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# Article I & II

## General Provisions & Definitions

## **ARTICLE 1. GENERAL PROVISIONS**

### **Section 1.1. Title**

These Regulations shall be known and may be cited as the "Sandoval County Subdivision Regulations" and shall be referred to elsewhere herein as "these Regulations"

### **Section 1.2. Authority**

These Regulations are created pursuant to the enabling authority set forth in 47-6-1 et. seq. NMSA 1978 (1995 repl. pamph); 4-37-1 et. seq. NMSA 1978; and 3-20-5, 3-20-6, and 3-20-9 NMSA 1978.

### **Section 1.3. Purpose**

These Regulations are adopted for the following purposes:

1. To provide for and protect the public health, safety, and general welfare of the County;
2. To guide the future growth and development of the County;
3. To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other danger; and to prevent overcrowding of the land and undue congestion of population;
4. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the County, having particular regard to the avoidance of congestion in the streets and highways, and pedestrian traffic movements appropriate to the various uses of land and buildings; and to provide for the proper location and width of streets;
5. To establish reasonable standards of design and procedures for subdivisions and resubdivisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land; and
6. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources throughout the County in order to preserve the integrity, stability, and beauty of the community and the value of the land.

### **Section 1.4. Jurisdiction**

These Regulations shall govern all subdivision of land not within the boundaries of municipalities and not held in trust or ownership by the Federal Government or State of New Mexico, but within the County. "Appendix A, Development Plan for Southern Sandoval County" is attached to these subdivision regulations to specifically regulate subdivision development within the boundaries established in the Appendix. The County and a municipality shall exercise concurrent jurisdiction over the territory within the platting jurisdiction of both the County and the municipality, as provided in 3-20-5 and 3-20-9 NMSA 1978.

### **Section 1.5. Written Decisions**

Whenever the Board of County Commissioners or its delegate is required by these Regulations to make a decision, notice of that decision shall be made in writing to the applicant. The decision shall include a statement setting forth the Board's reasoning and the basis of the Board's decision.



### **Section 1.6. Interpretation**

The provisions of these Regulations are held to be minimum requirements. Whenever any provisions of these Regulations conflict with other laws, regulations, or ordinances, the more restrictive shall govern.

### **Section 1.7. Ways to Subdivide Property**

These Subdivision Regulations are divided into three (3) parts. Article III is for dividing property under an exemption. Article IV is for dividing property under a Summary Plat procedure. Article V-XVII is for dividing property into one of the types of subdivisions that require Preliminary and Final plat approval before the Planning and Zoning Commission and the Board of County Commissioners. Appendices A, B, and C are supplements to these Regulations.

## **ARTICLE 2. DEFINITIONS**

**Agricultural Use:** Means the use of land for the production of plants, crops, trees, forest products, orchard crops, livestock, poultry, or fish. The term also includes the use of land that meets the requirements for payment of or other compensation pursuant to soil conservation program under an agreement within an agency in the federal government.

**Alternative Disposal System:** Means an individual liquid waste disposal system which is not a conventional disposal system. It is commonly used where limiting soil conditions exist. Some examples of alternative disposal systems are deep trench, seepage pit, fill, sand filter, sand mound, evapotranspiration, and land application.

**Arroyo:** Means a dry wash or draw which flows only occasionally.

**Bedrock:** Means consolidated earth materials. It includes fractured and cavernous rock.

**Body of Water:** Means all constrained water including water situated wholly or partly within or bordering the state, whether surface or subsurface, public or private.

**Canal:** Means a man-made ditch or channel that carries water for purposes other than domestic consumption.

**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. The implementation of a Common Promotional Plan for the purposes of circumventing any part of these Regulations shall be considered a violation of the same.

**Community Liquid Waste System:** Means a liquid waste system which receives a design flow of more than two thousand (2,000) gallons of liquid waste per day. It is subject to the New Mexico Ground and Surface Water Quality Protection Regulations (20 NMAC 6.2).

**Contiguous:** Refers to adjacent parcels sharing a boundary line or separated only by a road, right-of-way, or easement.

**Conventional Disposal System:** Means an individual liquid waste disposal system that is a below grade soil absorption system with an excavated depth no deeper than four (4) feet from the ground surface. Some examples of conventional disposal systems are absorption trenches and seepage beds.

**County:** County of Sandoval.

**County Planning Staff:** The County Planning & Zoning Director of Sandoval County or his/her designee.

**Degrade a Body of Water:** Means to reduce the physical, chemical, or biological qualities of a body of water. It includes the release of material which could result in the exceeding of standards established in the New Mexico Water Quality Standards for Interstate and Intrastate Streams, by the New Mexico Ground and Surface Water Quality Protection Regulations (20 NMAC 6.2), and by the New Mexico Drinking Water Regulations (20 NMAC 7.1).

**Design Flow:** Means the liquid waste flow rate for which a liquid waste system must be designed in order to assure acceptable system performance. It is generally governed by regulations, standards, codes, and accepted references.

**Disclosure Statement:** Statement required to be given to persons acquiring an interest in subdivided land; this statement complies with the requirement of §47-6-17 NMSA1978 (1995 repl. pamp.).

**Edge of a Watercourse Canal or Arroyo:** Means that point of maximum curvature at the upper edge of an arroyo definite bank or, if no definite bank exists, the highest point where signs of seasonal high water flow exist.

**Engineer:** Means a person authorized to practice professional engineering in the State of New Mexico.

**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, prepared in a form suitable for filing for record.

**Flood Plain:** Means any area which will be flooded by high water from a one hundred (100) year frequency storm as determined by the Federal Emergency Management Agency (FEMA).

**Ground Water:** Means interstitial water, which occurs in saturated earth material. It is capable of entering a well in sufficient amounts to be utilized as a water supply.

**Hazard to Public Health:** Means the indicated presence in water or soil of chemical, biological or other agents under such conditions that they may adversely impact human health.

**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.

**Indian Nation, Tribe, or Pueblo** means any federally recognized Indian nation, tribe, or pueblo located wholly or partially in New Mexico.

**Individual Liquid Waste System:** Means a liquid waste system which receives a design flow of two thousand (2,000) or less gallons of liquid waste per day. It is subject to the New Mexico Liquid Waste Disposal Regulations (20 NMAC 7.3).

**Lease:** To lease or offer to lease land.

**Liquid Waste:** Means domestic wastewater (sewage). It includes non-liquid-carried excreta.

**Liquid Waste Disposal System:** Means a component of a liquid waste system which disposes of the discharge from a liquid waste treatment system.

**Liquid Waste System:** Means a system which is designed, constructed, operated, and maintained to receive, treat and dispose of liquid wastes. It usually consists of collection, treatment, and disposal components.

**Liquid Waste Treatment System:** Means a component of a liquid waste system which removes, reduces, or alters the objection constituents of liquid waste.

**Net Lot Size:** Means the area of a lot excluding any area dedicated by easement or use to provide vehicular passage to more than one lot or more than five (5) residential or commercial units on a single lot.

**Parcel:** Unit of land capable of being described by location and boundaries and not dedicated for public or common use.

**Percolation Rate:** Means the rate of entry of water into soil. It is determined from a standard percolation test performed on the soil at the depth of the proposed soil absorption system.

**Person:** Any individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate, or other entity.

**Placitas Area:** All lands under the jurisdiction of Sandoval County and located within the area herein described: Bounded on the north by San Felipe Pueblo, on the east by the Town of Tejon Grant boundary, on the south by Sandia Pueblo and the Cibola National Forest, and on the west by Interstate 25.

**Potential Source Of Contamination:** Means any source which could release substances resulting in the contamination degradation of a body of water and a hazard to public health.

**Preliminary Plat:** Map of a proposed subdivision showing the character and proposed layout of the subdivision and the existing conditions in and around it; the map need not be based upon an accurate and detailed survey of the land.

**Private Water Supply System:** Means a water supply system that has less than fifteen (15) service connections or serves less than twenty-five (25) individuals.

**Privy** Means a receptacle for non-liquid-carried excreta. It allows direct discharge to the soil.

**Public Water Supply System:** Means a water system which has at least fifteen (15) service connections or serves at least twenty-five (25) individuals. It is subject to the New Mexico Drinking Water Regulations (20 NMAC 7. 1).

**Representative Water Sample:** Means a water sample which can be expected to reflect the current quality of the water proposed for use within the subdivision. A water sample (and water quality analysis) more than three (3) years old is not considered representative.

**Seasonal High Ground:** Means the highest level to which the upper surface of the ground water table water may be expected to rise within a one (1) year period.

**Sell:** To sell or offer to sell land.

**Soil Survey:** Means a national cooperative soil survey conducted by the USDA, Natural Resources Conservation Service in cooperation with the state agricultural experiment station and other federal and state agencies, or any other survey containing information of comparable quality and detail following the national standards for an Order 2 survey.

**Solid Waste:** Means any garbage, rubbish, or other discarded material which results from residential, commercial, institutional, industrial or recreational activities. Systems for the collection, transportation, and disposal of solid waste are subject to the Solid Waste Management Regulations (20 NMAC 9.1).

**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:** Division of a surface area of land, including land within a previously approved subdivision, into two (2) 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:

- 1) 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;
- 2) Sale or lease of apartments, offices, stores or similar space within a building;
- 3) Division of land within the boundaries of a municipality;
- 4) Division of land in which only gas, oil, mineral or water rights are severed from the surface ownership of the land;
- 5) Division of land created by court order where the order creates no more than one (1) parcel per party;
- 6) Division of land for grazing or farming activities, provided the land continues to be used for grazing or farming activities; and will not be used for any development purposes;
- 7) 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;
- 8) Division of land to create burial plots in a cemetery;
- 9) 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 (1) parcel per tract of land per immediate family member and such a transfer is subject to the following limitations:

- (a) Property transferred between spouses must be sole and separate property at the time of its acquisition by the grantor spouse as sole and separate is defined by the New Mexico Statutes and New Mexico case law regarding community property. If a spouse claims that a parcel is his/her sole and separate property, the applicant must submit sufficient documentation to the County attorney to show that the real estate in question was acquired with separate assets.
  - (b) No gifts of real property to minor children will be permitted without full compliance with Uniform Transfers to Minors Act 46-7-11 NMSA 1978 et. seq.
  - (c) No parcel of real property may be transferred within eighteen (18) months of the date of recording of the plat creating said parcel to any individual who is not an "immediate family member" of the grantor as defined by these Regulations, except by probate proceedings, an order from the District Court, or a transfer on death deed executed pursuant to applicable New Mexico statutes.
- 10) 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;
  - 11) Sale, lease, or other conveyance of land that creates no parcel smaller than one hundred forty (140) acres;
  - 12) 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
  - 13) Sale, lease, or other conveyance of a single parcel from a tract of land, except from a tract within a previously approved subdivision, provided that a second or subsequent sale, lease or other conveyance from the same tract of land shall be subject to the provisions of the New Mexico Subdivision Act and the Sandoval County Subdivision Regulations.

**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.

**Total Design Flow:** Means the sum of liquid waste design flows for all liquid waste systems on a lot. The maximum total design flow (gallons per day) permitted on any lot is determined by multiplying the net lot size (acres) by five-hundred (500).

**Tract:** A parcel of land; an area of real estate that is frequently subdivided into smaller parcels ("The Dictionary of Real Estate Appraisal" 3rd Edition, 1993, by the Appraisal Institute, Chicago, IL).

**Type One Subdivision:** Any subdivision containing five hundred (500) or more parcels, any one of which is less than ten (10) acres in size.

**Type Two Subdivision:** Any subdivision containing twenty-five (25) or more, but not more than four hundred ninety-nine (499) parcels, any one of which is less than ten (10) acres in size.

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

**Type Four Subdivision:** Any subdivision containing twenty-five (25) or more parcels, each of which is ten (10) acres or more in size.

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

<i>Type</i>	<i>Number of Parcels</i>	<i>Size of Smallest Parcel</i>
One	500 or more	Less than 10 acres
Two	25 to 499	Less than 10 acres
Three	2 to 24	Less than 10 acres
Four	25 or more	10 acres or more
Five	2 to 24	10 acres or more

**Water Supply Source:** Means a well, spring, infiltration gallery, surface water intake structure, or other source of water used to furnish water to a public or private water supply system.

**Water Supply System or Water System:** Means a system which is designed, constructed, operated, and maintained to provide water suitable for domestic uses. It usually consists of source, treatment, transmission, storage, pumping, and distribution facilities.

**Watercourse:** Means any river, creek, arroyo, draw, wash, or any other channel having definite banks and bed with visible evidence of at least an occasional flow of water.

# Article III

## Exemptions

## ARTICLE 3: CLAIM OF EXEMPTION

### Section 3.1 Application and Approval Process

This Article of the Subdivision Regulations deals with dividing property through a Claim of Exemption. Exemptions are designed so that historic methods of transferring land are preserved.

#### 3.1.1. Exemptions

3.1.2. Approval Required. It is unlawful for any person to divide a surface area of land, 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, unless such person either obtains approval for a subdivision as provided in these Regulations or files and obtains approval for a Claim of Exemption as provided below. Notwithstanding the requirements of Section 3.1.3 below, persons seeking approval of exemptions defined by Section 3.1.5 (8) of these regulations for land located within the Placitas Area shall follow the procedure listed in Section 3.1.6 of these regulations.

#### 3.1.3. Approval of Exemption.

- a. Any person claiming entitlement to an exemption under the provisions of these Regulations shall first file a written claim of exemption on the prescribed form available from the County Planning Staff accompanied by the required fee.
- b. Persons claiming any exemption listed under items (1), (3) through (6), and (8) through (12) under Section 3.1.5 of these Regulations shall submit a paper copy of a plat map showing the proposed division of land, clearly identifying the requested exemption, and prepared in conformance with the applicable specifications of Appendix C to these Regulations.
- c. The County Planning Staff shall review the claim of exemption and supporting documents, including the paper copy of the plat map, and shall inform the applicant of whether the exemption has been approved or denied within thirty (30) days after receipt of the completed claim of exemption; provided, however, that the thirty (30) day period shall not begin to run until the person claiming the exemption has delivered a completed Claim of Exemption and all supporting documents, including the paper copy of the plat map, to the County Planning Staff.
- d. If the claim of exemption is approved, or if the County Planning Staff fails to notify the claimant within thirty (30) days after receipt of the completed claim of exemption and all supporting documents, the person claiming the exemption may divide the land in the manner proposed in the claim of exemption without complying with the provisions of these Regulations.
- e. If the claim of exemption is denied, the person claiming the exemption may appeal the denial as provided in section 3.1.4. of these Regulations or may submit an application for a subdivision as provided in these Regulations.
- f. An approved final plat for a Claim of Exemption may not be recorded until the delegated member of the County Planning Staff properly signs the plat. The County Planning Staff shall not sign an approved final plat for a Claim of Exemption until any appeal filed under Section 3.1.4 of these Regulations is decided, or the time for filing such an appeal is expired. The Claim of Exemption plat is in effect only after having been recorded in the Office of the County Clerk within one (1) year after the date of approval of the Claim of Exemption by the County Planning Staff.



#### 3.1.4. Appeal from an Exemption decision:

Any party adversely affected by the decision of the County Planning Staff regarding an exemption shall, within 15 days of that decision, file an appeal to the Board of County Commissioners on a form prescribed for such by the County Planning Staff. Such appeal shall be accompanied by the required fee. The Board shall schedule a hearing on the appeal within thirty (30) days of its receipt by the County Planning Staff. Notification of the time and place at which the Board will hear the appeal shall be published in a newspaper of general circulation in the County at least fifteen (15) days prior to the hearing. At the same time, notice shall be provided via certified mail, return receipt requested, to the appellant as well as to the original applicant (if he/she is not the appellant). The Board shall conduct the appeal proceedings pursuant to Section 12.2 of these Regulations.

#### 3.1.5 Types of Exemptions

A list of the exemptions for which approval must be sought pursuant to this Article is provided below:

- 1) 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;
 

*e.g. A farmer in Pena Blanca owns a section of land which has been farmed continually by his family for generations. He sells 38 acres to an abutting farmer so the abutter can increase the size of his fields.*
- 2) Sale or lease of apartments, offices, stores or similar space within a building;
 

*e.g. A property owner owns an office building. He sells 1500 square feet of space within the building as an office.*
- 3) Division of land in which only gas, oil, mineral or water rights are severed from the surface ownership of the land;
 

*e.g. A property owner who has water rights appurtenant to the property chooses to sell those water rights to another individual.*
- 4) Division of land created by court order where the order creates no more than one (1) parcel per party;
 

*e.g. Mr. X has 5 children, 25 acres of land, and his wife is deceased. Mr. X passes away and his will must be probated. The probate judge decrees that each child will receive one parcel of land, 5 acres in size.*
- 5) Division of land for grazing or farming activities, provided the land continues to be used for grazing or farming activities; and will not be used for any development purposes;

*e.g. Mr. X has 50 acres of grassland on which he runs sheep. Mr. X sells 5 acres of his land to Mr. Y with a deed restriction that the 5 acres will continue to be used for grazing.*

- 6) 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;

*e.g. Mr. X has a subdivision which has 26, five acre parcels. Mr. X replats the 26 parcels into 13, ten acre parcels.*

- 7) Division of land to create burial plots in a cemetery;

*e.g. Mr. X owns 5 acres. He divides the 5 acres into 200 cemetery plots.*

- 8) 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 (1) parcel per tract of land per immediate family member and such a transfer is subject to the following limitations:

- (a) Property transferred between spouses must be sole and separate property at the time of its acquisition by the grantor spouse as sole and separate is defined by the New Mexico Statutes and New Mexico case law regarding community property. If a spouse claims that a parcel is his/her sole and separate property, the applicant must submit sufficient documentation to the County attorney to show that the real estate in question was acquired with separate assets.
- (b) No gifts of real property to minor children will be permitted without full compliance with the Uniform Transfers to Minors Act 46-7-11 NMSA 1978 et. seq.
- (c) Any parcel of real property that is transferred pursuant to this provision may not be transferred within eighteen (18) months of the date of recording of the plat creating said parcel to any individual who is not an "immediate family member" of the grantor as defined by these Regulations, except by probate proceedings, an order from the District Court, or a transfer on death deed executed pursuant to applicable New Mexico statutes.

*e.g. Mr. X owns a 50-acre tract of land and has 10 immediate family members. In a living will. Mr. X gives each one of his immediate family members 1, five acre parcel.*

- 9) 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;

*e.g. Mr. X owns 25 acres of land free and clear. He needs money to build a house and arranges for a bank to lend him the money based on the value of 8 acres of his property. Mr. X then divides his property to create two parcels; an 8 acre piece to secure the loan and a 17 acre piece representing the balance of his property.*

- 10) Sale, lease, or other conveyance of land that creates no parcel smaller than one hundred forty (140) acres;  
*e.g. Mr. X has a section of land (640 acres). He can create and sell four 160 acre parcels.*
- 11) 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 curricula 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  
  
*e.g. Mr. X owns 20 acres of land and gives 10 acres to the University of New Mexico for research.*
- 12) The division of a tract of land into two parcels that conform with the Sandoval County Comprehensive Zoning Ordinance, except a tract within a previously approved subdivision, provided that a second or subsequent division of either of the two parcels shall be subject to the provisions of the New Mexico Subdivision Act and these Regulations. Plats prepared for this exemption shall contain the following language: *“A second or subsequent division of either of these two parcels shall be subject to the provisions of the New Mexico Subdivision Act and the Sandoval County Subdivision Regulations.”* This language shall also appear on the deeds for all parcels created by said plat and subsequently conveyed. Prior to approval of such an exemption, deeds will be prepared in compliance with this section wherein the landowner conveys both parcels to themselves. Such deeds shall be recorded with the Sandoval County Clerk immediately following recordation of the plat.  
  
*e.g. Mr. X owns 15 acres but needs some cash. Mr. X creates a 3 acre piece. The plat that is filed must clearly identify the limitations of this exemption.*

### 3.1.6. Special Procedures.

- a. Any person claiming entitlement to an exemption as defined by Section 3.1.5 (8) these Regulations for land located within the Placitas Area shall first file a written claim of exemption on the prescribed form available from the County Planning Staff accompanied by the required fee and by a paper copy of a plat map showing the proposed division of land prepared in conformance with the applicable specifications of Appendix C to these Regulations.
- b. Such a claim must also be accompanied by documents establishing the familial relationship of the proposed grantees to the grantor and an affidavit, provided by the County Planning Staff, which is completed and contains the notarized signature of the land owner(s) claiming this exemption. Unfiled copies of all deeds conveying tracts created by the exemption plat that identify the family member receiving each tract must be submitted.
- c. The County Planning Staff shall review the claim of exemption and all supporting documents, including the paper copy of the plat map, for completeness and shall, once the application is complete, schedule the application for review and rendering of decision at a public hearing held by the Planning & Zoning Commission. The public notice and hearing procedures for a plat under this Section shall conform to those specified by Section 9 H (2) and (3) of Appendix A to these regulations.

