

#9620417

P. 2873-
2960

Ordinance No. 96 - 7

TORRANCE COUNTY
SUBDIVISION REGULATIONS

Adopted by the Torrance County Commission
on
December 11, 1996

Effective Date: January 10, 1997

STATE OF NEW MEXICO
COUNTY OF TORRANCE

I hereby certify that this instrument was
filed for record on the 19 day
of Dec. A.D. 19 96
at 4:21 o'clock P M and duly
recorded in book 275 at page 2873

Witness my hand and Seal of office
Paula Rodriguez
County Clerk, Torrance Co., N.M.
Abraham, Deputy



CONTENTS

	Page
ARTICLE 1. GENERAL PROVISIONS	1
Section 1.1. Title	
Section 1.2. Authority	
Section 1.3. Purpose	
Section 1.4. Jurisdiction	
Section 1.5. Written Decisions	
Section 1.6. Interpretation	
ARTICLE 2. DEFINITIONS	2
ARTICLE 3. PRE-APPLICATION PROCESS	7
Section 3.1. Pre-Application Procedure	
Section 3.2. Pre-Application Data Requirements	
ARTICLE 4. PRELIMINARY PLAT REVIEW PROCESS	8
Section 4.1. Preliminary Plat Submittal	
Section 4.2. Agency Review	
Section 4.3. Public Hearings on Preliminary Plats	
Section 4.4. Expiration of Preliminary Plat	
Section 4.5. Preliminary Plat Data Requirements	
ARTICLE 5. FINAL PLAT REVIEW PROCESS	14
Section 5.1. Final Plat Submittal	
Section 5.2. Decision on Final Plat	
Section 5.3. Final Plat Data Requirements	
Section 5.4. Advertising Standards	
Section 5.5. Requirements Prior to Sale, Lease, or Other Conveyance	
Section 5.6. Recording Parcels	
Section 5.7. Water Permits	
ARTICLE 6. SUMMARY REVIEW PROCESS	21
Section 6.1. Summary Review Procedure	
Section 6.2. Summary Review Data Requirements	
ARTICLE 7. SPECIAL PROCEDURES	25
Section 7.1. Succeeding Subdivisions	
Section 7.2. Resubdivision	
Section 7.3. Vacation of Plats	
Section 7.4. Variances	
Section 7.5. Exemptions	

Section 7.6. Protection of Cultural Properties, Archaeological Sites, Unmarked Burials	
ARTICLE 8. REQUIRED IMPROVEMENTS	30
Section 8.1. Construction of Required Improvements	
Section 8.2. Road Development	
Section 8.3. Improvement Guarantees	
ARTICLE 9. ADMINISTRATIVE FEES	32
ARTICLE 10. APPEALS	32
Section 10.1. Who May Appeal	
Section 10.2. Appeal Process	
ARTICLE 11. ENFORCEMENT, PENALTIES, AND REMEDIES	33
Section 11.1. Purpose and Authority	
Section 11.2. Investigation of Alleged Violations	
Section 11.3. Penalties and Remedies	
ARTICLE 12. AMENDMENT	35
ARTICLE 13. SEVERABILITY	35
ARTICLE 14. REPEAL AND EFFECTIVE DATE	36

ARTICLE 1. GENERAL PROVISIONS

Section 1.1. Title

This ordinance shall be known and may be cited as the "Torrance 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; §§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 in accordance with any official plans adopted by 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 protect and conserve the value of land throughout the County and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings, and to protect private property rights;
5. 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;
6. 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;
7. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water supply, 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; and
- 8. To encourage adequate housing opportunities for all of the citizens of the County and future generations, in balance with the County's natural resource base.

Section 1.4. Jurisdiction

These Regulations shall govern all subdivision of land not within the boundaries of municipalities but within the County. 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, the decision shall be in writing and supported by findings of fact and conclusions of law which are sufficient for meaningful review.

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, rules, regulations, covenants, or ordinances, the more restrictive shall govern. These Regulations shall be construed broadly to promote the purposes for which they were adopted. Particular reference shall be made to the land use requirements of the Torrance County Zoning Ordinance in considering the provisions of these Regulations.

ARTICLE 2. DEFINITIONS

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 contiguous or part of the same area of land or is known, designated or advertised as a common unit or by a common name
--------------------------------	---

County	The County of Torrance
contiguous	Refers to adjacent parcels sharing a boundary line or separated only by a road, right-of-way, or easement
disclosure statement	Statement required to be given to persons acquiring an interest in subdivided land; this statement complies with the requirements of §47-6-17 NMSA 1978 and these Regulations.
final plat	Map, chart, survey, plat, or replat, certified by a registered land surveyor licensed in the State of New Mexico, which contains a description of the subdivided land with ties to permanent monuments, prepared in a form suitable for filing record
immediate family member	Husband, wife, father, stepfather, mother, stepmother, brother, stepbrother, sister, stepsister, son, stepson, daughter, stepdaughter, grandson, stepgrandson, granddaughter, stepgranddaughter, nephew and niece, whether related by natural birth or adoption
lease	To lease or offer to lease land
parcel	Land capable of being described by location and boundaries and not dedicated for public or common use
person	Any individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate, or other entity
preliminary plat	Map of a proposed subdivision showing the character and proposed layout of the subdivision and the existing conditions in and around it; the map need not be based upon an accurate and detailed survey of the land
resubdivision	Any change to a lot line, right-of-way line, or utility easement, unless the change is the result of a vacation of plats or a variance granted by action of the Board of County Commissioners

sell	To sell or offer to sell land
subdivide	To divide a surface area of land into a subdivision
subdivider	Any person 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	<p>Division of 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; however, "subdivision" does not include:</p> <ol style="list-style-type: none">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 parcel per party;6) division of land for grazing or farming activities, provided the land continues to be used for grazing or farming activities;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 parcel per tract of land per immediate family member;
- 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, within any five (5) year period, provided that a second or subsequent sale, lease or other conveyance from the same tract of land within five (5) years of the first sale, lease, or other conveyance shall be subject to the provisions of the New Mexico

Subdivision Act; provided further that a survey shall be filed with the County Clerk indicating the five (5) year holding period for both the original tract and the newly created tract.

terrain management

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

time of purchase, lease or other conveyance

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

Type 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 acres (10) 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

Types of Subdivisions

Type	Number of Parcels	Size of Smallest Parcel
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

vacation

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

ARTICLE 3. PRE-APPLICATION PROCESSSection 3.1. Pre-Application Procedure

- 3.1.1. Conference, optional. For the purpose of expediting applications and reducing subdivision design and development costs, and with the exception of subdivisions that qualify for summary procedure, a subdivider may request 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.
- 3.1.2. Summary procedure conference. All proposed subdivisions which qualify for approval under the summary procedure provided in Article Six of these Regulations shall begin with a pre-application conference.
- 3.1.3. Scheduling. At the request of the subdivider, the County Zoning Clerk 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.
- 3.1.4. Fee. No fee shall be required for a pre-application conference.
- 3.1.5. Statements non binding. Neither the subdivider nor the County shall be bound by any statements made during the pre-application conference.
- 3.1.6. Application/forms. At the request of the subdivider, the County Zoning Clerk 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 3.2. Pre-Application Data Requirements

- 3.2.1. 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.

- 3.2.2. 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 legal description of the proposed subdivision;
 - d. a description of surrounding land uses; and
 - e. accessibility of site to roads and utilities.

