example, where there appears to be a conflict between a mapped boundary and actual field conditions, the Code Administrator shall determine whether the proposed development is located in a Flood Hazard Area.

#### 1.3.2 Other Flood Hazard Studies

In areas for which a flood information map or study has been professionally prepared, for example, by the U.S. Army Corps of Engineers, such a map or study shall be an acceptable source of definite information, provided that it can be interpreted to delineate Flood Hazard Areas, and that it provides no irreconcilable conflict with the maps described in Section 1.3.1.

#### 1.3.3 Other Analysis

In areas for which inadequate or no flood hazard information is available, it will be acceptable to delineate floodways, flood fringes or flood plains by (a) using Soil Conservation Service soils ratings; (b) a simplified hydrologic model such as described in the Environmental Appendix to the County General Plan; or (c) an engineering analysis, prepared pursuant to Section 1.3.4 of this Article VII.

#### 1.3.4 Engineering Analysis

If approved by the Board, a flood hazard analysis of any portion of the County may be performed by a professional engineer, registered in New Mexico. Such analysis shall: utilize recognized techniques for quantifying flood runoff and flood plain dimensions; take into account probable land use changes in upstream regions; and take into account possible changes in channel configuration above or below the site being evaluated which may be caused by potential development.

#### 1.3.5 Other Methods

In the event that FEMA requires that methods other than those described above are to be utilized in determining Flood Hazard Areas, then such procedures shall take precedence over those which are set forth above. In the event that all the above methods fail to resolve the question as to the extent of a flood hazard area, the technical assistance of an agency such as the U.S. Army Corps of Engineers may be sought.

#### 1.3.6 Modification of Flood Hazard Boundary Maps

If the Board determines that modification of FEMA Flood Hazard Boundary Maps is desirable, then the maps will be modified, with approval of the Flood Insurance Administration. Techniques used may include the Soil Conservation Service method cited in the Appendix for Santa Fe County General Plan; Environmental Chapter on Flood Plain Management, the U.S. Geological Survey method cited in said reference; or any other technique which is approved by the Code Administrator. The technique used must reflect future land use conditions, including probable development upstream of the site being analyzed, and documentation must be provided as to all input data utilized, including topography, vegetation, soils, precipitation and stream channel characteristics; all calculations used regarding runoff dimensions and channel capacities must also be presented.

### 1.4 Development Allowed Within Flood Hazard Areas

#### 1.4.1 General

Applicants are encouraged to treat Flood Hazard Areas as aesthetic open space zones to be used for purposes such as recreation (hiking, riding trails), agriculture, wildlife habitat and water recharge zones. All portions of a Flood Hazard Area may be included in considering density regulation for any type of development.

#### 1.4.2 Floodway Areas

No development is permitted in floodway areas except for road and utility crossings approved by the Code Administrator. Such structures must meet requirements set forth in Section 1.4.5 of this Article.

#### 1.4.3 Flood Fringe Areas

Flood fringe areas may be used for purposes as described in Section 1.4.1 of this Article. No structure may be erected in a flood fringe, including a structure for the permanent sheltering and confinement of animals, with the following exceptions: crossings for traffic or utilities; special public facilities such as gauging station or flood control structures. Such structures must meet requirements set forth in Section 1.4.5 of this Article.

#### 1.4.4 Flood Plain Areas

Flood plain areas may be used for purposes as described in Section 1.4.1 of this Article. Streets, parking lots and recreational facilities (except overnight camping) are permitted provided that the requirements of Section 1.4.5 are met. Development involving construction of a dwelling or other structure within a flood plain area may be approved if the following requirements are met:

- 1.4.4a The property does not contain a site on which the dwelling or other structure could be built outside the flood plain area. No new lots shall be created in which no building site and liquid waste system site exists outside of the flood plain area.
- 1.4.4b All structures and other improvements shall be anchored to prevent flotation, collapse or lateral movement. All structures and other improvements shall be constructed by methods and practices that minimize flood damage or erosion. All structures and improvements shall be constructed with materials and equipment resistant to flood damage.
- 1.4.4c New and replacement water supply systems and sanitary sewage systems shall be designed to minimize infiltration of flood waters into the system, or discharges from the systems into flood waters.
- 1.4.4d On-site wastewater and solid waste disposal are prohibited.
- 1.4.4e Dwellings shall be required to have the lowest floor, including basement, elevated to one foot above the elevation of the boundary of a flood plain area. A professional engineer, registered in the State of New Mexico, shall submit a certification to the Code Administrator that this requirement will be met.
- 1.4.4f Dwellings shall be flood-proofed so that any construction within the flood plain area is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A professional engineer, registered in the State of New Mexico, shall submit a certification to the Code Administrator that this condition will be met.
- 1.4.4g Mobile homes are not permitted.
- 1.4.5 Special Requirements
- 1.4.5a Any development permit which authorizes development within a Flood Hazard Area may be conditioned upon the requirement that the applicant provide runoff control measures which are approved by the local Soil and Water Conservation District for the purposes of preventing or reducing flood hazards.
- 1.4.5b All arterial crossings other than concrete dip sections must be designed to allow adequate passage for runoff which results from a storm having a return period of once per 100 years, and shall have their lowest horizontal structures placed at least one (1) foot above the level which would be reached by such runoff, after consideration is given to the flow by such runoff, and to the flow retarding effects of the structure. All such crossings must be designed by a professional engineer, registered in the State of New Mexico.
- 1.4.5c The hydraulic properties of any Flood Hazard Area which is projected to carry a flow of no less than 100 cubic feet per second due to runoff which results from a storm having a return period of once per 100 years shall not be modified unless the upstream and downstream effects of the modification are addressed in a report submitted to the Code Administrator, and prepared by a professional engineer registered in the State of New Mexico. Except at arterial crossings, no modification of these properties will be permitted which alters the cross-section, slope roughness, recharge potential, or hydraulic capacity of a Flood Hazard Area unless such a change can be demonstrated to reduce flood hazard both up and downstream of the modification.

1.4.5d No development shall result in any materials being placed in a Flood Hazard Area which may more easily be eroded or dislodged by flood waters than the native material in the Flood Hazard Area.

1.4.6 Mining in Flood Hazard Areas

Mining uses and mineral exploration shall be permitted within Flood Hazard Areas provided that it is determined by the Code Administrator or the Board, that there is no significant danger that materials or hazardous wastes may be swept onto the land of others to the injury of others. All requirements of Section 1 of this Article, Article III, Section 5 and Article XI shall be followed.

1.5 Waiver for Historic Preservation

The procedures set forth in this Section may be waived by the Code Administrator for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places.

1.6 Specific Administrative Procedures

The Code Administrator shall:

- a. Notify adjacent communities and the State Engineer prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA;
- b. Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished;
- c. Maintain a record of all approvals for development within a Flood Hazard Area and report to FEMA upon their request.

**SECTION 2 - LIQUID WASTE DISPOSAL**

2.1 Basic Procedures And Requirements

Application for development permits shall be reviewed by the Code Administrator to determine if the proposed manner of disposal of liquid waste produced by the development meets the requirements of the Code. The determination shall be based upon submittals and criteria set forth in this Section. No development permit shall be issued unless the requirements set forth in this Section are met.

2.2 Required Liquid Waste Disposal Facilities By Development Type

Table 7.1 indicates the types of facilities required for liquid waste disposal and the applicable Section in this Article for each type:

<b>TABLE 7.1 - LIQUID WASTE DISPOSAL REQUIREMENTS</b>		
<u>DEVELOPMENT TYPE</u>	<u>SYSTEM REQUIRED</u> <sup>(1)(2)(3)</sup>	<u>APPLICABLE SECTION</u>
Any development adjoining a street in which an existing sewage system is available for use  IF EXISTING SYSTEM NOT AVAILABLE, THE FOLLOWING SHALL APPLY:	must hook up to existing system	2.3
Commercial development	individual liquid waste disposal systems with nitrate removal, but if total project flows exceed 2000 gpd, community liquid waste disposal system required	2.7 or 2.5 and 2.6.11 when applicable
Land divisions, not constituting a subdivision	individual on-site disposal systems	2.4 as applicable
Small scale residential, 1 to 4 units on one parcel	individual on-site disposal systems	2.4
Large scale residential, 5 or more units on one parcel	single, central "individual" liquid waste disposal system, but if total project flows exceed 2000 gpd community liquid waste disposal system required	2.4 and 2.6 or 2.5
Subdivisions containing 5 or more parcels, any one of which is less than 1 acre; or 100 or more parcels, any one of which is less than 2.5 acres	community liquid waste disposal system	2.5
Subdivisions containing 25-99 parcels, any one of which is between 1 and 2.5 acres	individual liquid waste system with nitrate removal	2.7
All other subdivisions	individual on-site disposal system	2.6

- (1) In areas where ground water quality indicates elevated levels of nitrates, the Code Administrator may require a nitrate removal liquid waste system or a community liquid waste system for any development to protect the public health, safety and welfare.
- (2) To protect ground water resources, the Code Administrator may require community liquid waste disposal systems in areas where the cumulative number of lots exceeds or potentially exceeds 99.
- (3) Cluster developments where any lot size is less than 1 acre, may provide liquid waste system easements within the designated open space.