- d. Decisions rendered by the Planning & Zoning Commission on an exemption plat submitted under this section shall be made pursuant to Section 9 H (3) of Appendix A to these regulations and the procedure for appeals shall be that outlined in Section 9 H (4) of that Appendix. Recording procedures for a plat under this Section shall conform to Section 9 H (5) of the above referenced Appendix A, except that plats submitted for signature must be accompanied by original copies of the deeds conveying tracts created by the plat. Such deeds must contain language stating clearly that no water availability assessment was performed for the tract in question and that, under no circumstances will said tract be conveyed back to the grantor, except for cases involving the death of the grantee. Submitted deeds must be recorded simultaneously with the approved plat and documentation of deed recordation must be provided to the County Planning Staff.

# Article IV

## Summary Review Process

## ARTICLE 4. SUMMARY REVIEW PROCESS

### Section 4.1. Summary Review Procedure

- 4.1.1. Qualifications. The following types of subdivisions are eligible to be submitted to the County for approval under summary review procedure:
- a. Type Three subdivisions containing five (5) or fewer parcels of land, unless the land within a subdivision has been previously identified in the County Comprehensive Plan or County Comprehensive Zoning Ordinance as an area subject to unique circumstances or conditions that require additional review; and
  - b. all Type Five subdivisions.
- 4.1.2. Application/fees. The following shall be submitted to the County Planning Staff:
- a. Completed application obtained from the Planning Department and applicable filing fee;
  - b. A paper copy of the Summary plat without contours;
  - c. Proposed disclosure statement;
- 4.1.3. Review. Summary plats submitted to the County for approval shall be approved or disapproved by a delegated member(s) of the County Planning Staff within thirty (30) days of the date the summary plat is deemed complete. The Summary Plat shall be deemed complete within ten (10) days after receipt of a complete submittal as determined by the County Planning Staff that includes the application, summary plat, and all supporting documentation. The Board of County Commissioners has delegated to a designated member(s) of the County Planning Staff the authority to approve certain type three and all type five subdivisions under summary review.
- 4.1.4. Additional Requirements. The designated member(s) of the County Planning Staff may request additional requirements to satisfy any inadequacies, including but not limited to those related to terrain management, revealed during the review process.
- 4.1.5. Improvement agreement. The requirements of Section 8.17 shall apply to plats submitted under Summary Procedure. If, at the time of approval of the summary plat, any improvements have not been completed by the subdivider as required by these Regulations, a designated member(s) of the County Planning Staff shall, as a condition preceding approval of the summary plat, require the subdivider to enter into an agreement with the County, on mutually agreeable terms, to thereafter complete the improvements at the subdivider's expense.
- 4.1.6. Failure to act. If the designated member(s) of the County Planning Staff does not act upon a summary plat within the required period of time, the subdivider shall give the Board of County Commissioners written notice of the County's failure to act. If the Board of County Commissioners fails to approve or reject the summary plat within thirty (30) days after such notice, the Board of County Commissioners shall, upon demand by the subdivider, issue a certificate stating that the summary review plat has been approved.

- 4.1.7 **Appeal.** Any party adversely affected by a decision of the designated Planning Staff member regarding a Summary Plat shall, within thirty (30) days of the date of that decision, file an appeal to the Board of County Commissioners on a form prescribed for such by the County Planning Staff. Such appeal shall be accompanied by the required fee. The Board shall schedule a hearing on the appeal within thirty (30) days of its receipt by the County Planning Staff. Notification of the time and place at which the Board will hear the appeal shall be published in a newspaper of general circulation in the County at least fifteen (15) days prior to the hearing. At the same time, notice shall be provided via certified mail, return receipt requested, to the appellant as well as to the original applicant (if he/she is not the appellant). The Board shall conduct the appeal pursuant to Section 12.2 of these Regulations.

#### **Section 4.2. Summary Plat Data Requirements**

- 4.2.1. **Filing Specifications.** The original drawing of the summary plat shall be prepared in waterproof ink on mylar or acetate or other durable material suitable for reproducing copies. Summary plat maps shall be drawn at a scale of two hundred (200) feet to one (1) inch or larger, and printed on sheets of twenty-four by thirty-six (24 x 36) inches. The subdivider shall also submit two (2) paper copies of the summary plat map and accompanying information.
- 4.2.2. **Map specifications.** The summary plat map shall be prepared in accordance with the applicable specifications of Appendix C to these Regulations.
- 4.2.3. **Affidavit.** The summary plat shall contain a statement that the land being subdivided will be subdivided in accordance with the summary plat. The summary plat shall be acknowledged by the owner and subdivider, or authorized agents in the manner required for the acknowledgment of deeds. Every summary plat submitted to the County Clerk as a final plat shall be accompanied by an affidavit of the owner and subdivider, or authorized agents, stating whether the proposed subdivision lies within the subdivision jurisdiction of the County. A copy of the summary 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.
- 4.2.4. **Dedication.** The summary plat shall include a certificate stating that the Board of County Commissioners 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. Road maintenance is addressed in the County's Road Ordinance. Acceptance of offers of dedication on a summary plat shall not be effective until the summary plat is filed in the office of the County Clerk or a resolution of acceptance approved by the Board of County Commissioners and is filed in that office.
- 4.2.5. **Disclosure statement.** For all subdivisions, a disclosure statement shall be prepared in accordance with the standardized format provided. Subdivisions which create five or fewer lots must adhere to the Disclosure Statement requirements listed below (a-k). All other subdivisions must be accompanied by a Disclosure Statement prepared in accordance with Appendix B to these Regulations. 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, County Planning Department, and the Consumer Protection Division of the New Mexico Attorney General's Office (for Disclosure Statements prepared in accordance with Appendix B to these Regulations); and until 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 include the following:

- a. The name of the subdivision;
- b. Name and address of the subdivider and the name and address of the person in charge of sales or leasing in New Mexico;
- c. Name and address of the person who is recorded as having legal and equitable title to the land offered for sale, lease or other conveyance;
- d. A statement of the condition of title including any encumbrances;
- e. A statement of all restrictions or reservations of record that subject the subdivided land to any conditions affecting its use of or occupancy;
- f. A statement that the liquid waste disposal plan for each lot is subject to approval by the New Mexico Environment Department;
- g. A description of the means of water delivery within the subdivision;
- h. A statement disclosing whether the roads and other improvements within the subdivision will be maintained by the County, the subdivider or an association of lot owners and what measures have been taken to ensure that the maintenance will take place;
- i. A statement disclosing whether all or part of any lot lies within a floodplain;
- j. A statement disclosing the limitations on future use of the summary subdivision procedure as described in Section 4.2.9 of these Regulations; and
- k. The notarized signature(s) all of landowners.

- 4.2.6. Land Sales Act. Any subdivider who has satisfied the disclosure requirement of the Interstate Land Sales Full Disclosure Act may submit the approved statement of record instead 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.
- 4.2.7. Advertising standards. The advertising standards covering the sale, lease, or other conveyance of subdivided land provided in Section 9.4 of these Regulations shall be applicable to summary review plats.
- 4.2.8. Recording. An approved summary plat and accompanying materials may not be recorded until the delegated member of the County Planning Staff properly signs the plat. The County Planning Staff shall not sign an approved summary plat until any appeal filed under Section 4.1.7 of these Regulations is decided, or the time for filing such an appeal is expired. The summary plat is in effect only after having been recorded in the Office of the County Clerk within one (1) year after the date of approval of the plat by the County Planning Staff.
- 4.2.9. Limitation of Summary Review Procedure. Any tract of land originally created through the Summary Review Procedure or the Process outlined in Articles 5-9 of these Regulations cannot be further subdivided under the provisions of Article 4 of these Regulations if the total number of tracts created from the original parent tract is to exceed five (5) within a period of seven (7) years from the date of recording of the original plat in the Office of the Sandoval County Clerk. The language of this section shall be referenced as required on the Disclosure Statement for all plats.



**Section 4.3. Water Availability Assessment for Type-three Containing Less Than Six Parcels and all Type-five Subdivisions**

4.3.1. If the source of water supply will be an existing community water system or a municipal water system, the subdivider shall submit a water availability assessment containing the following information:

- a. Name of the utility proposed as the source of supply; and
- b. Letter of intent from the utility that they are ready, willing, and able to provide the maximum annual water requirements for the subdivision if applicable.

4.3.2. If the subdivider proposes that the source of water shall be individual domestic wells or shared wells to be approved by the State Engineer pursuant to Section 72-12-1 NMSA 1978, the subdivider shall submit a water availability assessment containing the following information:

- a. At least one well log from an onsite well or from an existing nearby well completed in geologic conditions representative of the conditions within the proposed subdivision.
- b. 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.
- c. A statement of the estimated yield of wells in gallons per minute based upon well logs from existing onsite or nearby wells.
- d. Any additional information that is required by the County Planning Staff or Board of County Commissioners that will enable the County to determine whether or not the subdivider can fulfill the proposals contained in his disclosure statement.

**Section 4.4. Required Site Inspection**

- a. The subdivider shall stake the proposed lot corners and the location of proposed roads and drainage structures in such a manner that a physical inspection can be made of the proposed subdivision.
- b. The County Planning Staff and any other County official(s) whose expertise is deemed necessary by the County Planning Staff shall make a physical inspection of the proposed subdivision to determine the following, at a minimum:
  - i. adequacy and safety of the proposed roads to ensure that they do not exceed the maximum grade as indicated in these Regulations;
  - ii. adequacy of drainage structures and channels to prevent erosion;
  - iii. the infrastructure needs of the proposed subdivision.
- c. Subsequent to the physical inspection the County Planning Staff may make additional requirements to satisfy any inadequacies revealed by the inspection.

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Preliminary & Final  
Plat Process  
for  
Type 1, 2, 4, &  
Type 3 Subdivisions  
over 5 lots

## **ARTICLE 5. PRE-APPLICATION PROCESS**

### **Section 5.1. Pre-Application Procedure**

- 5.1.1. **Conference.** For the purpose of expediting applications and reducing subdivision design and development costs, the subdivider will hold an informal pre-application conference in accordance with the requirements provided in these Regulations. The pre-application conference is intended to provide general advice to the subdivider about the procedures and data requirements for subdivision review and approval in the County.
- 5.1.2. **Scheduling.** At the request of the subdivider, the County Planning Staff shall schedule a pre-application conference in order for the subdivider to meet with appropriate County representatives and to become acquainted with the necessary requirements for subdivision review and approval.
- 5.1.3. **Fee.** No fee shall be required for a pre-application conference.
- 5.1.4. **Statements non-binding.** Neither the subdivider nor the County shall be bound by any statements made during the pre-application conference.
- 5.1.5. **Application/forms.** At the request of the subdivider, the County Planning Staff shall provide sufficient information and application forms for preliminary plat submittal in order to proceed with the County subdivision process and to fulfill the requirements of the New Mexico Subdivision Act.

### **Section 5.2. Pre-Application Data Requirements**

- 5.2.1. **Sketch plan.** A sketch plan shall be prepared by the subdivider which shows the proposed layout of streets and lots with estimated dimensions and other relevant site information. The location of the proposed subdivision must be adequately described on a general map of the area.
- 5.2.2. **Additional information.** In addition to the sketch plan and location map, the subdivider shall provide information including, but not limited to, the following:
- a. Name and mailing address of the subdivider and designated agent, if any;
  - b. Name of owner or owners of land to be subdivided;
  - c. A written description of the proposed subdivision;
  - d. A description of surrounding land uses; and
  - e. Accessibility of site to roads and utilities.

## **ARTICLE 6. PRELIMINARY PLAT REVIEW PROCESS**

### **Section 6.1. Preliminary Plat Submittal**

- 6.1.1. **Preliminary plat required.** Preliminary plats shall be submitted for Type One, Type Two, certain Type Three, and Type Four subdivisions. Certain Type Three subdivisions that create no more than five (5) lots anyone of which is less than ten (10) acres and all Type Five subdivisions are subject to review under the summary procedure set forth in Article 4 of these Regulations. Type One Subdivisions may only be submitted for lands that lie within the MP (Master Planned District) Zone as defined and regulated by the Sandoval County Comprehensive Zoning Ordinance.

- 6.1.2. Application/fees. A subdivider shall prepare a preliminary plat and supporting documentation in accordance with the requirements provided in these Regulations. All supporting documentation shall be compiled into a single volume and be tabbed for reference. Preliminary plat submittal is initiated by completing an application on a prescribed form available from the County Planning Staff, and upon payment of the required administrative fees. The initiation of the preliminary plat process does not constitute a determination of completeness by the Planning Staff.
- 6.1.3. Plat deemed complete. On receipt of the application, fees, preliminary plat, and supporting documentation, the County Planning Staff shall review all materials in order to determine if the preliminary plat is ready to begin the formal review process. If there are no deficiencies, the preliminary plat is deemed complete for review by written notice to the subdivider within a reasonable time not to exceed thirty (30) days after the date of application. If the preliminary plat is incomplete or does not comply with the submittal requirements provided in these Regulations, the subdivider shall be notified and be given a maximum time period of sixty (60) days to correct the deficiencies and return the preliminary plat for consideration.

### **Section 6.2. Agency Review**

- 6.2.1. Plat transmittals. Within ten (10) days after the date that the preliminary plat is deemed complete, the County Planning Staff shall forward a copy of the preliminary plat and supporting documentation to the following state and local agencies by certified mail "return receipt requested" with a request for review and opinions:
- a. New Mexico State Engineer Office;
  - b. New Mexico Environment Department;
  - c. New Mexico Department of Transportation;
  - d. Soil and Water Conservation District in which the proposed subdivision is located;
  - e. New Mexico Department of Cultural Affairs, Historic Preservation Division
  - f. Sandoval County Fire Chief;
  - g. Sandoval County Addresser;
  - h. Sandoval County Public Works Department;
  - i. Sandoval County Sheriff;
  - j. Sandoval County Engineer;
  - k. Abutting Federal, State, or Indian Lands (where applicable);
  - l. Applicable School Districts; and
  - m. Each Indian nation, tribe, or pueblo with a historical, cultural or resource tie with the county that submits at least annually, via certified mail, return receipt requested, a written request for notification to the Board of County Commissioners, which request indicates the Indian nation, tribe or pueblo's historical, cultural, or resource tie with the county, its contact information and a listing of the types of documentation required to be submitted by a subdivider to the county that may be necessary for its review to determine:
    - (1) whether the subdivider can furnish, fulfill, or otherwise meet the requirements set forth in Section 6.5.1 of these Regulations; and
    - (2) how the subdivider's proposed plat may directly affect cultural properties, archaeological sites and unmarked burials.

- 6.2.2. Agency response. The state and local agencies shall have thirty (30) days from their receipt of the preliminary plat to review and return an opinion regarding the preliminary plat. The County Planning Staff shall retain receipts or other proof showing the date the opinion request was received by each state or local agency. Any adverse agency response should detail all deficiencies.
- 6.2.3. Hearing deadlines. If the opinions received from all agencies are favorable, the County shall schedule a public meeting for consideration and recommendation before the Planning and Zoning Commission on the preliminary plat within thirty (30) days following the receipt of such favorable opinion. If the County does not receive a requested opinion within the specified thirty (30) days, it shall proceed with the public meeting.
- 6.2.4. Adverse opinion. If any opinion from a public agency is adverse, the County Planning Staff shall forward a copy of the adverse opinion to the subdivider and request that additional information be provided to the County within thirty (30) days to respond to the concerns of the appropriate agency. In that event, the subdivider has the burden of showing that the adverse opinion is incorrect either as to factual or legal matters. The County Planning Staff shall, upon receipt, forward the requested additional information to the appropriate agency, which shall have thirty (30) days after the date the County Planning Staff submits the additional information in order to revise its opinion. The County Planning Staff shall retain receipts or other proof showing the date the additional information was received by each state or local agency. If the agency rendering an adverse opinion is an Indian nation, tribe, or pueblo, the subdivider may submit additional information to the County Planning Staff. If another public agency disagrees with an adverse opinion rendered by an Indian nation, tribe, or pueblo, that agency shall submit a response to the County Planning Staff.
- 6.2.5. Revised opinion. The County shall schedule a public meeting for consideration and recommendation before the Planning and Zoning Commission within thirty (30) days after the receipt of a revised opinion from the appropriate agency. If the County does not receive a revised opinion within the specified thirty (30) days after the date the County Planning Staff submits the additional information, it shall proceed with the public meeting.
- 6.2.6. Notice. Notice of the public meeting at which the Planning & Zoning Commission will consider the Preliminary Plat shall be given at least fifteen (15) days before the hearing date. The notice of said meeting shall be published in a newspaper of general circulation in the County and shall at least contain the following information:
- a. Subject of the hearing;
  - b. Time and place of the hearing;
  - c. Manner for interested persons/parties to present their views; and
  - d. Place and manner for interested persons/parties to get copies of any favorable or adverse opinion and of the subdivider's proposal.

**Section 6.3. Public Hearings /Meetings on Preliminary Plats**

- 6.3.1. **Scheduling.** After consideration by the Planning and Zoning Commission the County shall conduct a public hearing before the Board of County Commissioners within the time periods specified in these Regulations. Notice of the public hearing shall be given at least twenty-one (21) days before the hearing date.
- 6.3.2. **Notice.** The notice of public hearing shall be published in a newspaper of general circulation in the County and shall at least contain the following information:
- a. Subject of the hearing;
  - b. Time and place of the hearing;
  - c. Manner for interested persons/parties to present their views; and
  - d. Place and manner for interested persons/parties to get copies of any favorable or adverse opinion and of the subdivider's proposal.
- 6.3.3. **Notification.** Copies of the notice of public hearing shall be transmitted to the following:
- a. The subdivider filing the application for preliminary plat approval;
  - b. Those public agencies which initially received copies of the preliminary plat and supporting documentation with a request for opinion; and
  - c. Any interested person who previously requested such notice and provided a stamped self-addressed envelope for such purpose.
- 6.3.4. **Participation/record.** At the public hearing, the County shall allow all interested persons a reasonable opportunity to submit data, views, or arguments, orally or in writing, and to examine witnesses testifying at the hearing. A record of the public hearing shall be kept. The opinions of the public agencies shall be made a part of the record.
- 6.3.5. **Action.** After the public meeting in which the Preliminary Plat has been heard by the Planning and Zoning Commission, the Board of County Commissioners shall hold a public hearing for the purpose of rendering a decision. The Board of County Commissioners' decision shall be based on the record of the Planning and Zoning Commission meeting, the recommendation by the Planning and Zoning Commission, and such additional data, views, or arguments that the Board of County Commissioners may allow.

**Section 6.4. Expiration of Preliminary Plat**

- 6.4.1. **Expiration.** An approved or conditionally approved preliminary plat shall expire twenty-four (24) months after its approval or conditional approval. Upon request by the subdivider, an extension of no more than twelve (12) months may be added to the expiration date by the Board of County Commissioners. A request for such an extension must be filed prior to the expiration of the preliminary plat and be accompanied by a letter of explanation prepared by the subdivider.
- 6.4.2. **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 of County Commissioners at the time of the approval or conditional approval of the preliminary plat.

- 6.4.3 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.

### **Section 6.5. Preliminary Plat Data Requirements**

- 6.5.1. Purpose. At a minimum, the supporting documentation required for the preliminary plat review shall provide sufficient information for the County to determine that:

- a. Water is sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses;
- b. Water is of an acceptable quality for human consumption and measures are taken to protect the water supply from contamination;
- c. There is a means of liquid waste disposal for the subdivision;
- d. There is a means of solid waste disposal for the subdivision;
- e. There are satisfactory roads to each parcel, including entry and exit for emergency vehicles and there are appropriate utility easements to each parcel;
- f. Terrain management protects against flooding, inadequate drainage and erosion and provides measures necessary to adapt the proposed development to existing soil characteristics and topography.
- g. There are protections for cultural properties, archaeological sites and unmarked burials that may be directly affected by the subdivision, as required by the Cultural Properties Act;
- h. The subdivider can fulfill the proposals contained in the disclosure statement for the subdivision;
- i. The subdivision will conform with the New Mexico Subdivision Act and these Regulations.