ARTICLE 4. PRELIMINARY PLAT REVIEW PROCESS

Section 4.1. Preliminary Plat Submittal

- 4.1.1. Preliminary plat required. Preliminary plats shall be submitted for Type One, Type Two, Type Three, and Type Four subdivisions. Certain Type Three and all Type Five subdivisions are subject to review under the summary procedure set forth in Article Six of these Regulations.
- 4.1.2. Application/fees. A subdivider shall prepare a preliminary plat and supporting documentation in accordance with the requirements provided in these Regulations. Preliminary plat submittal is initiated by completing an application on a prescribed form available from the County Zoning Clerk, and upon payment of the required administrative fees.
- 4.1.3. Plat deemed complete. On receipt of the application, fees, preliminary plat, and supporting documentation, the County Zoning Clerk shall review all materials in order to determine if the preliminary plat is ready to begin the review process. If there are no deficiencies, the preliminary plat is deemed complete for review by written notice to the subdivider within 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 4.2. Agency Review

- 4.2.1. Plat transmittals. Within ten (10) days after the date that the preliminary plat is deemed complete, the County Zoning Clerk 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 Highway and Transportation Department; and
 - d. Soil and Water Conservation District in which the proposed subdivision is located.
- 4.2.2. Additional transmittals. Copies of the preliminary plat and supporting documentation shall also be transmitted in an appropriate manner to the following organizations for information and comment if necessary:
- a. Gas and Electric Utility Companies;
 - b. Torrance County Rural Addressing Department;
 - c. Torrance County Road Department;
 - d. Applicable Fire District; and
 - e. Applicable School District.
- 4.2.3. 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 Zoning Clerk shall obtain 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.
- 4.2.4. Hearing deadlines. If the opinions received from all agencies are favorable, the County shall schedule a public hearing for consideration and action on the preliminary plat within thirty (30) 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 required public hearing.
- 4.2.5. Adverse opinion. If any opinion from a public agency is adverse, the County Zoning Clerk 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. The County Zoning Clerk shall forward such additional information upon receipt to the appropriate agency, which shall have thirty (30) days after the date the subdivider submits the additional information in order to revise its opinion. The County Zoning Clerk shall obtain receipts or other proof showing the date the additional information was received by each state or local agency.

- 4.2.6. Revised opinion. The County shall schedule a public hearing for consideration and action 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 agency receives the additional information, it shall proceed with the required public hearing.

Section 4.3. Public Hearings on Preliminary Plats

- 4.3.1. Scheduling. The County shall conduct a public hearing 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.
- 4.3.2. Notice. The notice of public hearing shall be published in a newspaper of general circulation in the County and shall contain the following information:
- a. subject of the hearing;
 - b. time and place of the hearing;
 - c. manner for interested persons to present their views; and
 - d. place and manner for interested persons to get copies of any favorable or adverse opinion and of the subdivider's proposal.
- 4.3.3. 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;
 - c. any interested person who previously requested such notice and provided a stamped, self-addressed envelope for such purpose; and
 - d. owners of property contiguous to land proposed to be subdivided.

- 4.3.4. 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 tape recorded and a written record of the public hearing shall be kept. The opinions of the public agencies shall be made a part of the record.
- 4.3.5. Planning Commission review. Prior to the date of the public hearing, the Torrance County Planning and Zoning Commission shall be given the opportunity to review the preliminary plat and submit comments orally or in writing to the Board of County Commissioners.
- 4.3.6. Action. Within thirty (30) days of the public hearing, the Board of County Commissioners shall approve, approve with conditions, or disapprove the preliminary plat at a public meeting, the date, time, and place of which shall be announced publicly at the conclusion of the public hearing. The County Zoning Clerk shall inform the subdivider in writing of the decision of the Board of County Commissioners.

Section 4.4. Expiration of Preliminary Plat

- 4.4.1. 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 additional period of no more than twelve (12) months may be added to the expiration date by the Board of County Commissioners.
- 4.4.2. 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 maximum time allowed for all phases shall be ten (10) years from the preliminary plat to the final plat of the last phase.
- 4.4.3. Extension. Before the expiration date of the approved or conditionally approved preliminary plat, the subdivider may submit to the Board of County Commissioners an application for extension of the preliminary plat for a period of time not exceeding thirty-six (36) months.
- 4.4.4. 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 4.5. Preliminary Plat Data Requirements

4.5.1. 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;
- 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; and
- i. the subdivision will conform with the New Mexico Subdivision Act and these Regulations.

4.5.2. Minimum documentation. Supporting documentation shall be compiled into a singular report and shall include the following components prepared with reference to the "Supplemental Guidelines for the Torrance County Subdivision Regulations".

- a. Water Supply Plan
 - 1) water availability assessment
 - 2) annual water requirements
 - 3) community water system (if applicable)
 - 4) water conservation measures
 - 5) fire protection
 - 6) water rights
 - 7) water quality

- b. Liquid Waste Disposal Plan
 - 1) individual on-site liquid waste systems
 - 2) community liquid waste system (if applicable)
- c. Solid Waste Disposal Plan
 - 1) solid waste collection system
 - 2) on-lot disposal procedures (if applicable)
- d. Access Plan for Roads and Utilities
 - 1) relationship of site to regional highway network
 - 2) transportation access and site circulation
 - 3) road design criteria
 - 4) traffic impact analysis (50 parcels or more)
 - 5) relationship of site to regional utility lines
 - 6) livestock fencing
- e. Terrain Management Plan
 - 1) site geography
 - 2) soil survey
 - 3) grading plan
 - 4) landscaping plan
 - 5) erosion and drainage plan
 - 6) construction schedule
- f. Cultural Properties Protection
 - 1) unmarked human burials
 - 2) registered cultural properties
 - 3) archaeological sites

4.5.3. Filing specifications. The subdivider shall submit twenty-five (25) copies of the preliminary plat and supporting documentation for local review and distribution to public agencies. Preliminary plat maps shall be prepared at a scale of two-hundred (200) feet to one (1) inch or larger, and printed on sheets no larger than twenty-eight by thirty-six (28 x 36) inches. Sheets shall be numbered in sequence if more than one sheet is used.

4.5.4. Map specifications. The preliminary plat map shall show the following:

- a. title, scale, north arrow, and date;
- b. existing topography and any regrading plans, indicating contour intervals sufficient for planning purposes;
- c. existing and proposed boundary lines, in bearings and distances, for the subdivision;
- d. proposed lot lines, with lot and block numbers, and approximate acreage of each lot;

- e. the location, dimensions, and purpose of existing and proposed easements;
- f. names and right-of-way widths of existing and proposed streets on and adjacent to the subdivision;
- g. existing and proposed utilities on and adjacent to the site;
- h. locations, dimensions, and purpose of any land to be dedicated to the public use, including any improvements to be made to that land;
- i. location of subdivision in relation to well-known landmarks;
- j. location of archaeological, historical, or culturally significant features on the site;
- k. delineation, if applicable, of any 100-year flood plain as designated by the Federal Emergency Management Agency;
- l. names and addresses of the owner or owners of land to be subdivided, the subdivider if other than the owner, and the land surveyor; and
- m. legal description indicating the range, township, and section within which the subdivision is located.

4.5.5. 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.

4.5.6. Disclosure statement. The preliminary plat shall be accompanied by a draft disclosure statement in accordance with the standardized format provided in the "Supplemental Guidelines for the Torrance County Subdivision 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 5. FINAL PLAT REVIEW PROCESS

Section 5.1. Final Plat Submittal

5.1.1. Conformity. Following approval or conditional approval of a preliminary plat, and before the expiration of the plat, the subdivider shall prepare a final plat in substantial conformity with the approved or conditionally 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.

- 5.1.2. 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 Zoning Clerk, and upon payment of the required administrative fees.
- 5.1.3. 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 Zoning Clerk, 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 5.2. Decision on Final Plat

- 5.2.1. 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.
- 5.2.2. Denial. The Board of County Commissioners shall not deny a final plat if it has previously approved a preliminary plat for the proposed subdivision and it finds that the final plat is in substantial compliance with the previously approved preliminary plat. Denial of a final plat shall be accompanied by a finding identifying the requirements that have not been met.
- 5.2.3. 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.

