

9615194

ORDINANCE NO. 96-3

P. 2065 -
2068

AN ADDENDUM TO THE TORRANCE COUNTY LAND
SUBDIVISION REGULATIONS REGARDING SUBMITTAL
AND REVIEW requirements FOR LAND DIVISIONS.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF TORRANCE
COUNTY, NEW MEXICO:

Section A1. DEFINITIONS

1. "land division" means the division of land into two, three, or four parcels for
the purpose of sale or lease. Land division does not include:

- A. The sale or lease of apartments, offices, stores, or similar space within a building.
- B. Agricultural leases, mineral, oil, or gas leases, or land dedicated for cemetery purposes.
- C. The leasing of land or buildings for either commercial or industrial purposes, or the leasing of land for vehicle parking areas.
- D. The conveyance or transfer of land or any interest therein to the United States, state, county, school district, or other political subdivisions.
- E. The conveyance or transfer of land made or required by court order, except court orders involving land grant adjudications.
- F. The conveyance, transfer, creation or establishment of a utility easement.
- G. Subdivisions within the boundaries of a municipality or which are annexed by a municipality at the time of approval of the subdivision by the municipality.

2. "land division plat" means the graphic representation and legal description of a land division.

Section A2. LAND DIVISION PLAT REVIEW

1. Any person making a land division shall file in the Office of the County Clerk a land division plat which shows the parcels proposed for division with an approval by the County Planning and Zoning Commission stating that the plat complies with the requirements of this Ordinance.

STATE OF NEW MEXICO
 County of Torrance
 I hereby certify that this instrument was
 filed for record on the 29 day
 of February, A.D. 19 96
 at 9:38 o'clock A. M. and duly
 recorded in book 273 at page 206
 Witness my hand and Seal of office 2068
Carla Canyon
 County Clerk, Torrance Co., N.M.
 _____ Deputy



4. Additional information that addresses concerns for terrain management, water quality and quantify, liquid waste management, appropriate access, or other such concerns regarding the health, safety, or welfare of potential purchasers of the subject property may be required as necessary by the County Planning and Zoning Commission. The Commission shall advise the applicant as to what, if any, specific additional information is requested, and may further request comments from County staff or other governmental agencies as may be appropriate.

5. Land with the following types of problems may have land division approval withheld until it is demonstrated that such problems have been or will be eliminated:

- A. Special drainage or flooding conditions.
- B. Difficult topography.
- C. Soil conditions which are unusually limiting to development.
- D. Availability of water resources.
- E. Other geographic hazards to life, health, or property.

Section A3. LAND DIVISION REQUIREMENTS

1. All land divisions shall be provided with adequate vehicular access for utility services, fire protection, and emergency services whether by private access, utility easement, or public right-of-way. The **minimum** width of any roadway or easement created for access purposes shall be 38 feet.

2. All land divisions shall be in accordance with the Torrance County Zoning Ordinance, and Torrance County Subdivision/Land division regulations.

Section A4. REVIEW FEES

In order to cover the administrative expenses related to processing land division applications, a review fee shall be \$50.00 for each lot on a land division plat. Fees shall be made payable to Torrance County. Review fees are non-refundable. All fees shall be paid at the time of request for review by the County Planning and Zoning Commission.

Section A5. APPEALS

Any person aggrieved by any determination of the County Planning and Zoning Commission in carrying out the provisions of this Ordinance may file an appeal to the Board of County Commissioners by submitting a written statement within 15 days of the County Planning and Zoning Commission's decision. Such appeal shall be heard within 30 days of its filing. The Board of County Commissioners may overrule or modify any decision of the County Planning and Zoning Commission and make such findings as are not inconsistent with the provisions of this Ordinance. Appeals shall be filed with the County Clerk.

2. When all required fees have been paid and all required submittals have been received by the County Planning and Zoning Commission, the County Planning and Zoning Commission shall complete a review of any proposed land division plat within 45 days following the date of a written request for such review and may require comments from County staff or other governmental agency(s) as may be appropriate. Any person submitting a land division plat for consideration by the County Planning and Zoning Commission shall submit sufficient information to determine compliance with this Ordinance.

3. A land division plat shall be legibly drawn to scale in a manner suitable for reproduction. The land division plat shall show, contain, or be accompanied in writing by the following:

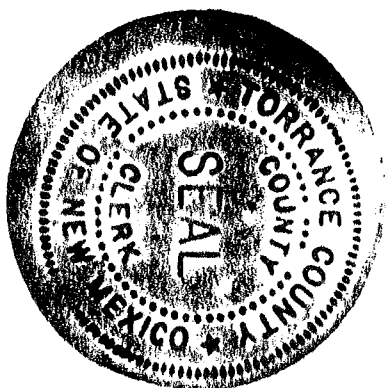
- A. Area map showing location and topography of the land to be divided.
- B. Plat map showing title, scale, north arrow, and date.
- C. Name and address of the property owner, and name and address of the person filing the plat, if different.
- D. Legal description of the land division with ties to permanent monuments.
- E. Layout of the proposed parcels with the dimensions and acreage indicated on each parcel to the nearest tenth of an acre.
- F. Location, dimensions, and purpose of all easements existing or proposed.
- G. Location, dimensions and names of public right-of-way or private roadways providing access to each parcel
- H. Utilities on and adjacent to the site.
- I. Signed statements that the land division is with the free consent and in accordance with the desire of the undersigned owner and proprietor of the land or his agent, acknowledged in a manner required for acknowledgment of deeds.
- J. Certificate and seal of a registered land surveyor.
- K. Any Conditions, Covenants and/or Restrictions to the land.
- L. Statement from the Torrance County Assessor's Office attesting that all taxes are current on the subject property.
- M. Graphically show all limits of 100 year floodplain as shown on the Federal Emergency Map and state the panel number from which the information was obtained.
- N. State whether the subject property contains any slopes in excess of 15%.
- O. Identify the access being created as public or private.
- P. Contain a statement indicating the predominant soil type.

Section A6. SEVERABILITY

If any portion of this Ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

PASSED, APPROVED and SIGNED THIS 28th day of February, 1996,
by the Board of County Commissioners of Torrance County, New Mexico.

This Ordinance shall become effective on the 29 day of March, 1996,
following publication by title and general summary.



Bill Powell
Chairman

Roy Spun
Member

Rodney Ramirez
Member

Carla Clayton
County Clerk