### 2.3 Requirements and Submittals for Use of Existing Community Liquid Waste Disposal Systems

- 2.3.1 The development shall conform to the plumbing code adopted in Article IV of the Code;
- 2.3.2 The applicant shall submit a legally binding agreement with the operator or owner of the sewage system to be used allowing the applicant to dispose of liquid wastes from the development into the sewage system. For subdivisions, this must be submitted with the preliminary plat application;
- 2.3.3 The Code Administrator shall be satisfied that the sewage system to be used is properly operating and that the system has capacity sufficient to process the additional liquid waste. The Code Administrator may refer the application to the New Mexico Environment Department for review and comment concerning the operating condition and capacity of the sewage system;
- 2.3.4 Development or construction on parcels within 200 feet of a public liquid waste disposal system must be connected to that public system. The design of such connection shall be approved by the public liquid waste disposal system authority; and
- 2.3.5 The applicant shall submit a New Mexico Professional Engineer's report and preliminary plans of the proposed extension to the existing liquid waste disposal system. For subdivisions, the report and plans must be submitted with the preliminary plat application.

### 2.4 Requirements and Submittals for Construction of an Individual Liquid Waste Disposal System

- 2.4.1 Individual liquid waste disposal systems shall be located, installed, operated and maintained in a manner which will not cause a hazard to public health or degrade ground water or surface water.
- 2.4.2 Individual liquid waste disposal systems shall not be installed where an existing community or public liquid waste system is available for use.
- 2.4.3 For a system with a capacity and expected discharge of 2,000 gallons per day or less, a copy of the completed and signed registration certificate issued by the New Mexico Environment Department must be submitted by the applicant prior to issuance of a development permit.
- 2.4.4 Lot size requirements of Article III, Section 10 shall be met.
- 2.4.5 No individual liquid waste disposal system registration certificate shall be accepted by the Code Administrator where the disposal system is intended for use on a parcel of less than 1.0 acre unless the disposal system discharges effluent containing no more than 45 milligrams per liter nitrate to the surface or the subsurface. Discharge to an evapotranspiration field underlain by a permanent impermeable liner shall be considered to discharge no more than 45 milligrams per liter nitrate to the surface and subsurface, provided that the system is otherwise approved by the New Mexico Environment Department. All other systems including conventional septic tank with drain field, and aerated tank with drain field, shall be considered to discharge more than 45 milligrams per liter nitrate to the surface or to the subsurface, unless the applicant can demonstrate otherwise. This requirement may be waived by the Code Administrator for areas where the Environment Department states that use of a conventional disposal system will not, in conjunction with other systems in the area, lead to significant pollution of ground or surface water.
- 2.4.6 In no case will a plastic or fiberglass septic tank be used in areas where there is bedrock or fractured bedrock, clay soils with a high shrink or swell potential, or groundwater evident during tank excavation.

- 2.4.7 A septic leak test shall be conducted immediately after installation. Prior to back filling an inspection of the tank shall be conducted by Land Use Department staff. Leaking tanks shall be repaired and retested.
- 2.4.8 All septic tanks shall have adequate vehicular access to accommodate vehicles transporting septage.
- 2.4.9 All septic tanks shall be equipped with an access riser. The access riser shall have a minimum 8-inch diameter and be child-proof.
- 2.4.10 Conventional liquid waste disposal systems shall not be installed in prohibitive soils as defined in Table 7.2:

TABLE 7.2 - SOIL CATEGORY FOR INDIVIDUAL LIQUID WASTE SYSTEMS			
Soil Characteristic	Soil Category <sup>(a)</sup>		
	Suitable (b)	Limiting (c)	Prohibitive (d)
Percolation Rate (minutes per inch)	5-60	Less than 5 or 61-120	More than 120
Slope (percent)	0-8	9-15	More than 15
Soil Depth to Seasonal High Water Table or Bedrock or Other Limiting Soil Layer (feet) <sup>(e)</sup>	8 or more	4-8	Less than 4
Flood Plain	Outside	Outside	Within

## Notes:

- (a) A soil category is determined by the most limiting soil characteristics.
- (b) A suitable soil is a soil suited for the installation and functioning of a conventional disposal system. Conventional disposal systems or alternative disposal systems may be used in suitable soil.
- (c) A limiting soil is a soil unsuited for the installation and functioning of a conventional disposal system. Alternative disposal systems shall be used in limiting soils.
- (d) A prohibitive soil is a soil unsuited for the installation and functioning of any types of disposal system. Conventional liquid waste disposal systems can not be used in prohibitive soils.
- (e) Soil depth clearance is measured from beneath the liquid waste disposal system drainfield, bed, or pit bottom to bedrock or the seasonal high water table.

2.4.11 Individual liquid waste disposal systems shall meet all setback distances as defined in Table 7.3:

<b>TABLE 7.3 - SETBACK DISTANCES FOR INDIVIDUAL LIQUID WASTE SYSTEMS</b>			
<b>Object</b>	<b>Optimum Separation (feet)</b>	<b>Required Minimum Setback Distance (feet)</b>	
		<b>Treatment Unit</b>	<b>Disposal System</b>
Individual Water Supply System Source	300+	50	100
Public and/or Community Water Supply System Source	1000+	100	200
Edge of Watercourses Except Canals and Arroyos	slope away from watercourse	50	100
Edge of Unlined Canals and Arroyos	slope away from canal and arroyos	15 + depth of channel	25 + depth of channel
Edge of Lined Canals	slope away from canal	10 + depth of channel	10 + depth of channel
Public Lakes	slope away from lake	50 <sup>(a)</sup>	100 <sup>(a)</sup>

Notes:

(a) Setback distance to artificially controlled lakes and reservoirs is measured from the closest projected shoreline at the maximum controlled water level.

## 2.5 Requirements and Submittals for Community Liquid Waste Disposal System

2.5.1 **Requirements.** A community liquid waste disposal system shall meet the following requirements prior to recording the final plat:

- 2.5.1a The system shall be designed, permitted, and constructed by the time required in the approved scheduling plan, in compliance with all applicable New Mexico Water Quality Control Commission Regulations.
- 2.5.1b Connection to the community system for the occupants of the subdivision or other development shall be in accordance with the requirements of the approved scheduling plan.
- 2.5.1c Provisions shall be made for the operation, maintenance and expansion of the system to meet the growth in population of the subdivision or other development in a manner consistent with the approved liquid waste disposal documentation package pursuant to Section 2.5.2 of this Section and as necessary to insure that the system will comply with all applicable Water Quality Control Commission Regulations.

- 2.5.1d Documentation of the New Mexico Environment Department's approval of a discharge permit will be required when an application is submitted for a final plat or development plan or prior to granting of a permit to construct the system.
- 2.5.1c Surface irrigation with unchlorinated effluent will be permitted in fenced areas with restricted access only and in accordance with all New Mexico Environment Department discharge permit requirements.
- 2.5.1f Prior to recording of a final plat or granting a system construction permit, an improvement agreement is required which guarantees:
- (i) The construction and operation of any liquid waste disposal system approved by the County and shown in the plat documents and plans;
  - (ii) If not constructed prior to final plat recordation, collateral in the form of a performance bond or other security to adequately assure the complete construction and operation of the system in accordance with design and specifications;
  - (iii) Written confirmation from the New Mexico Environment Department that the operator of the system has met all of the requirements of the New Mexico Utility Operators Certification Board; and
  - (iv) Copies of documents establishing a legal entity with authority to operate and maintain the system.
- 2.5.2 Submittals  
A liquid waste disposal documentation package shall be submitted as part of an application for a subdivision preliminary plat or other development permit involving the construction of a community liquid waste disposal system. The liquid waste disposal documentation package shall be dated and include the following:
- 2.5.2a For a subdivision, a copy of the subdivider's disclosure statement on liquid waste disposal. The disclosure statement and covenants must state that all lots within the subdivision must connect to the community liquid waste disposal system at the time of occupancy.
- 2.5.2b A legal description of the location of all construction easements, and rights-of-way necessary for the installation of the community liquid waste disposal system.
- 2.5.2c An engineering report and preliminary plans for the proposed liquid waste disposal system. Final plans and specifications, prepared by a professional engineer registered in New Mexico, for the construction of the system must be submitted and approved by the Code Administrator prior to recording a subdivision plat or granting a permit to construct the system.
- 2.5.2.d A map showing the location of all water supply sources and the flood plain of all water courses and surface bodies of water within one thousand (1000) feet of the proposed liquid waste treatment and liquid waste disposal site.
- 2.5.2e The date the community liquid waste disposal system is proposed to be completed.
- 2.5.2f Documentation of the filing of a "Notice of Intent to Discharge" with the New Mexico Environment Department in accordance with the Water Quality Control Commission Regulations.
- 2.5.2g A report which indicates alternatives to the system which were considered, if any, and the reason for not selecting the alternatives.

