

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

Adopted by the Torrance County Commission  
on  
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## 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 (5 parcels or less) . . . .	24
	Standard Forms for Disclosure Statements (More than 5 parcels) . .	33

**SUPPLEMENTAL GUIDELINES  
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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 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 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

- 3. use within the subdivision;  
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  $\pm 0.1\%$  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)

---