- 6.5.2. Minimum documentation. Supporting documentation shall be compiled into a singular report and shall include the following components:

- a. Water Supply Plan (State Engineers Office)
  - 1) water availability assessment
  - 2) annual water requirements for indoor and outdoor domestic use
  - 3) community water system (if applicable)
  - 4) water conservation measures
  - 5) fire protection
- b. Water Quality Plan (Environment Department)
  - 1) water of an acceptable quality for human consumption from public and private water supply systems
  - 2) measures to protect the water supply from contamination

- c. Liquid Waste Disposal Plan (Environment Department)
  - 1) individual on-site liquid waste systems
  - 2) community liquid waste system (if applicable)
- d. Solid Waste Disposal Plan (Environment Department)
  - 1) solid waste collection system
  - 2) on-lot disposal procedures (if applicable)
- e. Access Plan for Roads and Utilities (New Mexico Department of Transportation, Sandoval County Engineer, and Sandoval County Public Works Department)
  - 1) relationship of site to regional highway network and county maintained roads
  - 2) transportation access and site circulation
  - 3) road design criteria
  - 4) traffic impact analysis
  - 5) relationship of site to regional utility lines
  - 6) livestock fencing
  - 7) remediation measures applicant will undertake to ensure that federal, state, and county safety criteria are met for any impacted roads.
- f. Terrain Management Plan (Sandoval County Engineer and appropriate Soil and Water Conservation District)
  - 1) site topography
  - 2) soil survey
  - 3) grading plan
  - 4) landscaping plan
  - 5) erosion and drainage plan
  - 6) construction schedule
- g. Cultural Properties Protection (Historic Preservation Division, Department of Cultural Affairs)
  - 1) unmarked human burials
  - 2) registered cultural properties
  - 3) archaeological survey
- h. Fire Protection Plan (Sandoval County Fire Chief)
  - 1) documentation required under Section 8.9.3 of these Regulations.

6.5.3. Filing specifications. The subdivider shall submit an adequate number of copies as determined by County planning staff of the preliminary plat and supporting documentation for local review and distribution to public agencies. Supporting documentation shall be submitted in a single, attached volume that is tabbed for reference. Preliminary plat maps shall be prepared at a scale of two-hundred (200) feet to one (1) inch or larger and printed on sheets of twenty-four by thirty-six (24 x 36) inches. Sheets shall be numbered in sequence if more than one sheet is used.



- 6.5.4. Map specifications. The preliminary plat map shall be prepared in accordance with the applicable specifications of Appendix C to these Regulations.
- 6.5.5. Phased subdivisions. Subdivisions which are proposed to be phased and filed in multiple final plats shall include an anticipated phasing schedule for the final plats and a schedule of improvements.
- 6.5.6. Disclosure statement. The preliminary plat shall be accompanied by a draft disclosure statement in accordance with the standardized format provided in Appendix B of these Regulations. A disclosure statement is required for all subdivisions. The purpose of the disclosure statement is to permit the prospective purchaser, lessee, or other person acquiring an interest in subdivided land to make an informed decision about the purchase, lease, or other conveyance of the land.

## **ARTICLE 7. REQUIRED IMPROVEMENTS**

### **Section 7.1. Construction of Required Improvements**

- 7.1.1. Improvement requirements. The subdivider shall install and construct such improvements, if any, as are required by these Regulations in the manner and to the design standards provided in these Regulations or acceptable industry standards. Approval of the preliminary plat is authorization for the subdivider to proceed with the minimum improvements required by these Regulations. Before the construction of any improvements or the submission of any bond or other improvement guarantee, the subdivider shall furnish the County with all plans necessary for the construction of such improvements. These plans shall be reviewed by the County Public Works Division and if deemed approved shall allow the subdivision development to proceed.
- 7.1.2. Improvement agreement. The County may enter into a subdivision improvement agreement with a subdivider. This agreement shall constitute a binding contract between the subdivider and the County and shall contain those terms and conditions agreed to by the subdivider and the County.

### **Section 7.2. Road Development**

- 7.2.1. Construction schedule. Roads within a subdivision shall be constructed only on a schedule approved by the Board of County Commissioners. In approving or disapproving a subdivider's road construction schedule, the Board of County Commissioners shall consider:
- a. The proposed use of the subdivision;
  - b. The period of time before the roads will receive substantial use;
  - c. The period of time before construction of homes will begin on the portion of the subdivision serviced by the road;
  - d. The county regulations governing phased development; and
  - e. The needs of prospective purchasers, lessees and other persons acquiring an interest in subdivided land in viewing the land within the subdivision.
- 7.2.2. Safety. All proposed roads shall conform to minimum County safety standards.

- 7.2.3. Demonstration of use/access. The Board of County Commissioners 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. 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 of County Commissioners.

### **Section 7.3. Improvement Guarantees**

- 7.3.1. Assurance. In order for the County to be assured of the completion of required improvements, the subdivider shall agree to either:
- a. complete installation of the required improvements before approval of the final plat; or
  - b. assure construction of required improvements after final plat approval.
- 7.3.2. Alternatives. If the subdivider wishes to submit the final plat for review, approval, and recording before completion of required improvements, the subdivider shall post a suitable improvements guarantee in an amount approved by the County. The guarantee shall be not less than one hundred twenty-five (125) percent of the estimated cost of the required improvements. This guarantee may be by bond, letter of credit, escrow deposit, or other method acceptable to the County.

## **ARTICLE 8. DESIGN STANDARDS**

### **Section 8.1. Quantification of Annual Water Requirements**

- 8.1.1 For residential subdivisions the following options shall apply in order to quantify the maximum allowable water use per year/dwelling unit for indoor and outdoor domestic use, for a period of fifty (50) years and determine the most appropriate delivery system. This quantification in no way represents a guarantee by the developer/subdivider of Sandoval County of the expectancy of available groundwater. Rather, the fifty (50) year horizon is intended to provide the best possible information to a prospective lot purchaser.
- a. Subdividers who choose to use 0.6 acre ft/year/dwelling unit, shall prepare a water conservation plan. or,
  - b. the subdivider, may at his option, or if requested by the County, prepare a detailed water demand analysis using the step by step computational procedure presented in the relevant State Engineer Technical Report. If the subdivider proposes limiting water use to less than 0.6 acre feet per parcel a water conservation plan or water use restrictive covenants will have to be adopted demonstrating how the subdivider proposes to limit water use. It is not the intent of this regulation to limit the right of the subdivider to propose a development with an annual water use in excess of 0.6 acre-feet/dwelling.

### **Section 8.2. Design Requirements for Water Conservation**

- 8.2.2. The following water conservation measures or similar measures which will conserve an equal or greater amount of water shall apply to all new subdivisions that intend to go below the maximum annual water

requirements of 0.6 acre feet per year/dwelling unit.

- a. Water saving fixtures may be installed in all new residential and non-residential buildings. Water-saving fixtures may include, but not limited to, low-flush toilets, low-flow shower heads, low-flow faucets, and insulation of hot water pipes.
- b. Low water use landscaping techniques applying the principles of Xeriscaping should be utilized.
- c. Water distribution mains shall be pressure tested in accordance with New Mexico Standards Specification for Public Works Construction, Section 801.16.
- d. If not required by the local plumbing code, where water pressure at the customer service connection exceeds eighty (80) pounds per square inch (psi), a pressure reducing valve shall be installed on the service connection.
- e. If cisterns are proposed for water collection then the volume collected in the cistern can be deducted from the total water quantification requirements.

### **Section 8.3. Non-Residential Water Demand Analysis**

- 8.3.1. A detailed water demand analysis shall be prepared for all non-residential subdivisions and all water uses not directly related to residential uses within a mixed development subdivision. Annual water requirements shall be estimated using the relevant State Engineer Technical report.

### **Section 8.4. Community Water System Requirements.**

- 8.4.1. A community water system is any existing or proposed water supply system which relies upon surface and/or groundwater diversions other than wells permitted by the state engineer under Section 72-12-1 NMSA and which consists of a common storage and/or distribution facilities operated for the delivery of water to multiple service connections. A community water system which serves at least fifteen (15) service connections or serves at least twenty-five (25) individuals is also a public water supply system and is subject to the requirements of the New Mexico Drinking Water Regulations (20 NMAC 7.1.) (see section 8.5). All non-residential service connections, regardless of source of supply, and all residential buildings served by a new community water system shall be metered. Water produced from each well in a new community water system or at each surface water source should also be metered and the volume thereof reported to the State Engineer Office.

A community water system or a similar delivery system shall be required if groundwater is supplied from geologic formations where wells have been determined to produce at a rate of two (2) gpm or less.

- 8.4.2. If water will be supplied from a community water system, the subdivider shall submit a plat of the proposed subdivision, and preliminary plans for the water production, storage, and distribution facilities prepared by or under the supervision of a registered professional engineer. The site plans shall show the topography, parcel boundaries, streets, wells, and water storage and distribution system, including hydrants. The size or capacity of the water system components should also be indicated on the site plans.

Preliminary well plans shall include casing diameter, total depth, screened interval, and proposed pump setting. All distribution mains should be a minimum of six (6) inches in diameter.

- 8.4.3. Shared well systems, permitted under Section 72-12-1 NMSA may be allowed for types one, two, four, three and five (over six (6) parcels), subject to section 8.6, under the condition that the maximum number of parcels served by one well shall not exceed five (5).

- 8.4.4. Covenants and land use restrictions may be adopted strictly prohibiting the drilling or use of individual and/or shared domestic wells for any subdivision which requires or utilizes a community water system.
- 8.4.5. If a community water system is proposed or required, the developer should consult with the New Mexico Public Regulation Commission regarding the applicability of the Public Utility Act to that community water system.
- 8.4.6. For all subdivisions within Sandoval County, where the proposed water supply for the subdivision will be other than domestic wells to be approved by the State Engineer pursuant to Section 72-12-1, proof of a valid water right permit issued to the subdivider or to an existing community water system or municipal water system sufficient in quantity to meet the maximum annual water requirement of the proposed subdivision and specifically authorized for this purpose, shall be provided by the subdivider as a condition of approval of the final subdivision plat.
- 8.4.7. Any language to the contrary in these Regulations notwithstanding, before approving the Final Plat of any subdivision of six or more parcels located on land from which irrigation water rights appurtenant to the land were severed after April 4, 2013 the Board of County Commissioners shall require that the subdivider provide proof of a service commitment from a water provider and an opinion from the State Engineer that the subdivider can fulfill the requirements of Paragraph (1) of Subsection F of Section 47-6-11 NMSA 1978, or provide a copy of a permit obtained from the State Engineer, issued pursuant to Section 72-5-1, 72-5-23, 72-5-24, 72-12-3, or 72-12-7 NMSA 1978 for the subdivision water use. In acting on the permit application, the State Engineer shall determine whether the amount of water permitted is sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses. The Board of County Commissioners shall not approve the Final Plat unless the State Engineer has so issued a permit for the subdivision water use or the subdivider has provided proof of a service commitment from a water provider and the State Engineer has provided an opinion that the subdivider can fulfill the requirements of Paragraph (1) of Subsection F of Section 47-6-11 NMSA 1978. The Board of County Commissioners shall not approve the Final Plat based on the use of water from any permit issued pursuant to Section 72-12-1.1 NMSA 1978.
- 8.4.8. Any language to the contrary in these Regulations notwithstanding, before approving the Final Plat of any subdivision containing ten or more parcels, any one of which is two acres or less in size, the Board of County Commissioners shall require that the subdivider provide proof of a service commitment from a water provider and an opinion from the State Engineer that the subdivider can fulfill the requirements of Paragraph (1) of Subsection F of Section 47-6-11 NMSA 1978, or provide a copy of a permit obtained from the State Engineer, issued pursuant to Section 72-5-1, 72-5-23, 72-5-24, 72-12-3, or 72-12-7 NMSA 1978 for the subdivision water use. In acting on the permit application, the State Engineer shall determine whether the amount of water permitted is sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses. The Board of County Commissioners shall not approve the Final Plat unless the State Engineer has so issued a permit for the subdivision water use or the subdivider has provided proof of a service commitment from a water provider and the State Engineer has provided an opinion that the subdivider can fulfill the requirements of Paragraph (1) of Subsection F of Section 47-6-11 NMSA 1978. The Board of County Commissioners shall not approve the Final Plat based on the use of water from any permit issued pursuant to Section 72-12-1.1 NMSA 1978.

**Section 8.5. Table**

This table shows the relation between the delivery system, subdivision type, rate of delivery and water availability

Subdivision Types	Quantity	Rate	Max. Time Horizon	Delivery System	Availability
1, 2, 4 and all types 3 and 5 above 5 parcels	0.6 ac. ft./yr/dwelling unit (or developers calculations)	2 gpm or above	50 years	Individual Wells	On Site
"	"	"	"	Shared Wells	On Site
"	"	Below 2 gpm	"	Community Water System	On/Off Site
"	"	2 gpm or above	"	Pre-existing Community Water System	Off Site**

**\* System Design:**

- a. the system can deliver at a rate of two (2) gpm or greater the direct link is from a producing well to the dwelling unit or
- b. the system delivers less than two (2) gpm and the link is from a producing well to a storage tank to the dwelling unit.

**\*\* Off Site Sources:**

- a. the proposed water source is to be delivered to the subdivision from an off site source, that source must be secured; and
- b. the source shall be stated in the disclosure statement.

**Section 8.6. Water Availability Assessment for All Type-one, Type-two, Type-four and all Type-three Subdivisions Containing Six or More Parcels**

8.6.1. Subdivisions that are being served by an existing Public Utility shall provide a water availability statement from the approved utility.

8.6.2. A water availability assessment shall be submitted by the subdivider:

- a. As a condition of preliminary subdivision plat approval for all type-one, type-two, and type-four subdivisions, and type-three subdivisions containing six (6) or more parcels.

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

- a. For subdivisions where the source of water will be a new groundwater diversion and community system permitted pursuant to Section 72-12-3 or 72-12-7 NMSA 1978, the subdivider shall

demonstrate a 50-year supply, and shall submit a geohydrologic report in accordance with subsection 8.6.4.

- b. For subdivisions where the source of supply will be a new surface water diversion and community system permitted pursuant to Section 72-5-1, 72-5-23 or 72-5-24 NMSA 1978, the subdivider shall submit a hydrologic report in accordance with subsection 8.6.5.
- c. For subdivisions where the source of supply will be an existing community or municipal water supply system permitted pursuant to Section 72-12-1, the subdivider shall submit a water supply plan in accordance with subsection 8.6.6.
- d. For subdivisions where the source of water will be individual domestic wells, or shared wells permitted pursuant to Section 72-12-1, the subdivider shall demonstrate a 50-year supply and shall submit a geohydrologic report in accordance with subsection 8.6.7.
- e. If the proposed amount of water required to fulfill the projected 50-year demand for indoor/outdoor domestic use is to be provided from an off site source, the developer shall provide proof that the off-site source is secured.

8.6.4. For new community wells and water systems, the subdivider shall submit a water supply plan and geohydrologic report which meets the following requirements:

- a. Geohydrologic reports shall demonstrate that groundwater sufficient to meet the maximum annual water requirement of the subdivision is physically available and can be practically recovered to sustain the development for a continuous period of 50-years. These analyses shall take into account the production of existing wells and shall demonstrate that the subdivision wells, as proposed or as designed, will be capable of producing the full annual demand, for at least 50-years.
- b. The subdivider shall drill sufficient exploratory wells within the boundaries of the proposed subdivision to adequately characterize the aquifer, unless the subdivider can demonstrate that existing wells in the area are representative of general aquifer conditions within the subdivision. Where existing wells are not adequate to demonstrate aquifer conditions, aquifer parameters required to demonstrate the availability of water should be obtained from aquifer tests, performed on site, which are adequate for predicting long-term water availability or from tests conducted on nearby wells. Alternately, tests can be conducted on nearby off-site wells if the subdivider can demonstrate that these wells are representative of general aquifer conditions within the subdivision.
- c. The assessment shall include a calculated 50-year schedule of effects on the proposed subdivision's production well(s) which may result from existing demands and from the increase of groundwater withdrawals for the subdivision. Analyses shall be performed to assess whether future water level declines will be within the limits of allowable drawdown in the subdivision production wells as provided in subsection 8.6.4.d. Predicted drawdowns shall be calculated in a conservative manner (which estimates maximum drawdown). These calculations shall include estimates of future water uses.
- d. The subdivider shall calculate the lowest practical pumping water level in the proposed subdivision 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 well, and further provided that the total available drawdown shall be reduced by a

factor of twenty (20) percent as a margin of safety to account for seasonal fluctuations, drought allowance, reduction of well efficiency over time, and peak production requirements:

1. 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.
  2. By setting the level at the top of the uppermost screened interval.
  3. In wells completed in fractured aquifers, the lowest practical pumping water level may be above the top of the fracture zone.
  4. In wells completed in alluvial aquifers, the lowest practical pumping water level may be defined by a maximum allowable drawdown equal to seventy (70) percent of the initial water column.
- e. The geohydrologic report should present all hydrologic information pertinent to the study area including data 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 maps and cross-sections showing geology, depth to the water bearing formation, water level contours, and estimated thickness of saturation in the aquifer. Basic data for the immediate area of the subdivision must be current, with the date of collection noted and the location identified on a map. The report on the investigation should be in the format of a technical narrative; spreadsheets, tables, graphs, maps and cross-sections shall be included.

8.6.5. For new surface water diversions and community water systems using surface water the subdivider shall submit a hydrologic report, which meets the following requirements:

- a. The hydrologic report shall demonstrate that surface water sufficient to meet the maximum annual water requirement of the subdivision is physically available. These analyses shall include the following:
  1. Narrative and analytical demonstration that the surface water will be physically available for the proposed use even 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 fifty (50) year water supply available for the subdivision requirements. Applicable legal or water rights constraints on water availability shall be considered.
  2. If the analysis for the historical runoff record indicates possible shortages in the projected water supply available for the subdivision requirements the subdivider shall provide for either storage or a supplemental groundwater supply sufficient to meet the shortage.
  3. If a supplemental groundwater supply is proposed, the subdivider shall prepare a geohydrologic assessment in accordance with subsection 8.6.4.

8.6.6. For community water systems in which existing utility companies are proposed as the source of water supply the subdivider shall submit a water supply plan which meets the following requirements:

- a. For all water utilities:

1. Name of the utility proposed as the source of supply. Letter of intent from the utility that they are ready, willing, and able to provide the maximum annual water requirements for the subdivision for at least 50 years. The letter must also state any requirement for the subdivider to provide water rights.
- b. For water utilities other than municipal owned water utilities:
1. 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 proposed subdivision.
  2. For New Mexico Public Regulation Commission (PRC) certificate utilities, a copy of the most recent annual report submitted to the PRC.
  3. Plans for the existing water system to which the proposed system will tie 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.
  4. Any other information, including any or all of the requirements of subsections 8.6.4. or 8.6.5., required by the Board of County Commissioners to make a determination that the utility has the capability to meet the water requirements of the proposed subdivision.
- 8.6.7. For subdivisions where the source of water will be individual domestic wells, or shared wells, permitted under Section 72-12-1 NMSA, the subdivider shall submit a water supply plan and geohydrologic report which meets the following requirements:
- a. A geohydrologic report conforming to the requirements of subsections 8.6.4.a through 8.6.4.e.
  - b. The geohydrologic report shall also include a calculated fifty (50) year schedule of off-site effects (drawdowns) and an evaluation of stream depletion effects (if applicable) which may result from the increase of groundwater withdrawals for the subdivision. These calculations shall include estimates of future water uses. The report shall identify by ownership and location all existing wells which will either go dry, experience dewatering of fifty (50) percent of their water column or more, or experience an average annual rate of water decline of one (1) foot or more as a consequence of the proposed subdivision's groundwater diversions. The report shall also identify by name and location all springs, streams, acequias (ditches), canals, and drains, the flows of which will be diminished by the proposed surface or groundwater diversions. All natural or man-made ponds, lakes, reservoirs, or wetlands that will be impacted shall also be identified.

**Section 8.7 Water Availability Assessment for Type-three Subdivisions Containing Less Than Six Parcels and all Type-five Subdivisions**

- 8.7.1. If the source of water supply will be an existing community water system or a municipal water system, the subdivider shall submit a water availability assessment containing the following information:
- a. Name of the utility proposed as the source of supply.
  - b. Letter of intent from the utility that then are ready, willing, and able to provide the maximum annual water requirements for the subdivision if applicable.
- 8.7.2. If the subdivider proposes that the source of water shall be individual domestic wells or shared wells to be approved by the State Engineer pursuant to Section 72-12-1 NMSA 1978, the subdivider shall submit a water availability assessment containing the following information:



- a. At least one well log from an onsite well or from an existing nearby well completed in geologic conditions representative of the conditions within the proposed subdivision.
- b. 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.
- c. A statement of the estimated yield of wells in gallons per minute based upon well logs from existing onsite or nearby wells.
- d. Any additional information that is required by the County Planning Staff or Board of County Commissioners that will enable the County to determine whether or not the subdivider can fulfill the proposals contained in his disclosure statement.