2.6 Requirements and Submittals for Subdivisions and Large Scale Residential Development Proposing Individual and Single, Central "Individual" Liquid Waste Disposal Systems

A liquid waste disposal documentation package shall accompany an application for a development permit for a subdivision in which individual on-site liquid waste disposal systems will be utilized or large scale residential development for which a single, central "individual" liquid waste disposal system is required. The liquid waste disposal documentation package shall include the following:

- 2.6.1 A copy of the subdivider's disclosure statement relating to liquid waste disposal.
- 2.6.2 The location or proposed distance separation of all proposed and existing wells, sewage absorption areas, community sewage systems, and community water supply systems within the proposed subdivision or large scale residential development and existing wells and drain fields within 500 feet of the proposed subdivision or large scale residential development boundary.
- 2.6.3 A map showing the location of all arroyos, flood plains and bodies of water within the proposed subdivision or development and within 1000 feet of the proposed subdivision or development boundary.
- 2.6.4 A soil investigation report, including a soil survey, soil borings to a minimum depth of 8 feet, soil test results and an analysis of the soil survey, soil borings and soil tests. The report shall define soil depth to bedrock, seasonal high groundwater table or other limiting soil layer, and percolation rate for the soils present within the proposed development. There shall be a minimum of 1 boring and 1 percolation test per 10 lots; the locations of these borings and tests shall be distributed over the site to adequately represent the site soil conditions.
- 2.6.5 A liquid waste system feasibility map, superimposed on the subdivision plat or development plan delineating the areas of suitable, limited and prohibitive soils as defined in Table 7.2 and delineating required setback distances as defined in Table 7.3. The feasibility map shall delineate slopes of 9 to 15 percent and slopes of more than 15%.
- 2.6.6 The flood frequency of areas within the proposed subdivision or development.
- 2.6.7 A detailed description of the kind of individual liquid waste disposal systems, if any, that are to be used by the occupants of the subdivision or development. Preliminary plans for individual liquid waste disposal systems if a system will serve more than one connection.
- 2.6.8 The projected population of the subdivision or development.
- 2.6.9 The direction of movement of ground water in the subdivision or development.
- 2.6.10 An analysis which indicates that individual liquid waste disposal systems can be used for each lot in compliance with all applicable New Mexico Environment Department regulations in effect at the time the application is made and all requirements of Section 2.4 of this Article, without need for any variance from their requirements.
- 2.6.11 At the discretion of the Board, an applicant for a development permit may be required to analyze the effect of wastewater discharges on groundwater quality over a 100 year time frame to demonstrate that potable water supplies now available to wells within one mile of the development shall not be caused to be unpotable during the 100 year period as a result of the proposed development.

**2.7 Requirements and Submittals of Individual Liquid Waste Disposal Systems with Nitrate Removal.**  
In addition to the submittals required in Section 2.6 of this Article VII, the developer must submit the following:

- 2.7.1 The individual liquid waste disposal system must reduce nitrate concentrations to less than 14 milligrams per liter as NO<sub>3</sub>-N. The proposed system design and documentation proving the system can achieve the nitrate reduction requirements must be certified by a New Mexico Professional Engineer and submitted at the time of preliminary plat application.
- 2.7.2 Maintenance contracts and homeowners covenants shall be submitted indicating how maintenance of the nitrate reducing individual liquid waste disposal systems will be handled.

History. Ordinance 1996-8 amended this Article to be more consistent with Environment Department guidelines. Also, for certain subdivisions, the use of septic systems which reduce nitrates is now required.

**SECTION 3 - TERRAIN MANAGEMENT - No changes; text not included.**

**SECTION 4 - AIR QUALITY**

**4.1 Basic Requirements**

The Board, at its discretion, may require an air quality management plan and may determine that a development involving a commercial or mining use be required to limit increases in air pollution as measured at the property line of the development.

**4.2 Review Procedure**

**4.2.1 Initial Review**

All applications for a development permit involving a commercial use or a mining use shall be reviewed by the Code Administrator for possible impacts on air quality. If the Code Administrator determines that the development may result in increased air pollution, he shall advise the Board and the Board in its discretion may require the applicant to prepare an air quality management plan. The plan shall be referred to the New Mexico Environment Department for review and comment. If the New Mexico Environment Department comments are not received by the Code Administrator within thirty (30) calendar days of the date it was submitted to the agency, the Code Administrator may proceed with his review and make a decision without the comments.

**4.2.2 Air Quality Management Plan**

An air quality management plan shall provide the following information:

- 4.2.2a An inventory of ambient air quality levels which may be raised as a result of the development;
- 4.2.2b A discussion of projected concentrations of all pollutants at full development and their possible effects on public health and safety;
- 4.2.2c A description of all measures which will be taken to reduce the emission of air pollutants; and
- 4.2.2d If the increase of any pollutant regulated by the State of New Mexico will be five percent (5%) or greater, compared to existing levels of that pollutant (measured on an average annual basis at the property line), then the plan shall provide evidence indicating any benefits to the citizens of Santa Fe County which would offset such degradation.

**SECTION 5 - NOISE****5.1 Application**

An application for non-residential development shall be reviewed by the Code Administrator to determine if it is likely to produce unreasonably high temporary or long-term average levels of noise. Such levels may be projected or anticipated by the Code Administrator or an applicant by using any recognized method approved by the U.S. Environmental Protection Agency or the U.S. Department of Transportation.

**5.2 Requirements**

Any actual or projected measurement that exceeds the average conditions over a twelve (12) hour period, at the property line, of the following described limits may be considered grounds for denial of a development application, and will permit a code enforcement officer or law enforcement officer to issue a citation of code violations:

	<u>DAYTIME</u>	<u>NIGHTTIME</u>
Major Centers and Travelers Service	70 dBA or 10 dBA above ambient, whichever is less	55 dBA or 5 dBA above the ambient level, whichever is less
All Other Areas	55 dBA or 10 dBA above ambient, whichever is greater	45 dBA or 5 dBA above the ambient, whichever is less

**5.3 Exceptions**

The Board in its discretion may waive these requirements for uses which are seasonal or periodic in nature and which involve generation of noise on no more than twenty percent (20%) of all days of the year such as: fairgrounds, rodeo grounds, carnival grounds, drag strips, and race tracks; provided, however, that applicants for such uses shall be required to provide a buffer area between the site of noise generation and the property line, and shall take such other measures as are appropriate to reduce the generation of annoying or harmful noise.

**SECTION 6 - WATER SUPPLY****6.1 General Review Procedures for Water Supply Plans**

The applicant shall provide a water supply plan which consists of the submittals required below in Section 6.2. All water supply plans shall be reviewed by the Code Administrator and the County Hydrologist. All water supply plans for proposed subdivisions of six (6) lots and greater shall be submitted by the Code Administrator to the New Mexico State Engineer's Office and the New Mexico Environment Department. Water supply plans for other types of developments may be referred to appropriate state agencies if, in the opinion of the County Hydrologist and Code Administrator, such referrals will provide information necessary to the determination of whether or not a proposed development is in conformance with the provisions of this Code.

6.2 General Requirements and Submittals for a Water Supply Plan

6.2.1 The requirements and submittals associated with water supply are dependent on the type and scale of development and the amount of water use, and are set forth in the following Sections of this Article:

Section 6.2.2 - Water Permits

Section 6.3 - Community Water Systems

Section 6.4 - Water Availability Assessments

Section 6.5 - Water Quality

Section 6.6 - Water Conservation

Section 6.7 - Fire Protection.

Table 7.4 indicates which Sections of this Article shall be required for different types of development:

<b>TABLE 7.4 - REQUIRED CODE SECTIONS FOR WATER SUPPLY</b>	
<u>Development Type</u>	<u>Required Sections</u>
Any development which includes construction or expansion of a community water system	6.3, 6.4, 6.5, 6.6, 6.7
All subdivisions containing 6 or more lots	6.2.2 as applicable, 6.4, 6.5, 6.6, 6.7
All subdivisions containing 5 or fewer lots	6.2.2 and 6.3 if applicable 6.4.7, 6.5, 6.6
All subdivisions required to have community water systems as listed on Article V, Section 9, Table 5.1	6.2.2, 6.3, 6.4, 6.6, 6.7
All large scale residential development	6.4, 6.5, 6.6, 6.7, 6.3 if applicable
All non-residential development in which the project uses more than 0.25 acre feet of water annually or in which the applicant obtains water other than through a well which is permitted under Section [ 72-12-1 NMSA1978 as it may be amended	6.4, 6.6, 6.7, 6.5 (depending on use)
All development in which the applicant requests a density adjustment based on water availability	6.4, 6.6, 6.7
All development in which the applicant requests a density adjustment based on water conservation.	6.4, 6.6, 6.7
All lots created in accordance with Article II, Sections 2.3.1a.ii (b), (d), (f), (g) and (h)	6.6.2

**6.2.2. Required Water Right Permits**

- 6.2.2a For all subdivisions containing twenty (20) or more parcels, any one of which is two (2) acres or less in size, the subdivider shall provide proof that the person providing the water has a valid water right permit issued by the State Engineer pursuant to Sections 72-5-1, 72-5-23, 72-5-24, 72-12-3 or 72-12-7 NMSA 1978, sufficient in quantity to meet the maximum annual water requirements of the proposed subdivision. The Board shall not approve the final plat unless the State Engineer has issued a water permit for subdivision use.
- 6.2.2b For all subdivisions within a critical water basin identified by the Board, proof of valid water right permits other than domestic wells pursuant to Section 72-12-1 NMSA 1978 shall be provided prior to final plat approval.

