

# Sierra County

## Subdivision Regulation



James Paxon, Chairman

Travis Day, Vice-Chairman

Hank Hopkins, Commissioner

Charlene Webb, County Manager

Ordinance Number 22-004

Adopted

September 20, 2022

## **ARTICLE 1. GENERAL PROVISIONS**

### **Section 1.1. Title**

This ordinance shall be known and may be cited as the "Sierra 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:

- A. To provide for and protect the public health, safety, and general welfare of the County;
- B. To guide the future growth and development of the County in accordance with any official plans adopted by the County;
- C. 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;
- D. 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 use of land and buildings;
- E. 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;
- F. To establish reasonable standards of design and procedures for subdivisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions and documenting of subdivided land; and
- G. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources throughout the County in order to preserve the integrity, stability, and beauty of the community and the value of the land.

### **Section 1.4. Jurisdiction**

These Regulations shall govern all subdivisions of land within the County, but not within the boundaries of municipalities. 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.

### **Section 1.7. Appendices**

The Board of County Commissioners is hereby authorized to adopt by Resolution the specific requirements for technical appendices to this ordinance covering the following subjects; Appendix A: Plat Certifications and Forms; Appendix B: Water Quality and Liquid and Solid Waste Disposal Requirements; Appendix C: Water use and Conservation; Appendix D: Terrain Management; and Appendix E: Road Standards Resolution No 96-054; Appendix F: Fire Protection Plan.

### **Section 1.8. Authority of Development Coordinator to Create Forms and Documents.**

The Development Coordinator is expressly authorized and directed to create all forms and documents contemplated by these regulations or needed to give effect to these Regulations.

### **Section 1.9. Computation of Time**

In computing any period of time prescribed or allowed by this ordinance, the day of the entry of the ruling or decision or other event from which the designated period of time begins to run shall not be included. When the period of time prescribed or allowed is less than eleven (11) days, intervening Saturdays, Sundays and legal holidays shall be excluded in the computation. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday or a legal holiday, or, when the act to be done is the filing of a paper with the Planning Department, a day on which weather or other conditions have made the Planning Department inaccessible, in which event the period runs until the end of the next day which is not one of the aforementioned days. As used in this rule, "legal holiday" means Sierra County holidays as determined by the Sierra County Board of Commissioners.

## **ARTICLE 2. DEFINITIONS**

The definitions of terms listed below shall guide the interpretations of these regulations. Where a word in these Regulations is not defined, the Development Coordinator shall be responsible for its proper definition.

Words used or defined in one tense or form shall include other tenses. Words in the singular form shall include the plural form. Words in the plural form shall include the singular form. Words used in the masculine form shall include the feminine form, and words in the feminine form shall include the masculine form. The word "shall" is mandatory. The word "may" is permissive. The term "person" includes individuals, firms, corporations, associations, trusts, and other similar interests.

**Acceptance** - Acceptance of any dedicated land within a subdivision by the County, including roads for public use and/or for maintenance.

**Access** - A means of entrance to or exit from property.

**Act** - As used in these Regulations, Act means the New Mexico Subdivision Act, NMSA 1978, Sections 47-6-1 thru 47-6-29.

**Certificate of Exemption** - Documentation for the Development Coordinator stating that a claim of exemption has been approved.

**Claim of Exemption** - An assertion made by a land owner that the proposed conveyance of certain newly created parcels does not constitute a subdivision because of any one of the exceptions to the definition of a subdivision. (See definition of "subdivision.")

**Common Promotional Plan** - Any plan or scheme of operation, undertaken by a single subdivider or a group of subdividers action in concert, to offer for sale or lease parcels of land where such land is either (1) contiguous to or part of the same area of land, or (2) is known, designated or advertised as a common unit or by a common name.

**County** - The County of Sierra

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

**Development Coordinator** - County Administrative employee responsible for coordinating, processing, and making recommendations on subdivision applications and related planning matters.

**Disclosure Statement** - A written 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.

**Final Plat** - Map, chart, survey, plat, or re-plat, certified by a licensed, registered land surveyor, which contains a description of the subdivided land with ties to permanent monuments, prepared in a form suitable for filing of record. (See Article 5.)

**Immediate Family Member** - Husband, wife, father, step-father, mother, step-mother, brother, step-brother, sister, step-sister, son, step-son, daughter, step-daughter, grandson, step grandson, granddaughter, step granddaughter, nephew, and niece, whether related by natural birth or adoption.

**Lease** - To lease or offer lease land.

**Parcel** - Unit of land capable of being directed 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.

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

**Subdivide** - To divide a surface area of land into a subdivision.

**Subdivider** - Any person/agent who creates or who has created a subdivision, individually or as part of a common promotional plan, or any person engaged in the sale, lease, or other conveyance of subdivided land; however, "subdivider" does not include any duly licensed real estate broker or salesperson acting on another's account.

**Subdivision** - The division of a surface area of land, including land within a previously approved subdivision, into two (2) or more parcels for the purpose of sale, lease, or other conveyance; or for building development, whether immediate or future, however, "subdivision" does not include:

1. Sale, lease, or other conveyance of any parcel that is thirty-five (35) acres or larger in size within any twelve (12) month period, provided that the land has been used primarily and continuously for agricultural purposes, in accordance with § 7-36-20 NMSA 1978, for the preceding three (3) years;
2. sale or lease of apartments, offices, stores, or similar space within a building;
3. division of land within the boundaries of a municipality;
4. division of land in which only gas, oil, mineral, or water rights are severed from the surface ownership of the land;
5. division of land created by court order where the order creates no more than one (1) parcel per party.
6. division of land for grazing or farming activities, provided the land continues to be used for grazing or farming activities;
7. division of land resulting only in the alteration of parcel boundaries where parcels are altered for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased;
8. division of land to create burial plots in a cemetery;
9. division of land to create a parcel that is sold or donated as a gift to an immediate family member; however, this exception shall be limited to allow the seller or donor to sell or give no more than one (1) parcel per tract of land per immediate family member;
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.

<b>Type One Subdivision</b>	Any subdivision containing five hundred (500) or more parcels, any one of which is less than ten (10) acres in size.
<b>Type Two Subdivision</b>	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.
<b>Type Three Subdivision</b>	Any subdivision containing not more than twenty- four (24) parcels, any one of which is less than ten (10) acres in size.
<b>Type Four Subdivision</b>	Any subdivision containing twenty-five (25) or more parcels, each of which is ten (10) acres or more m size.
<b>Type Five Subdivision</b>	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 (cancelling)** all or part of a recorded subdivision plat, including legal deductions and grants of easements.

**Variances** The Board of County Commissioners may grant a variance from the standards and requirements of these regulations where, because of exceptional physical conditions of the land, the strict application of these regulations would result in a practical difficulty or unnecessary hardship that would deprive the subdivider of the reasonable use of the land.

## ARTICLE 3. PREAPPLICATION PROCESS ALL SUBDIVISIONS

### Section 3.1. Preapplication Procedure

- A. Conference: For the purpose of expediting applications and reducing subdivision design and development costs, a subdivider will be required to attend an informal preapplication conference in accordance with the requirements provided in these Regulations. The preapplication conference is intended to provide general advice to the subdivider about the procedures and data requirements for subdivision review and approval. The subdivider or agent may contact the Development Coordinator for information or to schedule a preapplication conference.
- B. No fee shall be required for a preapplication conference.
- C. Neither the subdivider nor the County shall be bound by any statements made during the preapplication conference.
- D. At the request of the subdivider, the County Development Coordinator shall provide sufficient information and application forms for preliminary plat submittal in order to proceed with the County subdivision process.

### Section 3.2. Preapplication Date Requirements

- A. A sketch plan shall be prepared by the subdivider which shows the proposed layout of streets and lots, with estimated dimensions. The location of the proposed subdivision must be described on a vicinity map of the area.

B. In addition to the sketch plan and location map, the subdivider shall provide information including, but not limited to, the following:

1. name and mailing address of the subdivider and designated agent, if any;
2. name of owner or owners of land to be subdivided; and
3. accessibility of site to roads and utilities.

### **Section 3.3. Notification to the Public**

All types of subdivisions must have a 4' x 8' sign erected on the property being subdivided. The sign will contain the following information:

- A. Subdivision Name
- B. Subdividers Name
- C. Subdividers Mailing Address
- D. Subdividers Phone Number
- E. Type of Subdivision
- F. Number of proposed lots
- G. Sierra County Administration phone number (575) 894-6215

The letters must be at least 6" inches and visible to the public. The sign must have a weatherproof area for posting of public hearing dates and other information the public may require. The sign must be place on the property in a visible location easy for the public to access.

## **ARTICLE 4. PRELIMINARY PLAT AND DATA REVIEW PROCESS**

### **Section 4.1. Preliminary Plat Submittal**

- A. Preliminary plat required: Preliminary plats shall be submitted for Type One, Type Two, certain Type Three, and Type Four subdivisions. Certain Type Three subdivisions and all Type Five subdivisions are subject to review under the summary review procedure set forth in Article Six of these Regulations.
- B. Application/Fees: A subdivider shall submit fifteen (15) copies of the preliminary plat, draft disclosure statement, and supporting documentation in accordance with the requirements provided in Section 4.2 of these Regulations. In addition to the preliminary plat and supporting documentation, the subdivider must submit a completed application form available from the Development Coordinator and pay the required administrative fees.



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

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

1. Water is sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses;
2. Water is of an acceptable quality for human consumption and measures are taken to protect the water supply from contamination;
3. There is a means of liquid waste disposal for the subdivision;
4. There is a means of solid waste disposal for the subdivision;
5. There are satisfactory roads to each parcel, including entry and exit for emergency vehicles, and there are appropriate utility easements to each parcel;
6. Terrain management protects against flooding, inadequate drainage, and erosion;
7. 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;
8. The subdivider can fulfill the proposals contained in the disclosure statement for the subdivision; and
9. The subdivision will conform with the New Mexico Subdivision Act and these Regulations.
10. Fire Protection Plan- in accordance with Appendix F

B. Supporting Documentation: Supporting documentation shall, at a minimum, include:

1. Water supply plan including conservation, water quality, and fire protection components;
2. Liquid waste disposal plan;
3. Accessibility of site roads and utilities;
4. Terrain management plan;
5. Plan for registered cultural properties protection, if any registered cultural properties are located in or contiguous to the proposed subdivision; and
6. A vicinity map showing the relationship of the subdivision site to its general surroundings, and the location of all existing drainage channels, water and erosion control structures, watercourses, and water bodies within three (3) miles of the subdivision on a U.S. Geological Survey map scale 1:24000.

- C. **Map specifications:** The preliminary plat map shall be prepared by a licensed, registered surveyor at a scale of two-hundred (200) feet to one (1) inch or larger, and printed on sheets no larger than twenty-four by thirty-six (24x36) inches. Sheets shall be numbered in sequence if more than one sheet is use. The preliminary plat map shall be prominently titled "Preliminary Plat" along with the name of the subdivision.

The preliminary plat map shall show the following:

1. title, scale, north arrow, and date;
  2. existing topography and any regarding plans, indicating contour intervals sufficient for planning purposes;
  3. existing and proposed boundary lines, in bearings and distances, for the subdivision;
  4. proposed lot lines, with lot and block numbers, and approximate acreage of each lot;
  5. the location, dimensions, and purpose of existing and proposed easements;
  6. names and right-of-way widths of existing and proposed streets on and adjacent to the subdivision;
  7. existing and proposed utilities on and adjacent to the site;
  8. locations, dimensions, and purpose of any land to be dedicated to the public use, including any improvements to be made to that land;
  9. location of subdivision in relation to well-known landmarks;
  10. location of any registered archaeological, historical, or culturally significant features on the site;
  11. delineation of any 100-year flood plain as designated by the Federal Emergency Management Agency;
  12. names and addresses of the owner or owners of land to be subdivided, the subdivider (if other than the owner), and the land surveyor;
  13. legal description indicating the township, range, and section within which the subdivision is located; and
  14. a surveyor's certification for Board of County Commissioner's approval in the format provided in Appendix A of these Regulations.
- D. **Disclosure Statement:** The preliminary plat shall be accompanied by a draft disclosure statement in accordance with the standardized format provided in Appendix A of these Regulations. The disclosure statement must be prepared on the form approved by the County and shall not be altered from that format. 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. When submitted with the preliminary plat, the disclosure statement shall be prominently marked

"DRAFT" at the top of the first page.

- E. Utility easement approval: An affidavit on the form provided in Appendix A of these Regulations shall be submitted with the preliminary plat to demonstrate that all utility companies that will be providing service to the subdivision have reviewed the preliminary plat and approved utility easements.
- F. 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.

#### **Section 4.3. Preliminary Plat Deemed Complete**

On receipt of the application, fees and the required number of copies of the preliminary plat, draft disclosure statement and supporting documentation. The Development Coordinator 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 agency 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 in writing and given a maximum time period of sixty (60) days to correct the deficiencies and return the preliminary plat for consideration.

#### **Section 4.4. Agency Review**

- A. Plat transmittals: Within ten (10) working days after the date that the preliminary plat application is deemed complete, the Development Coordinator shall forward a copy of the preliminary plat, draft disclosure statement, and supporting documentation to the following state and local agencies by receipted delivery, with a request for review and opinions:
  - 1. New Mexico Office of the State Engineer;
  - 2. New Mexico Environmental Department;
  - 3. New Mexico Department of Transportation;
  - 4. Historic Preservation Division, Office of Cultural Affairs;
  - 5. The Soil and Water Conservation District in which the proposed subdivision is located;
  - 6. The Sierra County Examining Engineer (if applicable);
  - 7. Sierra County Emergency Manager;
  - 8. Sierra County Flood Director;
  - 9. Sierra County GIS Coordinator;
  - 10. Sierra County Road Department;

11. Any other public agencies the County considers necessary to determine whether there are adequate facilities to accommodate the proposed subdivision.

Copies may be available to other public agencies as deemed necessary.

- B. 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 Development Coordinator 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.
- C. Adverse Opinion: If any opinion from a public agency is adverse, the Development Coordinator 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 Development Coordinator 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 Development Coordinator shall obtain receipts or other proof showing the date the additional information was received by each state or local agency.
- D. Favorable Opinion: If the opinions received from all agencies are favorable, the County shall schedule a public hearing for consideration and action on the preliminary plat within thirty (30) days following the receipt of such favorable opinions. If the County does not receive a requested opinion within the specified thirty (30) days, it shall proceed with the required public hearing.
- E. 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 subdivider submits the additional information, it shall proceed with the required preliminary plat public hearing after proper notification. If the final revised opinion of the agency is still adverse, then the subdivider will have the burden of showing that the adverse opinion is incorrect either as to factual or legal matters.

#### Section 4.5. Preliminary Commission Review

- A. Scheduling: The preliminary plat and accompanying material shall be reviewed by the Development Coordinator before the required public hearing is held.
- B. Development Coordinator Recommendation: The Development Coordinator shall review all preliminary plat material and opinions received from state and local agencies. The Development Coordinator shall then, before the public hearing is conducted, make a recommendation to the Board of County Commissioners to approve, approve with conditions, or disapprove the preliminary plat. If a recommendation is made to approve with conditions or disapprove the plat, the conditions or reasons for disapproval must be forwarded to the Board of County Commissioners and subdivider with the recommendation.

#### Section 4.6 Public Hearings on Preliminary Plats

- A. Scheduling: Pursuant to NMSA 1978, Section 47-6-14 (1996), the County shall conduct a public hearing within thirty (30) days from the receipt of all requested public agency opinions where all such opinions are favorable, or within thirty (30) days from the date all public agencies complete their

review of any additional information submitted by the subdivider. If a requested opinion is not received within the thirty (30) day period, the County shall proceed with the public hearing. Notice of the public hearing shall be given at least twenty-one (21) days before the hearing date.

B. Notice: The notice of public hearing shall be published in a newspaper of general circulation in the County and shall contain the following information:

1. Subject of the hearing;
2. Time and place of the hearing;
3. Manner for interested persons to present their views; and
4. Place and manner for interested persons to review copies of any favorable or adverse opinions and of the subdivider's proposal.