### **Section 8.8. Terrain Management Plan**

- 8.8.1. Any person seeking approval of a subdivision plat must address terrain management. No subdivision plat shall be approved unless terrain management has been reviewed by the County.
- 8.8.2. A terrain management plan shall include a vicinity map showing the relationship of the site to its general surroundings, delineation of topographic contours, and the location of all existing drainage channels, water courses, and surface water bodies or wetlands within three (3) miles of the proposed subdivision. This map shall display the topographic contours at twenty (20) feet intervals (A suitable example would be from a USGS Topographic Map).
- 8.8.3. A terrain management plan shall include a natural features map for the lands within the subdivision. The natural features map shall include existing topographic contours with intervals of not less than two (2) feet where the slope is less than eight (8) percent and not more than five (5) feet where the slope is eight (8) percent or greater. The natural features map shall also indicate steep areas with slopes of twenty-five (25) percent or greater, watercourses and floodways, major geologic features, and the types and distribution of vegetation.
- 8.8.4. Prior to plat approval the subdivider shall prove to the County that all lands to be developed are composed of soils suitable for the intended use. A soil survey map is recommended.
  - a. Types one, two, and four subdivisions shall have soil suitable for at least the following uses:
    1. Building foundation support;
    2. Road fill;
    3. Road location;
    4. Underground utilities;
    5. Water control structures;
    6. Erosion control structures.
  - b. Types one, two, type three with six lots or more and type four subdivisions shall have soil suitable for, but not limited to:
    1. Building foundation support;

2. Road fill;
  3. Road location.
- c. Soils not suitable or having a high degree of hazard for the intended use shall not be developed for the intended use unless the subdivider or purchaser can prove to the County that the inherent soil limitations may be overcome by engineering design.
  - d. Soil suitability will be ascertained from soil survey engineering interpretations and shall be based on national standards as set forth by the USDA Natural Resources Conservation Service.
  - e. A description of the soil types. Detailed soil profiles may be required if deemed necessary by the reviewing soil & water conservation district.

8.8.5. Grading plans will be subject to the following requirements:

- a. A series of maps, cross sections, and design profiles showing the location and impact of the planned development on the natural land form.
- b. An overlay of the Natural Features Map showing the location of all proposed parcels, roads, bridges, water and erosion control structures, and the utility easements in relation to the existing contours.
- c. An overlay showing the finished contours of the development after all proposals have been implemented using contour intervals equal to or less than those on the existing contour map.
- d. The location of all cuts and fills, including the grades, lengths, and depths thereof displayed using the necessary cross section and profiles to adequately describe and display the planned action.
- e. The location of all areas where the natural elevation of the land will be changed by more than three (3) feet.
- f. The location of all areas where the grading of land will disturb more than one-thousand (1000) contiguous square feet.
- g. Profiles showing the existing ground surface and proposed street grades and typical cross-sections of the proposed grading.
- h. Description of methods of stabilization in areas of cut and fill, embankment compaction, and revegetation on steep slopes.

8.8.6. Landscaping Plan

- a. The plan shall include a series of maps or overlays and narratives to identify those areas which will be revegetated following disturbance or to enhance the visual aesthetics of the site and the methods to be used.
  1. Location and type of materials to be used in revegetation and slope stabilization.
  2. Location of all areas where vegetation will be preserved and a description of the methods that will be used for protection.
  3. A description of the vegetative characteristics that will be present after revegetation.
  4. A plan for site preparation, fertilization, seeding rates, dates and amounts by species, mulching type and amount for both grass, shrubs and trees. If watering is a planned part of the revegetation procedure a description of the planned irrigation system and amounts of water needed shall be included.

#### 8.8.7. Erosion and Drainage Plan

- a. This shall include the necessary charts, drawings, location maps, and calculations to support the plan:
  1. A watershed map showing all the upper watershed area draining into or through the site; it should show the water courses and topographic conditions as well as indicate the soil and vegetative types and their locations within the watershed.
  2. Storm drainage computations for the 100-year frequency storm both reaching and leaving the site in the pre-development conditions.
  3. Storm drainage calculations for the post development estimates of runoff after planned full development of the site. This will be displayed to show the estimated runoff before and after any mitigation of the increased flows.
  4. Quantities of water carried by the major watercourses and the proposed treatment of the watercourses. Calculations will be provided for pre and post development.
  5. The location, type, and size of all proposed drainage and erosion control structures with adequate detail of the drawings or designs.
  6. The location and size of all drainage easements for all floodplains, floodways, flood fringes, and other natural water courses along with adequate supporting documentation. Drainage easements are required for all watercourses with one-hundred (100) year storm flows that exceed twenty (20) cubic feet per second flow rates.
  7. An overlay indicating the depth to ground water in all areas where the seasonal high water table is within twenty (20) feet of the ground surface.
  8. All appropriate design details necessary to clearly explain the construction of all surface and subsurface structures.
  9. The developer shall ensure that the run-off created in the post development condition is contained in either; on-site ponds for each lot, on-site ponds for the entire subdivision, roadway ponds, or the developer may direct the "new" run-off into established drainage ways provided the added run-off does not adversely impact downstream property owners and that the run-off is added to the drainage way at the same rate and volume as the pre-development flow.

#### 8.8.8. Construction Schedule

- a. The start and finish dates for all clearing, grubbing and grading activities.
- b. Duration of exposure of disturbed areas.
- c. Stabilization date for disturbed areas.
- d. Installation date of all storm drainage system components.
- e. Installation date for all roads and related structural measures.
- f. Paving dates for all roads or parking areas included in the site plan.
- g. Installation date of each utility to be provided and whether said utility will be above or below ground.
- h. Installation date for homes, recreation structures, and other community facilities and improvements.

8.8.9 Soils having severe limitations, or which are shown as unsuitable, for the intended purposes should not be used for the purpose unless the developer has clearly shown in the terrain management plan how these limitations will be overcome.

- a. Below are the major categories of land use to be used in reviewing the terrain management plan of a subdivision. Information about any of these categories which are pertinent to the development proposal should be included in the terrain management plan.
1. Building Site Development
  2. Construction Materials
  3. Local Roads and Streets
  4. Underground Utilities
  5. Water Control Structures
  6. Erosion Control Structures
  7. Playgrounds
  8. Paths and Trails
  9. Sewage Disposal

#### 8.8.10. Floodplain Management

- a. All subdivisions shall conform to the requirements of the current Sandoval County Flood Damage Prevention Ordinance.

#### 8.8.11. Storm Drainage Plan

- a. Subdivisions and developments shall be planned, constructed and maintained to:
1. Protect and preserve existing natural drainage channels except where erosion and water control measures are found necessary and approved by the local district.
  2. Provide temporary measures to prevent damaging runoff waters from leaving the site until construction is completed and permanent control measures are installed.
  3. Protect structures and other works from flood hazards using the one-hundred (100) year frequency storm for calculating flood levels.
  4. Provide a system wherein runoff water within the subdivision is removed without causing harm or damage to the environment, property, or persons, inside or outside the subdivision area.
  5. Assure that water drained from the subdivision does not contain pollutants or sedimentary materials of any greater quantity than would occur in the absence of the subdivision.
  6. Assure that waters are drained from the subdivision in such a manner that they will not cause erosion outside of the subdivision to any greater extent than would occur in the absence of the subdivision.
  7. Assure that road construction ensures proper drainage conditions by:
    - i. Water ponding areas as a result of road construction should be avoided unless plans are developed that will adequately address the conditions.
    - ii. Roads planned to be used in collecting or disposing of runoff should be designed to insure adequate control of the flows that prevent erosion and sedimentation.
    - iii. Road drain outlets into an existing drainage course should be designed to prevent erosion in the drainage course.

- iv. Road culverts should be properly sized and located and of adequate length and described in the plan.
  - v. Road culvert inlets and outlets should be adequately protected.
- b. All storm drainage systems shall be constructed in accordance with the standards of the local district as deemed necessary for the site conditions of that proposed subdivision. If the drainage basin wherein the subdivision is located is only partially developed the local district shall require that the design and the construction of the drainage system have sufficient inlet flow capabilities to adequately serve the entire drainage basin. This is based on the assumption the entire basin will be developed.
  - c. Development of an area is almost certain to cause an increase in run-off and sediment. The possible adverse effects of such increase should be analyzed. Special consideration should be given to the existing or planned bridge, culvert and road crossing sizes and the stability and capacity of the existing or planned water courses. All planned construction of roads and their appurtenances shall be reviewed to insure they do not adversely impact the storm drainage flows. It is recognized that stable water courses may start to degrade when exposed to larger, more frequent or longer flows that may result from development.
  - d. Diversion, debris basins, retaining walls, terraces, berms and vegetative means should be used as needed to reduce sediment and runoff. It is recognized that once treated and sediment levels of storm runoff are reduced, the water is once again more likely to be able to increase erosion in areas not previously impacted due to its newfound ability to erode and transport sediment.
  - e. Regarding and shaping of large natural channels usually increases the channel velocity which results in increased erosion unless measures are taken to slow velocities and protect the banks.
  - f. Excavated and filled slopes should generally be 3:1 or flatter.

## **Section 8.9. Fire Protection**

### **8.9.1 Requirements for Provision of Fire Protection**

- a. For all subdivisions containing six (6) or more lots the subdivider shall provide water for firefighting with facilities for storage and distribution before construction within the subdivision begins. The Sandoval County Fire Chief or designee may approve single point or multi point water sources for subdivisions depending on the size of the subdivision, number of lots, and fire department access, as long as no structure is farther than 1000 feet from a designated water distribution source. The Sandoval County Fire Chief or designee may alter the requirements of Section 8.9.2 of these Regulations when all buildings in the subdivision are required to be fully sprinklered and/or the subdivision is located in an area that has a tanker shuttle in operation that is approved by the Insurance Service Office (ISO) and that meets the required fire flows. The subdivider shall provide roadway access within the subdivision that meets or exceeds the requirements of Section 8.17 of these Regulations. Road and premises identification shall be provided as specified in the Sandoval County Addressing Ordinance.

### **8.9.2 Standards for Fire Protection**

- a. The subdivider's fire protection plan shall conform to the following guidelines provided by the

National Fire Protection Association (NFPA) and International Fire Code (IFC) as adopted by the State Fire Marshal's Office or by the County, whichever is more stringent:

1. NFPA 1142 (Standards for Water Supply for Suburban and Rural Fire Fighting)
  2. NFPA 24 (Standards for Private Water Service Mains and their appurtenances.)
  3. IFC Section 507 Appendix C (Fire protection Water Supplies and Fire Hydrant Locations.)
  4. NFPA 25 (Inspection, Testing, and Maintenance of Water Based Fire Protection Systems.)
- b. The requirements for stored firefighting water are based on fire flows of less than 2500 G.P.M. (gallons per minute) and for a two-hour duration. Flows of 2500 G.P.M. and greater are for longer durations. All flows are required to be produced with a minimum of twenty (20) pounds residual pressure. Where water for domestic use is stored in the same tank, fire protection water shall be in excess of the daily peak demand.
- c. Minimum Requirements:
1. Subdivisions containing between 6 and 25 lots will require 30,000 gallons storage of water for fire protection or the required minimum as specified in NFPA 1142, whichever is more stringent.
  2. Subdivisions containing between 26 and 50 lots will require 40,000 gallons storage of water for fire protection or the required minimum as specified in NFPA 1142, whichever is more stringent.
  3. Subdivisions containing between 51 and 100 lots will require 60,000 gallons storage of water for fire protection or the required minimum as specified in NFPA 1142, whichever is more stringent.
  4. Subdivisions containing more than 100 lots will require 100,000 gallons storage of water for fire protection or the required minimum as specified in NFPA 1142, whichever is more stringent.

#### 8.9.3. Fire Protection Plan

- a. A fire protection plan shall be a condition of preliminary plat approval for all subdivisions.
- b. For all subdivisions with fire protection, the subdivider shall submit a plat of the proposed subdivision, preliminary plans of the proposed water supply, storage and distribution system, and calculations demonstrating that the proposed fire protection facilities will meet the requirements of these guidelines, prepared by or under the supervision of a registered New Mexico professional engineer.
- c. For all subdivisions to be supplied by existing utilities, the letter of intent from the utility to provide water shall specify fire flows and pressures which will be provided and fire flow storage which may be apportioned to the subdivision.
- d. A proposal for long-term maintenance of any fire protection facilities, including inspection and testing, shall be included. This proposal shall identify the parties responsible for such long-term maintenance.

### **Section 8.10. Traffic Impact Analysis**

8.10.1. A Traffic Impact Analysis (TIA) is required for the following:

- a. All subdivisions that generate more than one-hundred twenty-five (125) vehicles per day. This means a typical subdivision of six (6) or more lots will need a TIA if it accesses directly to a state route or a County maintained road.
- b. Cluster developments with twenty-five (25) or more dwelling units on a single parcel (apartments, mobile home parks).
- c. All commercial or industrial developments abutting and/or accessing a state route or a County maintained road.

8.10.2. Report Requirements and Organization

- a. Introduction and Summary
  1. Purpose and objectives of the report.
  2. Site location and study area.
  3. Brief description of development.
  4. Principle findings and/or conclusion.
  5. Recommendations proposed as part of the development for on-site and off-site improvements.
- b. Proposed Development
  1. Proposed land use and intensity of development.
  2. Location and site plan.
  3. Phasing and timing of development.
- c. Area Conditions
  1. Description of Study Area
  2. Existing site access and surrounding road system
  3. Future road improvements programmed for the area
  4. Current traffic volumes in the area
  5. Current engineering needs for local development or remediation.
- d. Projected Traffic
  1. Site trip generation and distribution (specify horizon year)
  2. Estimated off-site traffic (specify horizon year)
- e. Traffic Analysis
  1. Site access and traffic control
  2. Off-site roadways and intersections (build and no build)
  3. Site circulation

8.10.3. Any access to a State highway or County road from a subdivision needs to be able to accommodate appropriate emergency vehicles.

8.10.4. In all instances, whether a Traffic Impact Study is submitted or not, the county is concerned about the safety and efficiency of the access points onto the County or State routes. The Driveway Regulations provide further details for State Highway access.

8.10.5 Any subdivision development request that affects State Access Controlled Routes must be submitted to the Department's Access Control Review Committee and the appropriate District.

**Section 8.11. Water Quality Documentation**

8.11.1. For a subdivider to document conformance with the water quality requirements of these Regulations and the New Mexico Subdivision Act a water quality documentation package shall accompany the preliminary plat submittal for subdivisions that contain six (6) or more lots, except for type 5 subdivisions.

8.11.2. The water quality documentation package shall:

- a. State the subdivider's name and mailing address;
- b. State the date the package was completed;
- c. State the subdivider's proposal for meeting the water quality requirements of these Regulations;
- d. Be accompanied by a copy of the subdivider's disclosure statement on water quality;
- e. Be accompanied by the information listed in subsections 8.11.3., 8.11.4, or 8.11.5. of this section as applicable to the water supply proposal; and,
- f. Be accompanied by other relevant information as may be necessary for the determination of compliance with the water quality requirements of these Regulations.

8.11.3. If a new public water supply system is proposed, the following information shall be submitted as part of the water quality documentation package:

- a. A water quality analysis of a representative water sample for antimony, arsenic, barium, beryllium, cadmium, chromium, cyanide, fluoride, lead, mercury, nickel, nitrate, nitrite, selenium, thallium, alkalinity, aluminum, calcium, chloride, color, copper, foaming agents, hardness, iron, manganese, odor, pH silver, sodium, sulfate, total dissolved solids, turbidity, and zinc;
- b. For areas where contamination of the proposed source, water has been documented, a water quality analysis of a representative water sample for other water quality parameters listed in these regulations as may be required.
- c. The location and description of the source of water sampled for the water quality analysis;
- d. An engineer's report and preliminary plans for the proposed public water supply system; and,
- e. Maps identifying and showing the location of all potential sources of contamination and the flood plan of all watercourses and surface bodies of water within one thousand (1000) feet of the proposed water supply system source.

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

- a. A water quality analysis of a representative water sample for alkalinity, aluminum, calcium, chloride, color, foaming agents, hardness, iron, manganese, odor, pH, silver, sodium, sulfate, total dissolved solids, turbidity, and zinc;
- b. A statement of availability of water service signed by an official of the existing public water supply system; and,
- c. An engineers report and preliminary plans for the proposed water system



8.11.5. If private water supply systems are proposed, the following information shall be submitted as part of the water quality documentation package:

- a. A water quality analysis of a representative water sample for antimony, arsenic, barium, beryllium, cadmium, chromium, cyanide, fluoride, lead, mercury, nickel, nitrate, nitrite, selenium, thallium, alkalinity, aluminum, calcium, chloride, color, copper, foaming agents, hardness, iron, manganese, odor, pH, silver, sodium, sulfate, total dissolved solids, turbidity, and zinc.
- b. For areas where contamination of the proposed source, water has been documented, a water quality analysis of a representative water sample for other water quality parameters listed in these regulations as may be required.
- c. The location and description of the source of water sampled for the water quality analysis;
- d. Preliminary plans for the private water supply systems, if the system will serve more than one connection; and
- e. Maps identifying and showing the location of all potential sources of contamination and the flood plan of all watercourses and surface bodies of water within five hundred (500) feet of the proposed water supply system source.

8.11.6. Documentation of approval of the construction or modification of a public water supply system from the New Mexico Environment Department will be required for final plat approval.

#### **Section 8.12. Water Quality Requirements**

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

- a. The level of a contaminant in water which is delivered to any user of a public or private water supply system shall not exceed the maximum contaminant level (MCL) for any of the contaminants listed in Table 8.12.1.
- b. The level of a contaminant in water which is delivered to any user of a public or private water supply system should not exceed the secondary maximum contaminant level (SMCL) for any of the contaminants listed in Table 8.12.2.
  1. If the level for any of the contaminants listed in Table 8.12.2 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.
- c. A water supply source shall not be located at less than the setback distances shown in Table 8.12.3.
- d. The disclosure statement for the subdivision shall contain a statement describing the quality of water available for domestic use within the subdivision.

8.12.2. The water quality standards on the previous pages are the applicable standards for Sandoval County.

**Section 8.13. Liquid Waste Disposal Documentation**

8.13.1. For a subdivider to document conformance with the liquid waste disposal requirements of these Regulations and the New Mexico Subdivision Act, a liquid waste disposal documentation package shall accompany the preliminary plat submittal.

- a. The liquid waste disposal documentation package shall:
  1. State the subdivider's name and mailing address;
  2. State the date the package was completed;
  3. State the subdivider's proposal for meeting the liquid waste disposal requirements of these regulations;
  4. Be accompanied by a copy of the subdivider's disclosure statement on liquid waste disposal;
  5. Be accompanied by the information required in subsections b, c, or d of this section as applicable to the subdivider's liquid waste disposal proposal; and
  6. Be accompanied by other relevant information as may be necessary for determination of compliance with the liquid waste disposal requirements of these Regulations.
  
- b. If the subdivider proposes a new community liquid waste system, the following information shall be submitted as part of the liquid, waste disposal documentation package:
  1. An engineer's report and preliminary plans for the proposed community liquid waste system;
  2. Maps showing the location of all water supply sources and the flood plain of all watercourses and surface bodies of water within one thousand (1000) feet of the proposed liquid waste treatment and liquid waste disposal site; and
  3. Documentation of the filing of a "Notice of Intent to Discharge" with the New Mexico Environment Department in accordance with the New Mexico Ground and Surface Water Quality Protection Regulations (20 NMAC 6.2).
  
- c. If the subdivider proposes a liquid waste system by connection to and extension of an existing community liquid waste system, the following information shall be submitted as part of the liquid waste disposal documentation package:
  1. A statement of availability of liquid waste service signed by an official of the existing liquid waste system; and,
  2. An engineer's report and preliminary plans for the proposed extension to the existing liquid waste system.
  
- d. If the subdivider proposes individual liquid waste systems, the following information shall be submitted as part of the liquid waste disposal documentation package:
  1. A soils investigation report (soil survey, soil borings to a minimum depth of eight (8) feet, soil test results and analysis of the soil survey, soil boring, and soil tests) defining soil depth to bedrock, seasonal high water ground water table or other limiting soil layer, and percolation rate for the soils present within the proposed subdivision;
  2. Maps showing the location of all water supply sources and the flood plain of all

- watercourses and surface bodies of water within the proposed subdivision and within five hundred (500) feet of the proposed subdivision boundaries;
3. A liquid waste system feasibility map, superimposed on the subdivision plat, delimiting the areas of suitable, limited, and prohibitive soil categories as described in Table 8.13.1; and,
  4. Preliminary plans for the individual liquid waste systems if a system will serve more than one (1) connection.
- e. Documentation of approval for the discharge from a community liquid waste system from the New Mexico Environment Department will be required for final plat approval.

**Section 8.14. Liquid Waste Disposal Requirements**

8.14.1. Conformance with the liquid waste disposal requirements of this section is required for preliminary plat approval.

- a. Community liquid waste systems.