- 5.2.4. 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 5.3. Final Plat Data Requirements

- 5.3.1. 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-eight by thirty-six (28 x 36) inches. When more than one 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 four (4) paper copies of the final plat map and accompanying information.
- 5.3.2. Map specifications. The final plat map shall include the following information:
- a. name of subdivision, scale, north arrow, and date;
 - b. permanent monuments, or descriptions and ties to such monuments, to which all dimensions, angles, bearings, and similar data on the plat shall be referred;
 - c. State plane coordinates on one primary corner within the subdivision;
 - d. tract boundary lines, easement and right-of-way lines, and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles, and radii, arcs, and central angles of all curves;
 - e. accurate description of legal access to, roads to, and utility easements for each parcel, and if the access or easement is based upon an agreement, the recording data in the land records for the agreement;
 - f. name, right-of-way width, and centerline data of each road or other right-of-way;
 - g. location, dimensions, and purpose of all easements and dedicated public sites;

- h. number of each parcel in progression, with its dimensions, and the dimensions of all land dedicated for public use or for the use of the owners of parcels fronting on or contiguous to the land;
- i. names of owners of contiguous unplatted land;
- j. delineation of any 100-year flood plain as designated by the Federal Emergency Management Agency;
- k. the names of the owner or owners of the subdivision, and the developer if other than the owner;
- l. the certification of a surveyor registered in New Mexico attesting to the accuracy of the plat, and the date of the survey;
- m. legal description indicating the range, township, and section within which the subdivision is located; and
- n. rural addressing number assigned to each lot.

5.3.3. 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.

5.3.4. 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. On full conformity with County road construction standards, the roads may be accepted for maintenance by the County. 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.

5.3.5. Disclosure statement. For all subdivisions, a disclosure statement shall be prepared in accordance with the standardized format provided in the "Supplemental Guidelines for the Torrance County Subdivision 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, the Board of County Commissioners, and the

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.

- 5.3.6. 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 these Regulations.
- 5.3.7. 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.
- 5.3.8. 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.
- 5.3.9. 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.
- 5.3.10. Water permit. For all subdivisions containing twenty (20) or more parcels, any one of which is two (2) acres or less in size, the subdivider shall provide a copy of the water permit issued by the State Engineer for subdivision water use. The Board of County Commissioners shall not approve the final plat unless the State Engineer has issued a water permit for the subdivision water use.
- 5.3.11. Certifications. Upon approval of the final plat, the following certifications shall be made and indicated by signature on the plat map:
- a. land surveyor who prepared the plat;
 - b. authorized representatives of relevant public utility companies whose services will be required for the subdivision;
 - c. Chairman of the Board of County Commissioners;
 - d. Torrance County Rural Addressing Department; and
 - e. Torrance County Assessor.

Section 5.4. Advertising Standards

- 5.4.1. Filing requirements. Copies of all brochures, publications, and advertising relating to subdivided land shall be filed with the Board of County Commissioners and the Attorney General within fifteen (15) days after initial use by the subdivider.
- 5.4.2. 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 5.5. 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:

- 5.5.1. Final plat approval. The final plat shall be approved by the Board of County Commissioners and shall be filed with the clerk of the county in which the subdivision is located. 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.
- 5.5.2. 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.
- 5.5.3. 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 5.6. Recording Parcels

- 5.6.1. 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."
- 5.6.2. 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.
- 5.6.3. 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.
- 5.6.4. 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.

- 5.6.5. 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.

Section 5.7. Water Permits

- 5.7.1. Permit requirement. The Board of County Commissioners shall not approve a final plat for a subdivision containing twenty (20) or more parcels any one of which is two (2) acres or less, unless there is a State Engineer permit for subdivision water use issued according to:

- §72-5-1: New appropriations of surface water
- §72-5-23: Changes in place of use
- §72-5-24: Changes in purpose of use or point of diversion:
- §72-12-3: New appropriations of ground water
- §72-12-7: Changes in purpose of use or location of well

- 5.7.2. State Engineer determination. In acting on the permit application, the State Engineer shall determine whether the amount of water is sufficient in quantity to fulfill the maximum water requirements for the subdivision.

ARTICLE 6. SUMMARY REVIEW PROCESS

Section 6.1. Summary Review Procedure

- 6.1.1. Qualifications. The following types of subdivisions shall 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 Zoning Ordinance as an area subject to unique circumstances or conditions that require additional review; and
 - b. all Type Five subdivisions.

- 6.1.2. Conference required. A pre-application conference is required before application for summary review and approval. The pre-application process is described in Article Three of these Regulations.
- 6.1.3. Application/fees. A subdivider shall prepare a summary review plat and supporting documentation in accordance with the requirements provided in these Regulations. The summary review plat shall be considered as a final plat suitable for filing with the County Clerk. Summary review plat submittal is initiated by completing an application on the prescribed form obtainable from the County Zoning Clerk, and upon payment of the required administrative fees.
- 6.1.4. Plat deemed complete. On receipt of the application, fees, summary review plat, and supporting documentation, the County Zoning Clerk shall review all materials in order to determine if the preliminary plat is ready to begin the review process. If there are no deficiencies, the summary review plat will be deemed complete for review by written notice to the subdivider within thirty (30) days after the date of application. If the summary review plat is incomplete or does not comply with the submittal requirements, the subdivider shall be notified and given a maximum time period of thirty (30) days to correct the deficiencies and return the summary review plat for consideration.
- 6.1.5. Public meeting. Summary review plats submitted to the County for approval shall be approved or disapproved by the Torrance County Planning and Zoning Commission at a public meeting within thirty (30) days of the date the summary review plat is deemed complete. The Board of County Commissioners has delegated to the Torrance County Planning and Zoning Commission the authority to approve any subdivision under summary review.
- 6.1.6. Improvement agreement. If, at the time of approval of the summary review plat, any public improvements have not been completed by the subdivider as required by these Regulations, the Torrance County Planning and Zoning Commission shall, as a condition preceding approval of the summary review 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.
- 6.1.7. Failure to act. If the Torrance County Planning and Zoning Commission does not act upon a summary review 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 review plat within

thirty (30) days after such notice, the Board of County Commissioners shall, upon demand by the subdivider, issue a certificate that the summary review plat has been approved.

Section 6.2. Summary Review Data Requirements

- 6.2.1. Filing Specifications. The original drawing of the summary review plat shall be submitted in waterproof ink on mylar or acetate or other durable material suitable for reproducing copies. Summary review 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-eight by thirty-six (28 x 36) inches. The subdivider shall also submit four paper copies of the summary review plat map and accompanying information.
- 6.2.2. Map specifications. The summary review plat map shall include the following information:
- a. title, scale, north arrow, and date;
 - b. name and mailing address of subdivider and designated agent, if any;
 - c. names of owners of land to be subdivided and of contiguous property;
 - d. subdivision boundary lines, easement and right-of-way lines, and property lines of all lots, with accurate dimensions, and ties to monuments;
 - e. acreage measurements and identification numbers for each lot;
 - f. location, dimensions, and purpose of all easements;
 - g. delineation of any 100-year flood plain as designated by the Federal Emergency Management Agency;
 - h. the certification of a surveyor registered in New Mexico attesting to the accuracy of the plat, and the date of the survey;
 - i. legal description indicating the range, township, and section within which the subdivision is located; and
 - J. rural addressing number assigned to each lot.
- 6.2.3. Affidavit. The summary review plat shall contain a statement that the land being subdivided will be subdivided in accordance with the summary review plat. The summary review plat shall be acknowledged by the owner and subdivider, or authorized agents, in the manner required for the acknowledgment of deeds. Every summary review 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 review plat shall be provided to every purchaser, lessee, or other person acquiring an interest in the subdivided land prior to sale, lease or other conveyance.