C. Notification: Copies of the notice of public hearing shall be transmitted to the following:

1. The subdivider filing the application for preliminary plat approval;
2. Those public agencies which initially received copies of the preliminary plat and supporting documentation with a request for opinion;
3. Any interested person who previously requested such notice and provided a stamped self-addressed envelope for such purposes; and
4. Owners of property contiguous to land proposed to be subdivided.

D. Participation/Record: At the public hearing, the County shall allow all interested persons a reasonable opportunity to submit data, views, or arguments, orally or in writing, and to examine witnesses testifying at the hearing. A record of the public hearing shall be kept. The opinions of the public agencies shall be made a part of the record.

E. Action: Within thirty (30) days after 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. A decision on approval may also be made at the conclusion of the public hearing. The Development Coordinator shall inform the subdivider in writing of the decision of the Board of County Commissioners.

#### **Section 4.7      Expiration of Preliminary Plat**

A. Expiration: An approved or conditionally approved preliminary plat shall expire twenty-four (24) months after its approval or conditional approval. Upon request by the subdivider prior to the expiration date of approval or conditional approval, an additional period of no more twelve (12) months may be added to the expiration date by the Board of County Commissioners.

B. Phased Development: If the preliminary plat was approved for phased development, the subdivider may file final plats for portions of the development, and the expiration date of the preliminary plat shall be extended for an additional thirty-six (36) months after the date of the filing of each final plat.

The number of phased final plats shall not exceed four (4) phases.

- C. 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. The period of time specified in this section shall be in addition to the period of time provided in Subsection B of this section.
- D. 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.

## ARTICLE 5. FINAL PLAT SUBMITTAL

### Section 5.1. Final Plat Submittal

- A. 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.
- B. Application: A subdivider shall submit a final plat, disclosure statement, and supporting documentation in accordance with the requirements provided in these Regulations. Final Plat submittal is initiated by submitting a completed application on a form provided by the Development coordinator, and two (2) copies of the final plat, final disclosure statement, and supporting documentation. Submittal is made to the Development Coordinator.
- C. Final Plat Closeout Packet

### Section 5.2. Final Plat Date Requirements

- A. Filing Specifications: The original drawing of the final plat shall be submitted to the County Clerk for recording and shall be prepared in waterproof ink on Mylar or acetate or other durable material suitable for reproducing copies. Two drawings on Mylar and one paper copy are required for filing with the Sierra County Clerk. An extra paper copy will be required if the subdivider wishes to retain a copy with recording information. Final plat maps shall be drawn at a scale of two hundred (200) feet to one (1) inch or larger and printed on sheets no larger than twenty-four by thirty-six (24x36) 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 final plat shall be titled "Final Plat" in a prominent place on the map along with the name of the subdivision.
- B. Map Specifications: The final plat map shall be prepared by a licensed, registered surveyor in accordance with the specifications set out in Section 5.2A, above, and shall include the following information:
  - 1. Name of Subdivision, scale, north arrow and date;
  - 2. Permanent monuments, or descriptions and ties to such monuments, to which all dimensions, angles, bearings, and similar data on the plat shall be referred;
  - 3. 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;
  - 4. 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;
  - 5. Name, right-of-way, and centerline data of each road or other right-of way;
  - 6. Location, dimensions, and purpose of all easements and dedicated public sites;

7. 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;
  8. Name of owners of contiguous unplatted land;
  9. Delineation of any 100-year flood plain as designated by the Federal Emergency Management Agency;
  10. The name of the owner or owners of the subdivision, and the developer if other than the owner;
  11. The certification (in the format provided in Appendix A of these Regulations) of a surveyor registered in New Mexico attesting to the accuracy of the plat, and the date of the survey;
  12. Certification (in the format provided in Appendix A of these Regulations) demonstrating that all utility companies that will be providing service to the subdivision have reviewed the plat and approved utility easements;
  13. Legal description indicating the township, range and section within which the subdivision is located; and
  14. A vicinity map showing the relationship of the site to its general surroundings.
- C. 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 all owners of record 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(s) 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.
- D. 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.
- E. Disclosure statement: For all subdivisions, a disclosure statement shall be prepared in accordance with the standardized format on the forms provided in Appendix A of these Regulations. The forms in Appendix A shall not be altered in any way. 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. The disclosure statement with a final plat shall be a complete and final copy as approved by the Board of County Commissioners. It shall not be labeled as a "draft".



- F. Restrictive Covenants: Restrictive covenants, if any, shall be attached to the disclosure statement and referenced in the disclosure statement where appropriate. The subdivider or his agent shall provide a copy of any restrictive covenants to all prospective purchasers.
- G. Conformity: The Board of County Commissioners shall not approve the plat of any subdivision if the subdivider cannot reasonably demonstrate that he can fulfill the proposals contained in his disclosure statement or if the subdivider has not conformed with the New Mexico Subdivision Act and the County's subdivision ordinance.
- H. 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.
- I. Environmental Department Approval: For any subdivision requiring construction of a public water supply system or community liquid waste system, documentation of approval from the New Mexico Environment Department shall be required for final plat approval.
- J. 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.
- K. ON AND AFTER JULY 1, 1997: A copy of the water permit issued by the State Engineer will be required for Type I & II Subdivisions.
- L. Sample Contracts: The subdivider shall submit a sample copy of sales contracts, leases, and any other documents which will be used to convey an interest in the subdivided land.

### **Section 5.3. Final Plat Deemed Complete**

The Development Coordinator 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 completed 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 5.4. Decision on Final Plat**

- A. 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.
- B. 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.
- C. Improvement Agreement: Pursuant to NMSA 1978, Section 47-6-11.3 (1996), 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 may, 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.

- D. 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 5.5. Water Permits**

- A. The Board of County Commissioners shall not approve a final plat for the Type 1 subdivision unless the subdivider demonstrates that 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

- B. The Board of County Commissioner may require Type 2, Type 3, Type 4, and Type 5 have the same State Engineers permit for subdivision water use following the same requirements.

- C. All subdivisions must conform to the Water Use Regulations in Appendix C of this regulation.

## **ARTICLE 6. SUMMARY REVIEW**

### **Section 6.1. Summary Review Plat Submittal**

- A. Qualifications: The following type of subdivisions shall be submitted to the County for approval under summary review procedure:

1. 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 (if applicable) as an area subject to unique circumstances or conditions that require additional review; and
2. All Type Five Subdivisions

- B. Application/fees: A subdivider shall submit ten (10) copies of the summary review plat and supporting documents described in these Regulations, and a completed application on the form provided by the Development Coordinator. The subdivider is required to pay the summary review fee at the time the plat and supporting documentation are submitted.

## **Section 6.2. Summary Review Plat Data Requirements**

- A. Filing Specifications: Upon approval, the original drawings of the summary review plat shall be filed with the County Clerk. Original plats shall be prepared in waterproof ink on mylar or acetate or other durable material and drawn at a scale of two-hundred (200) feet to one (1) inch or larger and printed on sheets no larger than twenty-four by thirty-six (24 X 36) inches. The summary review plat shall be considered as a final plat suitable for filing with the County Clerk.
- B. Map Specifications: The summary review plat map shall be prepared by a licensed, registered surveyor and shall include the following information;
1. Title, scale, north arrow and date;
  2. Name and mailing address of subdivider and designated agent, if any;
  3. Names of owners of land to be subdivided and of contiguous property;
  4. Subdivision boundary lines, easement and right-of-way lines, and property lines of all lots, with accurate dimensions and ties to monuments;
  5. Acreage measurements and identification numbers for each lot;
  6. Location, dimensions and purpose of all easements;
  7. Delineation of any 100-year flood plain as designated by the Federal Emergency Management Agency;
  8. The certification (in the format provided in Appendix A of these Regulations) of a surveyor registered in New Mexico attesting to the accuracy of the plat, and the date of the survey;
  9. Legal description indicating the range, township and section within which the subdivision is located;
  10. A vicinity map showing the relationship of the subdivision site to its general surroundings and the location of all existing drainage channels, water and erosion control structures, water courses and water bodies within three (3) miles of the subdivision on a U.S. Geological Survey map, scale 1:24000; and
  11. The Development Coordinator approval certificate in the format provided in Appendix A of these Regulations.
- C. 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 all owners of record 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(s) 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.

- D. 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. Pursuant to NMSA 1978, Section 47-6-5 (1996), and 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.
- E. Disclosure Statement: For all subdivisions, a disclosure statement shall be prepared in accordance with the standardized format provided in Appendix A of these Regulations. It is unlawful to sell, lease or otherwise convey land in a subdivision until the required disclosure statement has been filed with the County Clerk, 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.
- F. Utility Easement Approval: An affidavit in the format provided in Appendix A of these Regulations shall be submitted with the summary review plat to demonstrate that all utility companies that will provide service to the subdivision have reviewed the summary review plat and approved utility easements.
- G. Restrictive Covenants: Restrictive covenants, if any, shall be attached to the disclosure statement and referenced in the disclosure statement where appropriate. The subdivider or his agent shall provide a copy of any restrictive covenants to all prospective purchasers.
- H. Fee: Required fees for summary review must be paid at the time the plat is submitted. All fees are non-refundable.
- I. Advertising Standards: The advertising standards covering the sale, lease or other conveyance of subdivided land provided in Article I O of these Regulations shall be applicable to summary review plats.

### **Section 6.3. Summary Review Plat Deemed Complete**

On receipt of the application, fees, summary review plat, and supporting documentation, the Development Coordinator 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 in writing and given a maximum time period of thirty (30) days to correct the deficiencies and return the summary review plat for consideration.

### **Section 6.4. Review and Approval of the Plat**

- A. Review of summary review plat: The summary review plat and supporting documentation shall be reviewed by the Development Coordinator, Road Department, Sierra Count GIS Coordinator, and Flood Commission. The Development Coordinator may submit the summary review plat to any other public agency deemed necessary by the County. These agencies shall submit written comments within

twenty (20) days of receipt of the summary review plat and copies of the comments shall be forwarded to the subdivider or his designated agent.

- B. Summary review plat approval: Within thirty (30) days of the date the summary review plat is deemed complete, the County shall, at a public meeting; approve, approve with conditions or disapprove the summary review plat.
- C. Improvement Agreement: Pursuant to NMSA 1978, Section 47-6-11.3 (1996), 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 Board of County Commissioners may, 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.

## **ARTICLE 7. SPECIAL PROCEDURES**

### **Section 7.1. Succeeding Subdivisions**

- A. 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:
  - 1. A part of a previous subdivision that has been created in the preceding seven (7) year period; or
  - 2. 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. Summary Replat and lot line adjustment**

- A. Summary Replats: Summary Replats are not subdivisions, but are the combination or recombination of portions of previously platted lots which does not increase the total number of lots.
- B. Lot line adjustments: Lot line adjustments include any changes to lot lines, right-of-way lines or utility easements to correct any physical or legal encroachments.
- C. Procedures: The following procedures and requirements shall apply to all requests for replats and lot line adjustments:
  - 1. Requests for replats and lot line adjustments shall require the submission of a new survey plat titled "Summary Replat Procedure", which shall conform with the requirements of preliminary plat under these regulations, and which shall clearly set forth the legal description of the adjusted lots resulting from this replat.
  - 2. The Development Coordinator shall review all replats and lot line adjustment requests under the provisions of these Regulations and supporting documentation and shall make a recommendation to the Board of County Commissioners to approve or disapprove the request. If a recommendation is made to disapprove the request, the reasons for disapproval must be forwarded to the Board of County Commissioners. The Development Coordinator shall provide the person making the request written notice of whether the request has been approved or denied within thirty (30) days

after the final decision from the Board of County Commissioners.

D. Filing: The approved request shall be filed in the office of the County Clerk.

### **Section 7.3. Vacation of Plats and Easements**

A. 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:

1. 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 Commissioner; or
2. 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; or
3. the subdivider does not meet the schedule of compliance approved by the Board of County Commissioners; or
4. if the subdivider otherwise fails to comply with a material provision of the disclosure statement.

B. Request for vacation: For a vacation pursuant to Section 7.2(A)(1), the vacation of all or a portion of a final plat shall be initiated by submittal of a written Request for Vacation to the Development Coordinator. The written request shall be made by submittal of nine (9) completed copies of a Request to Vacate from available at the office of the Development Coordinator. The request must be accompanied by the required fees and nine (9) copies of the subdivision plat showing the areas to be vacated. The request must also be accompanied by nine (9) copies of letters from electric and telephone companies and any other relevant utility company stating their approval of or objections to the proposed vacation. Vacations proposed within an extra-territorial zone must be accompanied by nine (9) copies of written comments from the municipality or village having concurrent jurisdiction which states the approval of or objections to the vacation. The County may require a certified survey if necessary to properly designate the area(s) to be vacated. Further steps in the review process will not be taken until nine (9) copies of the complete request, including required letters and copies of plat, and any required survey is submitted and fees are paid.

C. Notice of contiguous land owners: The Development Coordinator shall identify and mail notice of the Request to Vacate by certified mail, return receipt requested, to contiguous land owners a minimum of fifteen (15) days before a hearing before the Board of County Commissioners is to be held on the request to vacate. The notice shall contain the date, time and place of the hearing to be held before the Board of County Commissioners, along with a description or copy of the Request to Vacate. The notice shall also state a procedure and deadline for submitting written comments.

D. Board of County Commissions Review and Hearing: A public hearing before the Board of County Commissioners shall be scheduled. Notice of the public hearing shall be published in the local weekly newspapers and notice given to contiguous land owners a minimum of fifteen (15) days before the hearing.

During the public hearing, the Board of County Commissioners shall review any written comments received and shall give any person attending the hearing an opportunity to comment on the proposed

vacation. After consideration of all comments, all written and testimony presented at the public hearing, and after consideration of whether the vacation will adversely affect the interests of persons on contiguous land or of persons within the subdivision being vacated, the Board of County Commissioners shall determine whether the Request to Vacate be approved, approved with condition or denied. The Board shall issue findings of fact and conclusions of law detailing the basis for its approval, conditional approval or denial. 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.

- E. Filing: The approved statement declaring the vacation of a portion or all of a final plat or survey, if one was required, shall be filed in the office of the County Clerk. The County Clerk shall mark the final plat with words "Vacated" or "Partially Vacated" and refer on the final plat to the volume and page on which the statement of vacation is recorded.
- F. 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.
- G. Vacation of a Portion or All of a Plat pursuant to Section 7.2(A)(2), Section 7.2(A)(3), or Section 7.2(A)(4). A vacation pursuant to Section 7.2(A)(2), 7.2(A)(3), or 7.2(A)(4) is expressly exempted from the provisions of Section 7.2(8) through 7.2 (E), and such vacation may be accomplished by the Board passing a declaration of vacation of a portion or all of a final plat.

#### **Section 7.4. Variances**

- A. Planned Development Area: The Board of County Commissioners may grant a variance from the standards and requirements of these Regulations if it is presented with a plan and program for a new town, a complete community, or a neighborhood unit which, in the judgment of the Board of County Commissioners, provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of a 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.
- B. Conditions and Limitations: A variance shall not be granted which will cause the Board of County Commissioners to absorb costs over and above those typically associated with subdivision approval. In granting variances, the Board of County Commissioners may require such conditions as will:
  - 1. Substantially secure the objectives of the standards of these Regulations; and
  - 2. 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.
- C. Procedures: The following procedures and requirements shall apply to all requests for variances under these Regulations.
  - 1. 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 Development Coordinator for that purpose and upon payment of the required administrative fee.
  - 2. Variance requests shall be reviewed by the Board of County Commissioners in public hearings at

the same time public hearings are held for approval of the preliminary plat.

3. 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.
4. 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.
5. The Board of County Commissioners shall make written findings of fact regarding each of the requirements of these Regulations and shall produce those findings of facts as a portion of its decision and order on each request for variance.
6. 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**

A. 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 obtained approval for a Claim of Exemption as provided in this Article.