**6.3 Community Water Systems**

Community water systems shall be required for subdivisions according to the number and size of lots as indicated in Article V, Section 9.3, Table 5.1.

**6.3.1 Requirements for Community Water Systems**

- 6.3.1a When a community water system is required, the developer shall provide water from existing or proposed water supply systems for domestic use, fire protection, and any other use that the developer proposes.
- 6.3.1b The developer shall provide for the completion of the proposed water supply systems, in accordance with applicable minimum design standards of the New Mexico Environment Department and the Construction Industries Division.
- 6.3.1c The developer shall meet the fire flow requirements set forth in Section 6.7 of this Article.
- 6.3.1d The developer shall provide sufficient potable water for full development of all properties within the proposed development.
- 6.3.1e If the development is in a Traditional Community District, the community water system shall be designed to minimize the use of local water resources. The applicant shall obtain water rights as the State Engineer requires. The community water system shall be consistent with the Local Land Use and Utility Plan, if any.
- 6.3.1f All distribution mains shall be a minimum of six (6) inches in diameter.
- 6.3.1g It shall be noted on the final plat and plans and in the covenants and disclosure statement that the drilling or use of individual and/or shared domestic wells is strictly prohibited.
- 6.3.1h The developer shall meet all applicable requirements of the Public Utility Act, Articles 1 through 6 and 8 through 13 of Chapter 62, NMSA 1978.

**6.3.2 Submittals for Community Water Systems**

The applicant shall submit a water supply plan which demonstrates that the system will comply with the requirements of Section 6.3.1 of this Article VII. The water supply plan shall be prepared by or under the supervision of a professional engineer and shall include the following:

- 6.3.2a Information showing the volume and peak rate of production of water required each month to supply each use at full use of the development.
- 6.3.2b Plans and specifications for production or diversion, storage and distribution facilities and a time schedule for their completion, prepared by or under the supervision of a registered professional engineer.
- 6.3.2c A legal description of the location of all construction, easements and right-of-way necessary for the installation of the water supply system.
- 6.3.2d Site plans showing topography, parcel boundaries, streets, wells, hydrants, and water storage and distribution system. The size or capacity of the system components shall be indicated.
- 6.3.2e Well plans indicating casing diameter, total depth, screened interval, and proposed pump setting.
- 6.3.2f An agreement providing for:
  - (i) The construction and operation of the water supply system as shown in the plat documents and plans.
  - (ii) Collateral, in the form of a performance bond or other means, to adequately assure the complete construction and operation of the system in accordance with design and time specifications.
  - (iii) Certification of the operator of the system.
  - (iv) Involvement as prescribed in the plat documents, of any Homeowners' Association, Mutual Domestic Association, or non-profit corporation for the purpose of operation and maintenance of the system.
- 6.3.2g If the developer is within a declared basin, the applicant shall obtain a valid water right permit issued by the State Engineer pursuant to Section 6.2.2 of this Section.

#### 6.3.3 Review of Community Water Systems

- 6.3.3a In reviewing community water systems the Board shall consider:
  - (i) the availability of water for the system;
  - (ii) the potential for water conservation in areas served by the system;
  - (iii) the relationship of the system to adopted local or county land use and utility goals;
  - (iv) the proper disposal of wastewater from areas served by the system; and
  - (v) the conformance of the system to federal and state regulations.
- 6.3.3b In general, the Board shall encourage the use of such systems, and shall approve them unless the indicated reviews demonstrate that such systems, or the expansion thereof, will substantially conflict with the policies and goals of the County General Plan and this Code.

#### 6.4 Water Availability Assessments

##### 6.4.1 Requirements for Water Availability Assessments

The requirements of the water availability assessment are dependent on the source of water supply such that:

- 6.4.1a For developments where the source of water will be a new community well and community water system permitted pursuant to Section 72-12-3 or 72-12-7 NMSA 1978, the applicant shall demonstrate a one hundred (100) year supply and shall

- submit a geohydrologic report and other information in accordance with Section 6.4.2, or a reconnaissance water availability assessment in accordance with Section 6.4.6, if applicable:
- 6.4.1b For developments where the source of supply will be a new surface water diversion and community system pursuant to Section 72-5-1, 72-5-23 or 72-5-24 NMSA 1978, the applicant shall submit a hydrologic report and other information in accordance with Section 6.4.3;
  - 6.4.1c For developments where the source of supply will be an existing community or municipal water supply system permitted pursuant to Sections 72-5-1, 72-5-23, 72-5-24, or 72-12-3, the applicant shall submit a water availability assessment in accordance with Section 6.4.4; or
  - 6.4.1d For developments where the source of water will be individual domestic wells or shared wells permitted pursuant to Section 72-12-1, the applicant shall demonstrate a one hundred (100) year supply and shall submit a geohydrologic report in accordance with Section 6.4.5, or a reconnaissance water availability assessment in accordance with Section 6.4.6, if applicable.
  - 6.4.1e For developments of five (5) or fewer lots, the applicant shall provide water availability information in accordance with Section 6.4.7.
- 6.4.2 For new community wells and community water systems, the applicant shall submit a water availability assessment which includes the following:
- 6.4.2a A geohydrologic report which shall demonstrate that groundwater sufficient to meet the maximum annual water requirements of the development is physically available and can be practically recovered to sustain the development for a continuous period of one hundred (100) years. These analyses shall take into account the production of existing wells and shall demonstrate that the project wells, as proposed or as designed, will be capable of producing the full annual demand for at least one hundred (100) years.
  - 6.4.2b The applicant shall drill sufficient exploratory wells to adequately characterize the aquifer in accordance with the requirements listed in Table 7.5. Tests made within one mile of the development may be utilized, provided that the report demonstrates that the geologic conditions at the site of such tests are comparable to those within the development. For developments involving more than 160 acres, at least one test shall be within the development. Except where geologic conditions are complex, the well test requirement shall not be interpreted to require more than one (1) test per four (4) dwelling units. Where cluster or shared wells are to be used throughout a development, the requirement should not be interpreted to require more than one (1) test per ten (10) dwelling units. These well test requirements may be waived by the Code Administrator upon recommendation of the County Hydrologist; provided that for subdivisions of Types I, II and IV and subdivisions requiring community water systems, at least one (1) test shall be made within the development.
  - 6.4.2c The applicant shall provide a calculated one hundred (100) year schedule of effects on the development's production well(s) which may result from existing demands and from the increase of groundwater withdrawals for the project. Analysis shall be performed to assess whether future water level declines will be within the limits of allowable drawdown in the project production wells as provided in Section 6.4.2d., below. Predicted draw downs shall be calculated in a conservative manner (which