TABLE 8.12.1 - PRIMARY (HEALTH RELATED) CONTAMINANTS			
Inorganic (IOC)		Microbiology	
Contaminant	MCL	Contaminant	MCL
Antimony	0.006 mg/l	Giardia Lamblia	TT
Arsenic	0.05 mg/l	Legionella	TT
Asbestos	7 MFL	Standard Plate Count	TT
Barium	2 mg/l	Total coliforms	Absent
Beryllium	0.004 mg/l	Turbidity	PS
Cadmium	0.005 mg/l	Viruses	TT
Chromium (total)	0.1 mg/l	Disinfection Byproduct	
Copper	1.3 mg/l	Contaminant	MCL
Cyanide	0.2 mg/l	Total trihalomethanes	0.10 mg/l
Fluoride	4.0 mg/l	Volatile Organic (VOC)	
Lead	0.015 mg/l	Contaminant	MCL
Mercury (inorganic)	0.002 mg/l	Benzene	0.005 mg/l
Nickel	0.1 mg/l	Carbon Tetrachloride	0.005 mg/l
Nitrate (as N)	10 mg/l	Dibromochloropropane	0.0002 mg/l
Nitrite (as N)	1 mg/l	o-dichlorobenzene	0.6 mg/l
Nitrate + Nitrite (both as N)	10 mg/l	p-dichlorobenzene	0.075 mg/l
Selenium	0.05 mg/l	1,2-dichloroethane	0.005 mg/l
Thallium	0.0002 mg/l	1,1-dichloroethylene	0.007 mg/l

Radionuclide		cis-1,2-dichloroethylene	0.07 mg/l
Contaminant	MCL	trans-1,2-dichloroethylene	0.1 mg/l
Gross alpha particle activity	15 pCi/l	Dichloromethane	0.005 mg/l
Radium -226 & -228	5pCi/l	1,2-dichloropropane	0.005 mg/l
Strontium-90	8 pCi/l	Ethylbenzene	0.7 mg/l
Tritium	20000 pCi/l	Ethylene dibromide	0.00005 mg/l
Monochlorobenzene	0.1 mg/l	Di(2-ethylhexyl)phthalate	0.006 mg/l
Styrene	0.1 mg/l	Dinoseb	0.007 mg/l
Tetrachloroethylene	0.005 mg/l	Diquat	0.02 mg/l
Toluene	1 mg/l	Endothall	0.1 mg/l
1,2,4-trichlorobenzene	0.07 mg/l	Endrin	0.002 mg/l
1,1,1-trichloroethane	0.02 mg/l	Glyphosate	0.7 mg/l
1,1,2-trichloroethane	0.005 mg/l	Heptachlor	0.004 mg/l
trichloroethylene	0.005 mg/l	Heptachlor epoxide	0.0002 mg/l
Vinyl chloride	0.002 mg/l	Hexachlorobenzene	0.001 mg/l
Xylenes (total)	10 mg/l	Hexachlorocyclopentadiene	0.05 mg/l
Synthetic Organic (SOC)		Lindane	0.0002 mg/l
Contaminant	MCL	Methoxychlor	0.04 mg/l
Alachlor	0.002 mg/l	Oxamyl (Vydate)	0.2 mg/l
Atrazine	0.003 mg/l	Pentachlorophenol	0.001 mg/l
Benzo[a]pyrene	0.0002 mg/l	Picloram	0.5 mg/l
Carbofuran	0.04 mg/l	Polychlorinated byphenyls	0.0005 mg/l
Chlorodane	0.002 mg/l	Simazine	0.004 mg/l
2,4-D	0.07 mg/l	2,3,7,8-TCCD (Dioxin)	3 x 10 mg/l
Dalapon	0.2 mg/l	Toxaphene	0.003 mg/l

## Notes to Table 8.12.1

- (a) Million Fibers longer than 10 um 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 8.12.2 - 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
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 mg/l

Notes to Table 8.12.2

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

<b>TABLE 8.12.3 - SETBACK DISTANCES FOR WATER SUPPLY SOURCES</b>		
<b>Potential Source of Contamination</b>	<b>Required minimum setback distance (feet)</b>	
	<b>Public Water Supply System Source</b>	<b>Private Water Supply System Source</b>
Water Tight Sewers	50	25
Other Sewers	100	50

Community Liquid Waste Treatment System	300	150
Individual Liquid Waste Treatment System	100	50
Community Liquid Waste Disposal System	100	300
Individual Liquid Waste Disposal System	600	100
Flood Plain	Outside	Outside

TABLE 8.13.1 - SOIL CATEGORY FOR INDIVIDUAL LIQUID WASTE SYSTEMS			
Soil Characteristic	Soil Category		
	Suitable	Limiting	Prohibitive
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 Ground Water Table or Bedrock or Other Limiting Soil Layer (feet)	8 or more	4 - 8	Less than 4
Flood Plain	Outside	Outside	Within

Notes to Table 8.13.1

- (a) A soil category is determined by the most limiting soil characteristic.
- (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

- soils.
- (c) A limiting soil is a soil unsuited for the installation and functioning of a conventional disposal system. Alternative disposal systems are used in limiting soils.
  - (d) A prohibitive soil is a soil unsuited for the installation and functioning of either a conventional disposal system or an alternative disposal system. Individual waste systems can not be used in prohibitive soils.

<b>TABLE 8.13.2 - SETBACK DISTANCES FOR INDIVIDUAL LIQUID WASTE SYSTEMS</b>		
<b>Object</b>	<b>Required Minimum Setback Distance (Feet)</b>	
	<b>Treatment Unit</b>	<b>Disposal System</b>
Individual Water Supply System Source	50	100
Public Water Supply System Source	100	200
Edge of Watercourses Except Canals and Arroyos	50	100
Edge of Unlined Canals and Arroyos	15 + depth of channel	25 + depth of channel

Edge of Lined Canals	10 + depth of channel	10 + depth of channel
Public Lakes	50	100

**Notes to Table 8.13.2**

- a. Setback distance to artificially controlled lakes and reservoirs is measured from the closest projected shoreline at the maximum controlled water level.
  1. A community liquid waste system shall be permitted, designed, and constructed, by the time of the first occupancy within the subdivision, to comply with the New Mexico Ground and Surface Water Quality Protection Regulations (20 NMAC 6.2) and, operated; maintained, and expanded as necessary to insure that the system will comply with the New Mexico Liquid Waste Disposal Regulations (20 NMAC 6.2).
  2. The subdivider shall disclose and covenant that all lots within the subdivision must connect to the community liquid waste system at the time of occupancy.
- b. Individual liquid waste systems.
  1. Individual liquid waste systems shall be located, installed, operated, and maintained in a manner which will not cause a hazard to public health or degrade any body of water.
  2. Individual liquid waste systems shall not be installed where an existing community liquid waste system is available for use within the subdivision; installed in subdivisions or on lots with sizes less than required by County Planning and Zoning Ordinances, and the New Mexico Ground and Surface Water Quality Protection Regulations (20 NMAC 7.3.) installed in prohibitive soils as shown in Table 8.13.1; installed at less than the setback distances shown in Table 8.13.2; or, privies (outhouses) or holding tanks if a water supply system is to be used.
  3. The subdivider shall disclose and covenant that the lots can not be further divided or subdivided to lot sizes smaller than those approved for the subdivision.
- c. The disclosure statement for the subdivision shall contain a description of the means of liquid waste disposal for the subdivision.

**Section 8.15. Solid Waste Disposal Documentation**

8.15.1. The subdivider shall document conformance with the solid waste disposal requirements of these regulations and the New Mexico Subdivision Act, a solid waste disposal documentation package shall accompany the preliminary plat submittal.

- a. A solid waste documentation package shall:
  1. State the subdivider's name and mailing address;
  2. State the date the package was completed;
  3. State the subdivider's proposal for meeting the solid waste disposal requirements of these



- regulations;
  - 4. Be accompanied by a copy of the subdivider's disclosure statement on solid waste disposal;
  - 5. Be accompanied by the information required in subsections b and c of this section as applicable to the subdivider's solid waste disposal proposal; and
  - 6. Be accompanied by other relevant information as may be necessary for determination of compliance with the solid waste disposal requirements of these regulations.
- b. If the subdivider proposes solid waste collection by use of an existing solid waste collection service, the following information shall be submitted as part of the solid waste disposal documentation package:
- 1. A statement of availability of solid waste collection and disposal service signed by an official of the solid waste collection service;
  - 2. The name, location and owner or operator of the solid waste disposal site used by the collection service.
- c. If the subdivider proposes solid waste disposal by use of an existing solid waste disposal site, the following information shall be submitted as part of the solid waste disposal documentation package:
- 1. A statement of availability of solid waste disposal service signed by an official of the disposal site;
  - 2. The travel distance from the center of the subdivision to the disposal site.

#### **Section 8.16. Solid Waste Disposal Requirements**

8.16.1. Conformance with the solid waste disposal requirements of this section is required for preliminary plat approval.

- a. At the time of first occupancy of the subdivision the subdivider shall provide for:
  - 1. Disposal of solid wastes at an approved solid waste disposal facility; and,
  - 2. An approved solid waste collection system to collect and transport solid wastes to a disposal facility.
- b. At the time fifty (50) percent of the lots of the subdivision are occupied, the subdivider shall provide for an approved solid waste collection system to collect and transport solid wastes to the disposal facility.
- c. The solid waste disposal requirements of this section may be waived for type four or type five subdivisions if the subdivider discloses and covenants that:
  - 1. The lots will not be divided or subdivided to less than ten (10) acres;
  - 2. lots will be restricted to seasonal (part-time) occupancy;
  - 3. On-lot solid waste disposal will be limited to solid waste generated on the lot by the lot owner; and,

4. On-lot solid waste disposal will be done in a manner that does not create a nuisance, create a hazard to public health, or degrade a body of water.
- d. The disclosure statement for the subdivision shall contain a description of the means of solid waste disposal for the subdivision.

## **Section 8.17 ROAD STANDARDS**

### **Access, Road Location, and Arrangements**

Each lot within a proposed subdivision shall have frontage on and direct access to a roadway and, if such roadway is not improved to the satisfaction of the County, it shall be so improved. Roads shall be suitably located, of sufficient width, and adequately improved to accommodate prospective traffic, and to afford satisfactory access to police, fire fighting, and other emergency vehicles and shall be coordinated so as to compose a convenient system.

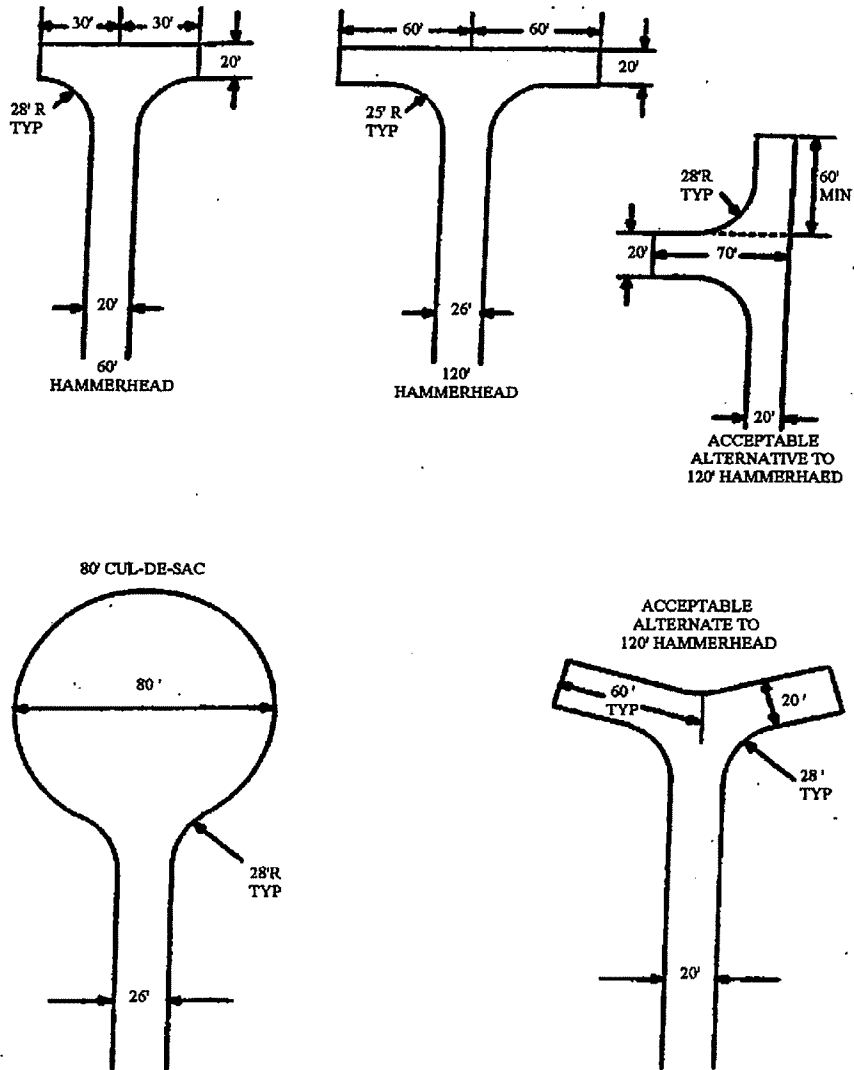
#### (1) **Basic Policies**

- a. **Character.** The character, extent, width, and location of all roads shall conform to the policies of the County and shall be consistent and appropriate in their relationship to existing and planned roads, topographic conditions, public convenience, safety, and the proposed uses of the land to be served by such roads.
- b. **Continuation.** The arrangement of roads in new subdivisions shall make provisions for the direct continuation of the existing roadway network if deemed appropriate by the County Engineer. The County Engineer and/or Public Works Director shall, prior to construction, approve any roads connecting to an existing County road. All roads connecting to existing dedicated County roads will match existing grade. No road grade or elevation may be changed without approval of the County Engineer and/or Public Works Director.
- c. **Provision for future subdivision.** Where a tract is subdivided into lots substantially larger than the minimum size required in the zone in which a subdivision is located, the County may require that roads and lots be laid out so as to permit future subdivision in accordance with the requirements contained in this section.
- d. **General Construction Standards.** No new road shall be constructed as to impair drainage from existing dedicated County roads. Any road connecting to a County dedicated road shall include a drive pad at a grade and length so as to allow a vehicle to stop before entering a County dedicated road, as required by the County Engineer and/or Public Works Director. New culverts shall be placed no less than three (3) feet from the road shoulder and shall match the construction plans submitted with the subdivision.

- (2) **Engineering Criteria** The proposed road layout within a subdivision shall meet applicable engineering standards, including horizontal alignment, corner property line configuration, and cul-de-sac configuration.
  - a. **Cul de Sacs/Dead Ends.** Whenever a road that serves more than two (2) lots is stub-ended so that it will not at that end open into another road, an adequate turn around conforming to one of the

alternatives pictured in Figure 8.18 of this Section shall be provided.

- b. Turning Radii. All corners shall have a minimum radii of twelve (12) feet and twenty-four (24) feet at corners considered to be important to the transportation network.
  - c. Corners. At important intersections and at all acute corners the property corner shall be rounded. Comparable cut-offs or chords in place of round corners may be permitted, subject to approval by the County Engineer.
  - d. Surfacing. All roads within subdivisions shall either be paved or surfaced with gravel and such paving or surfacing shall be of a type and strength suitable for the volume and character of traffic to be expected as determined by the County Engineer and/or Public Works Director. The type and width of surfacing required on both public and private roads will be determined by the County Engineer and/or Public Works Director.
  - e. Water Diversions. Any diversions of water due to construction activity shall conform to the applicable sections of Section 404 of the federal Clean Water Act (33 U.S.C.1344).
- (3) **Public Road Standards**. The minimum right-of-way for any public road shall be fifty (50) feet and standards for construction shall conform to the current Sandoval County Road Ordinance or more stringent standard if deemed appropriate by the County Engineer and/or Public Works Director.
- (4) **Private Road Standards**. Private roads to provide access to subdivision lots may be created where such roads can adequately serve all identified transportation, utility, and storm water handling requirements. Private roads shall be subject to the following conditions:
- a. Private roads may be platted only where the County determines that they will always clearly function as local roads.
  - b. A private road may be platted at a narrower width than a public road to the extent appropriate to its function. However, a private road that provides access to the main body of three (3) to eight (8) lots that do not abut a public right-of-way may not be platted at a width narrower than twenty-four (24) feet. A private road serving no more than two (2) lots may not be platted at a width narrower than twenty (20) feet. Private roads serving more than eight (8) lots shall meet the same standards as for public roads.
  - c. The County, based upon advice from the County Engineer, may require private roads to include public or private utility easements, including easements for storm water drainage.
  - d. If a private road is approved, it shall be clearly identified as such on the subdivision plat. Private roads must be sufficiently maintained as to allow access to all lots by emergency vehicles. Provisions for future maintenance must be clearly identified in the Disclosure Statement of the subdivision.



**RECOMMENDED TURNAROUNDS**

**FIGURE 8.18**

## ARTICLE 9. FINAL PLAT REVIEW PROCESS

### Section 9.1. Final Plat Submittal

- 9.1.1. Conformity. Following conditional approval of a preliminary plat the subdivider shall prepare a final plat in substantial conformity to the requirements of the conditionally approved preliminary plat. Following approval of a preliminary plat and before the expiration of the plat, the subdivider shall prepare a final plat which conforms with the approved preliminary plat. Subdivisions proposed to be phased in multiple final plats shall be submitted as indicated on the phasing schedule submitted with the preliminary plat. The applicant must name all of the proposed streets within the subdivision in accordance with the requirements of the county Addressing Ordinance and make arrangements to supply the county with the required number of signs for the entire subdivision. Prior to the approval of the Final Plat, the County Addresser will establish addresses for all new lots within the subdivision in accordance with applicable County regulations and policies.
- 9.1.2. Application/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 the prescribed form available from the County Planning Staff, and upon payment of the required administrative fees.
- 9.1.3. Plat deemed complete. 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 the prescribed form available from the County Planning Staff, who shall review all materials in order to determine whether the final plat is complete. If there are no deficiencies, the final plat will be deemed complete for review by written notice to the subdivider within thirty (30) days after the date of application. If the final plat is incomplete or does not comply with the submittal requirements provided herein, the subdivider shall be notified and will be given a maximum time period of thirty (30) days to correct the deficiencies and return the final plat for consideration.

### Section 9.2. Decision on Final Plat

- 9.2.1. Action. Final plats submitted to the County for approval shall be approved or disapproved by the Board of County Commissioners at a public meeting within thirty (30) days after the date the final plat is deemed complete.
- 9.2.2. Denial. The Board of County Commissioners shall not deny a final plat if the Board has previously approved a preliminary plat for the proposed subdivision and it finds that the final plat is in compliance with the previously approved preliminary plat. Denial of a final plat shall be accompanied by findings identifying the requirements that have not been met.
- 9.2.3. Improvement agreement. If, at the time of approval of the final plat, any public improvements have not been completed by the subdivider as required by these Regulations, the Board of County Commissioners shall, as a condition preceding approval of the final plat, require the subdivider to enter into an agreement with the County, on mutually agreeable terms, to thereafter complete the improvements at the subdivider's expense.
- 9.2.4. Failure to act. If the Board of County Commissioners does not act upon a final plat within the required period of time, the subdivider shall give the Board of County Commissioners written notice of its failure

to act. If the Board of County Commissioners fails to approve or reject the final plat within thirty (30) days after that notice, the Board of County Commissioners shall, upon demand by the subdivider, issue a certificate that the final plat has been approved.