B. Verification of Exemption:

1. 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 Development Coordinator. Where there is more than one owner, all owners of record of the property involved shall file the Claim of Exemption. The Claim of Exemption shall be filed with the office of the Board of County Commissioners before making the land division for which the claim of exemption is made.
2. The Development Coordinator shall review a claim of exemption under the provisions of these Regulations and supporting documents and shall make a recommendation to the Board of County Commissioners to approve or disapprove the exemption. If a recommendation is made to disapprove the exemption, the reasons for disapproval must be forwarded to the Board of County Commissioners and subdivider with the recommendation. The Board of County Commissioners shall provide the person claiming entitlement to an exemption under the provisions of these Regulations written notice of whether the exemption has been approved or denied within thirty (30) days after its review of the completed Claim of Exemption.

Approved Claims of Exemptions shall be filed in the office of the County Clerk at the same time the conveyance document and/or survey is filed.

3. If the claim of exemption is denied, or if the claimant receives no response within forty-five (45) days, the person claiming the exemption may appeal the denial as provided in Article 13 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**

### **A. Unmarked Human Burials:**

1. Pursuant to NMSA 1978, Section 18-6-11.2(A) (1989), any human burial in the state in any unmarked burial ground is afforded the protection of law and shall receive appropriate and respectful treatment and disposition.
2. 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.

### **B. Registered Cultural Properties:** Any person desiring to subdivide land in the County shall review the latest edition of the State Register of Cultural Properties ("The Register") that has been provided to the County by the State Historic Preservation Division, and

1. If there are no such properties entered in the Register that are within the boundaries of the proposed subdivision, the subdivider shall provide a signed affidavit to that effect in the application package for subdivision approval; or
2. If any such properties entered in the Register exist within the boundaries of the proposed subdivision, the subdivider shall provide a signed affidavit to that effect in the application package for subdivision approval. The County will then consult with the Historic Preservation Division pursuant to the Cultural Properties Act §§18-6-1 through §§18-6-17 NMSA 1978.

## **ARTICLE 8. REQUIRED IMPROVEMENTS**

### **Section 8.1. Construction of Required Improvements**

- A. 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 constructions 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 Board of County Commissioners and, if in accordance with these Regulations, shall be approved by the County, allowing the subdivision development to proceed.
- B. Improvement Agreements: 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**

The subdivider must prepare and submit for approval a Road Development plan before the preliminary plat review process or summary review process.

- A. 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:
1. The proposed use of the subdivision;
  2. The period of time before the roads will receive substantial use;
  3. The period of before construction of homes will begin on the portion of the subdivision serviced by the road;
  4. The County regulations governing phased development; and
  5. The needs of prospective purchasers, lessees and other persons acquiring an interest subdivided land in viewing the land within the subdivision
- B. Safety: All proposed roads shall conform to Minimum County safety standards. See Appendix E "Roadway Standards Resolution #96-054". The County may require certain subdivision roads be paved or the subdivider to provide a Paving Plan. The County shall require items, which provide for proper ingress and egress, traffic safety and emergency vehicle operations.
- C. 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 are necessary to provide access to parcels or improvements.
- D. Future Maintenance: The County has the option to maintain subdivision roads contiguous to existing county maintained roads after the following items have been met:
1. The roads have been built to County standards. The County may require the subdivider to provide an engineer opinion;
  2. The subdivision must be eighty percent (80%) occupied;
  3. A petition must be presented to the County Commission and approved in a public meeting.

### **Section 8.3. Improvement Guarantees**

- A. Assurance: In order for the County to be assured of the completion of required improvements, the subdivider shall agree to either:
1. Complete installation of the required improvements before approval of the final plat;
- Or
2. Assure construction of required improvements after final plat approval. This assurance shall be by bond or escrow deposit for the full cost of the improvements plus a twenty-five percent (25%) escalation coefficient.

## ARTICLE 9. RECORDING PARCELS

- A. 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."
- B. 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.
- C. Requirements: Any person who sells, leases for a term including options 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 or have recorded the deed, lease, real estate contract, notice of lease, notice of real estate contract or other documents 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.
- D. Form and certification: Any deed, lease for a term including options 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.

## ARTICLE 10. RECORDING PARCELS

- A. 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.
- B. Requirements/restrictions: Brochures, disclosure statements, publication and advertising of any form relating to subdivided land shall:
1. Not misrepresent or contain false or misleading statements of fact;
  2. 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;
  3. 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;
  4. Not include an asterisk or other reference symbol as a means of contradicting or substantially changing any statement;
  5. 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;

6. Not contain artists' conceptions of the subdivision or any facilities within it unless clearly labeled as such and shall not contain maps of the subdivision unless accurately drawn to scale with the scale indicated;
7. 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
8. Refer to the location where the subdivider's disclosure statement may be obtained.

## **ARTICLE 11. 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:

- A. Final plat approval and filing: The final plat shall be approved by the Board of County Commissioners and shall be filed with the County 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.
- B. 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.
- C. 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.

## **ARTICLE 12. ADMINISTRATIVE FEES**

### **Section 12.1. Administrative Fee Schedule**

A subdivider submitting an application for plat approval shall pay review fees to defray costs involved in reviewing the data submitted and to help defray costs associated with notification requirements and parcel mapping.

Preliminary plat:	\$500.00 + \$50 per lot
Final plat:	\$250.00 + \$25 per lot
Summary review plat:	\$250.00 + \$50 per lot
Vacation of Plat or Easement (including partial vacation):	\$50.00
Variance:	\$250.00
Replat and lot line adjustment:	\$100.00
Claim of Exemption:	\$50.00
Appeals to County Commission:	\$500.00
Appeals to Claim of Exemption for non-action	\$0.00
Research Fees:	\$100.00
Copy of Sierra County Subdivision Regulations:	\$100.00

Resubmittal of revised or corrected plat and application: \$100.00 (This applies only to plats which have previously been distributed for state agency review and are revised or modified and the characteristics of the subdivision are changed to such an extent that the plat must be resubmitted to all state agencies. This fee does not apply to submittal of additional documentation required by state agencies or minor revisions in which the initial characteristics of the subdivision, such as size and number of parcels remain unchanged.)

**Fees are non-refundable**

**ARTICLE 13. APPEALS**

**A. Who May Appeal:**

1. Any person who is adversely affected by a decision of the Development Coordinator in approving or disapproving a subdivision plat may appeal to the Board of County Commissioners within fifteen (15) days after the date of the action of the Development Coordinator. The Board of County Commissioners shall hear the appeal and render a decision within thirty (30) days after receiving the Notice of Appeal.
2. Any person who is adversely affected by a decision of the Board of County Commissioners in approving or disapproving a subdivision plat or claim of exemption 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.

**B. Appeal Process:**

1. The appeal shall consist of a whole record review, and the reviewing authority, whether it is 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.
2. 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.
3. 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 14. ENFORCEMENT, PENALTIES AND REMEDIES**

- A. 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 Country'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.

- B. 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 Board of County Commissioners for investigation. The Board of County Commissioners shall direct an investigation of the complaint and take such action as is warranted. The Board of County Commissioners shall inform the complainant in writing of what actions have been taken or will be taken in response to the complaint.
- C. Penalties and remedies: Violations of these Regulations shall be subject to the following penalties, remedies and enforcement procedures:
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 (\$500.00) 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.
  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 or otherwise fails to comply with a material provision in the disclosure statement.
  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 New Mexico Subdivision Act and these Regulations:
    - a. Injunctive relief to prohibit a subdivider from selling, leasing or otherwise conveying an interest in subdivided land until the subdivider complies with the term of 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 (\$5,000.00) for each parcel created in knowing, intentional or willful violation of the New Mexico Subdivision Act or these Regulations.
  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 for mandamus according to the provisions of the New Mexico Subdivision Act.
  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 (\$10,000.00) per violation, or by imprisonment for not more than one (1) year or both; and
  - ii. Any person who is convicted of a second or subsequent knowing, intentional or willing 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 (\$25,000.00) 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 (\$300.00) or imprisonment for not more than ninety (90) days or both in accordance with § 4-37-3 NMSA 1978.

#### **ARTICLE 15. 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 § 4-37-1 et seq., NMAS 1978 compilation as amended.

#### **ARTICLE 16. 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, sentence, clauses, sections, or part of these Regulations or the 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 therefore inapplicable had been specifically exempted therefrom.


## ARTICLE 17. REPEAL AND EFFECTIVE DATE

These Regulations repeal Sierra County Resolution #11-007 adopted February 16, 2012. These Regulations shall become effective the 1st day of July, 2022.

APPROVED, ADOPTED, AND ORDAINED on this 20<sup>th</sup> day of September, 2022.

### BOARD OF COUNTY COMMISSIONERS OF SIERRA COUNTY

  
James Paxon, Chairman

  
Travis Day, Vice-Chairman

  
Hank Hopkins, Commissioner

Attest:

  
Shelly K. Trujillo, County Clerk



Appendix A

PLAT CERTIFICATIONS

These certificates must be shown on the plat in the format provided by this appendix to the Sierra County Subdivision Regulations. The language in these certificates shall not be altered.

Plat certifications required for preliminary plats:

SURVEYOR'S CERTIFICATION

I, \_\_\_\_\_, a New Mexico registered Professional Surveyor, certify that I conducted and am responsible for this survey. This survey is true and correct to the best of my knowledge and belief. This survey and plat meet the Minimum Standards for Surveying in New Mexico.

\_\_\_\_\_  
Signature:

\_\_\_\_\_  
Date:

NMPS No. \_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS APPROVAL

This plat has been submitted to, reviewed and approved by the Board of County Commissioners of Sierra County.

\_\_\_\_\_  
Commission Chairman

\_\_\_\_\_  
Date of Approval

\_\_\_\_\_  
ATTEST: Sierra County Clerk

\_\_\_\_\_  
Date

Plat certifications required for final plats:

### SURVEYOR'S CERTIFICATION

I, \_\_\_\_\_, a New Mexico registered Professional Surveyor, certify that I conducted and am responsible for this survey. This survey is true and correct to the best of my knowledge and belief. This survey and plat meet the Minimum Standards for Surveying in New Mexico.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

NMPS No. \_\_\_\_\_

### UTILITY COMPANY REVIEW

Copies of this plat have been submitted to the following utility companies and are satisfactory to meet the needs of the installation of available utilities. This plat is approved for easement purposes only. The signing of this plat by utility companies does not guarantee utility services to the subdivision.

\_\_\_\_\_  
Electric/Power Company

\_\_\_\_\_  
Signature & Date

\_\_\_\_\_  
Telephone Company

\_\_\_\_\_  
Signature & Date

\_\_\_\_\_  
Gas Company (if applicable)

\_\_\_\_\_  
Signature & Date

\_\_\_\_\_  
Other (if applicable)

\_\_\_\_\_  
Signature & Date

### BOARD OF COUNTY COMMISSIONERS APPROVAL

This plat has been submitted to be reviewed and approved by the Board of County Commissioners of Sierra County and is hereby approved for filing with the Sierra County Clerk.

\_\_\_\_\_  
Commission Chairman

\_\_\_\_\_  
Date of Approval

\_\_\_\_\_  
ATTEST: Sierra County Clerk

\_\_\_\_\_  
Date

Plat No. \_\_\_\_\_

Reception No. \_\_\_\_\_

STATE OF NEW MEXICO     )  
COUNTY OF SIERRA        )

I hereby certify that this instrument was filed for record on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_m and duly recorded in plat record \_\_\_\_\_page(s) \_\_\_\_\_ in the Records of the Sierra County Clerk and ex officio recorder of Sierra County

Plat certifications required for Summary Review Plats:

### SURVEYOR'S CERTIFICATION

I, \_\_\_\_\_, a New Mexico registered Professional Surveyor, certify that I conducted and am responsible for this survey. This survey is true and correct to the best of my knowledge and belief. This survey and plat meet the Minimum Standards for Surveying in New Mexico.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

NMPS No. \_\_\_\_\_

### BOARD OF COUNTY COMMISSIONERS CERTIFICATION

This plat has been submitted to be reviewed and approved by the Board of County Commissioners of Sierra County and is hereby approved for filing with the Sierra County Clerk.

\_\_\_\_\_  
Commission Chairman

\_\_\_\_\_  
Date of Approval

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Date

## Appendix A

### PLAT CERTIFICATIONS

These certificates must be shown on the plat in the format provided by this appendix to the Sierra County Subdivision Regulations. The language in these certificates shall not be altered.

Plat certifications required for preliminary plats:

#### SURVEYOR'S CERTIFICATION

I, \_\_\_\_\_, a New Mexico registered Professional Surveyor, certify that I conducted and am responsible for this survey. This survey is true and correct to the best of my knowledge and belief. This survey and plat meet the Minimum Standards for Surveying in New Mexico.

\_\_\_\_\_  
Signature:

\_\_\_\_\_  
Date:

NMPS No. \_\_\_\_\_

#### BOARD OF COUNTY COMMISSIONERS APPROVAL

This plat has been submitted to, reviewed and approved by the Board of County Commissioners of Sierra County.

\_\_\_\_\_  
Commission Chairman

\_\_\_\_\_  
Date of Approval

\_\_\_\_\_  
ATTEST: Sierra County Clerk

\_\_\_\_\_  
Date

Plat certifications required for final plats:

**SURVEYOR'S CERTIFICATION**

I, \_\_\_\_\_, a New Mexico registered Professional Surveyor, certify that I conducted and am responsible for this survey. This survey is true and correct to the best of my knowledge and belief. This survey and plat meet the Minimum Standards for Surveying in New Mexico.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

NMPS No. \_\_\_\_\_

**UTILITY COMPANY REVIEW**

Copies of this plat have been submitted to the following utility companies and are satisfactory to meet the needs of the installation of available utilities. This plat is approved for easement purposes only. The signing of this plat by utility companies does not guarantee utility services to the subdivision.

\_\_\_\_\_  
Electric/Power Company

\_\_\_\_\_  
Signature & Date

\_\_\_\_\_  
Telephone Company

\_\_\_\_\_  
Signature & Date

\_\_\_\_\_  
Gas Company (if applicable)

\_\_\_\_\_  
Signature & Date

\_\_\_\_\_  
Other (if applicable)

\_\_\_\_\_  
Signature & Date

**BOARD OF COUNTY COMMISSIONERS APPROVAL**

This plat has been submitted to be reviewed and approved by the Board of County Commissioners of Sierra County and is hereby approved for filing with the Sierra County Clerk.

\_\_\_\_\_  
Commission Chairman

\_\_\_\_\_  
Date of Approval

\_\_\_\_\_  
ATTEST: Sierra County Clerk

\_\_\_\_\_  
Date

Plat No. \_\_\_\_\_

Reception No. \_\_\_\_\_

STATE OF NEW MEXICO     )  
COUNTY OF SIERRA         )

I hereby certify that this instrument was filed for record on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_m and duly recorded in plat record \_\_\_\_\_ page(s) \_\_\_\_\_ in the Records of the Sierra County Clerk and ex officio recorder of Sierra County

Plat certifications required for Summary Review Plats:

#### SURVEYOR'S CERTIFICATION

I, \_\_\_\_\_, a New Mexico registered Professional Surveyor, certify that I conducted and am responsible for this survey. This survey is true and correct to the best of my knowledge and belief. This survey and plat meet the Minimum Standards for Surveying in New Mexico.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

NMPS No. \_\_\_\_\_

#### BOARD OF COUNTY COMMISSIONERS CERTIFICATION

This plat has been submitted to be reviewed and approved by the Board of County Commissioners of Sierra County and is hereby approved for filing with the Sierra County Clerk.

\_\_\_\_\_  
Commission Chairman

\_\_\_\_\_  
Date of Approval

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Date

Sierra County Case No. \_\_\_\_\_

CLAIM OF EXEMPTION

Claim of exemptions must be submitted on the form provided in this appendix to the Sierra County Subdivision Regulations. The language of this form shall not be altered in any way.