- estimates maximum drawdown). These calculations shall include estimates of future water uses.
- 6.4.2d The applicant shall calculate the lowest practical pumping water level in the proposed project pumping wells by any of the following methods as appropriate, provided there shall be no presumption made as to additional available water below the bottom of the proposed production wells, and further provided that the total available drawdown shall be reduced by a factor of twenty percent (20%) as a margin of safety to account for seasonal fluctuations, drought allowance, reduction of well efficiency over time, and peak production requirements:
- (i) By using the results of acceptable on-site aquifer pump tests. The lowest allowable pumping level may be the lowest water level reached during the test.
  - (ii) By setting the level at the top of the uppermost screened interval.
  - (iii) In wells completed in fractured aquifers, the lowest practical pumping water level may be above the top of the fracture zone.
  - (iv) In wells completed in alluvial aquifers, the lowest practical pumping water level may be defined by a maximum allowable drawdown equal to seventy percent (70%) of the initial water column.
- 6.4.2e The geohydrologic report should present all hydrologic information pertinent to the study area including that available from past geohydrologic studies. All sources of information used in the report should be identified including basic data collected by the consultant who prepared the report. The report shall contain the following information:
- (i) All analyses and assessments as listed in Section 6.4.2a through 6.4.2d of this Section;
  - (ii) Geologic maps, cross-sections and descriptions of the aquifer systems proposed for production, including information concerning the geohydrologic boundaries, intake areas and locations of discharge of those aquifers;
  - (iii) Maps and cross sections showing the depth-to-water, water-level contours, direction of ground water movement and the estimated thickness of saturation in the aquifers; and
  - (iv) Probable yields of the proposed wells (in gallons per minute and acre feet per year) and probable length of time that the aquifer system will produce water in amounts sufficient to meet the demands under full occupation of the development. This information shall be based on pump test analyses, hydrologic boundaries, aquifer leakage and historic water level changes, logs and yields of existing wells and, when the County Development Review Committee deems necessary, test wells and aquifer performance tests. This information will give consideration to mutual interference of the proposed wells, and the interference of existing wells.
- 6.4.2f An estimate of water availability for the development, suitable for calculating any proposed density adjustments utilizing the formula set forth in Article III, Section 10.2 and specifically setting forth the value of the variable S shall be submitted. The estimate shall be made using procedures which are comparable to those used in the County General Plan, Hydrology Appendix or generally accepted scientific models. Acceptable procedures will be described in a report approved by the County Hydrologist and on file with the Code Administrator.
- 6.4.3 For new surface water diversions and community water systems using surface water, the applicant shall submit a water availability assessment which includes the following: A hydrologic report which shall demonstrate that surface water sufficient to meet the maximum annual water requirements of the development is physically available. These analyses shall include the following:

- (i) Narrative and analytical demonstration that the surface water will be physically available for the proposed use given short-term and long-term fluctuations (base-flow analysis) due to climatic cycles or other factors such as induced recharge due to groundwater diversion, analyses of relevant historical runoff records, and projected water supply available for the project requirements. Applicable legal or water rights constraints on water availability shall be considered.
- (ii) If the analysis of the historical runoff record indicates possible shortages in the projected water supply available for the project requirements, the applicant shall provide for either storage or a supplemental groundwater supply sufficient to meet the shortage.
- (iii) If a supplemental groundwater supply is proposed, the applicant shall prepare a geohydrologic assessment in accordance with Section 6.4.2.
- (iv) Transfer of surface irrigation water rights are discouraged by the Santa Fe County General plan because of loss of valuable agricultural land and the attendant cultural values. See Article III, Section 10.3.2.

6.4.4 For community water systems for which existing utility companies are proposed as the source of water supply, the applicant shall submit a water availability assessment which includes the following:

6.4.4a For all municipal or county owned water utilities:

- (i) Name of the utility proposed as the source of supply and a letter of intent from the utility that they are ready, willing, and able to provide the maximum annual water requirements for the development. The letter must also state any requirement for the applicant to provide water rights.

6.4.4b For water utilities other than municipal or county owned water utilities:

- (i) Name of the utility proposed as the source of supply and a letter of intent from the utility that they are ready, willing, and able to provide the maximum annual water requirements for the development including fire protection for at least 100 years. The letter must also state any requirement for the applicant to provide water rights.
- (ii) Documentation showing the quantity of water presently produced annually, quantity of water supply commitments to date, and proof of sufficient water rights to meet both existing commitments and the requirements of the development for at least 100 years.
- (iii) For New Mexico Public Utilities Commission (PUC) certified utilities, a copy of the most recent annual report submitted to the PUC.
- (iv) Plans for the existing water system to which the proposed system will connect into. The plans shall show diversion point locations, and water storage and distribution system. The size or capacity of the water system components should also be indicated on the plans.
- (v) Any other information, including any or all of the requirements of Sections 6.4.2 and 6.4.3, required by the Board or the County Development Review Committee to make a determination that the utility has the capability to meet the water requirements of the development.

6.4.5 For subdivisions containing six (6) or more lots and developments where the source of water will be individual domestic wells or shared wells permitted under Section 72-12-1 NMSA, the applicant shall submit a water availability assessment which includes a geohydrologic report conforming to the requirements of Section 6.4.2 and Table 7.5.

6.4.6 Reconnaissance Water Availability Assessment

6.4.6a A reconnaissance water availability assessment may be substituted for a geohydrologic report if all of the following circumstances prevail:

- (i) the total amount of water to be withdrawn by the development will not exceed three (3) acre feet per annum, as demonstrated in a water conservation report (Section 6.6);
- (ii) no density adjustment due to water availability is being requested which increases the density as set forth in Section 10 of Article III by more than twofold;
- (iii) the development will consist of no more than four (4) dwellings or parcels;
- (iv) each parcel will be no less than 2.5 acres in area unless a greater density is permitted by other Articles of this Code;
- (v) water will be provided to the development from one (1) well; and
- (vi) if after considering the reconnaissance water availability assessment and the County Hydrologist's comments, the County Development Review Committee finds that it has sufficient information from which to make a determination of water availability.

6.4.6b The report shall contain the following:

- (i) A log for an existing well which is located on the parcel for which the development permit is requested, which log indicates geologic conditions similar to those found in a nearby well which has been described in a detailed geohydrologic report, and which indicates that the well on the parcel provides a yield adequate for the use proposed;
- (ii) A summary of the findings of a detailed geohydrologic report which includes data from pump tests made within one (1) mile of the parcel for which the development permit is requested, which summary indicates the availability of water for the development.
- (iii) A description of measures the applicant will take to inform any person who may purchase the property as to the findings of the County General Plan regarding water availability and as to the water budget and conservation covenants which were included in the application for the development permit.

6.4.7 A water availability assessment for subdivisions of five (5) or fewer lots shall meet the following requirements:

- 6.4.7a If the source of water supply will be an existing community water system or municipal water system, the applicant shall submit the following information as their water availability assessment:
  - (i) Name of the utility proposed as the source of supply;
  - (ii) Letter of intent from the utility that they are ready, willing, and able to provide the maximum annual water requirements for the subdivision including fire protection.
- 6.4.7b If the source of water will be individual domestic wells or shared wells to be approved by the State Engineer pursuant to Section 72-12-1 NMSA 1978, the applicant shall submit the following information as their water availability assessment:
  - (i) At least one well log from an on-site well or from an existing well located within one mile of the property boundary completed in geologic conditions representative of the conditions within the proposed project;
  - (ii) A description of the water bearing formation including a statement of the maximum and minimum depths to water in the subdivision and the basis for these statements;
  - (iii) A statement of the estimated yield of wells in gallons per minute based upon well logs from existing nearby wells; and
  - (iv) Any additional information which is required by the Board that will enable it to determine whether or not the subdivider can fulfill the proposals contained in his disclosure statement.

- 6.4.7c If the subdivision is located within the Mountain Hydrologic Zone, the requirements of Section 6.4.5 shall apply.
- 6.4.7d If the applicant proposes to provide new wells or surface diversion for a community water system, the requirements of Section 6.4.2 or 6.4.3, whichever is applicable, shall apply.
- 6.4.7e Any further subdivision of parcels created after July 1, 1996 shall meet the relevant requirements of Section 6.4.1.
- 6.4.7f If the applicant proposes lots which are less than the minimum lot size, a geohydrologic report (and water conservation covenants) are required. See Article III, Section 10 and Section 6.6 of this Article VII.

TABLE 7.5 - WELL TEST REQUIREMENTS			
Area as shown on Code Map 1	Pumping Hours	Recovery Days	Additional Tests for Large Areas
INDIVIDUAL WELLS			
Miscellaneous locations	48	5	one per 40 acres
Part of Santa Fe Formation	36	5	one per 160 acres
Cretaceous	24	5	one per 40 acres
COMMUNITY WELLS			
All Areas	96	10	one per 40 acres

History. Section 6.4 was amended by Ordinance 1996-8 to follow State Engineer's guidelines.

#### 6.5 Water Quality Requirements

6.5.1 Water Quality Documentation. For a subdivider to document conformance with the water quality requirements of this Code and the New Mexico Subdivision Act, a water quality documentation package shall accompany the preliminary plat submittal.

- 6.5.1a. The water quality documentation package shall:
- (i) state the subdivider's name and mailing address;
  - (ii) state the date the package was completed;
  - (iii) state the subdivider's proposal for meeting the water quality requirements of this Code;
  - (iv) be accompanied by a copy of the subdivider's disclosure statement on water quality;

- (v) be accompanied by the information listed in Sections b, c, or d of this Section as applicable to the water supply proposal; and
- (vi) be accompanied by other relevant information as may be necessary for the determination of compliance with the water quality requirements of this Code.

6.5.1b. If a new community water system is proposed, the following information shall be submitted as part of the water quality documentation package:

- (i) a water quality analysis of a representative water sample for antimony, arsenic, alkalinity, aluminum, barium, beryllium, cadmium, chromium, cyanide, calcium, chloride, color, copper, fluoride, foaming agents, hardness, iron, lead, mercury, manganese, nickel, nitrate, nitrite, odor, pH, selenium, silver, sodium, sulfate, thallium, total dissolved solids, turbidity, and zinc;
- (ii) for areas where contamination of the proposed source of water has been documented, a water quality analysis of a representative water sample for other water quality parameters listed in Section 6.5.2 may be required;
- (iii) the location and description of the source of water sampled for the water quality analysis;
- (iv) an engineer's report and preliminary engineering plans for the proposed community water system; and,
- (v) maps identifying and showing the location of all potential sources of contamination and the flood plain of all watercourses and surface bodies of water within one thousand (1000) feet of the proposed community water system source.