### **Section 9.3. Final Plat Data Requirements**

- 9.3.1. **Filing specifications.** The original drawing of the final plat shall be submitted in waterproof ink on mylar or acetate or other durable material suitable for reproducing copies. Final plat maps shall be drawn at a scale of two-hundred (200) feet to one (1) inch or larger and printed on sheets no larger than twenty-four by thirty-six (24 x 36) inches. When more than one (1) sheet is used to include the entire subdivision, all sheets shall be cut to the same size and shall show appropriate references to other sheets of the subdivision. The subdivider shall also submit two (2) paper copies of the final plat map and accompanying information.
- 9.3.2. **Map specifications.** The final plat map shall be prepared in accordance with the applicable specifications of Appendix C to these Regulations.
- 9.3.3. **Affidavit.** The final plat shall contain a statement that the land being subdivided is subdivided in accordance with the final plat. The final plat shall be acknowledged by the owner and subdivider or their authorized agents in the manner required for the acknowledgment of deeds. Every final plat submitted to the County Clerk shall be accompanied by an affidavit of the owner and subdivider, or authorized agents, stating whether or not the proposed subdivision lies within the subdivision regulation jurisdiction of the County. A copy of the final plat shall be provided to every purchaser, lessee, or other person acquiring an interest in the subdivided land before sale, lease, or other conveyance.
- 9.3.4. **Dedication.** The final plat shall contain a certificate stating that the Board of County Commissioners 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. Acceptance for public use of a roadway does not constitute acceptance of maintenance for that roadway. On full conformity with County road construction standards, the roads may be accepted for maintenance by the County. Road maintenance is addressed in the County's Road Ordinance. 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 of County Commissioners is filed in that office.
- 9.3.5. **Filing Requirements.** The Board of County Commissioners has determined that the filing of all required material shall be done with the Planning Department of Sandoval County in lieu of filing with the Board of County Commissioners.
- 9.3.6. **Disclosure statement.** For all subdivisions, a disclosure statement shall be prepared in accordance with the standardized format provided in these Regulations. All Disclosure Statements must contain the notarized signature(s) all of landowners prior to recordation. The disclosure statement shall be signed by the Chairman of the Board of County Commissioners and a designated representative of the County Planning Staff and attested to by the County Clerk at the time when the final plat is approved and signed. The disclosure statement shall be filed with the Planning Department and the Consumer Protection Division of the New Mexico Attorney General's office. It is unlawful to sell, lease, or otherwise convey land in a subdivision until the required disclosure statement has been signed by the requisite County officials and filed with the County Clerk, Planning Department, and the Consumer Protection Division of the New Mexico Attorney General's Office; and until 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 in English and may be in Spanish if required by the Board of County Commissioners. For all subdivisions within Sandoval County, where the proposed water supply for the subdivision will be other than domestic or shared wells to be approved by the State Engineer pursuant Section 72-12-1; proof of a valid water right permit issued to the subdivider or to an existing community water system or municipal water system sufficient in quantity to meet the maximum annual water requirement of the proposed subdivision and specifically authorized for this purpose, shall be provided by the subdivider as a condition of approval of the final subdivision plat.

- 9.3.7. Amendments to Disclosure Statement. Any subsequent amendments to the Disclosure Statement must be signed and attested to by the appropriate County officials as required in Section 9.3.6 of these Regulations prior to the recording of said amendments in the Office of the County Clerk.
- 9.3.8. Conformity. The Board of County Commissioners shall not approve the plat of any subdivision if the subdivider cannot reasonably demonstrate that he can fulfill the proposals contained in his disclosure statement or if the subdivider has not conformed with the New Mexico Subdivision Act and the these Regulations.
- 9.3.9. Land Sales Act. 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.
- 9.3.10. Environment Department approval. For any subdivision requiring construction of a public water supply system or a community liquid waste system, documentation of approval from the New Mexico Environment Department shall be required for final plat approval.
- 9.3.11. Recording. The final plat is in full force and effect only after having been recorded in the office of the County Clerk within one (1) year after the date of approval by the Board of County Commissioners.

#### **Section 9.4. Advertising Standards**

- 9.4.1. Filing requirements. Copies of all brochures, publications, and advertising relating to subdivided land shall be filed with the Planning Department and the Attorney General within fifteen (15) days after initial use by the subdivider.
- 9.4.2. Requirements/restrictions. Brochures, disclosure statements, publications, and advertising of any form relating to subdivided land shall:
- a. Not misrepresent or contain false or misleading statements of fact;
  - b. Not describe deeds, title insurance, or other items included in a transaction as "free" and shall not state that any parcel is "free" or given as an "award" or "prize" if any consideration is required for any reason;
  - c. Not describe parcels available for "closing costs only" or similar terms unless all such costs are accurately and completely itemized; or when additional parcels must be purchased at a higher price;
  - d. Not include an asterisk or other reference symbol as a means of contradicting or substantially

- changing any statement;
- e. Accurately portray, if subdivision illustrations are used, the subdivision in its present state; and if illustrations are used portraying points of interest outside the subdivision, state the actual road miles from the subdivision;
- f. Not contain artists' conceptions of the subdivision or any facilities within it unless clearly labeled as such, and shall not contain maps unless accurately drawn to scale with the scale indicated;
- g. Not contain references to any facilities, points of interest or municipalities located outside the subdivision unless the distances from the subdivision are stated in the advertisement in actual road miles; and
- h. Refer to the location where the subdivider's disclosure statement may be obtained.

### **Section 9.5. 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:

- 9.5.1. **Final plat approval.** The final plat shall be approved by the Board of County Commissioners 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 County Commissioners 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.
- 9.5.2. **Relevant documents.** The subdivider shall furnish the Board of County Commissioners a sample copy of sales contracts, leases and any other documents which will be used to convey an interest in the subdivided land.
- 9.5.3. **Permanent marks.** All corners of all parcels and blocks within a subdivision shall be permanently marked with metal stakes in the ground and a reference stake shall be placed beside one corner of each parcel.

### **Section 9.6. Recording Parcels**

- 9.6.1. **Authority.** §47-6-9(A) (17) NMSA 1978 requires counties to enact regulations for recording all conveyances of parcels with the County Clerk. As defined in the Act, the term "parcel" means "land capable of being described by location and boundaries and not dedicated for public or common use."
- 9.6.2. **Purpose.** Recording conveyances of parcels provides anyone interested in acquiring land, and lenders with important information about the condition of title. Recording conveyances of all parcels also provides public officials with information needed to detect illegal subdividing. The purpose of this information is to protect buyers and lenders and to help enforce the Act and these Regulations by making all conveyances of parcels matters of public record.
- 9.6.3. **Requirement.** Any person who sells, leases for an initial term plus option terms in excess of five (5) years, or otherwise conveys any interest in any parcel located in whole or in part in the County shall record the deed, lease, real estate contract, notice of lease, notice of real estate contract, or other document of conveyance with the County Clerk no later than five (5) days after the closing or thirty (30) days after the date on which the document is signed, whichever comes first.



9.6.4. **Form and certification.** Any deed, lease for an initial term plus option terms in excess of five (5) years, real estate contract, notice of lease, notice of real estate contract, or other document used to convey any interest in any parcel located in whole or in part in the County shall be in a form acceptable for recording and duly acknowledged and certified as required by the provisions of §14-8-4 NMSA 1978.

9.6.5. **Plat attachment.** The deed, lease, real estate contract, notice of lease, notice of real estate contract, or other document of conveyance shall have a survey plat and a legal description of the parcel attached to it. The survey plat shall show the surveyor's seal, the boundaries of the parcel, the means of access to the parcel, and any easements to which the parcel is subject.

## **ARTICLE 10. SPECIAL PROCEDURES**

### **Section 10.1. Succeeding Subdivisions**

10.1.1. **Standards.** Any proposed subdivision may be combined with a previous subdivision and upgraded for classification purposes by the Board of County Commissioners if the proposed subdivision includes:

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

### **Section 10.2. Resubdivision**

10.2.1. **Definition.** Resubdivision shall include any change to a lot line, right-of-way line, or utility easement, which results in more lots or lots of a smaller size unless the change is the result of a vacation of plats or a variance granted by action of the Board of County Commissioners.

10.2.2. **Procedure.** All or a portion of any final plat filed in the office of the County Clerk may be resubdivided by the same procedures prescribed in these Regulations for the subdivision of land.

### **Section 10.3. Vacation of Plats**

10.3.1. **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 of County Commissioners; or
- b. The Board of County Commissioners finds that a plat was obtained by misrepresentation or fraud and orders a statement of vacation to be prepared by the County.

10.3.2. **Request for vacation.** The vacation of all or a portion of a final plat shall be initiated by submittal of a request for vacation to the County Planning Staff, accompanied by the required filing fee and a paper copy of plat map clearly showing the portions of the previous plat that are to be vacated. The plat map shall be prepared in accordance with the requirements of Appendix C to these Regulations. The County Planning Staff shall review the vacation request and accompanying materials and shall, within thirty (30) days of receipt, notify the applicant in writing if there are any deficiencies in the materials that need to be addressed in order for the submittal to be considered complete. If any platted utility easements are

proposed for vacation, the applicant shall obtain written approvals from authorized agents of all utility companies serving the area prior to scheduling of the request for hearing by the Board of County Commissioners.

10.3.3. Scheduling and notification. Within thirty (30) days after the date that the request for vacation is deemed complete by the County Planning Staff, the Board of County Commissioners shall schedule a hearing in order to approve or deny the vacation, subject to the following:

- a. Action shall be taken at a public meeting.
- b. At least fifteen (15) days before the proposed meeting, all owners of record of property within the subdivided land to be vacated and all owners of record of property contiguous to the subdivided land to be vacated shall have been notified by mail of the proposed vacation and the date, time, and place of the public meeting at which the vacation will be considered by the Board of County Commissioners.
- c. Relevant utilities and other agencies have been notified.

10.3.4. Action. In approving the vacation of all or a part of a final plat, the Board of County Commissioners 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 of County Commissioners may require that roads dedicated to the County in the final plat continue to be dedicated to the County. The owners of parcels along a portion of right-of-way that is to be vacated may enclose in equal proportions such adjoining roads if they are authorized to be abandoned by the Board of County Commissioners.

10.3.5. Filing. Subsequent to approval by the Board of County Commissioners of vacation of utility easements, authorized utility company representatives shall sign the plat prior to signature by the Chair of the Board of County Commissioners and the authorized representative of the Planning & Zoning Department. 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. The County Clerk shall mark the final plat with the words "Vacated" or "Partially Vacated" and refer on the final plat to the volume and page on which the statement of vacation is recorded. The vacation plat is in effect only after having been recorded in the Office of the County Clerk within one (1) year after the date of approval of the vacation request by the Board of County Commissioners.

10.3.6. 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.

#### **Section 10.4. Variances**

10.4.1. Planned development area. The Board of County Commissioners may grant a variance from the standards and requirements of these Regulations if it is presented with a plan and program for a new town, a complete community, or a neighborhood unit, which, in the judgment of the Board of County Commissioners provides adequate public spaces and improvements for the circulation, recreation, light, air, and service needs of the tract when fully developed and populated and which also provides such covenants and other legal provisions as will assure conformity to and achievement of the plan.

10.4.2. Conditions and Limitations. A variance shall not be granted unless the applicant can conclusively prove that the strict adherence to the requirements of these Regulations will cause extraordinary hardship. The extraordinary hardship must be the result of unusual topography or geology and not the result of a self-inflicted condition.

- a. Substantially secure the objectives of the standards of these Regulations; and
- b. Not adversely affect the health, safety, and general welfare of the public, if otherwise consistent with the general purpose and intent of these Regulations and if not injurious or detrimental to the surrounding area.

10.4.3. Procedures. The following procedures and requirements shall apply to all requests for variances under these Regulations.

- a. Requests for variances shall be submitted in writing prior to the request for preliminary plat approval on the prescribed form available from the County Planning Staff for that purpose, and upon payment of the required administrative fee.
- b. Variance requests shall be reviewed by the County Planning and Zoning Commission in public hearings which are separate from the public hearings held for approval of the preliminary plat.
- c. Notice of the request for variance shall be given in the same manner as notice is provided for any public hearing required in these Regulations and shall comply with the requirements of the Open Meetings Act of the State of New Mexico.
- d. Variance requests shall be submitted to the state or other reviewing agencies having expertise in the subject matter for which the variance is sought, and shall be governed by the same time limits in Section 4.3.
- e. The County Planning Staff shall make written findings of fact and shall produce those findings of facts as a portion of its decision on each request for variance.
- f. The decision shall be prepared, signed, and filed within five (5) working days after the public hearing at which the variance is considered.

## **Section 10.5 Protection of Cultural Properties, Archaeological Sites, and Unmarked Burials**

### **10.5.1. Unmarked Human Burials**

- a. According to state policy, any human burial in the state in any unmarked burial ground is accorded the protection of law and shall receive appropriate and respectful treatment and disposition.
- b. All subdividers shall comply with the requirements of 18-6-11.2 NMSA 1978, which prohibits the knowing, willful and intentional excavation, removal, disturbance or destruction of any human burial, buried, entombed or sepulchered in any unmarked burial ground except by authority of a permit issued by the state medical investigator or by the state cultural properties review committee with the concurrence of the state archaeologist and state historic preservation officer.

10.5.2 Archaeological Survey All lands subject to proposed subdivisions of Type One, Two, Four, or Three if over five (5) lots shall be investigated by an archaeologist who is permitted by the State Cultural Properties Review Committee, for the purpose of identifying and evaluating the significance of cultural properties, archaeological sites, and unmarked burial sites that may be impacted directly by the subdivision. Such an archeological survey may also help subdividers locate unmarked burials before construction begins, thus avoiding costly delays that may result if the discovery is made later. The

archaeological survey shall be included with the Preliminary Plat application package and be submitted to the State Department of Cultural Affairs, Historic Preservation Division, for review and comment.

#### **ARTICLE 11. ADMINISTRATIVE FEES**

Fees will be established by Resolution of the Board of County Commissioners and will be subject to periodic review and update.

#### **ARTICLE 12. APPEALS**

##### **Section 12.1. Who May Appeal**

12.1.1. Any party who is or may be adversely affected by a decision of the Board of County Commissioners in approving or disapproving a Preliminary or Final Plat or assessing a penalty under Section 13.3. may appeal to the District Court in the County in which the subdivision is located within 30-days of the date of the Board's action, pursuant to the provisions of Section 39-3-1.1 NMSA 1978.

12.1.2. An appeal is perfected by filing a Notice of Appeal in the District Court. A copy of the appeal shall be served upon the County Commissioners. A copy of the decision or order being appealed shall be attached to the Notice of Appeal.

##### **Section 12.2. Appeal Process**

12.2.1. Nature of review. The appeal shall consist of a whole record review, and the reviewing authority, whether it be the Board of County Commissioners or the District Court, shall set aside the action of the lower tribunal only if it is found to be:

- a. Arbitrary, capricious or an abuse of discretion; or
- b. Not supported by substantial evidence; or
- c. Otherwise not in accordance with law.

12.2.2. Standing. Any party to the action in District Court shall have full appellate rights in accordance with the laws of the State of New Mexico and the rules of appellate procedure for the State of New Mexico.

12.2.3. Notice of appeal. The appeal shall be perfected by filing a written notice of appeal which sets forth the specific portion or portions of the decision being appealed. A copy of the decision or order being appealed shall be attached to the notice of appeal. The appeal shall be perfected upon filing of the notice required by these Regulations and payment of the required administrative fee.

#### **ARTICLE 13. ENFORCEMENT, PENALTIES, AND REMEDIES**

##### **Section 13.1. Purpose and Authority**

Violations of the provisions of these Regulations shall be prosecuted in the manner provided by law to protect the health, safety, and welfare of the public according to the County's authority under the New Mexico Subdivision Act, §47-6-1 et seq. NMSA 1978. The remedies provided in these Regulations shall be cumulative and not exclusive.

### **Section 13.2. Investigation of Alleged Violations**

All written, signed complaints alleging one or more violations of the provisions of the New Mexico Subdivision Act or these Regulations shall be referred to the County Planning Staff for investigation. The County Planning Staff shall investigate the complaint and take such action as is warranted, or make a written recommendation to the Board of County Commissioners of what action is warranted. The County Planning Staff shall inform the complainant in writing of what actions have been taken or will be taken in response to the complaint.

### **Section 13.3. Penalties and Remedies**

Violations of the provisions of these Regulations shall be subject to the following penalties, remedies and enforcement procedures:

13.3.1. **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 of County Commissioners 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 of County Commissioners. The Board of County Commissioners may also require that any utility connected in violation of this section and of §47-6-27.2 NMSA 1978 be disconnected.

13.3.2. **Suspension of Right of Sale.** The Board of County Commissioners may suspend or revoke approval of a plat as to unsold, unleased or otherwise not conveyed portions of a subdivider's plat if the subdivider does not meet the schedule of compliance approved by the Board of County Commissioners.

13.3.3. **Injunctive Relief, Mandamus.** The Board of County Commissioners, 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 these Regulations:

- a. Injunctive relief to prohibit a subdivides from selling, leasing, or otherwise conveying any interest in subdivided land until the subdivides complies with the terms of the New Mexico Subdivision Act and these Regulations;
- b. Injunctive relief to compel compliance by any person with the provisions of the New Mexico Subdivision Act and these Regulations;
- c. 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 these Regulations; or
- d. 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 these Regulations.

13.3.4. **Bond not Required.** The Board of County Commissioners, 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.

### **13.3.5. Criminal Penalties**

- a. § 47-6-27 NMSA 1978 provides that:
  - i) 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

ii) 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.

- b. Any violation of the provisions of these Regulations is punishable by a fine not to exceed three hundred dollars (\$300) or imprisonment for not more than ninety (90) days, or both, in accordance with §4-3-7 NMSA 1978.

#### **ARTICLE 14. AMENDMENT**

These Regulations may be amended from time to time as conditions warrant. Amendments shall be made by ordinance adopted by the Board of County Commissioners in accordance with §4-37-1 et. seq. NMSA 1978 compilation as amended, and in accordance with §47-6-1 et. seq. NMSA 1978 compilation as amended.

#### **ARTICLE 15. SEVERABILITY**

The provisions of these Regulations or any Appendix thereof are severable, and if any provision, sentence clause, section, or part hereof is held illegal, invalid, or unconstitutional, or inapplicable to any person or circumstance, the illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of these Regulations or their application to other persons or circumstances. It is hereby declared to be the intent of the County that these Regulations would have been adopted if such illegal, invalid, or unconstitutional provision, sentence, clause, section, or part had not been included herein, and if the person or circumstances to which these Regulations or any part thereof are inapplicable had been specifically exempted therefrom.

#### **ARTICLE 16. REPEAL AND EFFECTIVE DATE**

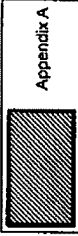
These Regulations repeal Sandoval County Subdivision Regulations adopted July 17, 1997 as well as Appendix A to Land Subdivision Regulations adopted October 17, 1996 and all amendments thereto. These Regulations shall become effective on the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**APPENDIX A  
TO SANDOVAL COUNTY SUBDIVISION  
REGULATIONS**

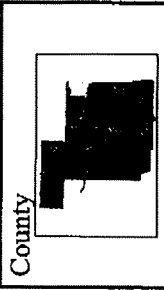
**DEVELOPMENT PLAN FOR SOUTHEASTERN SANDOVAL COUNTY**

Sandoval County NM, "Appendix A"

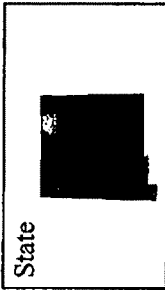
REVISION DATE: MARCH, 2021



Appendix A



County



State

THE INFORMATION ON THIS MAP IS FOR REFERENCE PURPOSES ONLY. ALL INFORMATION SHOULD BE INDEPENDENTLY VERIFIED.

[WWW.SANDOVALCOUNTY.NM.GOV](http://WWW.SANDOVALCOUNTY.NM.GOV)

MAP PREPARED BY:  
 GARY PALETTI - GIS SECTION  
 PLANNING AND ZONING DIVISION  
 1500 TRAILER RD BUILDING B  
 BERNALILLO, NEW MEXICO 87004



## APPENDIX A TO SANDOVAL COUNTY SUBDIVISION REGULATIONS

### DEVELOPMENT PLAN FOR SOUTHEASTERN SANDOVAL COUNTY

#### SECTION 1 JURISDICTION AND INTENT

This Appendix is to provide regulations governing the subdivision of land within southeastern Sandoval County. The area governed by these regulations (hereinafter referred to as the "Development Area") is shown on the map attached hereto and is generally described as follows: All lands subject to the jurisdiction of the Sandoval County Subdivision Regulations as described in Section 1.4 of those regulations and within an area bounded on the North by a line following the northern boundary of Township 13 North NMPM and the southern extent of the Pueblos of San Felipe and Santa Ana; on the East by the Sandoval County/Santa Fe County line; on the South by the Sandoval County/Bernalillo County line; and on the West by a line matching the eastern extent of the Laguna Indian Reservation. Lands lying west of Interstate 25 and within the boundaries of the Greater Bernalillo Extra-territorial Zone shall be exempt from the requirements of this Appendix. The members and heirs of the San Antonio de las Huertas Land Grant shall be subject to the requirements of the applicable state statute when disbursing their lands in common to an heir (Section 49-1-11 NMSA 1978). The requirements of this Appendix shall not apply to this method of property disbursement. This Appendix provides for additional requirements to those contained in the remainder of the Sandoval County Subdivision Regulations and if there is a conflict between the requirements of this Appendix and the requirements within the balance of the Subdivision Regulations, the requirements that are more restrictive will control. This Appendix shall be reviewed and updated periodically in an effort to insure that the best available data is being used for the determination of water availability.