CLAIM OF EXEMPTION INSTRUCTIONS

To claim an exemption from the requirements of the Sierra County Subdivision Ordinance, **you must complete this form, sign it before a notary public and submit it together with legible copies of all required documents and the non-refundable \$50.00 fee** to the Sierra County Development Coordinator, 1712 N. Date St., Ste. D, Truth or Consequences, New Mexico 87901. Be sure to check all exemptions which apply and **attach legible copies to all supporting documents. Failure to include all requested documentation will delay approval.**

The Development Coordinator will notify you in writing within forty-five (45) days as to whether your claim of exemption has been granted, denied or more information is needed. If the claim of exemption is granted, you will be notified that the original documentation is available at the Sierra County Administration. Property taxes for the prior year and current year must be paid prior to the documents being released to you for filing with the Sierra County Clerk. The original must be filed. If you wish to have the documents returned to an agent (surveyor, real estate agent, etc.) upon being granted please state the agent's name, telephone number, and mailing address in the appropriate space on this form. If you do not hear from the Development Coordinator within forty-five (45) days (DEEMED APPROVED FOR FAILURE TO ACT), you may proceed with the land division you propose without needing to comply with the requirements of the Sierra County Regulations. If your claim of exemption is denied, you may either seek approval of a subdivision or appeal the denial as provided in these Regulations.

---

I/We, \_\_\_\_\_, claim an exemption from the requirements of the New Mexico Subdivision Act as amended and the Sierra County Subdivision Regulations as amended for the following reason(s) which I certify that this transaction involves:

- ☐ 1. The sale, lease or other conveyance of any parcel that is thirty-five (35) acres or larger in size within any twelve (12) month period, provided that the land has been used primarily and continuously for agricultural purposes, in accordance with § 7-36-20 NMSA 1978 as amended, for the preceding three (3) years. **Attach Certified Survey showing size and location of parcel and any retained parcel and copies of the proposed documents of conveyance and proof of tax payments being current.**
- ☐ 2. The sale or lease of apartments, offices, stores or similar space within a building. **Attach copies of proposed lease documents of conveyance and proof of tax payments being current.**

- ☐ 3. The division of land in which only gas, oil, mineral or water rights are severed from the surface ownership of the land. **Attach copies of all proposed documents of conveyance, including lease(s). Proof of tax payments being current.**
- ☐ 4. The division of land created by court order where the order creates no more than one parcel per party. **Attach certified copy of court order. Also attach copies of the proposed documents of conveyance and certified survey showing size and location of parcels. Proof of tax payments being current.**
- ☐ 5. The division of land for grazing or farming activities provided that the land continues to be used for grazing or farming activities. **Attach copy of proposed documents of conveyance that restricts future use to grazing or farming activities. Proof of tax payments being current.**
- ☐ 6. The division of land resulting only in the alteration of parcel boundaries where parcels are altered for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased; or, the alteration results in a decrease in the number of parcels, so long as the newly created parcels do not exceed two (2) parcels. Approval of a merger/consolidation will be contingent upon compliance with building codes, land use regulations and other applicable ordinances or regulations in place or as amended. **Attach certified surveys showing all parcels and parcel boundaries before and after proposed alteration. Also attach documents of conveyance effecting the lot line adjustment(s) demonstrated on the surveys. Proof of tax payments being current.**
- ☐ 7. The division of land to create a parcel that is sold or donated as a gift to an immediate family member; however, this exception shall be limited to allow the seller or donor to sell or give no more than one parcel per tract of land per immediate family member. As used herein the term immediate family member means a husband, wife, father, stepfather, mother, stepmother, brother, stepbrother, sister, stepsister, son, stepson, daughter, stepdaughter, grandparents, grandson, step grandson, granddaughter, step granddaughter, nephew and niece, whether related by birth or adoption. This exemption may not be used to further divide a lot created under this exemption within five years of the date of the division of the original tract of land. Moreover exemption #11 may not be used to further divide a lot created under this exemption within five years of the date of the division of the original tract of land. **Attach copy of proposed documents conveyance and birth certificate, adoption certificate or other document demonstrating family relationship claimed. (BAPTISMAL CERTIFICATES ARE NOT ACCEPTABLE.) Also attach a certified survey plat showing the boundaries and size and location of the original tract or parcel and the size and location of the parcel proposed to be conveyed to the family member. Include the name of the family member on the parcel that is to be conveyed. Attached evidence of fair market value of the property. Also attach a copy of any purchase contract and mortgage, if applicable; and if the family member is a spouse, submit a separate property agreement or evidence of separate ownership of the parcel. Attach evidence that the transfer is, in whole or part, a *bona fide* gift (See Attachment "2"). Proof of tax payments being current.**



- ☐ 8. The division of land created to provide security for mortgages, liens or deeds of trust; provided that the division is not the result of a seller-financed transaction. **Attach copies of all financing documents. Also, attach copy of a certified survey showing the size and location of the original tract and the parcel that is being divided. That plat shall include an affidavit by the property owner declaring that any parcel created for security for mortgages, liens or deeds of trust, will be properly merged with the original parcel once the mortgage, liens or deeds of trust have been exonerated. Proof of tax payments being current.**
- ☐ 9. The sale, lease or other conveyance of land that creates no parcel smaller than one hundred forty (140) acres; **Attach certified survey showing location and size of parcel(s) to be conveyed and retained. Also attach copies of the documents of conveyance. Proof of tax payments being current.**
- ☐ 10. The division of land to create a parcel that is donated to any trust or non-profit 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 that conducts classes on a regular basis; or to any church or group organized for the purpose of divine worship, religious teaching or other specifically religious activity. **Attach copies of IRS exemption letter, and/or documents demonstrating entitlement to exemption and certified survey showing land proposed to be donated. Also attach copies of the proposed documents of conveyance. Proof of tax payments being current.**
- ☐ 11. Division of a tract of land into two parcels that conform with applicable zoning ordinances; provided that a second or subsequent division of either of the two parcels within five years of the date of the division of the original tract of land shall be subject to the provisions of the New Mexico Subdivision Act; provided further that a survey, and a deed is a parcel is subsequently conveyed shall be filled with the County Clerk indicating that the parcel shall be subject to the provision of the New Mexico Subdivision Act if the parcel is further divided within five years of the date of the division of the original tract of land. **Attach certified survey showing size and location of original tract, parcel proposed to be divided, any parcels previously divided from the original parcel and dates of all divisions. Also attach copies of the proposed documents of conveyance. Proof of tax payments being current.**

**READ ATTACHMENT "1" HERETO REGARDING COMMON PROMOTIONAL PLAN**

►FEE: Fifty Dollars (\$50.00) per each Claim of Exemption

I further certify that the information provided by me in this Claim of Exemption is true and correct and that all documents attached to or enclosed with this Claim of Exemption are originals or true, complete and correct copies of the originals.

\_\_\_\_\_  
Signature of Applicant/Owner(s)

\_\_\_\_\_  
Signature of Person(s) Receiving Property

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State Zip

\_\_\_\_\_  
City, State Zip

\_\_\_\_\_  
Telephone Number(s)

\_\_\_\_\_  
Telephone Number(s)

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by  
\_\_\_\_\_, Applicant for Claim of Exemption.

(SEAL)

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

If a copy of a certified survey is not required and does not accompany the Claim of Exemption, the exact legal description of the property involved must be included in the space below.

Legal Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Return original documents to:

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

Phone Number: \_\_\_\_\_

---

---

**FOR OFFICIAL USE ONLY**

---

---

☐ The foregoing Claim of Exemption has been approved.

☐ The foregoing Claim of Exemption is incomplete. Please provide us with the following information and/or documents so that we can process your claim: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ The foregoing Claim of Exemption is hereby denied for the following reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(DATE) \_\_\_\_\_

(NAME AND TITLE) \_\_\_\_\_

FEE PAID: \$ \_\_\_\_\_

DATE: \_\_\_\_\_

REC'D BY: \_\_\_\_\_

(Attach Copy of Sierra County Treasurer Receipt to this Application)

## ATTACHMENT "1"

### COMMON PROMOTIONAL PLAN

Special care must be taken by the subdivider to avoid a common promotional plan.

"Common Promotional Plan" is defined In the New Mexico Subdivision Act, 1978 NMSA §47-6-2 (M), as "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 common name." Any such plan is unlawful, and it is the responsibility of the subdivider to be aware of the law so as to avoid such a plan.

Subdividing Land in New Mexico, Second Edition, issued by the Office of the Attorney General of New Mexico, contains sections on "Illegal Subterfuges Design to Avoid the Subdivision Laws" and "Common Promotional Schemes" (pages 47-55). The following brief overview was adapted from those sections:

There are two basic tests the courts and the Attorney General have applied in determining whether a subdivider has legitimately taken advantage of an exception to the subdivision laws or as has engaged in an illegal subterfuge designed to circumvent the laws:

1. Is the division of the land in substance rather than in appearance a subdivision of land as defined by the applicable statutes?
2. Are the transactions involved in the subdivision of the land (i.e., transfers, gifts, partitions, incorporations, sales, leases, etc.) *bona fide* and arms length transactions?

Further in order not to be considered a subdivision each land division and sale must be independent and the result of arms length negotiations without further tie-ins between the parties that would render the purchaser or donee of the land an agent partner or business associate of the seller.

In order to determine whether division and sales are independent and not part of a common scheme or business venture the following factual considerations are significant although each factor alone may not be conclusive:

- (a) whether the transfer and sale of the parcel of land were made for adequate consideration in an arm length manner;
- (b) whether the property was transferred between close relatives, business associates or partners;
- (c) the extent of legal or practical control which is retained by the seller or grantor over the further division and sale of the parcels;
- (d) the "sharing" of the profits and losses made or incurred by subsequent purchasers or grantee by their later sale and division of the property with the original grantor or seller;

(e) whether the land area is actually sold through common promotional scheme with common real estate brokers or agents, common advertising, financing, or bank escrowing, etc.;

(f) whether the actual legal status of subsequent purchasers is not, for all practical purposes tantamount to a straw man or shell corporation and thus part of a common scheme or conspiracy to evade the laws;

(g) whether there are any other factual considerations to indicate that there is intent to evade the provisions of the subdivision statutes, and that, in fact, a subdivision has been created.

STATE OF NEW MEXICO                    )  
  ) ss.  
COUNTY OF SIERRA                    )

I, \_\_\_\_\_ being first duly sworn, upon my oath, do state:

- ### Applicant of Claim of Exemption

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, Applicant for Claim of Exemption.

**Notary Public**

My Commission Expires: \_\_\_\_\_

FORM A-

APPLICATION FOR PRELIMINARY PLAT APPROVAL

Application for preliminary plat approval must be made on the form provided in this appendix to the Sierra County Subdivision Regulations. The language of this form shall not be altered in any way.

**SIERRA COUNTY SUBDIVISION REGULATIONS  
APPLICATION FOR PRELIMINARY PLAT APPROVAL**

For subdivisions containing more than five (5) parcels.

INSTRUCTIONS

Print or type clearly. Use additional sheets if necessary. All required attachments shall be submitted with this application form. Incomplete or inaccurate applications may delay decision dates. The completed application package must be submitted to the County Development Coordinator by the subdivider or a designated agent and shall be in compliance with the requirements of the Sierra County Subdivision Regulations. Each application must be accompanied by the required administrative fee.

---

NAME OF SUBDIVISION: \_\_\_\_\_

APPLICANT INFORMATION

1. Subdivider

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Street Address or P O Box

City

State

Zip Code

Telephone Number(s): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

2. Agent (if any)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Street Address or P O Box

City

State

Zip Code

Telephone Number(s): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

3. Engineer/ Surveyor

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Street Address or P O Box

City

State

Zip Code

Telephone Number(s): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

#### SUBDIVISION INFORMATION

4. Location of Subdivision (attach map if necessary)

This is a (check one) ☐ New Subdivision ☐ Resubdivision  
☐ Succeeding Subdivision ☐ Phased Subdivision

5. This is a type: ☐ One ☐ Two ☐ Three ☐ Four Subdivision (check one)

6. Number of lots: \_\_\_\_\_ Total acreage: \_\_\_\_\_ acres Size of smallest lot: \_\_\_\_\_ acres

7. Does this subdivision lie within the extraterritorial jurisdiction of a municipality or village? ☐ Yes ☐ No

If yes, name of municipality or village having concurrent jurisdiction:

\_\_\_\_\_



FORM A-

APPLICATION FOR FINAL PLAT APPROVAL

Application for final plat approval must be made on the form provided in this appendix to the Sierra County Subdivision Regulations. The language of this form shall not be altered in any way.

SIERRA COUNTY SUBDIVISION REGULATIONS  
APPLICATION FOR FINAL PLAT APPROVAL

INSTRUCTIONS

Print or type clearly. Use additional sheets if necessary. All required attachments shall be submitted with this application form. Incomplete or inaccurate applications may delay decision dates. The completed application package must be submitted to the County Development Coordinator by the subdivider or a designated agent and shall be in compliance with the requirements of the County Subdivision Regulations. Each application must be accompanied by the required administrative fee.

---

NAME OF

SUBDIVISION: \_\_\_\_\_

SUBDIVISION INFORMATION

1. This is a type: ☐ One ☐ Two ☐ Three ☐ Four Subdivision (check one)
2. Number of lots: \_\_\_\_\_ Total acreage: \_\_\_\_\_ acres

APPLICANT INFORMATION

3. Subdivider

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Street Address or P O Box

City

State

Zip Code

Telephone Number(s): \_\_\_\_\_

Signature: \_\_\_\_\_ Date \_\_\_\_\_

4. Agent (if any)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Street Address or P O Box

City

State

Zip Code

Telephone Number(s): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

5. Engineer/ Surveyor

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Street Address or P O Box

City

State

Zip Code

Telephone Number(s): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

SUPPLEMENTAL INFORMATION

6. Have any changes been made to the proposed subdivision since the preliminary plat was approved? ☐ Yes ☐ No

7. Have the required improvements been completed? ☐ Yes ☐ No  
If not, attach improvement agreement to ensure completion of required improvements.

FORM A-

APPLICATION FOR SUMMARY REVIEW PLAT APPROVAL

Application for summary review plat approval must be made on the form provided in this appendix to the Sierra County Subdivision Regulations. The language of this form shall not be altered in any way.

**SIERRA COUNTY SUBDIVISION REGULATIONS  
APPLICATION FOR SUMMARY REVIEW PLAT APPROVAL**

INSTRUCTIONS

Print or type clearly. Use additional sheets if necessary. All required attachments shall be submitted with this application form. Incomplete or inaccurate applications may delay decision dates. The completed application package must be submitted to the County Development coordinator by the subdivider or a designated agent and shall be in compliance with the requirements of the Sierra County Subdivision Regulations. Each application must be accompanied by the required administrative fee, summary review plat and any other documentation required in Article 6 and the Appendices to these Regulations.

---

NAME OF SUBDIVISION: \_\_\_\_\_

APPLICANT INFORMATION

1. Subdivider

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
Street Address or P O Box

City

State

Zip Code

Telephone Number(s): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

2. Agent (if any)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Street Address or P O Box

City

State

Zip Code

Telephone Number(s): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

3. Engineer/ Surveyor

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Street Address or P O Box

City

State

Zip Code

Telephone Number(s): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

SUBDIVISION INFORMATION

4. Location of Subdivision (attach map is necessary)

\_\_\_\_\_

5. This is a type: ☐ One ☐ Two ☐ Three ☐ Four Subdivision (check one)

6. Number of lots: \_\_\_\_\_ Total acreage: \_\_\_\_\_ acres Size of smallest lot: \_\_\_\_\_ acres

7. Does this subdivision lie within the extraterritorial jurisdiction of a municipality or village? ☐ Yes ☐ No

If yes, name of municipality or village having concurrent jurisdiction:

\_\_\_\_\_

FORM A-

DISCLOSURE STATEMENT FOR SUBDIVISION  
CONTAINING FIVE OR FEWER PARCELS

Disclosure statements must be prepared on the forms provided in this appendix to the Sierra County Subdivision Regulations. The language of these disclosure statements shall not be altered in any way.

DISCLOSURE STATEMENT

FOR ALL SUBDIVISIONS CONTAINING FIVE AND FEWER 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 for 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 Sierra 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 \_\_\_\_\_

2. SUBDIVIDER INFORMATION

Name of Subdivider(s): \_\_\_\_\_

Address: \_\_\_\_\_

Street Address or P O Box

City

State

Zip Code

3. List any special conditions relevant to the STATE OF TITLE:

Can the developer pass Good Title ☐ Yes ☐ No

List:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 restriction affecting the subdivided land:

\_\_\_\_\_

Are there restrictive covenants for this subdivision? ☐ Yes ☐ No

If yes, attach a copy of restrictive covenants to this disclosure statement.