- 6.2.4. Dedication. The summary review 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. Upon full conformity with County road construction standards, the roads may be accepted for maintenance by the County. Acceptance of offers of dedication on a summary review plat shall not be effective until the summary review plat is filed in the office of the County Clerk or a resolution of acceptance by the Board of County Commissioners is filed in that office.
- 6.2.5. Disclosure statement. For all subdivisions, a disclosure statement shall be prepared in accordance with the standardized format provided in the "Supplemental Guidelines for the Torrance County Subdivision 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, the Board of County Commissioners, and the 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.
- 6.2.6. 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.
- 6.2.7. Advertising standards. The advertising standards covering the sale, lease, or other conveyance of subdivided land provided in Article Five/Section 4 of these Regulations shall be applicable to summary review plats.
- 6.2.8. Certifications. Upon approval of the summary review plat, the following certifications shall be made and indicated by signature on the plat map:
 - a. land surveyor who prepared the plat;

- b. authorized representatives of relevant public utility companies whose services will be required for the subdivision;
- c. Chairman of the Torrance County Planning and Zoning Commission;
- d. Torrance County Rural Addressing Department; and
- e. Torrance County Assessor.

ARTICLE 7. SPECIAL PROCEDURES

Section 7.1. Succeeding Subdivisions

- 7.1.1. 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 7.2. Resubdivision

- 7.2.1. Definition. Resubdivision shall include any change to a lot line, right-of-way line, or utility easement, unless the change is the result of a vacation of plats or a variance granted by action of the Board of County Commissioners.
- 7.2.2. 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 7.3. Vacation of Plats

- 7.3.1. 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.

7.3.2. 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 Clerk, along with the names of all owners of record of property within the subdivided land to be vacated and the names of all owners of record of property contiguous to the subdivided land to be vacated. The request for vacation shall be considered filed upon payment of the required administrative fee.

7.3.3. Scheduling and notification. Within sixty (60) days after the date of receipt of the request for vacation, the Board of County Commissioners shall approve or deny the vacation, subject to the following:

- a. Action shall be taken at a public meeting;
- b. The Torrance Planning and Zoning Commission shall be notified of the proposed vacation and allowed to comment;
- c. 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; and
- d. Relevant utilities and other agencies have been notified.

7.3.4. 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.

7.3.5. Filing. The approved statement declaring the vacation of a portion or all of a final plat shall be filed in the office of the County Clerk. 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.

7.3.6. 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 7.4. Variances

- 7.4.1. Planned development area. The Torrance County Planning and Zoning Commission 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 Torrance County Planning and Zoning Commission 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.

- 7.4.2. Conditions and limitations. A variance shall not be granted which will cause the County to absorb costs over and above those typically associated with subdivision approval. In granting variances, the Torrance County Planning and Zoning Commission may require such conditions as will:
 - 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.

- 7.4.3. 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 or at the time of request for preliminary plat approval on the prescribed form available from the County Zoning Clerk for that purpose, and upon payment of the required administrative fee.
 - b. Variance requests shall be reviewed by the Torrance County Planning and Zoning Commission in public hearings at the same time public hearings are 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 agency having expertise in the subject matter for which the variance is sought, and shall be governed by the same time limits.
- e. The Torrance County Planning and Zoning Commission shall make written findings of fact regarding any affected requirements of these Regulations and shall produce those findings of facts as a portion of its decision and order on each request for variance.
- f. The decision and order shall be prepared, signed and filed within five (5) working days after the public hearing at which the variance is considered.

Section 7.5. Exemptions

7.5.1. 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 in this Article.

7.5.2. Verification of Exemption.

- a. Any person claiming entitlement to an exemption under the provisions of these Regulations shall file a written claim of exemption on the prescribed form available from the County Zoning Clerk with the Torrance County Planning and Zoning Commission before making the land division for which the claim of exemption is made.
- b. The Torrance County Planning and Zoning Commission shall review the claim of exemption and supporting documents and shall mail written notice of whether the exemption has been approved or denied to the person claiming the exemption within forty-five (45) days after receipt of the completed claim of exemption; provided, however, that the forty-five (45) day period shall not begin to run until the person claiming the exemption has delivered a completed Claim of Exemption and all supporting documents to the County Zoning Clerk.
- c. If the claim of exemption is approved, or if the County Zoning Clerk fails to mail written notice to the claimant within forty-five

(45) 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.

- d. If the claim of exemption is denied, the person claiming the exemption may appeal the denial as provided in Article 10 of these Regulations or may submit an application for a subdivision as provided in these Regulations.

Section 7.6. Protection of Cultural Properties, Archaeological Sites, and Unmarked Burials

7.6.1. 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.

- 7.6.2. Registered Cultural Properties. Any person desiring to subdivide land in the County shall comply with the Cultural Properties Act §§ 18-6-1 through 18-6-17 NMSA 1978. Registered cultural properties are those properties which are entered in the New Mexico Register of Cultural Properties. In the event that a subdivision may impact a registered cultural property, consultation with the State Historic Preservation Officer is required. Additional information for subdividers regarding the identification and protection of cultural properties is available in the "Supplemental Guidelines for the Torrance County Subdivision Regulations".

- 7.6.3. Archaeological sites. If any material evidence that an archaeological site exists or is discovered on lands within the proposed subdivision, the subdivider is responsible for contacting the Historic Preservation Division, Office of Cultural Affairs in order to determine the significance of the site and the need for further investigation or mitigation for the protection of archaeological sites.

ARTICLE 8. REQUIRED IMPROVEMENTS

Section 8.1. Construction of Required Improvements

- 8.1.1. 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. 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 Attorney and, if in accordance with these Regulations, shall be approved by the County, allowing the subdivision development to proceed.
- 8.1.2. 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 8.2. Road Development

- 8.2.1. 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.
- 8.2.2. Safety and Design. All proposed roads shall conform to minimum County safety standards. Road design, as a minimum, shall be in conformance with the New Mexico Standard Specifications for Public Works Construction published by the New Mexico Chapter of the American Public Works Association. All constructed roads within a subdivision shall be gravelled or otherwise surfaced to allow all-weather use, subject to approval by the County which may require a signed letter of compliance by a certified engineer licensed by the State of New Mexico.
- 8.2.3. 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 8.3. Improvement Guarantees

- 8.3.1. 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.
- 8.3.2. 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 a 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 improvement. This guarantee may be by bond, letter of credit, escrow deposit, or other method acceptable to the County.

ARTICLE 9. ADMINISTRATIVE FEES

Any person desiring to subdivide land in the County shall pay the following administrative fees:

Preliminary plat	\$750.00 + \$10.00 per lot
Final plat	\$250.00 + \$10.00 per lot
Summary review plat	\$250.00 + \$10.00 per lot
Variance	\$250.00
Appeal	\$150.00
Claim of exemption	\$200.00
Statement of vacation	\$250.00

ARTICLE 10. APPEALS

Section 10.1. Who May Appeal

10.1.1. Torrance County Planning and Zoning Commission. Any person who is adversely affected by a decision of the Torrance County Planning and Zoning Commission in approving or disapproving a subdivision plat may appeal to the Board of County Commissioners within thirty (30) days after the date of the action of the Torrance County Planning and Zoning Commission. The Board of County Commissioners shall hear the appeal and render a decision within thirty (30) days after receiving the notice of appeal.

10.1.2. Board of County Commissioners. Any person who is adversely affected by a decision of the Board of County Commissioners in approving or disapproving a subdivision plat may appeal to the District Court of the county in which the subdivision is located within thirty (30) days after the date of the action of the Board.

Section 10.2. Appeal Process

10.2.1. 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.

- 10.2.2. 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.
- 10.2.3. 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 11. ENFORCEMENT, PENALTIES, AND REMEDIES

Section 11.1. 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 11.2. 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 Attorney for investigation. The County Attorney 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 Attorney shall inform the complainant in writing of what actions have been taken or will be taken in response to the complaint.

Section 11.3. Penalties and Remedies

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

- 11.3.1. 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.

11.3.2. 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.

11.3.3. 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 subdivider from selling, leasing, or otherwise conveying any interest in subdivided land until the subdivider complies with the terms of the New Mexico Subdivision Act and 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.

11.3.4. 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.

11.3.5. 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 §4-37-3 NMSA 1978.