6.5.1c. If a connection to or extension of an existing community water system is proposed, the following information shall be submitted as part of the water quality documentation package:

- (i) a water quality analysis of a representative water sample for alkalinity, aluminum, calcium, chloride, color, copper, foaming agents, hardness, iron, manganese, odor, pH, silver, sodium, sulfate, total dissolved solids, turbidity, and zinc;
- (ii) a statement of availability of water service signed by an official of the existing community water system; and
- (iii) an engineer's report and preliminary engineering plans for the proposed water system.

6.5.1d. If individual domestic wells or clustered or shared wells are proposed, the following information shall be submitted as part of the water quality documentation package:

- (i) a water quality analysis of a representative water sample for antimony, arsenic, alkalinity, aluminum, barium, beryllium, cadmium, chromium, cyanide, calcium, chloride, color, copper, fluoride, foaming agents, hardness, iron, lead, mercury, manganese, nickel, nitrate, nitrite, odor, pH, selenium, silver, sodium, sulfate, thallium, total dissolved solids, turbidity, and zinc;
- (ii) for areas where contamination of the proposed source of water has been documented, a water quality analysis of a representative water sample for other water quality parameters listed in Section 6.5.2 may be required;
- (iii) the location and description of the source of water sampled for the water quality analysis;
- (iv) preliminary engineering plans for the water system if the system will serve more than one (1) connection; and,
- (v) maps identifying and showing the location of all potential sources of contamination and the flood plain of all watercourses and surface bodies of water within the subdivision and within five hundred (500) feet of the proposed subdivision boundaries.

6.5.1e. Documentation of approval from the New Mexico Environment Department for the construction or modification of a community water system will be required before final subdivision plat approval.

6.5.2 Water Quality Requirements.

Conformance with the water quality requirements of this Section is required for preliminary plat approval.

6.5.2a. The level of a contaminant in water delivered to any user of a community water system or cluster, shared or individual well shall not exceed the maximum contaminant level (MCL) for any of the contaminants listed in Table 7.6.

6.5.2b. The level of a contaminant in water delivered to any user of a community water system or cluster, shared or individual well should not exceed the secondary maximum contaminant level (SMCL) for any of the contaminants listed in Table 7.7. If the level for any of the contaminants listed in Table 7.7 exceeds the SMCL, the subdivider must state in the disclosure statement on water quality the name of the contaminant exceeded; the contaminant level; the SMCL of the contaminant; the expected adverse effects of the contaminant for domestic water use; and, the recommended treatment method to reduce the contaminant level to or below the SMCL.

6.5.2c. A water supply source shall not be located at less than the setback distances shown in Table 7.8.

6.5.2d. The disclosure statement for the subdivision shall contain a statement describing the quality of water available for domestic use within the subdivision.

TABLE 7.6 - PRIMARY (HEALTH RELATED) CONTAMINANTS

Inorganic (IOC)		Microbiology	
Contaminant	MCL	Contaminant	MCL
Antimony	0.006 mg/l	Giardia lamblia <sup>(d)</sup>	TT <sup>(e)</sup>
Arsenic	0.05 mg/l	Legionella <sup>(d)</sup>	TT <sup>(e)</sup>
Asbestos	7 MFL <sup>(a)</sup>	Standard plate count <sup>(d)</sup>	TT <sup>(e)</sup>
Barium	2 mg/l	Total coliforms	Absent
Beryllium	0.004 mg/l	Turbidity <sup>(d)</sup>	PS <sup>(f)</sup>
Cadmium	0.005 mg/l	Viruses <sup>(d)</sup>	TT <sup>(e)</sup>
Chromium (total)	0.1 mg/l	<b>Disinfection Byproduct</b>	
Copper	1.3 mg/l	Total trihalomethanes	0.10 mg/l
Cyanide	0.2 mg/l	<b>Volatile Organic (VOC)</b>	
Fluoride	4.0 mg/l	Benzene	0.005 mg/l
Lead	0.015 mg/l	Carbon tetrachloride	0.005 mg/l
Mercury (inorganic)	0.002 mg/l	Dibromochloropropane	0.0002 mg/l
Nickel	0.1 mg/l	o-dichlorobenzene	0.6 mg/l
Nitrate (as N)	10 mg/l	p-dichlorobenzene	0.075 mg/l
Nitrite (as N)	1 mg/l	1,2-dichloroethane	0.005 mg/l
Nitrate+Nitrite (both as N)	10 mg/l	1,1-dichloroethylene	0.007 mg/l
Selenium	0.05 mg/l	cis-1,2-dichloroethylene	0.07 mg/l
Thallium	0.002 mg/l	trans-1,2-dichloroethylene	0.1 mg/l
<b>Radionuclide</b>		Dichloromethane	0.005 mg/l
Gross alpha particle activity <sup>(b)</sup>	15 pCi/l	1,2-dichloropropane	0.005 mg/l
Radium-226 & 228 <sup>(c)</sup>	5 pCi/l	Ethylbenzene	0.7 mg/l
Strontium-90	8 pCi/l	Ethylene dibromide	0.00005 mg/l
Tritium	20000 pCi/l	Monochlorobenzene	0.1 mg/l
<b>Synthetic Organic (SOC)</b>		Styrene	0.1 mg/l
Alachlor	0.002 mg/l	Tetrachloroethylene	0.005 mg/l
Atrazine	0.003 mg/l	Toluene	1 mg/l
Benzo[a]pyrene	0.0002 mg/l	1,2,4-trichlorobenzene	0.07 mg/l
Carbofuran	0.04 mg/l	1,1,1-trichloroethane	0.2 mg/l
Chlorodane	0.002 mg/l	1,1,2-trichloroethane	0.005 mg/l
2,4-D	0.07 mg/l	trichloroethylene	0.005 mg/l
Dalapon	0.2 mg/l	Vinyl chloride	0.002 mg/l
Di(2-ethylhexyl)adipate	0.4 mg/l	Xylenes (total)	10 mg/l
di(2-ethylhexyl)phthalate	0.006 mg/l	<b>Synthetic Organic (SOC) cont.</b>	
Dinoseb	0.007 mg/l	Methoxychlor	0.04 mg/l
Diquat	0.02 mg/l	Oxamyl (Vydate)	0.2 mg/l
Endothall	0.1 mg/l	Pentachlorophenol	0.001 mg/l
Endrin	0.002 mg/l	Picloram	0.5 mg/l
Glyphosate	0.7 mg/l	Polychlorinated biphenyls	0.0005 mg/l
Heptachlor	0.0004 mg/l	Simazine	0.004 mg/l
Heptachlor epoxide	0.0002 mg/l	2,3,7,8-TCCD (Dioxin)	3x10 <sup>-3</sup> mg/l
Hexachlorobenzene	0.05 mg/l	Toxaphene	0.003 mg/l
Hexachlorocyclopentadiene	0.001 mg/l	2,4,5 -TP	0.05 mg/l
Lindane	0.0002 mg/l		

## Notes:

- (a) Million fibers longer than 10 micrometers per liter.  
 (b) Gross alpha particle activity including radium-226 but excluding radon and uranium.  
 (c) Combined radium-226 and radium-228.  
 (d) For systems using surface water.  
 (e) Treatment Technique (filtration and disinfection) required.  
 (f) Performance Standard 0.5 NTU to 1.0 NTU.

TABLE 7.7 - SECONDARY (ESTHETIC RELATED) CONTAMINANTS			
Contaminant	SMCL	Contaminant	SMCL
Aluminum	0.05 to 0.2 mg/l	Manganese	0.05 mg/l
Chloride	250 mg/l	Odor	3 TON
Color	15 CU	pH	6.5 to 8.5
Copper	1.0 mg/l	Silver	0.1 mg/l
Corrosivity	Non-corrosive	Sodium	100 mg/l <sup>(a)</sup>
Fluoride	2.0 mg/l	Sulfate	250 mg/l
Foaming Agents	0.5 mg/l	TDS	500 mg/l
Hardness	250 mg/l	Turbidity	5 NTU
Iron	0.3 mg/l	Zinc	5 Mgl

Notes:

(a) Sodium concentration exceeding 20 mg/l must be noted in the disclosure statement.