The purpose and intent of this Appendix is to insure that the harmonious, orderly, and progressive development of land within the Development Area occurs in a manner that promotes the public health, safety, and welfare of the people within this area. The stringent water quantity requirements of this Appendix have been developed in consideration of the limited water resources, complex hydrology, and rapid growth of the Development Area. This Appendix shall take into account the diverse geographic area, limitations on water supply, desires of the local inhabitants, traditional land uses, traditional cultural practices, constitutional rights of property owners, and development trends within the designated area. This Appendix shall retain the area's prevailing rural residential character and protect its natural resources, environmentally critical areas, and significant historic sites. The incorporation of this Appendix into the Sandoval County Subdivision Regulations will not affect previously approved and filed subdivisions within the Development Area. This Appendix will only apply to subdivisions for which application for approval is filed after the adoption of the Appendix.

#### SECTION 2 DEFINITIONS

For Appendix A the following definitions are applicable. If there is no definition listed in this section then those definitions within the Sandoval County Subdivision Regulations apply.

**Adjacent Property:** All discrete tracts or parcels that are located within 300 feet of the boundaries of the lot(s) or tract(s) that are included within the area of a proposed subdivision.

**Grading and Drainage Plan:** A graphic representation of existing and proposed lot grading, drainage, flood control, and erosion control information. The information should be of sufficient detail to determine the feasibility of the proposed summary subdivision. The purposes of this plan are to check the compatibility of the proposed development within grading, drainage, flood hazard, and erosion control constraints as dictated by on-site physical features as well as adjacent properties, roads, and channels.

**Greater Bernalillo Extraterritorial Zone:** The area of jurisdiction of the Town of Bernalillo/Sandoval County Extra-Territorial Zoning Ordinance as shown on the maps adopted in conjunction with that Ordinance on November 19, 1986.

**Placitas Area:** All lands under the jurisdiction of Sandoval County and within the area herein described: Bounded on the north by San Felipe Pueblo and Santa Ana Pueblo, on the east by the Town of Tejon Grant boundary and the Cibola National Forest, on the south by Sandia Pueblo and the Cibola National Forest, and on the west by Interstate 25.

### SECTION 3 GENERAL REQUIREMENTS

All subdivisions within the Development Area shall be subject to the following standards:

- A. The subdivider shall provide a Site Map with the following information:
  - 1. Scale shall be 1"=1000' (one inch equals one thousand feet).
  - 2. The area covered by the Site Map shall extend 5000 ft. from the external boundaries of the subdivision.
  - 3. Average lot sizes will be calculated for all land contiguous to the site of the proposed subdivision, if that land has been subdivided.
  - 4. Lands within the site of the proposed subdivision shall be identified as either public or private.
  - 5. Acequias and irrigation easements shall be identified within the site of the proposed subdivision.
  - 6. Zoning classification shall be identified for the site of the proposed subdivision.
  - 7. Access to the subdivision shall be identified within the site of the proposed subdivision.
- B. Major intersections which will be utilized in order to gain access to the subdivision shall be identified regardless of their proximity to the subdivision.
- C. Private and public schools shall be identified within the Development Area that will most likely be impacted by the subdivision.
- D. Police and Fire Stations or substations that will serve the subdivision shall be identified.
- E. The subdivider shall be required to notify, by registered mail, all abutting property owners and abutting neighborhood associations prior to submitting the subdivision plan to the Sandoval County Planning Office. This notification will be for the purpose of providing general information about the proposed subdivision to affected abutters. This information shall be of a specific enough nature as to identify the boundaries of the subdivision, access points to and from the subdivision, approximate size of lots, open space, arroyos, infrastructure requirements, proposed water delivery system, solid and liquid waste disposal methods and any other relevant material which will allow the lay person to determine the size and impact of the proposed subdivision.

- F. If the subdivider dedicates land within the newly created subdivision to any entity other than Sandoval County, it must be held in common and in perpetuity by a Landowners Association.
- G. Subdivisions within the Development Area shall obtain prior approval from the Sandoval County Fire Chief in accordance with the International Fire Code and other applicable Federal and State regulations before Final Plat approval is granted by the Board of County Commissioners. Roadway grades shall not exceed 10% and shall be manageable for emergency services.
- H. All new subdivisions within the Development Area shall form a Landholders Association or Water Association which shall impose and enforce Restrictive Covenants which at the minimum, specifically limit the amount of water consumed per household to 85 gallons per day per person (gpcd gallons per capita per day), plus water needed for outdoor landscaping up to a maximum of .5 acre feet/year for all uses combined and require metering of all wells within the proposed subdivision. The Restrictive Covenants shall contain provisions for water conservation which adhere to Section 6 of the Water Conservation and Quantification of Water Demands in Subdivisions; A Guidance Manual for Public Officials and Developers; Brian C. Wilson, P.E.; New Mexico State Engineer Office, Technical Report 48, February 1996. The Restrictive Covenants shall provide a penalty clause that shall be imposed on individual households which exceed the combined indoor and outdoor domestic use. This penalty provision shall be part of the Disclosure Statement and shall be constructed in a sliding scale manner with the penalty becoming more severe the more water is used above the combined use limit. The Restrictive Covenants shall also state that the monies collected through this penalty provision shall be used to implement an educational program aimed specifically at the user offenders as well as aiding the offender in achieving compliance.
- I. All run-off water generated on the lot through the introduction of impermeable surfaces shall be maintained either on the lot in an on-site pond or a cistern, or maintained in centralized storm water retention ponds within the development or the lot owner may wish to direct the newly created run-off into a natural outlet, but must do so at the same rate and volume as the historical flow. If the option chosen is a cistern then the lot owner may increase their water consumption restraints in equal proportion to the cistern storage capacity.
- J. For any subdivision that utilizes a community water system, covenants and restrictions shall be recorded with the final plat wherein the drilling or use of individual and/or shared domestic wells permitted under Section 72-12-1 NMSA 1978 is strictly prohibited.
- K. These requirements shall apply to all subdivisions in excess of five lots regardless of type, unless the subdivision otherwise qualifies for review under the Summary Plat procedure.

**SECTION 4  
PRELIMINARY PLAT PROCEDURE**

This Section is intended to provide enough information to the Sandoval County Planning and Zoning Commission so that it will be able to reasonably determine the impact of the proposed subdivision on: the terrain, water table, water availability to pre-existing water users, drainage courses, existing streets or roadways, emergency services, cultural properties, archaeological sites, unmarked burials, current population density, or other infrastructure facilities provided by Sandoval County. These procedures are in addition to the requirements of Articles 6 and 8 of the Sandoval County Subdivision Regulations.

- A. **WATER QUANTITY AND MINIMUM LOT SIZE DETERMINATION:** The subdivider shall prove that water exists within the boundaries of the proposed subdivision in sufficient quantity to deliver 85 gallons per capita per day per dwelling unit plus water needed for outdoor landscaping up to a maximum of .5 acre feet/year for all uses combined. The number of individuals per dwelling unit will be determined in the same manner as that used by the current New Mexico State Environment Department(NMED) Liquid Waste Disposal Regulations, for design flow. (Note that the NMED design flow calculations are based on 75 gallons per capita per day use. The required water quantity delivery per person per dwelling unit of 85 gallons per day is slightly higher due to the addition of an evaporative cooler and water softener to the total water consumption per person per household. The design flow criteria of the NMED shall be used to compute the liquid waste disposal requirements).

Water quantity will be determined by physically drilling a well within the boundaries of the proposed subdivision, if a well does not already exist within the boundaries of the proposed subdivision. A well test shall be performed whether the well is new or pre-existing. The following procedures for well testing and interpretation are required with the goal of ensuring that the density of future development in this Development Area will take into account the availability of ground water of usable quality beneath the proposed development. An adequate water supply shall be demonstrated for a duration of 100 years. Well construction, pump testing, and interpretation should be performed by a qualified professional. Although specific "cook-book" requirements for well construction and pump testing are not recommended, specific minimum requirements for these activities must be performed and are detailed in the sections below.

1. **Preliminary Work**
  - a. Determine projected water demand based on accepted and realistic values for water use.
  - b. Evaluate the geologic and hydrogeologic setting (literature search).
  - c. Perform a field geologic reconnaissance within a 1 mile radius of the proposed development borders and prepare a detailed geologic map of

this area based on the field reconnaissance and existing published geologic literature.

- d. Determine the target aquifer(s) based on geologic mapping and the literature search. (New Mexico Bureau of Mines).
- e. Plot all known and permitted domestic wells within 1/2 mile radius, and all known and permitted municipal, industrial, and agricultural wells within 1-mile radius of the proposed development borders.

## 2. Well Construction, Well Test

- a. The test well shall be located inside the boundaries of the proposed development. Pumping tests shall consist of both a step drawdown test and a constant-rate discharge test. The purpose of the step drawdown test is to determine the optimal pumping rate for the constant rate discharge test.
- b. The well construction shall be at or above industry standards (see references in subsection 6 below), incorporating appropriate casing, gravel pack, and well seal application. To reduce the risk of contamination migrating down the borehole, a 2-foot thick bentonite seal shall be placed in the annulus above the gravel pack and a cement grout seal shall be placed in the annulus from ground surface to a depth of 20 feet. The well screen shall be of sufficient length to allow ground water to efficiently enter the well and to ensure the best possible sustainable production. Wells must be properly developed as soon as is practicable after completion of testing. Static water levels shall be measured for a minimum of 48 hours prior to hydraulic testing. These data will provide background information on the potential effects of nearby pumping wells, and provide an initial water level.
- c. A step drawdown test shall be performed prior to the constant discharge test to evaluate the range of pumping rates that can be sustained during the constant rate discharge test.
- d. The constant-pumping rate shall equal or exceed the proposed pumping rate for the development, and be adequate to allow computation of reliable estimates of aquifer transmissivity and storativity. The pumping rate shall take into account possible additional demands on water production due to the need for water treatment, outdoor landscaping, increased water demands during peak periods, etc. (Data can be obtained from New Mexico State Engineer Office Technical Manual 48)
- e. Where possible, water levels shall be measured during the constant rate discharge test in observation wells for the purpose of determining aquifer transmissivity and the aquifer storage coefficient.
- f. The duration of the test shall be sufficient to allow a reliable calculation of hydraulic conductivity and to identify aquifer boundaries that may affect water supply to the well in a 100-year time frame. The well test data and site-specific aquifer lithology data shall be used to make a

reliable estimate of the storage coefficient of the aquifer. The minimum duration of the constant-rate pumping test shall be 1000 minutes (three log cycles) at a rate sufficient to sustain an individual dwelling unit for 100 years of use. If it appears likely that water produced during the drawdown phase of the aquifer constant rate discharge test will percolate and reach the aquifer during the drawdown and recovery phase of the aquifer test, it shall either be confined in a storage tank or piped away from the site as long as the water does not cause damage to any property or persons downstream. Return of pumped water to the aquifer may lead to the appearance of a recharge boundary which may lead to erroneous interpretation of data.

- g. Both drawdown and recovery shall be monitored until the water level stabilizes to at least 90% of the drawdown.
- h. The duration of the test shall be sufficient to allow water quality to stabilize.

### 3. Data Interpretation/ Presentation

- a. The well test report shall contain reliable estimates of aquifer transmissivity, storage coefficient or specific yield, aquifer thickness, and hydraulic conductivity. The report shall include diagrams showing well completion, hydrogeology, and water elevation contours.
- b. The method of data interpretation shall take into account local hydrogeologic conditions that may affect the aquifer response to pumping. Some examples include:
  - i. lithology of the aquifer: alluvium, sandstone, fractured limestone, etc. or aquifer barrier boundaries potentially affecting long term yield;
  - ii. location(s) and hydraulic properties of confining layer(s) and potential artesian conditions;
  - iii. screen length relative to aquifer thickness.
- c. An evaluation shall be made of the drawdown effects of the proposed pumping rate (under full occupancy of the development) over a 100-year duration, including projected water-level drawdowns in existing wells that may be hydrologically connected to the proposed water supply wells, over the 100 year duration.
- d. Potential effects on nearby surface water courses including acequias shall be evaluated.
- e. The well test report shall include all the information obtained from the test as listed in sections 1 through 3 above.
- f. Calculations of recharge, ground water available in storage, and minimum lot size (per Section 5 below) shall be included in the report.
- g. In the case that geohydrologic technical circumstances prevent conducting these aquifer tests as specified above, an alternative method may be proposed that meets the requirements of this Section and can be

cited in the scientific literature. The proposed method shall be subject to review and approval by the New Mexico State Engineer Office prior to performing the test.

**4. Review Requirement**

Test data, results, analysis and conclusions shall be reviewed by the State Engineer Office for compliance to this appendix as well as the appropriate state statutes and/or by another qualified individual or Firm.

**5. Determination of Minimum Lot Size**

Minimum lot size for a land division within the Development Area shall be defined by the appropriate water allocation method as defined herein. In the event that there is a conflict between the minimum lot size derived under this Section and that specified by the Sandoval County Comprehensive Zoning Ordinance, the requirement that is more restrictive will control.

The main purpose of this section is to ensure that adequate lot size is established in order to control the rate of groundwater depletion and to prove sufficient ground water in storage over the target time period of 100 years. Estimates of aquifer thickness and ground water available in storage should be based on: cuttings collected as the borehole for the well is drilled, aquifer test results, and published data. Recharge estimates should be based on: climate, topography, and hydrogeologic setting, using acceptable methods described in the scientific literature. Methods used must have been described in the hydrogeologic literature, and applied with reasonable success somewhere in the southwestern U.S. (preferably in New Mexico). Not all of the ground water in storage in an aquifer can be readily withdrawn. Therefore a reasonable estimate of the percent of ground water in storage that can be withdrawn should be made based on the characteristics of the aquifer. Ground water storage estimates should be determined using the following method (Wilson, 1980).

$$S = Ac \times SY \times ST \times RC$$

where:

S= ground water in storage, acre feet

Ac= size of tract in acres

SY= specific yield for unconfined aquifers or storativity for confined aquifers.

ST= saturated thickness of aquifer

RC= recovery factor, is an estimate of how much of the water in storage might be economically recovered by a properly designed well field. The number 0.8 shall be used, unless the applicant demonstrates a greater efficiency for the proposed well field.

As an example, such efficiency could be demonstrated by a

computer model showing that when 90% of the water in storage is depleted, there will still be sufficient flow to wells such that a yield of 1 gpm (gallons per minute) can be maintained without drawing water below the pump setting. In this example,  $RC=0.9$  (Wilson, 1980).

Minimum lot sizes shall be based on a ground water supply of 100 years per lot. The following methods shall be used to determine the minimum lot size:

$MLS = U/A$

where:

MLS= minimum lot size in acres

U= water use per lot per 100 years, acre-feet

A= water availability per acre =  $S/Ac$

The well test data, and the gallons per person per annum will be used to determine the number of lots which can be sustained by each well. If the well test data supports more than the minimum requirements needed for one lot, that particular well can be used for up to five (5) lots unless that well is to be utilized for a community water system permitted by the Office of the State Engineer. Multiple well connections shall be encouraged. Individual well test data shall not be used to determine the total number of lots that can be created within the entire subdivision. Rather, individual well test data will be used to determine the number of lots which can be served by that particular well. If more lots are desired by the subdivider, then a new well will have to be drilled and tested in the above described manner. This sequence of events will occur until the desired number of lots is reached or the area within the subdivision is exhausted.

The above quantification in no way represents a guarantee by the subdivider or Sandoval County of the life expectancy of available groundwater. Rather, the 100 year horizon is intended to provide the best possible information to a prospective lot purchaser. The drilling of a well and the performance of a well test assures that the most accurate information concerning groundwater and its availability is being secured for the Development Area, and is being supplied to the State Engineer, the Board of County Commissioners, the Planning and Zoning Commission and the prospective lot purchaser so that they can make the most informed decision possible concerning a particular development.



6. **Water Quality**

Water samples shall be collected from the proposed well. Water samples shall be tested for contaminants as per the requirements of Section 8.12 of the Sandoval County Subdivision Regulations.

- B. **REQUIRED IMPROVEMENTS:** All roads and streets internal to a subdivision shall provide access to all lots within the proposed subdivision. All roads and streets internal to a subdivision may be dedicated to Sandoval County and must be constructed in accordance with the standards developed in the Sandoval County Subdivision Regulations, whether public or private. No roads or streets within a subdivision will be approved or built, until approval is received from the County Fire Chief or designee. All improvements, including roads and streets, deemed necessary by the County for the development of the subdivision shall be built by the subdivider at his/her own expense. If the subdivider chooses not to construct the improvements necessary for the subdivision at the time of Preliminary Plat approval and before Final Plat approval, he/she shall financially guarantee such improvements in accordance with the procedure outlined in Article 7 of the Sandoval County Subdivision Regulations.

Rights-of-way within subdivisions shall provide for the location of necessary utilities and shall connect to adjacent utility rights-of-way in a logical manner. All utility companies shall sign the Final Plat prior to approval to ensure that the utility rights-of-way are appropriate.

If the roads and streets within a subdivision are not to be dedicated to the County, the Subdivision Covenants shall provide a mechanism for maintenance in perpetuity for those roads and streets.

- C. **EMERGENCY SERVICES:** The subdivider shall meet with the County Fire Chief or designee and the County Sheriff to insure that the proposed subdivision does not adversely impact the County's ability to adequately provide Emergency Services to residents within the proposed subdivision. The Fire and Rescue Department and the Sheriff's Department shall issue a statement to the Planning and Zoning Department concerning the effect the proposed subdivision will have on Emergency Services.
- D. **CULTURAL PROPERTIES, ARCHEOLOGICAL SITES AND UNMARKED BURIALS:** The subdivider shall insure that if there are any cultural properties, archeological sites, or unmarked burials discovered during the subdivision process, protection shall be in accordance with the Cultural Properties Act Sections 18-6- 1 to 18-6- 17 NMSA 1978.

**SECTION 5  
EXPIRATION OF PRELIMINARY PLAT**

- A. The Expiration of a Preliminary Plat approved for a subdivision within the Development Area shall be subject to the terms and conditions of Section 6.4 of the Sandoval County Subdivision Regulations.

**SECTION 6  
DISCLOSURE STATEMENT**

- A. The subdivider shall meet all of the requirements for Disclosure Statements as specified in the Sandoval County Subdivision Regulations.

**SECTION 7  
VARIANCES**

Where in the case of a particular subdivision, it can be shown that strict compliance with the requirements of these regulations would result in extraordinary hardship to the subdivider because of unusual topography or other non-self-inflicted conditions or that these conditions would result in inhibiting the achievement of the objectives of these regulations, subdivider may file a written request for a variance. Such request must be made on a form prescribed for such by the Planning & Zoning Department and be accompanied by the filing fee prescribed by Article 11 of the Sandoval County Subdivision Regulations. Hearings on such variance requests shall be governed by the procedures outlined in Section 10.4.3 of the Sandoval County Subdivision Regulations.

The Board of County Commissioners may vary, modify, or waive the requirements of these regulations after recommendation by the Planning and Zoning Commission, and upon adequate proof that compliance with the regulations at issue will result in an arbitrary and unreasonable taking of property or exact undue hardship on the property owner. Proof that a variance from the regulations will not result in a condition injurious to health and safety is also required. In arriving at this determination, the Board of County Commissioners or Planning and Zoning Commission, 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 granted by the Board of County Commissioners or be recommended by the Planning and Zoning Commission if, by doing so, the intent and purpose of these regulations would be nullified.

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

**SECTION 8  
CHANGES OR AMENDMENTS**

Future amendments to this Appendix may be made by the Board of County Commissioners subject to the terms and conditions of Article 14 of the Sandoval County Subdivision Regulations.

**SECTION 9  
PLAT APPROVAL - SUMMARY PROCEDURE**

The geographic area covered by these regulations is subject to unique circumstances or conditions that require additional review under the Summary Procedure beyond the provisions for such review under Article 4 of the Sandoval County Subdivision Regulations.

- A. Type Three subdivisions containing five or fewer parcels, and all Type Five Subdivisions shall be subject to the following Summary Procedure:
- B. The following shall be submitted to the County Planning Staff:
  - 1. A paper copy of the preliminary plat without contour lines;
  - 2. Well test report conforming to the requirements of Section 9 E (2) of this Appendix or Section 4A of this Appendix if the land to be subdivided is located within the Placitas Area;
  - 3. proposed disclosure statement;
  - 4. In the case of Summary Subdivisions of land within the Placitas Area, a grading and drainage plan that complies with the requirements of Section 9 G of this Appendix.
- C. Section 3 of this Appendix shall not apply
- D. In order for a Summary Subdivision to receive approval under this Section, a Site Inspection must be completed that meets the requirements of Section 4.4 of the Sandoval County Subdivision Regulations.
- E. **WATER QUANTITY AND MINIMUM LOT SIZE DETERMINATION**

The requirements of Section 4A of this Appendix shall apply to all Summary Subdivisions of land within the Placitas Area as defined by these Regulations. In the remainder of the Development Area, in lieu of the requirements of Section 4A of this Appendix, no lots shall be sold, offered for sale, or otherwise transferred without proof of water availability as provided below:

  - 1. The subdivider shall prove that water exists within the boundaries of the proposed subdivision in sufficient quantity to deliver 85 gallons per capita per day per dwelling unit plus water needed for outdoor landscaping up to a maximum of .5 acre feet/year for all uses combined. Each individual lot owner, shared well or community water system shall be metered and shall submit a semiannual water

reading to the State Engineer Office. The number of individuals per dwelling unit will be determined in the same manner as that used by the New Mexico State Environment Department (NMED) Liquid Waste Disposal Regulations, January 1990, for design flow. (Note that the NMED design flow calculations are based on 75 gallons per capita per day use. The required water quantity delivery per person per dwelling unit of 85 gallons per day is slightly higher due to the addition of an evaporative cooler and water softener to the total water consumption per person per household. The design flow criteria of the NMED shall be used to compute the liquid waste disposal requirement.) Water quantity will be determined by either utilizing an existing well or physically drilling a well within the boundaries of the proposed subdivision and performing a well test.