ARTICLE 12. 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 13. SEVERABILITY

The provisions of these Regulations 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.

SUPPLEMENTAL GUIDELINES
for the
TORRANCE COUNTY SUBDIVISION REGULATIONS

Adopted by the Torrance County Commission
on
December 11, 1996

Effective Date: January 10, 1997

TABLE OF CONTENTS

<u>SECTION</u>		<u>PAGE</u>
1	Design Requirements for Water Conservation	1
2	Quantification of Annual Water Requirements	1
3	Water Right Permits for Final Plats	2
4	Community Water System Requirements	3
5	Water Availability Assessment for all Type-one Type-two, and Type-four Subdivisions, and All Type-three and Type-five Subdivisions Containing Six or More Parcels	4
6	Water Availability Assessment for Type-three and Type-five Subdivisions Containing Less than Six Parcels	7
7	Liquid Waste Disposal Documentation	7
8	Liquid Waste Disposal Requirements	9
9	Solid Waste Disposal Documentation	10
10	Solid Waste Disposal Requirements	11
11	Terrain Management Plan	11
12	Traffic Impact Analysis	15
13	Fire Protection Requirements	16
14	Water Quality Documentation	17
15	Water Quality Requirements	19
16	Open Space Criteria	20
17	Protecting Cultural Properties	20
18	Lot Standards	21
19	Street Name and Address Requirements	21
20	Subdivision Fencing	22
21	Road Design Criteria	22
22	Standard Forms for Disclosure Statements	24

**SUPPLEMENTAL GUIDELINES
for the
TORRANCE COUNTY SUBDIVISION REGULATIONS**

THESE SUPPLEMENTAL GUIDELINES ARE ADOPTED BY REFERENCE IN THE TORRANCE COUNTY SUBDIVISION REGULATIONS. ANY MODIFICATIONS TO THESE GUIDELINES SHALL BE SUBJECT TO PUBLIC NOTIFICATION AND MUST BE APPROVED BY RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS FOLLOWING A REVIEW AND RECOMMENDATION BY THE TORRANCE COUNTY PLANNING AND ZONING COMMISSION.

Section 1. Design Requirements for Water Conservation

The following water conservation measures shall apply to all new development in subdivisions approved by the County:

- 1.1 Water-saving fixtures shall be installed in all new residential and non-residential buildings. Water-saving fixtures shall include, but not be limited to, low-flush toilets, low-flow shower heads, low-flow faucets, and insulation of hot water pipes.
- 1.2 Low water use landscaping techniques applying the principles of xeriscaping should be utilized.
- 1.3 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 shall also be metered and the volume thereof reported to the State Engineer's Office.
- 1.4 Water distribution mains shall be pressure tested in accordance with New Mexico Standard Specification for Public Works Construction, Section 801.16.
- 1.5 Where water pressure at the customer service connection exceeds 80 pounds per square inch (psi), a pressure reducing valve shall be installed on the service connection.

Section 2. Quantification of Annual Water Requirements

In order to calculate the water requirements of the proposed subdivision for planning purposes, one of the following procedures shall be used to quantify the maximum allowable subdivision water use per year:

- 2.1 For residential subdivisions, the subdivider may choose to estimate the maximum annual

water requirement for both indoor and outdoor purposes by one of the following methods:

- a. Apply a multiplier of 0.55 acre-feet of water per year for each parcel in the subdivision. Subdividers who choose this procedure should limit the maximum area of irrigated landscape on any one parcel to 1,600 square feet or less, and prohibit water features that may consume significant amounts of water, such as outdoor swimming pools. This method is recommended for subdivisions with individual wells; or
 - b. The subdivider may, as an 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. This method is recommended for subdivisions that will obtain their water supply from a community system. Consideration shall be given to the water use patterns of customers in the local area or on an existing system. If the subdivider proposes limiting water use to less than 0.25 acre-feet of water per year for each parcel, then a water conservation plan or water use restrictive covenants will have to be submitted to demonstrate how the subdivider will assure limited water use. It is not the intent of these Guidelines to limit the right of the subdivider to propose a development with an annual water use in excess of 0.55 acre-feet of water per year per parcel.
- 2.2 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 3. Water Right Permits for Final Plats

- 3.1 For all new subdivisions located within the declared underground water basin containing twenty or more parcels any one of which is two or less acres in size, proof of a valid water right permit issued by the State Engineer pursuant to Sections 72-5-1, 72-5-23, 75-5-24, 72-12-3 or 72-12-7 NMSA 1978, sufficient in quantity to meet the maximum annual water requirement of the proposed subdivision and authorized for this purpose, shall be provided by the subdivider as a condition of approval of the final plat.
- 3.2 For all new subdivisions located within the declared underground water basin not covered by 3.1, above, 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 plat.

Section 4. Community Water System Requirements

- 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 1978, 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 service connections or serves at least twenty-five 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).
- 4.2 A community water system shall be required for all subdivisions where any one of the following criteria are met:
 - a. Subdivisions containing twenty parcels, any of which is equal to or less than two acres.
 - b. For all subdivisions containing nineteen or less parcels, or subdivisions containing twenty or more parcels in which the minimum parcel size is greater than two acres, where groundwater would be supplied from geologic formations where wells have been determined to produce at a rate of 2 gpm or less, or where available information suggest the likelihood of low yielding wells. In lieu of a community water system, individual or shared wells may be drilled by the developer, provided that it can be demonstrated that production can be sustained at rates greater than 2 gpm, and is adequate to meet the maximum annual water requirements of all parcels.
- 4.3 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 shall be a minimum of six inches in diameter.
- 4.4 Shared well systems, permitted under Section 72-12-1 NMSA, may be allowed subject to Subsection 4.2.b, under the condition that the maximum number of parcels served by one well shall not exceed five parcels.
- 4.5 Covenants and land use restrictions shall 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.
- 4.6 If a community water system is proposed or required, the developer should consult with the

New Mexico Public Utilities Commission regarding the applicability of the Public Utility Act to the community water system.

Section 5. Water Availability Assessment For All Type-one, Type-two, and Type-four Subdivisions, and All Type-three and Type-five Subdivisions Containing Six or More Parcels.

- 5.1 Subdivisions that are being served by an existing Public Utility shall provide a water availability statement from the approved utility.
- 5.2 A water availability assessment shall be submitted by the subdivider:
 - a. As a condition of preliminary plat approval for all Type-one, Type-two, and Type-four subdivisions, and Type-three subdivisions containing six or more parcels.
 - b. As a condition of final plat approval for type-five subdivisions containing six or more parcels.
- 5.3 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 70-year supply, and shall submit a geohydrologic report in accordance with subsection 5.4.
 - b. For subdivisions where the source of supply will be an existing community or municipal water supply system permitted pursuant to Sections 72-5-1, 72-5-23, 72-5-24, 72-12-1, or 72-12-3, the subdivider shall submit a water utility plan in accordance with Subsection 5.5.
 - c. 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 70-year supply and shall submit a geohydrologic report in accordance with Subsection 5.6.
- 5.4 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 be practically recovered to sustain the development for a continuous period of 70 years. These analyses shall take into account the production of existing wells and shall demonstrate that the wells serving the subdivision, as proposed or as designed, will be capable of producing the full annual demand for at least 70 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. Alternate, 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 70-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 draw down in the subdivision production wells as provided in Subsection 5.4.d. Predicted draw downs shall be calculated in a conservative manner (which estimates maximum draw down). 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 draw down shall be reduced by a factor of 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 draw down equal to 70 percent of the initial water column.
- e. The geohydrologic report should present all hydrologic information pertinent to the study area including that available from past geohydrologic studies. All sources of information used in the report should be identified including basic data collected by the consultant who prepared the report. The report shall contain 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 form a of a technical narrative; spreadsheets, tables, graphs, maps and cross-sections shall be included.

5.5 For community water systems in which existing utility companies is 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 70 years. The letter must also state any requirements 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 Utilities Commission (PUC) certified utilities, a copy of the most recent annual report submitted to the PUC.
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 subsection 5.4. 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.