TABLE 7.8 - SETBACK DISTANCES FOR WATER SUPPLY SOURCES		
Potential Source of Contamination	Required Minimum Setback Distance (feet)	
	Community Water System and Clustered or Shared Wells	Individual Wells
Water Tight Sewers	50	25
Other Sewers	100	50
Community Liquid Waste Treatment System (c.g. aeration tank, chlorination facility)	300	150
Individual Liquid Waste Treatment System (e.g. septic tank)	100	50
Community Liquid Waste Disposal System (e.g. outfall, leachfield)	600	300
Individual Liquid Waste Disposal System (c.g. leachfield)	200	100
Flood Plain	outside	outside
Contamination Sources such as landfills, stockyards and feedlots	100	75

History. Section 6.5 was amended by Ordinance 1996-8 to more closely follow guidelines established by the New Mexico Environment Department pursuant to the NMSA.

## 6.6 Water Conservation Report

### 6.6.1 General Requirements

A water conservation report shall be submitted with a subdivision preliminary plat application or at the time of initial application for other types of development. The report shall contain a water budget for the proposed development, indicating the type and amount of water withdrawals and consumption projected at full development; and it shall contain a list of any water conservation measures which are adopted by covenant or other similar means which are intended to restrict water use to specified levels. Only water conservation measures which have been adopted in a form which, in the opinion of the County Attorney, is legally binding upon any person using water on the parcel shall be deemed to meet the requirements of the Code.

### 6.6.2 Water Budgets and Conservation Covenants

The maximum allowable annual water use for both indoor and outdoor purposes for each parcel in a residential subdivision shall be 1.0 acre foot per year. For developments with lot sizes less than those listed in Article III, Section 10.2.1, maximum allowable water use for both indoor and outdoor purposes shall be reduced per requirements presented in Article III, Section 10.2. Non-residential development must provide a detailed demand analysis. In all cases where the subject of water use is part of an application for development, the applicant shall submit a water budget, which shall be a listing of all activities within the development which will utilize water, and the amount of water so used. The Code Administrator shall maintain a file of representative water budgets. The applicant shall be required to adopt covenants or to take other measures necessary to ensure, with reasonable prospects of success, that the estimated water budget will be achieved. The Board may deny an application if, after review of the budgets or covenants proposed, the Board determines that the budgets and covenants will not reduce usage of water to the extent proposed. At a minimum, the following water conservation measures shall apply to all developments:

- 6.6.2a Water saving fixtures shall be installed in all new construction. Water saving fixtures shall include, but not be limited to, low flush toilets, low flow fixtures, and insulation of hot water pipes. Toilets shall use no more than 1.6 gallons per flush; shower head flows shall not exceed 2.5 gallons per minute; and faucet flow shall not exceed 2.5 gallons per minute.
- 6.6.2b Evaporative coolers must circulate bleed-off water.
- 6.6.2c Dishwashers shall use no more than 13 gallons in a regular cycle and shall have a cycle adjustment which allows reduced water to be used for reduced loads.
- 6.6.2d Washing machines shall use no more than 43 gallons in the regular cycle and shall have cycle or water level adjustments which permit reduced amounts of water to be used for reduced loads.
- 6.6.2e Low water use landscaping techniques applying the principles of xeriscaping shall be utilized. Drip irrigation is encouraged whenever possible. Low water use grasses, shrubs and trees may be watered as needed during the first and second years of their growth to become established. Thereafter, such vegetation shall receive only minimal water as needed by each species. Lawns of non-native grasses shall not exceed 800 square feet per parcel and shall only be watered with rain water collected by means confined to the property or with recycled household gray water. Gray water systems shall meet the requirements of the New Mexico Construction Industries Division and the Uniform Plumbing Code.

- 6.6.2f All community water system service connections and all wells shall be metered with a Santa Fe County approved meter. Meter readings shall be recorded by the property owner annually within two weeks of January 1<sup>st</sup>. Meter readings shall be provided to the Code Administrator at his request.
- 6.6.2g Swimming pools, of a permanent or temporary nature are not permitted, except as commercially operated or publicly open community facilities. Temporary wading pools of a diameter not to exceed eight feet (8') and a depth not to exceed one foot (1') and covered spas are acceptable at each dwelling unit.
- 6.6.2h The water restriction covenants shall run with the land and bind all successors in interest.
- 6.6.3 All water distribution mains shall be pressure tested by the applicant in accordance with New Mexico Standard Specifications for Public Work Construction, Section 801.16.
- 6.6.4 Where water pressure at the customer service connection exceeds 80 pounds per square inch (psi), a pressure reducing valve shall be installed by the applicant on the service connection.
- 6.6.5 All applicable restrictions on indoor and/or outdoor water use prescribed under permits issued by the State Engineer, or pursuant to an order issued by a court of competent jurisdiction, shall be strictly adhered to.

History. Section 6.6 was amended by Ordinance 1996-8 adding new water conservation requirements.

#### **6.7 Fire Protection Plan and Required Improvements**

The applicant shall provide a fire protection plan and shall construct the elements of such plan, all of which shall be in compliance with this Code, the Uniform Fire Code, the Uniform Fire Code Standards, and applicable National Fire Protection Association (NFPA) codes. The plan shall be designed to provide adequate fire flow and fire protection for the safety of the residents or occupants of the proposed development. The plan shall include at least the following elements:

- 6.7.1 Storage capacity of the proposed water system;
- 6.7.2 Fire flow for the proposed water system in gallons per minute;
- 6.7.3 The facilities the applicant intends to use to provide fire protection to the development. If the applicant proposes to use an existing facility or fire district, the plan must include a letter from the existing facility or fire district commenting on the plan. The plan shall describe how the proposed development will affect the existing fire system or district and shall detail the assistance the applicant intends to provide to the existing facility or fire district in order to assure adequate fire protection for the proposed development; and
- 6.7.4 Insurance Services Office protection rating for the proposed development.
- 6.7.5 The engineering design plans for the fire protection system shall have approval signatures of the water utility company authority serving the project and the County Fire Marshal.
- 6.7.6 Any water line extensions installed to service the development shall have a fire hydrant at the point of connection if none exists, and one every 1000 feet thereafter. The applicant is responsible for the installation of these fire hydrants.
- 6.7.7 Residential subdivision fire hydrants shall be designed to flow at least 500 gallons per minute with 20 pound per square inch residual pressure. Fire hydrants which shall serve commercial

developments shall be designed to flow at least 1000 gallons per minute with 20 pound per square inch residual pressure.

- 6.7.8 All fire hydrants shall be spaced so that the furthest buildable portion of a parcel shall be within one thousand feet (1,000') as measured along the access route.
- 6.7.9 All fire hydrants shall be tested and approved by the County Fire Marshal prior to the granting of any building permits.
- 6.7.10 To accommodate fire apparatus, all dead end roads longer than 250 feet shall have a cul-de-sac with a minimum driving surface radius of 50 feet.
- 6.7.11 The applicant shall install fire hydrants, storage tanks and fire protection infrastructure as provided in the approved fire protection plan.

History. Section 6.7 was amended by Ordinance 1996-8 to add new fire protection requirements.

## **SECTION 7 - SOLID WASTE MANAGEMENT**

### **7.1 Requirements**

The applicant of any subdivision, large scale residential development, or other development involving non-residential uses existing on the same parcel by more than one entity must either:

- 7.1.1 Provide a system for collection and disposal of solid waste at the time of first occupancy of the project;
- 7.1.2 Be located within five (5) miles of an existing sanitary landfill with a valid permit issued by the Environment Department or a County operated solid waste transfer station; or
- 7.1.3 Construct and maintain a collection and transfer station according to a Solid Waste Management Plan approved by the Environment Department. The transfer station must be in operation at the time of first occupancy of the development. All subdivisions with five hundred (500) occupied lots and greater shall have an Environment Department approved solid waste collective system to collect and transport solid wastes to the disposal facility.

### **7.2 Submittals**. The proposed means of solid waste management shall be identified in the development permit application submittals.

- 7.2.1 The following are required for projects which will use a solid waste collection service:
  - a. a statement of availability of solid waste collection and disposal services signed by an official of the solid waste collection service;
  - b. the name, location and owner or operator of the solid waste disposal site used by the collection service.
- 7.2.2 The following are required for developments which will not use a solid waste collection service:
  - a. the travel distance from the center of the development to the disposal site;
  - b. a statement of availability of solid waste disposal service signed by an official of the disposal site.
- 7.2.3 The Code Administrator may require additional relevant information to evaluate a solid waste management proposal.