5. UTILITIES

Name of entity providing electricity:

\_\_\_\_\_

Please describe availability of electric service. Is electric service available to each parcel in the subdivision? If electric service is available to some but not all parcels in the subdivision, please state which parcels it will be available to:

\_\_\_\_\_  
\_\_\_\_\_

Electric utilities are: ☐ Above-ground ☐ Below-ground

Who is responsible for providing electric service to individual parcels?

☐ Subdivider ☐ Purchaser/Lessee

Gas Services: ☐ Propane ☐ Natural Gas

If natural gas is available, name of entity providing service: \_\_\_\_\_

Is natural gas service available to each parcel in the subdivision? If gas service is available to some but not all parcels in the subdivision, please state which parcels it will be available to:

\_\_\_\_\_

Gas Utilities are: ☐ Above-ground ☐ Below-ground

Who is responsible for providing gas service (either natural or propane) to the individual parcels?

☐ Subdivider ☐ Purchaser/Lessee

Who is responsible for providing water service to individual parcels?

☐ Subdivider ☐ Purchaser/Lessee

*If water is to be provided by well or shared well, complete Section 9 of this form.*

*If water is provided by a community system, complete Section 8 of this form.*

Is telephone service available to this subdivision? ☐ Yes ☐ No

Name of entity providing telephone service: \_\_\_\_\_

Please describe availability of telephone service. Is telephone service available to each parcel in the subdivision? If telephone service is available to some but not all parcels in the subdivision, please state which parcels it will be available to: \_\_\_\_\_

\_\_\_\_\_

Who is responsible for providing telephone service to individual parcels?

☐ Subdivider ☐ Purchaser/Lessee

Telephone utilities are: ☐ Above-ground ☐ Below-ground

Method of liquid waste disposal: ☐ Septic tank ☐ Community System

Who is responsible for providing liquid waste disposal service to individual parcels?

☐ Subdivider ☐ Purchaser/Lessee

*Complete Section 10 of this form.*

Method of solid waste disposal: ☐ Responsibility of Purchaser/Lessee

☐ Responsibility of Subdivider



If purchaser/lessee is responsible for solid waste disposal, please state the address of the nearest Convenience Center or approved landfill and its distance in miles from the subdivision and/or the location of the nearest dumpster if a collection system is in use: \_\_\_\_\_

If subdivider is providing solid waste disposal, please describe the method or system to be used and the location of the landfill to be used: \_\_\_\_\_

## 6. INSTALLATION OF UTILITIES

Please state whether the following utilities are currently available to the subdivision (this question does not include availability to individual parcels). If not available at this time, state the date of installation of each utility:

Electricity ☐ Now Available  
☐ Date to be installed: \_\_\_\_\_

Natural Gas ☐ Now Available  
☐ Date to be installed: \_\_\_\_\_

Water ☐ Now Available  
☐ Date to be installed: \_\_\_\_\_

Telephone ☐ Now Available  
☐ Date to be installed: \_\_\_\_\_

Liquid waste disposal ☐ Now Available  
☐ Date to be installed: \_\_\_\_\_

## 7. WATER AVAILABILITY

Will water be used for anything other than domestic purposes, based on one family per lot?  
☐ Yes ☐ No

If yes, describe water use (multi-family lots, orchards, farming, etc.) \_\_\_\_\_

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 restrictive covenants or other restrictions requiring the use of water saving fixtures and other water conservation measures: \_\_\_\_\_

Describe what measures (such as meters), if any, will be employed to monitor or restrict water use in the subdivision. \_\_\_\_\_

8. FOR SUBDIVISIONS WITH COMMUNITY WATER SYSTEMS

If no community water system is to be used in this subdivision, please skip to the next question.

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: \_\_\_\_\_

9. 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: \_\_\_\_\_

If wells are provided by purchaser/lessee, 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: \_\_\_\_\_

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: \_\_\_\_\_

10. LIQUID WASTE DISPOSAL

Describe the precise type of liquid waste disposal system that is proposed for use within the subdivision: \_\_\_\_\_

Describe the responsibilities of both subdivider and purchaser/lessee in installing liquid waste disposal system: \_\_\_\_\_

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

11. 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 Sierra 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 subsurface drainage for all lots in the subdivision as contained in the Natural Resource Conservation Soil Survey: \_\_\_\_\_

Describe the nature, location and completion dates of all storm drainage systems constructed or required to be constructed in the subdivision: \_\_\_\_\_

12. SUBDIVISION ACCESS

Name of town or village nearest to subdivision: \_\_\_\_\_

Distance in miles from nearest town to subdivision and the general route over which that distance is computed: \_\_\_\_\_

Describe access roads to the subdivision, including approximate width and surfacing: \_\_\_\_\_

State whether or not subdivision is accessible by conventional vehicle and whether it is accessible at all times of the year; also state any weather conditions that could affect access to the subdivision and any measures that will be necessary to gain access during these conditions:

Describe roads within the subdivision, including width and surfacing: \_\_\_\_\_

Does the subdivider propose to submit the roads within the subdivision to the County for maintenance? ☐ Yes ☐ No

**THIS DOES NOT GUARANTEE THAT ROADS WILL BE ACCEPTED FOR MAINTENANCE BY THE COUNTY.**

For roads proposed to be privately maintained or until the County accepts roads for public maintenance, who is responsible for maintenance of the roads?

☐ Subdivider ☐ Purchaser/Lessee

State how the roads will be maintained, describe any responsibilities and obligations lot owners will have with respect to road maintenance and describe the measures taken to make sure that maintenance of the roads takes place (include responsibilities of property owners' association, if applicable): \_\_\_\_\_

**NOTE: UNDER NEW MEXICO STATE LAW, LAND OWNERS ARE RESPONSIBLE FOR PROVIDING THEIR OWN FENCE IF THEY WANT TO KEEP LIVESTOCK OUT.**

13. 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 or attach 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.

14. 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: \_\_\_\_\_

---

15. FIRE PROTECTION

Name of nearest fire station: ☐ Municipality \_\_\_\_\_  
☐ Volunteer \_\_\_\_\_

Travel distance to nearest fire station from subdivision. \_\_\_\_\_

16. POLICE PROTECTION

Show the various law enforcement agencies having jurisdiction in the area of the subdivision:

☐ NM State Police ☐ Sierra County Sheriff's Department ☐ \_\_\_\_\_ Police Dept.

FORM A-

DISCLOSURE STATEMENT FOR SUBDIVISIONS  
CONTAINING MORE THAN FIVE PARCELS

Disclosure statements must be prepared on the forms provided in this appendix to the Sierra County Subdivision Regulations. The language of these disclosure statements shall not be altered in any way.

DISCLOSURE STATEMENT

FOR ALL SUBDIVISIONS CONTAINING MORE THAN FIVE (5) 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 intention 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 Sierra 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 \_\_\_\_\_

2. SUBDIVIDER INFORMATION

Name of Subdivider(s): \_\_\_\_\_

Address: \_\_\_\_\_

Street Address or P O Box

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone Number(s) \_\_\_\_\_

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

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Street Address or P O Box

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone Number(s) \_\_\_\_\_

4. SIZE OF SUBDIVISION, BOTH PRESENT AND ANTICIPATED:

Present

Number of parcels: \_\_\_\_\_

Number of acres: \_\_\_\_\_

Anticipated

Number of parcels: \_\_\_\_\_

Number of acres: \_\_\_\_\_

5. SIZE (IN ACRES) OF LARGEST PARCEL OFFERED FOR SALE, LEASE OR  
CONVEYANCE WITHIN THE SUBDIVISION: \_\_\_\_\_

6. SIZE (IN ACRES) OF SMALLEST PARCEL OFFERED FOR SALE, LEASE OR  
CONVEYANCE WITHIN THE SUBDIVISION: \_\_\_\_\_

7. PROPOSED RANGE OF PRICES FOR SALES, LEASES OR OTHER  
CONVEYANCES:

Lowest dollar amount: \_\_\_\_\_

Highest dollar amount: \_\_\_\_\_

Parcel size (in acres): \_\_\_\_\_

Parcel size (in acres): \_\_\_\_\_



8. FINANCING TERM

Is owner financing available? ☐ Yes ☐ No

If yes, please provide any information required by the Truth in Lending Act and Regulation Z:

---

---

9. NAME AND ADDRESS OF PERSON WHO IS RECORDED AS HAVING LEGAL TITLE:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Street Address or P O Box

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone Number(s) \_\_\_\_\_

**NOTE: IF ANY OF THE HOLDERS OF LEGAL TITLE NAMED ABOVE IS A CORPORATION OR PARTNERSHIP, LIST THE NAMES AND ADDRESSES OF ALL OFFICERS OF THAT CORPORATION AND/OR PARTNERS IN THE PARTNERSHIP, INCLUDING DESIGNATION OF MANAGING PARTNER.**

10. NAME AND ADDRESS OF PERSON WHO IS RECORDED AS HAVING EQUITABLE TITLE (if different from answer in question #9)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Street Address or P O Box

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone Number(s) \_\_\_\_\_

**NOTE: IF ANY OF THE HOLDERS OF EQUITABLE TITLE NAMED ABOVE IS A CORPORATION OR PARTNERSHIP, LIST THE NAMES AND ADDRESSES OF ALL OFFICERS OF THAT CORPORATION AND/OR PARTNERS IN THE PARTNERSHIP, INCLUDING DESIGNATION OF MANAGING PARTNER.**

11. LIST ANY SPECIAL CONDITION RELEVANT TO THE STATE OF TITLE:

Can the developer pass Good Title? ☐ Yes ☐ No List:

---

---

---

---

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:

---

Are there restrictive covenants for this subdivision ☐ Yes ☐ No  
If yes, attach copy of restrictive covenants to this disclosure statement.

13. ESCROW AGENT

Has an escrow agent been assigned? ☐ Yes ☐ No  
If yes, answer the rest of this question; if no, skip to Question # 14.

Name of Escrow Agent: \_\_\_\_\_

Address: \_\_\_\_\_  
Street Address or P O Box

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

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: \_\_\_\_\_

Please describe availability of electric service. Is electric service available to each parcel in the subdivision? If electric service is available to some but not all parcels in the subdivision, please state which parcels it will be available to:

---

---

Electric utilities are: ☐ Above-ground ☐ Below-ground

Who is responsible for providing electric service to individual parcels?

☐ Subdivider ☐ Purchaser/Lessee

Gas Services: ☐ Propane ☐ Natural Gas

If natural gas is available, name of entity providing service: \_\_\_\_\_

Is natural gas service available to each parcel in the subdivision? If gas service is available to some but not all parcels in the subdivision, please state which parcels it will be available to:

Gas Utilities are: ☐ Above-ground ☐ Below-ground

Who is responsible for providing gas service (either natural or propane) to the individual parcels?

☐ Subdivider ☐ Purchaser/Lessee

Who is responsible for providing water service to individual parcels?

☐ Subdivider ☐ Purchaser/Lessee

*If water is to be provided by well or shared well, complete Section 18 of this form.*

*If water is provided by a community system, complete Section 17 of this form.*

Is telephone service available to this subdivision? ☐ Yes ☐ No

Name of entity providing telephone service: \_\_\_\_\_

Please describe availability of telephone service. Is telephone service available to each parcel in the subdivision? If telephone service is available to some but not all parcels in the subdivision, please state which parcels it will be available to: \_\_\_\_\_

Who is responsible for providing telephone service to individual parcels?

☐ Subdivider ☐ Purchaser/Lessee

Telephone utilities are: ☐ Above-ground ☐ Below-ground

Method of liquid waste disposal: ☐ Septic tank ☐ Community System

Who is responsible for providing liquid waste disposal service to individual parcels?

☐ Subdivider ☐ Purchaser/Lessee

*Complete Section 24 of this form.*

## 15. INSTALLATION OF UTILITIES

Please state whether the following utilities are currently available to the subdivision (this question does not include availability to individual parcels). If not available at this time, state the date of installation of each utility:

Electricity     ☐ Now Available  
                    ☐ Date to be installed: \_\_\_\_\_

Natural Gas    ☐ Now Available  
                    ☐ Date to be installed: \_\_\_\_\_

Water            ☐ Now Available  
                    ☐ Date to be installed: \_\_\_\_\_

Telephone      ☐ Now Available  
                    ☐ Date to be installed: \_\_\_\_\_

Liquid waste disposal     ☐ Now Available  
   ☐ Date to be installed: \_\_\_\_\_

## 16. 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 limitation 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: \_\_\_\_\_

17. FOR SUBDIVISIONS WITH COMMUNITY WATER SYSTEMS

Name and address of entity providing water: \_\_\_\_\_

Source of water and means of delivery: \_\_\_\_\_

Summary of legal restrictions on either indoor or outdoor usage: \_\_\_\_\_

Statement that individual wells are prohibited, if such is the case: \_\_\_\_\_

18. FOR SUBDIVISION WITH INDIVIDUAL DOMESTIC WELLS OR SHARED WELLS

State whether wells will be provided by the subdivider or by the prospective purchaser/lessee.

If wells are provided by purchaser/lessee, 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: \_\_\_\_\_

**19. LIFE EXPECTANCY OF WATER SUPPLY**

State the life expectancy of each source of water supply for the subdivision under full development of the subdivision: \_\_\_\_\_

**20. SURFACE WATER\***

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

Provide a detailed statement of the source and yield of the surface water supply and any restrictions to which the surface water supply is subject: \_\_\_\_\_

**21. 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:

**22. 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 each maximum allowable water quality parameter that has been exceeded with the approval of the Board of County Commissioners and the name of the element, compound or standard that has exceeded the parameter: \_\_\_\_\_

---

---

---

**23. NEW MEXICO ENVIRONMENT DEPARTMENTS 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. \_\_\_\_\_

#### 24. 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.**

#### 25. NM ENVIRONMENT DEPARTMENTS 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 water 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: \_\_\_\_\_

#### 26. SOLID WASTE DISPOSAL

Solid waste disposal responsibility of: ☐ Purchaser/Lessee ☐ Subdivider

If purchaser/lessee is responsible for solid waste disposal, please state the address of the nearest convenience center or approved landfill and its distance in miles from the subdivision and/or the location of the nearest dumpster if a collection system is in use: \_\_\_\_\_

If subdivider is providing solid waste disposal, please describe the method or system to be used and the location of the landfill to be used: \_\_\_\_\_

27. NEW MEXICO ENVIRONMENT DEPARTMENT 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: \_\_\_\_\_

28. TERRAIN MANAGEMENT

Describe the suitability for residential use of the soils in the subdivision as defined in the Natural Resource Conservation Service's soil survey for Sierra 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 (as per the Natural Resources Conservation Service's soil survey for Sierra County): \_\_\_\_\_



Describe the nature, location and completion dates of all storm drainage systems constructed or required to be constructed in the subdivision: \_\_\_\_\_

29. SOIL AND WATER 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: \_\_\_\_\_

30. SUBDIVISION ACCESS

Name of town or village nearest to subdivision: \_\_\_\_\_

Distance in miles from nearest town to subdivision and the general route over which that distance is computed: \_\_\_\_\_

Describe access roads to subdivision, including approximate width and surfacing: \_\_\_\_\_

State whether or not subdivision is accessible by conventional vehicle and whether it is accessible at all times of the year; also state any weather conditions that could affect access to the subdivision and any measures that will be necessary to gain access during these conditions: \_\_\_\_\_

Describe the width and surfacing of all roads within the subdivision: \_\_\_\_\_

31. MAINTENANCE

Does the subdivider propose to submit the roads within the subdivision to the County for maintenance? ☐ Yes ☐ No

**THIS DOES NOT GUARANTEE THAT ROADS WILL BE ACCEPTED FOR MAINTENANCE BY THE COUNTY.**

For roads proposed to be privately maintained or until the County accepts roads for public maintenance, who is responsible for maintenance of the roads?