5.6 For subdivisions where the source of water will be individual domestic wells, or shared wells, permitted under Section 72-12-1 NMSA 1978, 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 Subsection 5.4.
- b. The geohydrologic report shall also include a calculated 70-year schedule of off-site effects (draw downs) 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 50 percent of their water column or more, or experience an average annual rate of water decline of one 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, ditches and drains, the flows of which will be diminished by the proposed groundwater diversions. All natural or man-made ponds, lakes, reservoirs, or wetlands that will be impacted shall also be identified.

Section 6. Water Availability Assessment For Type-three and Type-five Subdivisions Containing Less Than Six Parcels

- 6.1 If the source of water supply will be an existing community water system or municipal water system, the subdivider shall submit a water availability assessment containing the following information:
- a. Name the utility proposed as the source of supply.
 - b. Letter of intent from the utility that they are ready, willing, and able to provide the maximum annual water requirements for the subdivision.
- 6.2 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 on-site 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 nearby wells.
 - d. Any additional information which is required by the Board of County Commissioners that will enable it to determine whether or not the subdivider can fulfill the proposals contained in his disclosure statement.

Section 7. Liquid Waste Disposal Documentation.

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

- 7.1 The liquid waste disposal 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 liquid waste disposal requirements of these Regulations;
 - d. Be accompanied by a copy of the subdivider's draft disclosure statement on liquid waste disposal;
 - e. Be accompanied by the information required in subsections 7.2, 7.3, and 7.4 of this Section as applicable to the subdivider's liquid waste disposal proposal; and,
 - f. Be accompanied by other relevant information as may be necessary for determination of compliance with the liquid waste disposal requirements of this Section and Section 8 herein.
- 7.2 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:
- a. An engineer's report and preliminary plans for the proposed community liquid waste system;
 - b. Maps showing the location of all water supply sources and the flood plain of all watercourses and surface bodies of water or wetlands within 1,000 feet of the proposed liquid waste treatment and liquid waste disposal site; and,
 - c. 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).
- 7.3 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:
- a. A statement of availability of liquid waste service signed by an official of the existing liquid waste system; and,
 - b. An engineer's report and preliminary plans for the proposed extension to the existing liquid waste system.
- 7.4 If the subdivider proposes individual liquid waste systems, the following information shall be submitted as part of the liquid waste disposal documentation package:
- a. A soils investigation report (soil survey, soil borings to a minimum depth of eight feet, soil test results and analysis of the soil survey, soil boring, and soils test) 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;
 - b. Maps showing the location of all water supply sources and the flood plain of all watercourses and surface bodies of water or wetlands within the proposed

- subdivision and within 500 feet of the proposed subdivision boundaries;
- c. A liquid waste system feasibility map, superimposed on the subdivision plat, delineating the areas of suitable, limited, and prohibitive soil categories as defined below:
1. A suitable soil has all of the following characteristics: a percolation rate from 5 to 60 minutes per inch; a ground slope from 0 to 8 percent; a soil depth to seasonal high ground water table or bedrock or other limiting soil layer of 8 or more feet; and a location outside of a flood plain.
 2. A limited soil has one or more of the following characteristics: a percolation rate faster than 5 minutes per inch, or from 61 to 120 minutes per inch; a ground slope from 9 to 15 percent; a soil depth to seasonal high ground water table or bedrock or other limiting soil layer from 4 to 8 feet; and a location outside a flood plain.
 3. A prohibitive soil has one or more of the following characteristics: a percolation rate slower than 120 minutes per inch; a ground slope greater than 15 percent; a soil depth to seasonal high ground water table or bedrock or other limiting soil layer less than 4 feet; and a location that is within a flood plain.
- d. Preliminary plans for the individual liquid waste systems if a system will serve more than one connection.

7.5 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. Liquid Waste Disposal Requirements

The following liquid waste disposal requirements shall apply to all subdivisions.

8.1 Community liquid waste systems.

- a. A community liquid waste system shall be permitted, designed, and constructed by the time of first occupancy within the subdivision, to comply with 20 NMAC 6.2; and, operated, maintained, and expanded as necessary to insure that the system will comply with 20 NMAC 6.2.
- b. 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.

8.2 Individual liquid waste systems.

- a. 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.

- b. Individual liquid waste systems shall not be:
 - 1. installed on a lot with a net lot size of less than one acre;
 - 2. installed where an existing community liquid waste system is available for use within the subdivision;
 - 3. installed in prohibitive soils as defined above;
 - 4. Installed at less than the setback distances as designated in the New Mexico Liquid Waste Disposal Regulations (20 NMAC 7.3); or,
 - 5. privies (outhouses) or cesspools.
- c. The subdivider shall disclose and covenant that the lots cannot be further divided or subdivided to lot sizes smaller than those approved for the subdivision. Any subsequent changes to covenants regarding the subdivision of lots shall require written approval by the Board of County Commissioners.

8.3 The disclosure statement for the subdivision shall contain a description of the means of liquid waste disposal for the subdivision.

Section 9. Solid Waste Disposal Documentation

For a subdivider to document conformance with the solid waste disposal requirements of the Torrance County Subdivision Regulations and the New Mexico Subdivision Act, a solid waste disposal documentation package shall accompany the preliminary plat.

9.1 A solid waste 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 solid waste disposal requirements of this Section and Section 10 herein;
- d. Be accompanied by a copy of the subdivider's draft disclosure statement on solid waste disposal; and,
- e. Be accompanied by other relevant information as may be necessary for determination of compliance with the solid waste disposal requirements of this Section and Section 10 herein.

9.2 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:

- a. A statement of availability of solid waste collection and disposal service signed by an official of the solid waste collection service; and
 - b. The name, location and owner or operator of the solid waste disposal site used by the collection service.
- 9.3 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:
- a. A statement of availability of solid waste disposal service signed by an official of the disposal site; and,
 - b. The travel distance from the center of the subdivision to the disposal site.

Section 10. Solid Waste Disposal Requirements

The following solid waste disposal requirements shall apply to all subdivisions.

- 10.1 At the time of first occupancy of the subdivision the subdivider shall provide for:
- a. Disposal of solid wastes at an approved solid waste disposal facility; and,
 - b. For a subdivision with 20 or more lots, an approved solid waste collection system to collect and transport solid wastes to the disposal facility.
- 10.2 The disclosure statement for the subdivision shall contain a description of the means of solid waste disposal for the subdivision.

Section 11. Terrain Management Plan

- 11.1 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.
- 11.2 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 miles of the proposed subdivision.
- 11.3 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 feet where the slope is less than eight percent and not more than five feet where the slope is eight percent or greater. The natural features map shall also indicate steep areas with slopes of 25 percent or greater, watercourses and floodways, major geologic features, and the types and distribution of vegetation.

11.4 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; and,
 6. Erosion control structures.
- b. Types Three and Five subdivisions shall have soil suitable for, but not limited to:
 1. Building foundation support;
 2. Road fill; and,
 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.

11.5 Grading plans will be subject to the following requirements:

- a. All grading, filling and clearing operations including road development shall be designed to:
 1. Preserve, match or blend with the natural contours of the land;
 2. Retain trees and other native vegetation to stabilize hillsides and cut and fill slopes, retain moisture, reduce erosion, reduce runoff, and preserve the natural scenic beauty;
 3. Minimize scars from cuts and fills;
 4. Reduce the amount of cuts and fills, and to round off sharp angles of all necessary cut and fill slopes;
 5. Minimize the transport of sediment; and,
 6. Ensure compatibility with the soil survey engineering interpretations and the local soil and water conservation district technical guide.