**ARTICLE X - DEFINITIONS**

SECTION 1 - Definitions of Words and Phrases Used in the Code, shall be amended by insertion of the following new or amended definitions in alphabetical order and renumbering the Section as required:

Cluster Development	A form of development for subdivisions that concentrates lots and structures on a site to allow the remaining land to be used for recreation, open space, agriculture and/or preservation of environmentally sensitive area. Cluster subdivision permits a reduction in lot area provided there is no increase in the total number of lots allowed under the applicable zoning ordinance and the remaining land is reserved for open space.
Common Promotional Plan	Any plan or scheme of operation, undertaken by a single subdivider or a group of subdividers acting in concert, to offer for sale or lease parcels of land where such land is either 1) contiguous to or part of the same area of land or 2) is known, designated or advertised as a common unit or by a common name.
Community Liquid Waste Disposal System	a liquid waste collection, treatment and disposal system governed by and having a valid National pollutant Discharge Elimination System (NPDES) permit or an approved discharge plan conforming with New Mexico Water Quality control Commission Regulations, latest revision. Community liquid waste disposal systems may include the City sewer system or other public sewer system or a private collection system and treatment plant. Such systems will normally serve five (5) or more dwelling units or treat more than 2000 gallons of liquid waste per day.
Community Water System	A water supply system which serves five (5) or more dwelling units or commercial units through facilities which are under central or common ownership and/or management using permitted water rights other than wells permitted by the State Engineer under Section 72-12-1 NMSA.
Cul-de-sac	A dead end road ending in a turn around.
Dead End Road	A road with only one exit. Looped roads or branched roads with only one exit are dead end roads.
Disclosure Statement	Statement required to be given to persons acquiring an interest in subdivided land; this statement complies with the requirements of §47-6-17 NMSA 1978.
Family Proper	Lineal relations up to and including the third degree, i.e. grandparent, parent, child. Step relationships shall count as natural relationships so long as the step relationship is legally existent at the time of the transfer. Also including legal guardians who have performed the function of grandparent or parent to the person who is receiving the transferred lot.
Family Transfer	The division of land to create a parcel that is sold or donated as a gift to an immediate family member (as defined herein); however, this exception shall be limited to allow the seller or donor to sell or give no more than one parcel per tract of land per immediate family member;
Final Plat	Map, chart, survey, plat, or replat, certified by a licensed, registered land surveyor, which contains a description of the subdivided land with ties to

	permanent monuments, with complete dimensions of all lines defining lots and blocks, streets, alleys, public areas and other designations required by this Code and prepared in a form suitable for filing of record.
Immediate Family Member	Husband, wife, father, stepfather, mother, stepmother, brother, stepbrother, sister, stepsister, son, stepson, daughter, stepdaughter, grandson, stepgrandson, granddaughter, stepgranddaughter, nephew and niece, whether related by natural birth or adoption.
Maximum Annual Water Requirement	The total annual diversion required from the source to meet the water use requirements of the subdivision, including conveyance losses.
Person	Any individual, partnership, estate, trust, receiver, cooperative association, corporation, Indian Tribe, company, firm club, joint venture, syndicate, the State, any political subdivision of the State and its agencies or any other entity.
Preliminary Plat	Map of a proposed subdivision showing the character and proposed layout of the subdivision and the existing conditions in and around it in sufficient detail to indicate the suitability of the proposed subdivision of land. The map need not be based upon an accurate and detailed survey of the land.
Sell	To sell or offer to sell land.
Small Lot Inheritance Transfer	A lot created by a valid will or by order of a court in probate but not for the purpose of sale or lease, which lot does not meet the density requirements of the Code.
Small Lot Family Transfer	A lot created as a gift from a grandparent, parent or legal guardian to his or her natural or adopted child or grandchild or legal ward, which lot does not meet the density requirements of the Code. (These relationships are further defined in "Family Proper".) Any person may receive only one lot through Small Lot Family Transfer.
Subdivide	To divide a surface area of land into a subdivision
Subdivider	Any person/agent who creates or who has created a subdivision, individually or as part of a common promotional plan, or any person engaged in the sale, lease, or other conveyance of subdivided land; however, "subdivider" does not include any duly licensed real estate broker or salesperson acting on another's account.
Subdivision	The division of a surface area of land within the County, including land within a previously approved subdivision, into two or more parcels for the purpose of sale, lease, or other conveyance; or for building development, whether immediate or future; however, "subdivision" does not include: <ul style="list-style-type: none"> <li>a. the sale, lease, or other conveyance of any parcel that is thirty-five (35) acres or larger in size within any twelve (12) month period, provided that the land has been used primarily and continuously for agricultural purposes, in accordance with §7-36-20 NMSA 1978, for the preceding three (3) years;</li> </ul>

- b. sale or lease of apartments, offices, stores or similar space within a building;
- c. divisions of land within the boundaries of a municipality;
- d. the division of land in which only gas, oil, mineral or water rights are severed from the surface ownership of the land;
- e. the division of land created by court order where the order creates no more than one parcel per party;
- f. the division of land for grazing or farming activities, provided the land continues to be used for grazing or farming activities;
- g. the division of land resulting only in the alteration of parcel boundaries where parcels are altered for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased ;
- h. the division of land to create burial plots in a cemetery;
- i. the division of land to create a parcel that is sold or donated as a gift to an immediate family member; however, this exception shall be limited to allow the seller or donor to sell or give no more than one parcel per tract of land per immediate family member;
- j. the division of land created to provide security for mortgages, liens, or deeds of trust, provided that the division of land is not the result of a seller-financed transaction and provided that the parcel given for security is consolidated with the original parcel upon release of the mortgage, lien or deed of trust;
- k. the sale, lease, or other conveyance of land that creates no parcel smaller than one hundred forty (140) acres;
- l. the division of land to create a parcel that is donated to any trust or nonprofit corporation granted an exemption from federal income tax, as described in §501 (c) (3) of the United States Internal Revenue Code of 1986, as amended; school, college, or other institution with a defined curriculum and a student body and faculty which conducts classes on a regular basis; or to any church or group organized for the purpose of divine worship, religious teaching, or other specifically religious activity; or
- m. the sale, lease, or other conveyance of a single parcel from a tract of land, except from a tract within a previously approved subdivision, within any five (5) year period, provided that a second or subsequent sale, lease or other conveyance from the same tract of land within five (5) years of the first sale, lease, or other conveyance shall be subject to the provisions of the New Mexico Subdivision Act; provided further that a survey shall be filed with the County Clerk indicating the five (5) year holding period for both the original tract and the newly created tract.

SUBDIVISION TYPES		
Type	Number Of Parcels	Size Of Smallest Parcel
I	500 or more	Less than 10 acres
II	25 to 499	Less than 10 acres
III	2 to 24*	Less than 10 acres
IV	25 or more	10 acres or more
V	2 to 24*	10 acres or more

\* Also see definition of Summary Review Subdivisions

**Summary Review  
Subdivisions**

Type III subdivisions containing five (5) or fewer parcels of land, unless the land within a subdivision has been previously identified in the County General Plan or this Code as an area subject to unique circumstances or conditions that require additional review, and all Type V subdivisions.

**Terrain Management**

Control of floods, drainage and erosion, and measures necessary to adapt proposed development to existing soil characteristics and topography.

**Time of Purchase, Lease  
or other Conveyance**

Time of signing any document obligating the person signing the document to purchase, lease, or otherwise acquire a legal interest in land.

**Type III Subdivision**

Any subdivision containing not more than twenty-four (24) parcels any one of which is less than ten (10) acres in size.

**Type V Subdivision**

Any subdivision containing not more than twenty-four (24) parcels, each of which is ten (10) acres or more in size.

**Vacation**

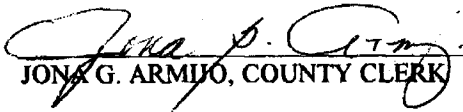
Act of rescinding all or part of a recorded subdivision plat, including legal dedications and grants of easements.

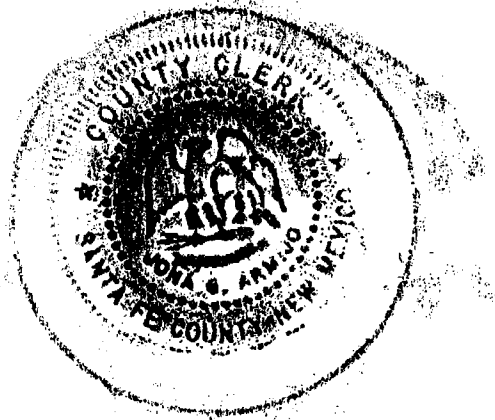
1286705

PASSED, ADOPTED AND APPROVED this 24<sup>th</sup> day of June, 1996, by the Santa Fe County Board of County Commissioners.

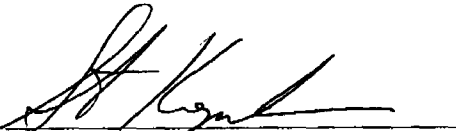
  
RICHARD D. ANAYA, CHAIR

ATTEST

  
JONA G. ARMIJO, COUNTY CLERK



APPROVED AS TO FORM:

  
COUNTY ATTORNEY

**CERTIFICATE OF FILING**

I, Jona G. Armijo County Clerk, do hereby certify that the foregoing ordinance, designated as Ordinance, No. 1996 - 8, was filed in my office on the 9<sup>th</sup> day of July, 1996, in book Number 1268 at Page 596-705

SANTA FE COUNTY CLERK

**JONA G. ARMIJO**

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JONA G. ARMIJO