☐ Purchaser/Lessee ☐ Subdivider

State how the roads will be maintained, describe any responsibilities and obligations lot owners will have with respect to road maintenance, and describe the measures taken to make sure that maintenance of the roads takes place (include responsibilities of property owners' association, if applicable): \_\_\_\_\_

Who is responsible for maintenance of other improvements within the subdivision (water systems, parks, etc.)? ☐ Purchaser/Lessee ☐ Subdivider

State how the improvements will be maintained, describe any responsibilities and obligations lot owners will have with respect to maintenance of improvements and describe the measures taken to make sure that maintenance of the improvements takes place (include responsibility of property owners' association, if applicable): \_\_\_\_\_

**NOTE: UNDER NEW MEXICO STAE LAW, LAND OWNERS ARE RESPONSIBLE FOR PROVIDING THEIR OWN FENCE IF THEY WANT TO KEEP LIVESTOCK OUT.**

32. STATE HIGHWAY DEPARTMENTS 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 the disclosure statement: \_\_\_\_\_

Whether or not the subdivider's access proposals conform to the County's regulations on access:

---

33. 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 or attach 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.**

34. 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: \_\_\_\_\_

---

---

35. RECREATIONAL FACILITIES

Describe all recreational facilities, actual and proposed in the subdivision and state the estimated date of completion of each: \_\_\_\_\_

---

---

State whether or not there are any bonds, letters of credit or other collateral securing the construction of each proposed recreational facility and describe or attach any such bond, letter of credit or other collateral: \_\_\_\_\_

---

---

36. FIRE PROTECTION

Name of nearest fire station: ☐ Municipality \_\_\_\_\_  
☐ Volunteer \_\_\_\_\_

Distance to nearest fire station from subdivision and route over which distance is computed:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

37. POLICE PROTECTION

Show the various law enforcement agencies having jurisdiction in the area of the subdivision:

☐ NM State Police ☐ Sierra County Sheriff's Department ☐ \_\_\_\_\_ Police Dept.

38. PUBLIC SCHOOLS

Name of and distance (in miles) 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: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

39. HOSPITAL

Name of nearest hospital: \_\_\_\_\_

Distance (in miles) to nearest hospital and route over which that distance is computed: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Number of beds in nearest hospital: \_\_\_\_\_

40. SHOPPING FACILITIES

Description of nearest shopping facilities including number of stores: \_\_\_\_\_

\_\_\_\_\_

Distance (in miles) to nearest shopping facilities and route over which that distance is computed:

\_\_\_\_\_

\_\_\_\_\_

41. PUBLIC TRANSPORTATION

Describe all public transportation that serves the subdivision on a regular basis: \_\_\_\_\_

\_\_\_\_\_

**FORM A-**  
**AFFIDAVITS FOR REVIEW OF EASEMENTS**  
**BY UTILITY COMPANIES**

Affidavits for Review of Easements must be prepared on the forms provided in this appendix to the Sierra County Subdivision Regulations. The language of these forms shall not be altered in any way.

**AFFIDAVIT**

By signing below, the following utility companies certify that the **Summary Review** plat for the \_\_\_\_\_ Subdivision has been reviewed and that the platted easements are satisfactory to meet the needs of the installation of utilities. The signing of this affidavit does not in any way guarantee utility services to the subdivision.

\_\_\_\_\_  
By: \_\_\_\_\_ Electric/Power Company Date: \_\_\_\_\_

\_\_\_\_\_  
By: \_\_\_\_\_ Telephone Company Date: \_\_\_\_\_

\_\_\_\_\_  
By: \_\_\_\_\_ Gas Company (if applicable) Date: \_\_\_\_\_

Other: \_\_\_\_\_  
By: \_\_\_\_\_ Date: \_\_\_\_\_

## AFFIDAVIT

By signing below, the following utility companies certify that the **Preliminary** plat for the \_\_\_\_\_ Subdivision has been reviewed and that the platted easements are satisfactory to meet the needs of the installation of utilities. The signing of this affidavit does not in any way guarantee utility services to the subdivision.

\_\_\_\_\_  
By: \_\_\_\_\_ Electric/Power Company Date: \_\_\_\_\_

\_\_\_\_\_  
By: \_\_\_\_\_ Telephone Company Date: \_\_\_\_\_

\_\_\_\_\_  
By: \_\_\_\_\_ Gas Company (if applicable) Date: \_\_\_\_\_

Other: \_\_\_\_\_  
By: \_\_\_\_\_ Date: \_\_\_\_\_

**AFFIDAVIT FOR NOTIFICATION OF REVIEW  
OF STATE REGISTER OF CULTURAL PROPERTIES**

Affidavits for Notification of Review of State Register of Cultural Properties must be prepared on the form provided in this appendix to the Sierra County Subdivision Regulations. The language of this form shall not be altered in any way.



**NOTIFICATION OF REVIEW  
STATE REGISTER OF CULTURAL PROPERTIES**

Name of proposed subdivision: \_\_\_\_\_

Name of owner(s): \_\_\_\_\_

Name of developer: \_\_\_\_\_

Location of project: \_\_\_\_\_

Results of review:

\_\_\_\_\_ No listed cultural properties exist within the boundaries of the proposed subdivision.

\_\_\_\_\_ Cultural properties exist within the boundaries of the proposed subdivision. Attach copy of vicinity map showing size (in acres) and location (section, township, range).

**AFFIDAVIT**

STATE OF NEW MEXICO   )  
  ) ss.  
COUNTY OF SIERRA       )

I, \_\_\_\_\_, after being duly sworn, state as follows:

1. I certify that the information provided by me in this Notification or Review of the State Register of Cultural Properties is true and correct and that any documents attached to or enclosed with this Notification are true and accurate indications of the location of the subdivision.

2. I certify that I have reviewed the current State Register of Cultural Properties located at the Sierra County Courthouse to obtain the information for this Notification.

\_\_\_\_\_  
Signature of Subdivider or Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name of Subdivider or Agent

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned notary public, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Ordinance No. 11-007

Appendix B to the Sierra County  
Subdivision Regulations

WATER QUALITY AND LIQUID AND  
SOLID WASTE DISPOSAL REQUIREMENTS

ADOPTED

## **APPENDIX B**

### **WATER QUALITY AND LIQUID AND SOLID WASTE DISPOSAL REQUIREMENTS**

#### **PART I. DEFINITIONS**

Alternative Disposal System	Means an individual liquid waste disposal system which is not a conventional disposal system. It is commonly used where limiting soil conditions exist. Some examples of alternative disposal systems are deep trench, seepage pit, fill, sand filter, sand mount, evapotranspiration and land application.
Arroyo	Means a dry wash or draw which flows only occasionally.
Bedrock	Means consolidated earth materials. It includes fractured and cavernous rock.
Black water	Means waste from a liquid flushing toilet, urinal, or garbage disposal.
Body of water	Means all contained water including water situated wholly or partly within or bordering the state, whether surface or subsurface, public or private.
Canal	Means a man-made ditch or channel that carries water for purposes other than domestic consumption.
Cesspool	Means an excavation or non-water-tight unit which receives water carried liquid waste allowing direct discharge to the soil.
Clearance	Means the thickness of suitable soil between any portion of a liquid waste disposal system and the seasonal high ground water table, bedrock or other limiting layer.
Community liquid waste system	Means a liquid waste system which receives a design flow of more than two thousand (2,000) gallons of liquid waste per day. It is subject to the Water Quality Control Commission Regulations.
Conventional disposal system	Means an individual liquid waste disposal system that is a below grade soil absorption system with an excavated depth no deeper than four(4) feet from the ground surface. Some examples of conventional disposal systems are

	absorption trenches and seepage beds.
Degrade a body of water	Means to reduce the physical, chemical or biological qualities of a body of water. It includes the release of material which could result in the exceeding of standards established in the Water Quality Standards for Interstate and Intrastate Streams by the Water Quality Control Commission Regulations and by the Drinking Water Regulations.
Design flow	Means the liquid waste flow rate for which a liquid waste system must be designed in order to assure acceptable system performance. It is generally governed by regulations, standards, codes and accepted references.
Director	Means the Director of the New Mexico Environment Department or his/her designated representative
Disposal system	Means a generally recognized system for disposing of the discharge from a liquid waste treatment unit and includes but is not limited to, seepage pits, drain fields, evapotranspiration systems, sand mounds and sand filters.
Edge of a water course canal	Means that point of maximum curvature at the upper edge of a definite or arroyo bank or if no definite bank exists, the highest point where signs of seasonal high water flow exist.
Effluent Disposal well	Means a drilled, driven or bored shaft or dug hole with depth greater than any surface dimension used for subsurface emplacement of liquid waste including but not limited to abandoned water supply wells, irrigation wells and test holes but excluding seepage pits used as disposal systems which conform to the standards in the New Mexico Uniform Plumbing Code.
Enclosed system	Means a watertight liquid waste system which does not discharge to the soil including but not limited to holding tanks.
Engineer	Means a person authorized to practice professional engineering in the State of New Mexico.
Established liquid waste system	Means disposal system designed to dispose of all the design flow from a liquid waste treatment unit through evaporation and plat transpiration.

Flood plain	Means any area which will be flooded by high water from a one hundred (100) year frequency storm as indicated on the applicable FEMA, FIRM.
Grey water	Means water carried waste from kitchen (excluding garbage disposal) and bathroom sinks, showers, bathtubs and washing machines.
Ground water	Means interstitial water which occurs in saturated earth material. It is capable of entering a well in sufficient amounts to be utilized as a water supply.
Hazard to public health	Means the indicated presence in water or soil of chemical, biological or other agents under such conditions that they may adversely impact human health. Hazards include, but are not limited to; cases of surfacing liquid waste, contamination of a domestic water supply source, presence of an open cesspool or tank, or exposure of liquid waste or seepage in a manner that allows transmission of disease.
Holding tank	Means a watertight tank designed to receive and retain liquid waste for periodic pumping and disposal off-site.
Individual liquid waste system	Means a liquid waste system which receives a design flow of two thousand (2,000) or less gallons of liquid waste per day. It is subject to the Liquid Waste Disposal Regulations.
Interstitial water	Means water in spaces between solid earth particles.
Limiting layer	Means a layer of soil which is unsuitable for filtration or transmission of liquid waste and includes, but is not limited to, soils with a percolation rate slower than one-hundred twenty (120) minutes per inch.
Liner	Means a manufactured or naturally occurring substance which restricts seepage to no greater than 0.5 acre-foot per year per acre over the design service life of the lined unit.
Liquid waste	Means human excreta and water-carried wastes from typical residential plumbing fixtures and activities including, but not limited to; wastes from toilets, sinks, bath fixtures, clothes and dish washing machines and floor drains. Water carried wastes from nonresidential sources shall be considered liquid waste if the composition and concentrations of waste do not differ from typical domestic wastewaters. Specifically excluded from the definition of

	liquid waste are commercial process wastewaters, roof drainage, and wastes containing high concentrations of stabilizing or deodorizing agents.
Liquid waste disposal	Means a component of liquid waste system which disposes of the discharge from a liquid waste treatment system.
Liquid waste system	Means a system which is designed, constructed, operated and maintained to receive, treat and dispose of liquid wastes. It usually consists of collection, treatment and disposal components.
Liquid waste treatment system	Means a component of liquid waste system which removes, reduces or alters the objectionable constituents of liquid waste.
Lot	Means a single parcel or area of land excluding roadways, legally recorded or validated by other means where liquid waste will be generated or disposed.
Modify	Means: 1.) to change the method of liquid waste treatment or disposal; 2.) to enlarge the liquid waste system; 3.) to alter the horizontal or vertical location of the liquid waste system; 4.) to increase the amount of design flow received by the liquid waste system above the original design flow; or 5.) to remove or replace component materials in a disposal system.
Net lot size	Means the area of a lot excluding any area dedicated by easement or use to provide vehicular passage to one or more lot or more than five (5) residential or commercial units on a single lot.
Non-public water supply source	Means a water supply source such as a well, spring, infiltration gallery, or surface water withdrawal point used to provide water to a water supply system, if such system does not have at least fifteen (15) service connections and does not serve an average of twenty-five (25) individuals at least sixty (60) days during the year
Off-site water	Means that the domestic water supply for the lot is from: 1.) a private water supply, source which is neither within the lot nor within one-hundred feet (100') of the property line of the lot; or 2.) a public water supply source which is not within the lot.

On-site water	Means that this domestic water supply for the lot is from: 1.) a private water supply source which is within the lot or within one hundred feet (100') of the property line of the lot or 2.) a public water supply source which is within the boundaries of the lot.
Percolation rate	Means the rate of entry of water into soil. It is determined from a standard percolation test performed on the soil at the depth of the proposed soil absorption system.
Person	Means any individual, partnership, firm public or private corporation, association, trust, estate, the state or any political subdivision or agency, federal agency or any other legal entity or their legal representative, agent or assign.
Potential source of contamination	Means any source which could release substances resulting in the degradation of a body of water and a hazard to public health.
Private water supply system	Means a water supply system that has less than fifteen (15) service connections or serves less than twenty-five (25) individuals.
Privy	Means a receptacle for non-liquid-carried excreta. It allows direct discharge to the soil.
Public water supply source	Means a water supply source such as a well, spring, infiltration gallery or surface water intake structure used to provide water to a public water supply system for human consumption if the system served has at least fifteen (15) service connections or regularly services an average of twenty-five (25) individuals at least sixty (60) days out of the year.
Public water supply system	Means a water system which has at least fifteen (15) service connections or serves at least twenty-five (25) individuals. It is subject to the Drinking Water Regulations.
Representative water sample	Means a water sample which can be expected to reflect the current quality of the water proposed for use within the subdivision. A water sample (and water quality analysis) more than three (3) years old is not considered representative.

Roadway	Means any area of land dedicated by easement or use to provide vehicular passage serving more than one (1) lot or more than five (5) residential or commercial units on a single property.
Seasonal high ground water table	Means the highest level to which the upper surface of the ground water may be expected to rise within a one (1) year period.
Septage	Means the residual wastes and water periodically pumped from a liquid waste treatment unit or from a holding tank for maintenance purposes.
Setback distance	Means a straight line, horizontal distance measured from the liquid waste system or portion thereof to the object being considered.
Soil survey	Means a National Cooperative Soil Survey conducted by the USDA Natural Resources Conservation Service in cooperation with the State Agricultural Experiment Station and other federal and state agencies, or any other survey containing information of comparable quality and detail following the National Standards for an Order 2 survey.
Solid waste	means any garbage, rubbish or other discarded material which results from residential, commercial, institutional, industrial or recreational activities. Systems for the collection, transportation and disposal of solid waste are subject to the Solid Waste Management Regulations.
Suitable soil	Means a soil, whether naturally occurring or introduced which will act as effective filter in removal of organisms and suspended solids prior to the discharge reaching ground water, bedrock or a limiting layer and which will provide adequate transmission to prevent surfacing of the discharge. Suitable soils are minimally characterized by percolation rates between one (1) and one hundred twenty (120) minutes per inch.
Total design flow	Means the sum of liquid waste design flows for all liquid waste systems on a lot. The maximum total design flow (gallons per day) permitted on any lot is determined by multiplying the net lot size (acres) by five hundred (500).
Treatment Unit	Means a water tight unit designed, constructed and installed



to retain solids and to stabilize liquid waste and includes but is not limited to aerobic treatment units and septic tanks.

**Water supply system**

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

**Watercourse**

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

**INTERPRETATION:**

**The definitions in this appendix shall be construed so as to achieve the purpose of these regulations.**

**PART II: WATER QUALITY**

**Section 1. WATER QUALITY DOCUMENTATION**

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

**A. The water quality documentation package shall:**

1. State the subdivider's name and mailing address;
2. State the date the package was completed;
3. State the subdivider's proposal for meeting the water quality requirements of this appendix;
4. Be accompanied by a copy of the subdivider's disclosure statement on water quality,
5. Be accompanied by the information listed in Subsection B, C or D of this section as applicable to the water supply proposal; and
6. Be accompanied by other relevant information as may be necessary for the determination of compliance with the water quality requirements of this appendix.