- b. The following discharges attributable to grading are prohibited whether the discharge is direct or indirect:
1. Sediment and other organic or earthen materials discharged into a watercourse, water body, drainage channel, or flood plain; and,
 2. Material placed in any manner which would make it susceptible to erosion and deposition into a watercourse, water body, drainage channel, or flood plain.
- c. Whenever the native ground cover is removed or disturbed, or whenever fill material is placed on the site, the plan should provide for the exposed surface to be treated to the extent necessary to prevent dust from blowing off the site.
- d. All grading and filling operations shall be accomplished in such a manner as to limit the amount of time during which the soil is in a disturbed, exposed and unprotected state.
- e. Provisions should be made for disposal of vegetation during the clearing operation.
- f. The plan should describe the disposition of earth removed during the grading operation.
- g. The maximum cut or fill slope shall be determined on the basis of the risk of instability or soil erosion as shown by the soil survey.
- h. If the material of the slope is of such composition and character as to be unstable under the maximum moisture content anticipated, the County shall require such measures as necessary to insure the stability of the slope. Measures may include, but are not limited to, reduction of the slope angle and mechanical stabilization of the slope.
- i. Where mechanical stabilization or containment of the slope by other than the use of native material is applied, the stabilization devices shall be at least partially screened by vegetation where practical.
- j. No organic material, such as vegetation or rubbish or any other material not subject to proper compaction or otherwise not conducive to its stability shall be permitted in fills. No rock or similar irreducible material with a maximum diameter greater than eight inches shall be buried or placed in the top two feet of fills.
- k. Borrowing for fill is prohibited unless re-vegetation proposed for the borrow area is approved by the County.
- l. Each layer of material for fill to be used as construction site shall be compacted to not less than 95% of maximum dried density.
- m. Proof shall be submitted to the County that fill slopes will not erode or slide.
- n. The operation of construction equipment shall be limited to the actual area to be graded according to the approved plans.
- o. During construction, appropriate barriers around all native vegetation proposed for retention shall be required. No vehicles of any kind shall pass through areas to be left in their natural state according to the approved plat.

11.6 Flood Plain Management requirements. The County is a participant in the National Flood Insurance Program administered through the Federal Emergency Management Agency. The delineation of Flood Plains and the Base Flood Elevations shall be provided by the County upon request.

- a. All subdivisions shall be planned and located to:
 1. Allow the development in such a manner as to lessen the impact on the flood plain and the damaging effects of floods; and
 2. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazards.
- b. Flood plains may not be used for:
 1. Construction of buildings for human habitation unless all usable floor space is constructed above the Base Flood Elevation; and,
 2. Structures, excavations, or deposits of material which acting alone or in combination with existing or future works could obstruct flood flows or adversely affect the capacity of the flood plain
- c. In approving a subdivider's plat, the County may as a condition of approval require fills, dikes, levies or other diversion measures to protect the subdivision from floods.
- d. Existing and/or proposed utilities shall be located where they will be safe from flood damage.

11.7 Storm Drainage

- a. All subdivisions shall be planned, constructed and maintained to:
 1. Protect and preserve existing natural drainage channels except where erosion and flood control measures are approved by the County;
 2. Protect structures and infrastructure from storm water hazards;
 3. Provide a system by which storm water within the subdivision will be removed without causing damage or harm to the natural environment, or to property or persons within the subdivision or in other areas;
 4. Assure that waters drained from the subdivision are substantially free of pollutants including sedimentary materials, or any greater quantity than would occur in the absence of the subdivision; and,
 5. 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.

- b. All storm drainage systems shall be constructed in accordance with:
 - 1. Specifications of the local Soil and Water Conservation District technical guide; and,
 - 2. Engineering interpretations of the soil survey.
- c. The County may require the design and construction of a drainage system that will ensure that the inlet flow line elevations and the capacity are such that it is capable, or may be extended as necessary, to serve adequately the entire drainage basin within which the subdivision is located when such basin is developed.

11.8 Implementation of Terrain Management Provisions

- a. Property owners shall maintain all permanent erosion devices and plantings by restrictions placed on all approved plats.

Section 12. Traffic Impact Analysis

12.1 A Traffic Impact Analysis (TIA) may be required for the following:

- a. All subdivisions containing 50 or more parcels.
- b. Cluster developments with 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 maintained road.

12.2 Submittal Procedures:

- a. The applicant shall establish an initial meeting with the County Zoning Officer. The applicant at this time shall have a complete description of the proposed development. The purpose of the meeting is to establish the scope of the particular TIA including the study area, horizon years, trip generation factors, existing road network areas of concern, other effected concurrent studies, and any agreed upon deviations or modifications to the report requirements herein. The Zoning Officer shall furnish written comments of this meeting to the applicant;
- b. The applicant shall submit one copy of the TIA to the Zoning officer and one copy to the State Highway and Transportation Department, along with a cover letter of explanation for review.

12.3 Recommended Report Requirements and Organization

- a. Introduction and Summary

1. Purpose and objectives of report.
 2. Site location and study area.
 3. Brief description of development.
 4. Principal findings and/or conclusion.
 5. Recommendations proposed as part of this 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
- 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

Section 13. Fire Protection Requirements

13.1 All applications for the subdivision of land shall be accompanied by a fire protection plan.

13.2 Guidelines for Fire Protection

- a. The subdivider's fire protection plan shall conform with requirements of the current County fire regulations and should include the following minimum information:
 1. Means for fire department site access.

2. Means for water supply for fire protection.
 - b. Submittals for fire protection shall be a condition of preliminary plat approval for all residential subdivisions with community water systems (and all non-residential subdivisions), or of final plat approval for Type-five or Type-three subdivisions subject to Summary Review procedures.
 - c. For all subdivisions with fire protection, the subdivider shall submit 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 the guidelines prepared by or under the supervision of a registered professional engineer.
 - d. For all subdivisions with community water supply systems to be supplied from existing utilities, the letter of intent from the utility to furnish water shall specify fire flows and pressures which will be furnished and fire fighting storage which may be apportioned to the subdivision.

Section 14. Water Quality Documentation

For a subdivider to document conformance with the water quality requirements of the Torrance County Subdivision Regulations and the New Mexico Subdivision Act, a water quality documentation package shall accompany the preliminary plat submittal for subdivisions that contain five or more lots.

14.1 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 draft disclosure statement on water quality;
- e. Submit the information listed in 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.

14.2 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 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 the location for all potential sources of contamination and the flood plain of all watercourses and surface bodies of water within 1,000 feet of the proposed water supply system source.
- 14.3 If a connection to and extension of an existing 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 alkalinity, aluminum, calcium, chloride, color, copper, 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 engineer's report and preliminary plans for the proposed water system.
- 14.4 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 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 plain of all watercourses and surface bodies of water or wetlands within the subdivision and within 500 feet of the proposed subdivision boundaries.

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

Section 15. Water Quality Requirements

The following water quality requirements shall apply to all subdivisions.

15.1 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 the current New Mexico Drinking Water Regulations (20 NMAC 7.1).

15.2 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 (esthetic/economic related) maximum contaminant level (SMCL) for any of the contaminants listed below.

a. Secondary Water Quality Parameters:

<u>Contaminant</u>	<u>SMCL</u>
Aluminum	0.05 to 0.2 mg/l
Chloride	250 mg/l
Color	15 CU
Copper	1.0 mg/l
Corrosivity	Non-corrosive
Fluoride	2.0 mg/l
Foaming Agents	0.5 mg/l
Hardness	250 mg/l
Iron	0.3 mg/l
Manganese	0.05 mg/l
Odor	3 TON
pH	6.8 to 8.5
Silver	0.1 mg/l
Sodium	100 mg/l
Sulfate	250 mg/l
TDS	500 mg/l
Turbidity	5 NTU
Zinc	5 mg/l

b. If the level for any of the contaminants listed above 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.

15.3 Siting of a water supply source shall must be in accordance with the requirements of the New Mexico Drinking Water Regulations (20 NMAC 7.1).

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

Section 16. Open Space Criteria

16.1 If a subdivider is proposing lands for open space, the following criteria shall be used in determining lands that are suitable for public open space in a subdivision or master plan application.