2. If a new well is required, it will be opened and run for a period of 24 hours at a volume equaling .3 gallons per minute per dwelling proposed to be serviced by that well. Measurements of the water level in the well will be taken as follows:
  - a. before well test begins;
  - b. at 3, 6 and 24 hours;
  - c. at the end of the test;
  - d. 24 hours after the end of the test;

A well test report form prescribed by the County will be completed and signed by the person performing the well test, attesting to its accuracy. A well test performed without excessive fall in the water level and with adequate recovery of the water level after the test, utilizing applicable standards developed by the Office of the State Engineer, will satisfy the requirement of this section. A final copy of the well-test report shall be attached to and made a part of the Disclosure Statement and recorded along with that Statement and the plat of the Summary Subdivision in the Office of the Sandoval County Clerk.

3. If a pre-existing well is to be used for the water quantity assessment, data shall be obtained either through the above procedure (Item F, 2) or other available technological means that meet the water quantity requirements stated within this Summary Plat Procedure.
4. Minimum lot size shall be determined by the requirements of the Sandoval County Comprehensive Zoning Ordinance.

- F. Sections 4B, 4C, and 4D of this Appendix shall apply to the Summary Procedure. The Disclosure Statement for subdivisions approved under this section shall contain all information required for such Statements under Section 4.2.5 of the Sandoval County Subdivision Regulations.

G. **GRADING AND DRAINAGE** All Summary Subdivisions of land located within the Placitas Area shall be accompanied by a Grading and Drainage plan that complies with the following requirements:

1. The plan shall show to the satisfaction of the County Engineer that construction or paving on any lot within the Placitas Area shall not increase the damage potential to upstream, downstream, or adjacent properties or public facilities. Damages shall be defined as those caused by flooding from the 100-year design storm and all smaller storms and from erosion and sedimentation resulting from the 10-year design storm and all smaller storms.
2. Minimum criteria for hydrology and hydraulic calculations and design within the Plan shall be as described in the applicable Volume of the Development Process Manual, City of Albuquerque latest revision. Calculations shall accompany the plan.
3. The County Engineer shall approve the Grading and Drainage Plan prior to submission of the Summary Subdivision plat to the Planning & Zoning Commission for review.

H. **SPECIAL REVIEW PROCEDURE** For Summary Subdivisions of land located within the Placitas Area the following review procedure shall apply in lieu of that prescribed in Article 4 of the Sandoval County Subdivision Regulations:

1. **Application.** Upon completion of the applicable requirements outlined in Section 9 A-G of this Appendix and upon a written determination by the County Planning Staff that the Summary Subdivision is complete for review by the Planning & Zoning Commission, the subdivider shall submit the following to the County Planning Staff:
  - a. Ten (10) copies of the plat showing contour lines.
  - b. Proposed disclosure statement.
  - c. Grading and drainage plan approved by the County Engineer.
  - d. All materials related to the water supply plan for the subdivision, including any well test(s) completed to satisfy the requirements of Section 4 of this Appendix as well as any review comments related to such well tests from the Office of the State Engineer.
  - e. Review letters from the Fire and Rescue Department and the County Sheriff.
  - f. Application fee as adopted by the Board of County Commissioners via applicable Resolution.
  - g. Any other supplementary material deemed necessary by the County Planning Staff.
2. **Notice of Public Hearing.** Upon receipt of the above materials and a determination that the application is complete, the County Planning Staff shall

schedule the Summary Subdivision for review and rendering of a decision by the Planning & Zoning Commission at a public hearing. Notification of the public hearing held pursuant to this section shall be published in a newspaper of general circulation in the County at least fifteen (15) days prior to the hearing. In addition, notice of the public hearing shall be mailed by certified mail, return receipt requested to:

- a. the applicant(s)
  - b. the owner(s), as shown by the records of the County Treasurer, of the land for which the subdivision is requested, if different from the applicant(s); and
  - c. the owner(s), as shown by the records of the County Treasurer, of Adjacent Property as defined under this Appendix. If any notice is returned as undeliverable, the County shall attempt to discover the addressee's most recent address and shall remit the notice by certified mail, return receipt requested.
3. Public Hearing and Decision. At the public hearing, the County shall allow all interested persons a reasonable opportunity to submit data, views, or arguments, orally or in writing, and to examine witnesses testifying at the hearing. The decision of the Planning & Zoning Commission on a Summary Subdivision shall be based on the review of the application materials submitted, the recommendation of the County Planning Staff, and any other such additional data, views, or arguments as the Planning & Zoning Commission may allow. Hydrology testimony must be submitted in writing prior to the public hearing.
  4. Appeal. The decision of the Planning & Zoning Commission on a Summary Subdivision under this section shall be final unless appealed to the Board of County Commissioners within thirty (30) days of the date of the Planning & Zoning Commission's decision. Any appeals to a Planning & Zoning Commission decision under this section shall be filed in accordance with the requirements of Section 4.1.7 of the Sandoval County Subdivision Regulations. The Board of County Commissioners shall conduct the appeal hearing pursuant to Section 12.2 of those Regulations and as provided by State law.
  5. Recording. A summary subdivision plat approved under this section and its accompanying materials may not be recorded until the Chairman of the Planning & Zoning Commission and the County Planning Staff sign the plat. Neither the Chairman nor the County Planning Staff shall sign an approved summary plat until any appeal filed under this Section is decided, or the time for filing such an appeal is expired. The summary plat is in effect only after having been recorded in the Office of the County Clerk within one (1) year after the date of approval of the plat by the Planning & Zoning Commission.

**APPENDIX B**

**DISCLOSURE STATEMENT  
FOR ALL TYPE 1, 2, 4, AND TYPE 3 SUBDIVISIONS OVER 5 LOTS**

**YOU SHOULD 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 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 disclosure 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. Summaries of these opinions are 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 your money back from the subdivider when merchantable title is revested in the subdivider. To rescind the transaction you must give the subdivider written notice of your intent to rescind within three (3) days after the date 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 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 requirements for construction of additional improvements before you occupy the property.

1. NAME OF SUBDIVISION  
*(Name of subdivision)*
2. NAME AND ADDRESS OF SUBDIVIDER  
*(Name of subdivider)*  
*(Address of subdivider)*
3. NAME AND ADDRESS OF PERSON IN CHARGE OF SALES, LEASING OR OTHER CONVEYANCE IN NEW MEXICO  
*(Name of person in charge of sales, leasing or other conveyance)*  
*(Address of person in charge of sales, leasing or other conveyance)*  
*(Telephone number of person in charge of sales, leasing or other conveyance)*
4. SIZE OF SUBDIVISION BOTH PRESENT AND ANTICIPATED  
*Present (number of parcels) Anticipated (number of parcels) (number of acres in subdivision) (number of acres in subdivision)*
5. SIZE OF LARGEST PARCEL OFFERED FOR SALE, LEASE OR CONVEYANCE WITHIN THE SUBDIVISION  
*(Size of largest parcel in acres)*
6. SIZE OF SMALLEST PARCEL OFFERED FOR SALE, LEASE OR CONVEYANCE WITHIN THE SUBDIVISION  
*(Size of smallest parcel in acres)*
7. PROPOSED RANGE OF PRICES FOR SALES, LEASES OR OTHER CONVEYANCES  
*(\$ = lowest amount) (size of parcel sold, leased or conveyed)*  
*(\$ = highest amount) (size of parcel sold, leased or conveyed)*
8. FINANCING TERMS  
*(Interest rate)*  
*(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 and Regulation Z 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 of person who is recorded as having legal title)*



*NOTE: IF ANY OF THE HOLDERS OF LEGAL TITLE 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 who is recorded as having equitable title)*  
*(Address of person who is recorded as having equitable title)*

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

11. CONDITION OF TITLE  
*Include at least the following information where applicable*  
*(Number of mortgages)*  
*(Name and address of each mortgagee)*  
*(Balance owing on each mortgage)*  
*(Summary of release provisions of 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 default provisions of each real estate contract)*  
*(Summary of release provisions of each real estate contract)*  
*(Statement of any other encumbrances on the land)*  
*(Statement of any other conditions relevant to the state of title)*

12. 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)*

13. ESCROW AGENT  
*(Name of escrow agent)*  
*(Agent)*  
*(Statement of whether or not the subdivider has any interest in or financial ties to the escrow agent)*

14. UTILITIES  
*(Name of entity providing electricity, if available) (estimated cost per parcel)*  
*(Name of entity providing gas service, if available) (estimated cost per parcel)*  
*(Name of entity providing water, if available) (estimated cost per parcel)*

*(Name of entity providing telephone, if available) (estimated cost per parcel)*  
*(Name of entity providing liquid waste disposal, if available)(estimated cost per parcel)*  
*(Name of entity providing solid waste disposal, if available)(estimated cost per parcel)*

15. INSTALLATION OF UTILITIES

*(Electricity) (date)*  
*(Gas) (date)*  
*(Water) (date)*  
*(Telephone) (date)*  
*(Liquid waste disposal) (date)*  
*(Solid waste disposal) (date)*

16. UTILITY LOCATION

*(If all utilities are to be provided to each parcel in the subdivision, please state here)*  
*(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 be above ground or 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 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 that individual wells are prohibited, if such is the case)*

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, stated the estimated cost to complete a domestic well, including drilling, pressure tank, control devices, storage and treatment facilities)*

*(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 WATER SUPPLY

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

21. SURFACE WATER\*

*\*Not applicable where subdivider intends to provide water for domestic use.*

*(Provide a detailed statement 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 received by the Board of County Commissioners from 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 quality of water in the subdivision available for human consumption)  
(Describe any quality that would make the water unsuitable for use within the subdivision)  
(State the name, the contaminant level, the maximum contaminant level, the expected adverse effects of the contaminant for domestic use, and the recommended treatment method to reduce the contaminant level to or below the maximum contaminant level for any contaminants which exceed the maximum contaminant levels listed in these Regulations)*

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

*Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico Environment Department on:  
(Whether or not the subdivider can furnish water of an acceptable quality for human consumption and measures to protect the water supply from contamination in conformity with state regulations)*

*(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 water quality regulations)*

25. LIQUID WASTE DISPOSAL

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

NOTE: NO LIQUID WASTE DISPOSAL SYSTEM MAY BE USED IN THIS SUBDIVISION OTHER THAN A SYSTEM APPROVED FOR USE IN THIS SUBDIVISION BY THE BOARD OF COUNTY COMMISSIONERS AND THE NEW MEXICO ENVIRONMENT DEPARTMENT.

26. N.M. ENVIRONMENT DEPARTMENT'S OPINION ON LIQUID WASTE DISPOSAL

*Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico Environment Department on:*

*(Whether 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 proposals made in this disclosure statement)*

*(Whether or not the subdivider's proposal for liquid waste disposal conforms to the County's liquid waste disposal regulations)*

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 of County Commissioners from the New Mexico Environment Department on:*

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

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

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

29. TERRAIN MANAGEMENT

*(Describe the suitability for residential use of the soils in the subdivision as defined in the Natural Resource Conservation District's soil survey for Sandoval 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 that are subject to flooding)*  
*(Identify by lot and block numbers all parcels within the subdivision located in whole or part on slopes in excess of 8%)*  
*(Describe the surface drainage for all lots in the subdivision)*  
*(Describe the subsurface drainage for all lots in the subdivision)*  
*(describe the nature, location and completion dates of all storm drainage systems constructed or required to be constructed in the subdivision)*

30. NATURAL RESOURCE CONSERVATION DISTRICT'S OPINION ON TERRAIN MANAGEMENT

*Include here the approved summary of the opinion received by the Board of County Commissioners from the Soil & Water Conservation District on:*  
*(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 terrain management proposals conform to the County's regulations on terrain management)*

31. SUBDIVISION ACCESS

*(Name of town nearest to subdivision)*  
*(Distance from nearest town to subdivision and the route over which that distance is computed)*  
*(Describe access roads to subdivision)*  
*(State whether or not subdivision is accessible by conventional vehicle)*  
*(State whether or not subdivision is ordinarily accessible at all times of the year and under all weather conditions)*  
*(Describe the width and surfacing of all roads within the subdivision)*  
*(State whether the roads within the subdivision have been accepted for maintenance by the County)*  
*(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 owners' responsibilities and obligations with respect to road maintenance)*

32. MAINTENANCE

*(State whether the roads and other improvements within the subdivisions will be maintained by the County, the subdivider or an association of lot owners, and what measures have been taken to make sure that maintenance takes place)*

33. NEW MEXICO DEPARTMENT OF TRANSPORTATION'S OPINION ON ACCESS  
*Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico Department of Transportation on:*  
*(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 proposal made in this disclosure statement)*  
*(Whether or not the subdivider's access proposals conform to 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)*

UNLESS THERE IS 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 feed lots, dairies, cement plants or airports, that would subject the subdivided land to any unusual conditions affecting its use or occupancy)*
36. RECREATIONAL FACILITIES  
*(Describe all recreational facilities, actual and proposed in the subdivision)*  
*(State the estimated date of completion of each proposed recreational facility)*  
*(State whether or not there are any bonds, letters of credit or other collateral securing the construction of each proposed recreational facility and describe any such bond, letter of credit or other collateral)*
37. FIRE PROTECTION  
*(Distance to nearest fire station from subdivision)*  
*(Route over which that distance is computed)*  
*(State whether the fire department is full-time or volunteer)*  
*(Provisions for long-term maintenance of fire protection facilities in the subdivision)*
38. POLICE PROTECTION  
*List the various police units that 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 that distance is computed)*

*(Number of beds in nearest hospital)*

41. SHOPPING FACILITIES

*(Description of nearest shopping facilities including number of stores)*

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

42. PUBLIC TRANSPORTATION

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

## APPENDIX C

### PLAT PREPARATION STANDARDS

All plats prepared for approval by Sandoval County shall contain the following information and/or meet the standards outlined as follows:

#### General Standards

1. The dimensions of each sheet of the plat shall be twenty-four inches by thirty-six inches (24" X 36"). A marginal line shall be drawn around each sheet leaving an entirely blank margin of at least one-half (1/2") on all sides.
2. The plat shall be drawn at an adequate scale in order to allow for legibility in no case smaller than one inch to two hundred feet (1" = 200').
3. All lands from which lots are to be created shall be surveyed and included on the plat unless the total area of the lots to be created is less than two percent (2%) of the area of the parent tract.
4. ALL plats shall contain, at a minimum, the following information and shall be prepared in conformance with the standards contained herein:
  - a. Title, scale, north arrow, and date;
  - b. Existing and proposed boundary lines, in bearings and distances, for the subdivision;
  - c. Subdivision boundary lines, easement and right-of-way lines, and property lines of all lots, with accurate dimensions, and ties to monuments;
  - d. Permanent monuments, or descriptions and ties to such monuments, to which all dimensions, angles, bearings, and similar data on the plat shall be referred;
  - e. Tract boundary lines, easement and right-of-way lines, and property lines of residential lots and other sites, with accurate dimensions, bearings of deflection angles, and radii; arcs, and central angles of all curves;
  - f. Lot areas for each lot in acres to the nearest third decimal place. If private roads are proposed for access then the lot areas shall be shown inclusive and exclusive of the area of the access easement(s);
  - g. Location, dimensions, and purpose of all easements. For existing easements the date and method of creation, including recording information, of the easement in question shall be included on the plat;
  - h. Names of the owner or owners of land to be subdivided, the subdivider if other than the owner, and the name, license number, and address of the land surveyor who is responsible for preparing the plat;
  - i. Delineation of any one hundred (100) year flood plain as designated by the Federal Emergency Management Agency;
  - j. The stamped certification of a surveyor registered in New Mexico attesting to the accuracy of the plat, and the date of the survey, and that the plat was prepared to the minimum standards for surveying in New Mexico as adopted by the State Board of Registration for Professional Engineers and Surveyors;



- k. The township, range, and section within which the subdivision is located, the total acreage of all lands included within the plat area, and the legal description, including recording information, of any previously platted parcel that is proposed for subdivision;
  - l. Names and right-of-way widths of existing and proposed streets and access easements in and adjacent to the subdivision;
  - m. A vicinity map, no smaller than three inches square (3" X 3") and adequate in scale and legibility to determine the location of the property in relation to the surrounding area;
  - n. The type of division e.g. "Claim of Exemption – Family Transfer" and proposed legal description of the lots in question clearly identified in the Title Block;
  - o. Number or letter to identify each lot and block. Lots being replatted shall be numbered sequentially from the original number (e.g. Lot 1 becomes 1-A) and contiguous lots being consolidated shall be redesignated with the lowest number (e.g. Lots 1 and 2 become 1-A);
  - p. The legal description of all adjoining parcels including references to recorded subdivision plats for platted parcels by name, date, book, and page number in the office of the County Clerk;
  - q. The location of the limits of a municipality if included within the plat area;
  - r. Signature blocks for the authorized representatives of the Planning & Zoning Department, the Office of the County Treasurer, any municipality having extraterritorial planning and platting jurisdiction over the land in question, the Middle Rio Grande Conservancy District (MRGCD) if the land in question lies within the benefitted area of the MRGCD, and the Office of the County Clerk;
  - s. If there are any existing improvements within the plat area, a scale drawing shall be submitted showing the location of such improvements and the distance of those improvements from existing and proposed lot lines;
  - t. Accurate description of legal access to each parcel.
5. Plats prepared for all Type One, Two, Four Subdivisions, and all Type Three Subdivisions containing six or more parcels must also contain the following information:
- a. A sheet with existing topography and any regrading plans, indicating contour intervals sufficient for planning purposes;
  - b. Existing and proposed utilities on and adjacent to the site;
  - c. Locations, dimensions, and purpose of any land to be dedicated to public use, including any improvement to be made to that land;
  - d. Location of the subdivision in relation to well-known landmarks;
  - e. Location of historical, or culturally significant features on the site;
  - f. Centerline data of each road or other right-of-way;
  - g. Signature blocks for the Chairman and Vice-Chairman of the Sandoval County Board of County Commissioners.



**SANDOVAL COUNTY, NEW MEXICO  
BOARD OF COUNTY COMMISSIONERS  
ORDINANCE NO. 7-15-21.11A**

*AN ORDINANCE REPEALING AND REPLACING THE SANDOVAL COUNTY  
SUBDIVISION REGULATIONS CHAPTER 34 OF THE SANDOVAL COUNTY CODE*

WHEREAS, Sandoval County has not revised its Subdivision Regulations in a number of years; and

WHEREAS, since that last revision the New Mexico Legislature adopted amendments to the New Mexico Subdivision Act (47-6-1 et. seq. NMSA 1978) that need to be included in the Sandoval County Subdivision Regulations; and

WHEREAS, there are a number of current and longstanding administrative practices that also need to be included in the Sandoval County Subdivision Regulations.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS, THE GOVERNING BODY OF SANDOVAL COUNTY, NEW MEXICO THAT CHAPTER 34 OF THE SANDOVAL COUNTY CODE IS HEREBY REPEALED AND REPLACED WITH THE REVISED SANDOVAL COUNTY SUBDIVISION REGULATIONS AS ATTACHED IN EXHIBIT A, AND WHICH SHALL BE CODIFIED AS SANDOVAL COUNTY ORDINANCE CHAPTER 34:**

PASSED AND APPROVED THIS 15<sup>th</sup> DAY OF July, 2021,



ATTEST:

Anne Brady-Romero FR  
Anne Brady-Romero, County Clerk

APPROVED AS TO FORM:

Robin S. Hammer  
Robin S. Hammer, County Attorney

SANDOVAL COUNTY COMMISSION:

David J. Heil  
David J. Heil, Chair

Michael Meek  
Michael Meek, Vice Chair

Katherine Bruch  
Katherine Bruch, District 1

Jay C. Block  
Jay C. Block, District 2

F. Kenneth Eichwald  
F. Kenneth Eichwald, District 5