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

1. A water quality analysis of a representative water sample for antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, nitrate, nitrite, selenium, thallium, alkalinity, aluminum, calcium, chloride, color, foaming agents, hardness, iron, manganese, odor, pH, silver, sodium, sulfate, total dissolved solids, turbidity and zinc;

2. For areas where contamination of the proposed source water has been documented, a water quality analysis of a representative water sample for the applicable water quality parameters;
  3. The location and description of the source of water sampled for the water quality analysis;
  4. An engineer's report and preliminary plans for the proposed public water supply system; and
  5. Maps identifying and showing the location of all potential sources of contamination and the flood plain of all water courses and surface bodies of water within one thousand (1,000) feet of the proposed water supply system source.
- C. If a connection to an extension of an existing public water supply system is proposed, the following information shall be submitted as part of the water quality documentation package.
1. 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;
  2. A statement of availability of water service signed by an official of the existing public water supply system; and
  3. An engineer's report and preliminary plans for the proposed water system.
- D. If private water supply systems are proposed, the following information shall be submitted as part of the water quality documentation package:
1. For subdivisions with more than five (5) lots, a water quality analysis of a representative water sample for antimony, arsenic, barium, beryllium, cadmium, chromium, copper, cyanide, fluorides, lead, mercury, nickel, nitrates, nitrites, selenium, pH, and total dissolved solids;
  2. For all subdivisions in areas where contamination of the proposed source water has been documented, a water quality analysis of a representative water sample for the applicable water quality parameters;
  3. The location and description of the source of water sampled for the water quality analysis;
  4. Preliminary engineering plans for the private water supply systems if the system will serve more than one (1) connection; and
  5. The location of all known sources of contamination and the flood plain of all watercourses and surface bodies of water within the subdivision and within five hundred (500) feet of the proposed subdivision boundaries.
- E. Documentation of approval for the new construction or modification of a public water supply system from the New Mexico Environment Department will be required for final plat approval.

F. Proposals for a subdivision under summary review shall contain the following information:

1. The subdivider's name and mailing address
2. The subdivider's proposal for meeting the water quality requirements of these regulations;
3. The subdivider's disclosure statement as it relates to water quality;
4. The location and description of the source of water for the proposed subdivision;
5. Preliminary engineering plans for the private water supply system if the system will serve more than one (1) connection;
6. The location of all known sources of contamination and the flood plain of all watercourses and surface bodies of water within the subdivision and within five hundred feet (500') of the proposed subdivision boundaries; and
7. Other relevant information as may be necessary for the determination of compliance with the water quality requirements of this appendix.

## **Section 2. WATER QUALITY REQUIREMENTS**

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

- A. the level of a primary 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) allowed by NMED.
- B. For public or private water systems other than individual or shared wells, if the level for any of the secondary contaminants exceed levels recommended by NMED. The subdivider may either provide facilities to reduce the contaminants to levels below the maximum recommended levels as part of the water delivery system or state in his disclosure statement the names of the contaminants the levels of contamination found the recommended maximum levels and the purchaser's optional recommended treatment method that may reduce the contaminants to levels below the maximum recommended levels.
- C. For individual or shared wells if the level for any of the primary contaminant exceeds the maximum level allowed by NMED for public water systems or any secondary contaminant exceeds the maximum level recommended by NMED for public water systems, the subdivider shall state in his disclosure statement the names of the contaminants, the levels of contamination found, the maximum allowable or maximum recommended levels, and the purchasers optional recommended treatment method that may reduce the contaminants to levels below the maximum allowable to maximum recommended levels.
- D. A water supply source shall not be located at less than the setback distances allowed by NMED.

- E. Proposals for summary review plats shall contain sufficient information to allow the County to determine that the subdivider can comply with the requirements of subsections A.C and D of this section.

**PART III: LIQUID WASTE**

**Section 1. LIQUID WASTE DISPOSAL DOCUMENTATION**

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

- A. The liquid waste disposal documentation package shall:
1. State the subdivider's name and mailing address;
  2. State the date the package was completed;
  3. State the subdivider's proposal for meeting the liquid waste disposal requirements of this appendix;
  4. Be accompanied by a copy of the subdivider's disclosure statement on liquid waste disposal;
  5. Be accompanied by the information required in Subsections B, C or D of this section as applicable to the subdivider's liquid waste disposal proposal; and
  6. Be accompanied by other relevant information as may be necessary for determination of compliance with the liquid waste disposal requirements of this appendix.
- B. If the subdivider proposes a new community liquid waste system, the following information shall be submitted as part of the liquid waste disposal documentation package:
1. An engineer's report and preliminary plans for the proposed community liquid waste system;
  2. Maps showing the location of all water supply sources and the flood plain of all watercourses and surface bodies of water within one thousand (1,000) feet of the proposed liquid waste treatment and liquid waste disposal site, and
  3. Documentation of the filing of a "Notice of Intent to Discharge" with the New Mexico Environment Department in accordance with the Water Quality Control Commission Regulations.
- C. If the subdivider proposes a liquid waste system by connection to the extension of an existing community liquid waste system, the following information shall be submitted as part of the liquid waste disposal documentation package:
1. A statement of availability of liquid waste service signed by an official of the existing liquid waste system; and
  2. An engineer's report and preliminary plans for the proposed extension to the existing liquid waste system.

- D. If the subdivider proposes individual liquid waste systems, the following information shall be submitted as part of the liquid waste disposal documentation package:
1. A soils report based on pertinent data from the NRCS soil survey and/or the results of a percolation test performed for each soil type within the subdivision,
  2. If more than one soil type is present within the subdivision, a map showing the soil types within the subdivision and the location where the percolation tests were performed; a copy of the map for the area from the SCS soil survey with the subdivision boundaries clearly shown may be used for this purpose, and
  3. Preliminary plans for the individual liquid waste systems if a system will serve more than one (1) connection.
- E. Proposals for summary review plats shall contain sufficient information to allow the County to determine that the subdivider can comply with the requirements of this provision.
- F. 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 2. LIQUID WASTE DISPOSAL REQUIREMENTS**

- A. Community liquid waste systems.
1. A community liquid waste system shall be permitted, designed and constructed by the time of the first occupancy within the subdivision to comply with the Water Quality Control Commission Regulations; and operated, maintained and expanded as necessary to ensure that the system will comply with the Water Quality Control Commission Regulations.
  2. The subdivider shall disclose and covenant that all lots within the subdivision must connect to the community liquid waste system at the time of occupancy.
- B. Individual liquid waste systems.
1. Individual liquid waste systems shall be located, installed, operated and maintained in accordance with NMED regulations.
  2. Individual liquid waste systems shall not be installed where an existing community liquid waste system is available for use within the subdivision.
- C. The disclosure statement for the subdivision shall contain a description of the means of liquid waste disposal for the subdivision.

## **Section 3. SOLID WASTE DISPOSAL DOCUMENTATION**

- A. The solid waste documentation package shall state that:
1. There are or are not private contract pick-up services available and

2. The location of the nearest county operated convenience center and the distance in miles from the subdivision to the convenience center.

Ordinance No. 11-007

Appendix C  
To the Sierra County Subdivision Regulations

WATER USE AND CONSERVATION

ADOPTED

## **APPENDIX C WATER USE AND CONSERVATION**

### **Section 1. ESTIMATE OF ANNUAL WATER USAGE**

- A. the maximum annual estimated water usage requirement for public water systems for both indoor and outdoor purposes, for each parcel in a residential subdivision is 2.0 acre-feet per year. The total annual water requirements for the subdivision in acre-feet per year are computed by multiplying the number of parcels by 2.0. Subdivisions relying on individual domestic wells shall be limited to a maximum of 1.0 acre-feet per year, per domestic well. Subdivisions relying on shared domestic well systems shall be limited to a maximum of 3.0 acre-feet per year, per shared well. A detailed water demand analysis should be required for the shared well system using the step-by-step procedure presented in the New Mexico Office of the State Engineer's Technical Report 48 Water Conservation and Quantification of Water Demands in Subdivisions, (Wilson, 1996), quantifying the water available to each of the four lots sharing the well.
- B. The subdivider may, at his option, prepare a detailed water demand analysis using the step-by-step computational procedure presented in the relevant State Engineer Technical Report to justify different water demand values than those presented in Section A above.
- C. A detailed water demand analysis shall be prepared for all nonresidential subdivision 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 or others acceptable methodology.

### **Section 2. PUBLIC WATER SYSTEM REQUIREMENTS**

- A. A public water system is an existing or proposed water supply system which relies upon surface and/or ground water diversions other than wells permitted by the State Engineer under Section 72-12-1 N.M.S.A., and which consists of a common storage and/or distribution facilities operated for the delivery of water to multiple service connections.
- B. If water will be supplied from the 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 in the topography, parcel boundaries, streets, wells and water storage and distribution systems, 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.
- C. Shared well systems, permitted under Section 72-12-1 N.M.S.A. may be allowed, subject to Subsection B, under the conditions that the maximum number of parcels served by one well shall not exceed four and the maximum annual water use for all parcels served by one shared well shall not exceed 3.0 acre-feet.



- D. 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 public water system.

All subdivisions are required to be planned, developed, and constructed so as to provide for the conservation of water and minimization of water uses. Developers are encouraged to provide in their disclosure statements detailed water conservation requirements that will provide for the long term conservation of water in Sierra County.

### **Section 3. WATER AVAILABILITY ASSESSMENT**

When a Public Water System is proposed. It is not the intent to require the subdivider to guarantee the life expectancy of the water supply.

- A. A water availability assessment shall be submitted by the subdivider:
1. as a condition of preliminary subdivision plat approval for all type-one, type-two and type-four subdivisions, and type-three subdivisions when a public water system is proposed; and
  2. as a condition of final subdivision plat approval for type-five subdivisions when a public water system is proposed.
- B. The requirements of the water availability assessment are dependent on the source of water supply such that:
1. For subdivisions where the source of water will be a new ground water diversion public system permitted pursuant to Section 72-12-3 or 72-12-7 N.M.S.A. 1978, the subdivider shall demonstrate a 40 year supply and shall submit a hydrogeologic report in accordance with Section C below.
  2. For subdivisions where the source of supply will be a new surface water diversion community system permitted pursuant to Section 72-5-1, 72-5-23 or 72-5-24 N.M.S.A 1978, the subdivider shall submit a hydrologic report in accordance with Section D below.
  3. 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 information in accordance with Section E below.
- C. For new public system utilizing wells, the subdivider shall submit a water supply plan and hydrogeologic report which meets the following requirements.
1. Hydrogeologic reports shall make a reasonable estimate that ground water

sufficient to meet the maximum annual water requirement of the subdivision is physically available and can be practically recovered to sustain the development of a continuous period of forty (40) years. These analyses shall take into account the production of existing wells and shall demonstrate that the subdivision wells, as proposed for as designed, will be capable of producing the full annual demand for at least forty (40) years.

2. The subdivider shall drill sufficient exploratory wells within the boundaries of the proposed subdivision to adequately characterize the aquifer unless the subdivider can demonstrate that existing wells in the area are representative of general aquifer conditions within the subdivision. Where existing wells are not adequate to demonstrate aquifer conditions, aquifer parameters required to demonstrate the availability of water should be obtained from aquifer tests, performed on site, which are adequate for predicting long-term water availability or from tests conducted on nearby wells. Alternately, tests can be conducted on nearby off-site wells if the subdivider can demonstrate that these wells are representative of general aquifer conditions within the subdivision.
3. The assessment shall include a calculated schedule of effects on the proposed subdivision's production well(s) which may result from existing demands and from the increase of ground water withdrawals for the subdivision. Analyses shall be performed to assess whether future water level declines will be within the limits of allowable drawdown in the subdivision production wells as provided in Section C.4. Predicted draw downs shall be calculated in a conservative manner (which estimates maximum drawdown).
4. The subdivider shall calculate the lowest practical pumping water level in the proposed subdivision pumping wells by any of the following methods as appropriate, provided there shall be no presumption made as to additional available water below the bottom of the proposed production well, and further provided that the total available drawdown shall be reduced by a factor of twenty percent (20%) as a margin of safety to account for seasonal fluctuations, drought allowance, reduction of well efficiency over time and peak production requirements:
  - a. 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;
  - b. By setting the level at the top of the uppermost screened interval;
  - c. In wells completed in fractured aquifers, the lowest practical pumping water level may be above the top of the fracture zone;
  - d. In wells completed in alluvial aquifers, the lowest practical pumping water level may be defined by a maximum allowable drawdown equal to seventy percent (70%) of the initial water column.

5. The hydrogeologic report should present all hydrologic information pertinent to the study area including that available from past hydrogeologic 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 from the immediate area of the subdivision must be current with the date of collection noted and the location identified on a map. The report on the investigation should be in the format of a technical narrative; spreadsheets, tables, graphs, maps and cross-sections shall be included.
- D. For new surface water diversions and public water systems using surface water, the subdivider shall submit a hydrologic report which meets the following requirements:
1. The hydrologic report shall demonstrate that surface water sufficient to meet the maximum annual water requirement of the subdivision is physically available. These analyses shall include the following:
    - a. Narrative and analytical demonstration that the surface water will be physically available for the proposed use given short-term and long-term fluctuations (base-flow analysis) due to climatic cycles or other factors such as induced recharge due to ground water diversion, analysis of relevant historical runoff records, and projected water supply available for the subdivision requirements. Applicable legal or water rights constraints on water availability shall be considered.
    - b. If the analysis for the historical runoff record indicates possible shortages in the projected water supply available for the subdivision requirements the subdivider shall provide for either storage or a supplemental groundwater supply sufficient to meet the shortage.
    - c. If a supplemental ground water supply is proposed, the subdivider shall prepare a hydrogeologic assessment in accordance with Section C.
- E. For public water systems in which existing utility companies are proposed as the source of water supply, the subdivider shall submit a water supply plan which meets the following requirements:
1. For all water utilities:
    - a. 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 forty (40) years. The letter must also state any requirements for the subdivider to provide water rights.

2. For water utilities other than municipal owned water utilities:
  - a. 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 for a period no less than forty (40) years;
  - b. For New Mexico Public Utilities Commission (PUC) certified utilities, a copy of the most recent annual report submitted to the PUC;
  - c. 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 systems. The size or capacity of the water system components should also be indicated on the plans; and
  - d. Any other information, including any or all of the requirements of Sections C or D, 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.

**Section 4. WATER AVAILABILITY ASSESSMENT—FOR PRIVATE OR SHARED WELLS**

- A. 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 N.M.S.A 1978, the subdivider shall submit water availability assessments as follows:
  1. 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;
  2. A statement of the maximum and minimum depths to water in the subdivision and the basis for these statements;
  3. A statement of the estimated yield of wells in gallons per minute based upon well logs from existing nearby wells; and
  4. 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.

ORINANCE NO. 11-007

Appendix D  
To the Sierra County Subdivision Regulations

TERRAIN MANAGEMENT

ADOPTED

## **APPENDIX D TERRAIN MANAGEMENT**

### **Section 1. DEFINITIONS**

Cover density	Means the estimated percentage of canopy and basal cover for each vegetative type, canopy cover being the estimated percentage of trees and shrubs that would shade the ground at midday and basal cover being the percentage of grasses, rocks, litter and desert pavement in direct contact with the ground.
Drainage channel	Means any depression into which storm water flows along a defined course.
Erosion	Means soil movement due to wind or water.
Erosion control structure	Means any man made device for preventing or controlling erosion.
Floodplain	Any area which will be flooded by water from a 100-year frequency storm.
Floodway	Any area that will be flooded by water from a 25-year frequency storm.
Flood fringe	Any area that will be flooded by water from a 50-year frequency storm.
Local district	Means any soil and water conservation district within the County in which the proposed subdivision is located.
Sediment	Means any soil or other surface material transported by wind or surface water as a product of erosion.
Soil survey	Means a National Cooperative Soil Survey conducted by the USDA, Natural Resources Conservation Service in cooperation with the state agricultural experiment station and other federal and state agencies, or any other survey containing information of comparable quality and detail following the national standards for and Order 2 survey approved by the local district
Terrain management	means the control of floods, drainage and erosion and measures required for adapting proposed development to existing soil characteristics and topography.

Watercourse

Means any river, creek, spring, stream arroyo or any other like body having definite banks and/or evidencing the over land flow of water.