- a. Lands that can be managed to preserve their natural character.
- b. Lands that are physically, visually, or functionally related to other open space.
- c. Lands offered in parcels of five acres or more.
- d. Lands with concentrations of archaeological resources.
- e. Any other type land that the County deems appropriate.

Section 17. Protecting Cultural Properties

17.1 All lands that are proposed to be subdivided shall be investigated 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.

17.2 In the event that the investigation reveals evidence that the subdivision will have a direct impact on cultural properties, archaeological sites, or unmarked burials, then the developer shall be required to provide to the County and the State Historic Preservation Officer a plan of action that mitigates the negative impacts of the proposed subdivision. The State Historic Preservation Officer must comment on such plan of action prior to a decision by the County on whether or not to approve the plan of action to mitigate the negative effects of the proposed subdivision.

17.3 Unmarked Human Burials

- a. According to state policy, any unmarked human burial site shall receive appropriate and respectful treatment and disposition.
- b. All subdivider's 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.

Section 18. Lot Standards

The lot width, depth, shape, and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

18.1 Lot Configurations

- a. Depth and width of lots in commercial and industrial subdivisions shall be reviewed by the County Planning Commission for the specific type of use and industrial operation contemplated.
- b. Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.
- c. The subdivision of the land shall provide satisfactory access to an existing Public right-of-way by means of a Public right-of-way. Lots within the subdivision may be accessed by either a Private Way or by; Public right-of-way.
- d. Double-frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
- e. Side lot lines shall be substantially at right angles or radial to street lines.

Section 19. Street Name and Address Requirements

19.1 All new streets both public and private shall be named on an approved plat filed in the Office of the County Clerk. Street names shall not be in conflict with the name of any existing street in the County.

19.2 All addressing of buildings and properties shall conform to the rural addressing system as assigned by the County.

- a. Point of reference on Federal and State highways shall be milepost markers. These milepost markers are normally placed at one-mile intervals, adjacent to the traveled portions of the highway. Residences or businesses that are adjacent to highways will be addressed from the milepost markers to the nearest hundredth mile.
- b. The point of reference for a County or private road used for public thoroughfares will be at the beginning point of the road. The addresses for buildings or properties located on these roads shall be to the nearest hundredth mile.
- c. Addressing shall be on a mileage basis with a distance accuracy of +/- 0.1% or better.

Section 20. Subdivision Fencing

20.1 Fencing out livestock. When it has been determined appropriate by the County for a subdivider to fence out livestock, it shall be in conformity with 77-16-1 NMSA 1978.

Section 21. Road Design Criteria

- 21.1 Roads shall be located, aligned and designed to provide for proper drainage and landscaping, to protect against erosion of road surface and adjacent areas, and to be compatible with the engineering interpretations of the soil survey.
- 21.2 In general, roads shall be continuous and in alignment with existing roads and shall contribute to the County road network to insure adequate circulation for all modes of traffic. Unless otherwise permitted by the County, all roads shall be platted with a minimum right-of-way width of 50 feet. Local roads and private drives shall be laid out to discourage use by through traffic. Where land is subdivided into large tracts or where there is a potential for further subdivision, the proposed development shall be designed to provide for a coordinated road system for the entire tract.
- 21.3 All dead-end roads shall not exceed 1,320 feet (one quarter mile) in length and shall be designed with a closed end turnaround having an outside roadway diameter of at least 80 feet. Additional turnarounds with an 80-foot roadway diameter shall be placed on dead-end roads at intervals that are 700 feet or less. For any dead-end road serving 15 or more parcels, the County may require a second access road to serve the development. For any dead-end road that forms a cul-de-sac (providing access completely internal to the subdivision), which is 600 feet or less in length and serves four parcels or less, a minimum right-of-way width of 38 feet may be platted.
- 21.4 New half or partial roads will not be permitted. Wherever a tract to be subdivided borders on an existing half or partial road, the other part of the road shall be platted within such tract to achieve sufficient right-of-way.
- 21.5 Proposed subdivisions shall be platted to avoid having parcels with frontage on State or Federal highways. Subdivisions abutting State or Federal highways shall minimize the number of intersections with such highways. Where a subdivision borders on a Federal Interstate Highway, a parallel road or frontage road may be required at a distance suitable for the appropriate use of the intervening land.
- 21.6 Utility easements which are located parallel to roadways shall be placed so that maintenance of electric, gas, water, or other such utility lines will not create the need to disturb the road

or road drainage structures. Utility lines shall be installed as close as possible to the right-of-way line, or on the backslope of a drainage swale.

Section 22. Standard Forms for Disclosure Statements

DISCLOSURE STATEMENT

FOR ALL SUBDIVISIONS CONTAINING NO MORE THAN FOUR PARCELS.

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. 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)

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

(state here all deed and plat restrictions affecting the subdivided land)

5. UTILITIES

(name of entity providing
electricity, if available)

(estimated cost
per parcel)

(name of entity providing
gas service, if available)

(estimated cost)

(name of entity providing
water, if available)

(estimated cost)

(name of entity providing
telephone, if available)

(estimated cost)

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

(estimated cost)

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

(estimated cost)

6. INSTALLATION OF UTILITIES

(electricity)

(date)

(gas)

(date)

(water)

(date)

(telephone)

(date)

(liquid waste disposal)

(date)

(solid waste disposal)

(date)

7. 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)

	Above ground	Underground
electricity	_____	_____
gas	_____	_____
water	_____	_____
telephone	_____	_____
liquid waste disposal	_____	_____
solid waste disposal	_____	_____

8. WATER AVAILABILITY

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

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

(describe the means of water delivery within the subdivision)

(describe any limitations and restrictions on 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)

9. FOR SUBDIVISIONS WITH COMMUNITY WATER SYSTEMS (if applicable)

(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)

10. FOR SUBDIVISIONS WITH INDIVIDUAL DOMESTIC WELLS OR SHARED WELLS (if applicable)

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

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

11. 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

12. SOLID WASTE DISPOSAL

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

13. TERRAIN MANAGEMENT

(describe the suitability for residential use of the soils in the subdivision as defined in the Natural Resource Conservation)

(District's soil survey for Torrance 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 in 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)

14. 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)

15. 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)

16. **CONSTRUCTION GUARANTEES** (if applicable)

(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.

17. **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)

18. **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)

19. **POLICE PROTECTION**

List the various police units that patrol the subdivision.

(sheriff's department, if applicable)

(municipal police, if applicable)

(state police, if applicable)

20. PUBLIC SCHOOLS

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

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

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

DISCLOSURE STATEMENT

FOR ALL SUBDIVISIONS CONTAINING FIVE (5) OR MORE PARCELS.

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

Anticipated

(number of parcels)

(number of parcels)

(number of acres in subdivision)

(number of acres in subdivision)

5. SIZE OF LARGEST PARCEL OFFERED FOR SALE, LEASE OR 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)

(address)

(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)

(name of entity providing
water, if available)

(estimated cost)

(name of entity providing
telephone, if available)

(estimated cost)

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

(estimated cost)

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

(estimated cost)

15. INSTALLATION OF UTILITIES

(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)

	Above ground	Underground
electricity	_____	_____
gas	_____	_____
water	_____	_____
telephone	_____	_____
liquid waste disposal	_____	_____
solid waste disposal	_____	_____

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, state 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

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 Torrance 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 in 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. STATE HIGHWAY DEPARTMENT'S OPINION ON ACCESS

Include here the approved summary of the opinion received by the Board of County Commissioners from the State Highway and Transportation Department 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)

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)

ARTICLE 14. REPEAL AND EFFECTIVE DATE

These Regulations repeal and replace the existing Land Subdivision Regulations of Torrance County, New Mexico. These Regulations shall become effective on the 10th day of January, 1997.

PASSED, APPROVED AND SIGNED this 11th day of December, 1997.

Bruce Powell
Chairman

Rodney Raimo
Member

Roz Green
Member

ATTEST:

Carla Clapp
County Clerk