## **Section 2. TERRAIN MANAGEMENT PLAN**

The County may approve a terrain management plan if it determines that:

1. The plan conforms to the requirements of the New Mexico Subdivision Act and the Sierra County Subdivision Regulations;
2. The subdivider will fulfill the proposals for terrain management contained in the disclosure statement; and

Terrain management plans are required for all subdivisions and shall state the subdivider's name and mailing address, the name and mailing address of the person preparing the plan. The date the plan is submitted to the County and is accompanied by a copy of the subdivider's disclosure statement and a schedule of compliance for meeting Sierra County Subdivision Regulations. In addition, the terrain management plan shall contain:

### **A. Maps including the following information:**

1. A vicinity map and a legible copy of an aerial photo map showing the relationship of the site to its general surroundings, and the location of all existing drainage channels, water and erosion control structures water courses and water bodies within three (3) miles of the subdivision on a U.S. Geological Survey map (7.5 minutes topographical map), using 2000 feet to 1 inch.
2. A subdivision map of not more than 100 feet to (1) inch for five-acre parcels, not more than 200 feet to one (1) inch for over five-acre parcels, or not more than 500 feet to one (1) inch if over fifty (50) parcels. This information can be placed on the preliminary or summary review plat. Information must be legible. The map shall show:
  - a. The boundaries of the area to be subdivided;
  - b. Existing contours at not more than ten foot (10') intervals, certified by a registered land surveyor or a professional engineer if a drainage channel, a floodway, a flood fringe or flood plain is present in the subdivision;
  - c. An overlay showing the locations of all proposed parcels, roads, bridges, water and erosion control structures and utility easements in relation to the existing contours;
  - d. An overlay showing the proposed finished contours of the subdivision after the subdivider's proposals have been implemented in relation to existing contours; and
  - e. The location of all buffer strips, drainage channels, watercourses, water bodies, floodways, flood fringes and flood plains.

Where in these regulations in regard to terrain management, the words “an overlay” are used; all such requirements may be satisfied with one overlay at the discretion of the subdivider.

3. A soil survey from the Natural Resources Conservation Service (NRCS) for the subdivision including an overlay of the various soil types drawn to the scale of the subdivision map and showing the location of each different soil type. Where such surveys and information is not available through NRCS and the Board of Commissioners deems such information necessary, a soil survey shall be provided by the subdivider.
4. A surface drainage description including:
  - a. Storm drainage computations showing the estimated runoff for the subdivision before and following completion of development—such computations shall be based on the fifty (50) year high water frequency;
  - b. Runoff information on the areas contributing runoff to the subdivision to show existing drainage patterns and drainage channels that may affect the subdivision;
  - c. All design details necessary to explain the construction of all water control structures.
5. Type of utilities to be provided and a statement showing if the utilities are to be installed above ground or underground.
6. A general grading proposal setting forth the means for stabilizing all cut and fill areas, if any.
7. An estimated schedule of construction including:
  - a. the start and finish of all clearing and grading operations;
  - b. duration of exposure of disturbed areas;
  - c. stabilization date and method of control for disturbed area;
  - d. installation date of storm drainage systems, if any;
  - e. installation date for all roads;
  - f. surfacing date of all roads;
  - g. installation date of each utility to be provided; and
  - h. installation date of recreation structures and other community improvements.
8. The legal description of the subdivision including the range, township section and to the nearest 40 acres the section where the subdivision is located.
9. The number of parcels within the subdivision and the number of acres in each parcel.



- B. Subdivisions with more than fifty (5) parcels shall also include a surface drainage description with:
1. sufficient information on the areas contributing runoff to the subdivision to show existing drainage patterns and drainage courses that may affect the subdivision or be affected by the subdivision as shown on U.S. Geological Survey maps, using 2000 feet to one (1) inch; and
  2. All design necessary to explain the construction of all necessary water control facilities.
- C. The soil survey provided by the subdivider shall show that all land to be developed must be composed of soils suitable for the uses specified below.
1. Subdivisions shall have an overlay of the natural features map showing the location of each soil type suitable for at least the following uses:
    - a. fill;
    - b. underground utilities;
    - c. road construction;
    - d. water control structures; and
    - e. erosion control structures.
  2. If the NRCS soil survey or subdivider's survey contains information that any soil or soils may have characteristics that would require special treatment for any uses listed above, the terrain management plan shall contain the subdivider's proposal to manage any such characteristics.
- D. 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 or replace trees and other native vegetation to stabilize hillsides, retain moisture, reduce erosion and runoff and preserve the natural scenic beauty;
  3. Minimize scars from cuts and fills—sharp angles at the top, toe and sides of cuts are not permitted unless there is no other way to construct same; and
  4. Minimize the deposits of sediment, organic or earthen materials into flood plains, drainage channels, watercourses and water bodies.

Whenever native ground cover is removed or disturbed and whenever fill material is placed on the site, the exposed surfaces shall be treated to the extent necessary to minimize dust arising from the exposed material. A handout is available at the Sierra/Caballo Soil & Water Administration office with information on revegetation of disturbed areas and construction sites.

All grading and filling operations shall proceed according to a work schedule and grading plan. The schedule shall be drawn up to limit to the shortest possible period the time soil is exposed and unprotected.

Vegetation and earth removed during clearing operations shall be disposed of in a reasonable manner.

Where mechanical stabilization or containment of the slopes by other than the use of native materials is employed the stabilization devices shall be at least partially screened by vegetation where practical as determined by the Board of County Commissioners.

Organic material, such as vegetation or rubbish or any other material not subject to proper compaction or otherwise not conducive to its stability shall not be permitted in fills.

Borrowing for fill is prohibited unless a revegetation proposal for the borrow area is provided. Each layer of material for fill to be used at the construction site shall be compacted as required by the proposed construction.

Fills made by the subdivider which settle by more than ten percent (10%) of the highest of the original fill within one (1) year of the date of contract completion are to be reconstructed at the subdivider's expense.

E. The subdivision of any area designed as an "area of special flood hazard" (that area shown as Zone A) on the Sierra County, New Mexico, Flood Hazard Boundary Map (FHBM), and revisions thereto, shall conform to the applicable requirements of the Flood Damage Prevention Ordinance.

1. For areas not covered by the above flood hazard map, the subdivider shall plan for flood control to the fifty (50) year frequency storm.
2. No development may be under taken within a floodway or flood plain and all subdivision shall be planned and located:
  - a. to plan flood plain development in such a manner as to lessen the damaging effects of floods;
  - b. to protect individuals from buying land which is unsuited for the intended purpose because of flood hazards; and
  - c. so that the area of a floodway shall not be diminished as a result of a subdivision.
3. In approving a subdivider's plat, the Board of County Commissioners may, as a condition of approval, require fills, dikes, levies or other approved diversion measures to prevent the subdivision from flooding.

F. The subdivider shall plan for storm drainage.

1. All subdivisions shall be planned, constructed, and maintained to:
  - a. Protect and preserve existing natural drainage channels except where erosion and water control measures are approved by the Board of County

- Commissioners;
  - b. Protect structures and other works from flood hazards;
  - c. Provide a system by which water within the subdivision will be removed without causing damage or harm to the natural environment or to property or persons within the subdivisions or in other areas;
  - d. Assure that waters drained from the subdivision do not contain pollutants and sedimentary materials of any greater quantity than would occur without the subdivision; and
  - e. Assure that waters are drained from the subdivision in a manner that they would without the subdivision being present.
- 2. Easements shall be provided in subdivision plats as necessary to carry floodwaters.
  - 3. No subdivider shall divert flood water in such a manner as to increase flow on downstream property that shall be injurious to the property.
  - 4. All storm drainage systems shall be constructed to standard engineering practices.
  - 5. Buffer strips shall be designated on the face of the plat in a manner suitable to be clearly shown.
- G. Subdividers are not required to provide perimeter fences. All disclosure statements shall contain the following statement: **UNDER NEW MEXICO LAW LAND OWNERS ARE RESPONSIBLE TO PROVIDE THEIR OWN FENCES IF THEY WANT TO KEEP LIVESTOCK OUT.**

### **Section 3. TERRAIN MANAGEMENT PLANS FOR SUMMARY REVIEW**

- A. Maps which provide the following information:
- 1. A vicinity map showing the relationship of the site to its general surroundings and the location of all drainage channels, water and erosion control structures, water courses, and water bodies within five hundred feet (500') of the subdivision as shown on U.S. Geological Survey maps:
  - 2. A subdivision map drawn to a scale of not more than two hundred feet (200') to one inch (1") showing in simple sketch form the location of all proposed parcels, roads, bridges, water and erosion control structures:
    - A. the boundaries of the area to be sub-divided;
    - B. the location of all cuts and fills; and
    - C. the location of all buffer strips, drainage channels, water courses, water bodies, floodways, flood fringes and flood plains;
  - 3. A surface drainage description including:

- A. sufficient information on the areas contributing runoff to the subdivision to show existing drainage patterns and drainage courses that may affect the subdivision or be affected by the subdivision as shown by existing U.S. Geological Survey maps and
  - B. all appropriate design details necessary to clearly explain the construction of all necessary water control facilities;
- 4. A general road development proposal setting forth the schedule for the extent of road development;
- 5. All lands to be developed must be composed of soils suitable for the proposed uses of the subdivision. A soil survey or soils report from the NRCS for the location of the proposed subdivision shall be included with the proposal documentation.
- 6. A description of the subdivider's plan for storm drainage which will meet at least the following criterion:
  - A. protect and preserve existing natural drainage channels except where erosion and water control measures are approved by the County;
  - B. protect structures and other works from flood hazards;
  - C. provide a system by which 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 adjacent to downstream areas;
  - D. assure that waters drained from the subdivision do not contain pollutants and sedimentary materials of any greater quantity than would occur in the absence of the subdivision; and
  - E. 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.

Ordinance No 11-007

Appendix E  
To the Sierra County Subdivision Regulations

ROADWAY STANDARDS RESOLUTION No 96-054

ADOPTED February 2008



# ***Roadway Standards***

**Resolution Number 96-054**

## Table of Contents

1.	Introduction .....	1
2.	Abbreviations and Definitions .....	2
3.	Roadway Classification .....	2
4.	Cross Section .....	3
5.	Alignment .....	3
	5.1. Horizontal .....	3
	5.2. Vertical .....	5
6.	Roadside Design .....	6
7.	Signing and Marking .....	6
8.	Drainage .....	7
9.	Miscellaneous .....	7
10.	Construction .....	7

## List of Tables

Table 3-1 - Public Road Classifications .....	2
Table 5-1 - Minimum Horizontal Radius (feet), $R_{min}$ .....	4
Table 5-2 - Sight Distance on Horizontal Curves .....	5
Table 5-3 - Minimum Rate of Vertical Curvature (Design Value), $K$ , on Crest Vertical Curves .....	6

## 1. Introduction

These standards supplement Section 8.2 (Road Development) and replace Exhibit 'A' (Typical Road Cross Section) of the Sierra County Subdivision Regulations (Ordinance Number 99-008). These standards are applicable to:

- ☐ New Construction
- ☐ Rural Conditions (low density of less than two dwelling units per acre)
- ☐ Limited Heavy Vehicle Traffic

These standards reflect the basic principles of roadway design documented in numerous publications from AASHTO plus others, and the information contained in these standards has been extracted from the *Guidelines for Geometric Design of Very Low-Volume Local Roads* (ADT $\leq$ 400) published by AASHTO in 2001 unless otherwise noted.

## 2. Abbreviations and Definitions

Throughout these standards, common abbreviations and terms are used as defined below.

<b>A</b>	Algebraic difference in intersecting grades
<b>ADT</b>	Average Daily Traffic
<b>APWA</b>	American Public Works Association
<b>AASHTO</b>	American Association of State Highway and Transportation Officials
<b>Clear Zone</b>	That portion of the roadside that is free of obstructions and sufficiently flat to enable an errant vehicle to encroach without overturning. The clear zone width at any point along the roadway is measured from the edge of the traveled way to the nearest obstruction or the beginning of a non-traversable slope.
<b>e</b>	Superelevation Rate
<b>FT</b>	Feet
<b>K</b>	Rate of Vertical Curvature, the length of curve (L) per percent algebraic difference in intersecting grades (A); i.e., $K=L/A$
<b>L</b>	Length of curve
<b>max</b>	maximum
<b>min</b>	minimum
<b>mph</b>	miles per hour
<b>MUTCD</b>	Manual on Uniform Traffic Control Devices
<b>NMDOT</b>	New Mexico Department of Transportation
<b>R</b>	Radius
<b>TYP</b>	Typical
<b>vpd</b>	vehicles per day

## 3. Roadway Classification

Public roads shall be classified based on anticipated volume of traffic (traffic volume shall be determined in accordance with *Trip Generation* published by the Institute of Transportation Engineers, current edition) as shown in Table 3-1.

Table 3-1 - Public Road Classifications

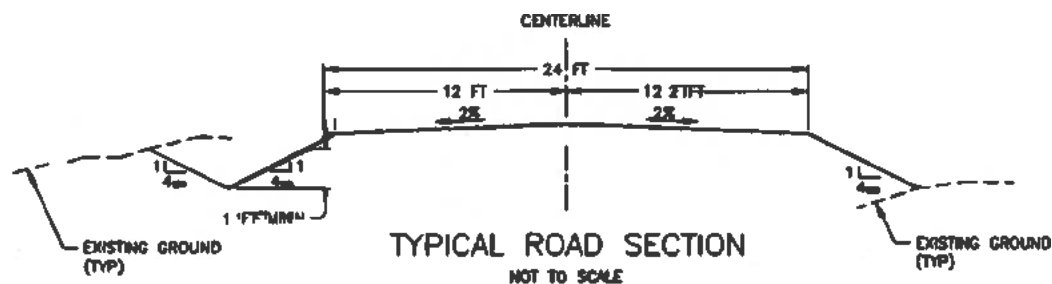
Classification	Local	Minor Access	Major Access
Traffic Volume (vpd)	Less than 100	100 to 250	250 to 400
Maximum Design Speed (mph)	50 mph	50 mph	60 mph



In the event that a designated school bus route is classified as a "local road" based on the criteria above, it shall meet the minimum requirements for a "minor access road". The design of public roads with traffic volumes greater than 400 vpd shall meet the requirements of *A Policy on Geometric Design of Highways and Streets* published by AASHTO, current edition.

#### 4. Cross Section

Public roads shall, at a minimum, conform to the cross sections shown below.



The minimum pavement section for the various classifications of roadways shall be: 1) Local – prepared subgrade with four-inches of base course; 2) Minor Access – prepared subgrade with four inches of base course and double penetration chip seal with fog seal; and 3) Major Access - shall be designed, site-specific, for each road in accordance with procedures published by the NMDOT, current edition.

#### 5. Alignment

##### 5.1. Horizontal

Curvature in the horizontal alignment of public roads shall meet the requirements of Table 5-1. Transitions from normal crown into a superelevated cross slope shall conform to *A Policy on Geometric Design of Highways and Streets* published by AASHTO, current edition, and superelevation rotation shall be about the centerline of the roadway.

**Table 5-1 - Minimum Horizontal Radius (feet),  $R_{min}$**

Design Speed (mph)	Local Road		Minor Access Road		Major Access Road	
	Maximum Superelevation Rate (%), $e_{max}$					
	4	6	4	6	4	6
15	70	65	70	65	70	65
20	70	65	70	65	70	65
25	125	115	125	115	125	115
30	125	115	125	115	125	115
35	205	185	205	185	300	275
40	300	275	300	275	420	380
45	420	380	420	380	560	510
50	560	510	560	510	750	675
55	--	--	--	--	925	835
60	--	--	--	--	1190	1060

Sight distance on horizontal curves shall meet the requirements of Table 5-2.

**Table 5-2 - Sight Distance on Horizontal Curves**

Road Classification	Design Speed (mph)	Width on Inside of Curve Clear of Sight Obstructions (feet) Measured from the Centerline of the Inside Lane								
		Radius of Curvature (feet)								
		50	100	200	500	1,000	2,000	5,000	10,000	20,000
Local	15	10.2	5.2	2.6	1.1	0.5	0.3	0.1	0.1	0.0
	20	--	10.0	5.0	2.0	1.0	0.5	0.2	0.1	0.1
	25	--	--	8.2	3.3	1.7	0.8	0.3	0.2	0.1
	30	--	--	11.3	4.5	2.3	1.1	0.5	0.2	0.1
	35	--	--	--	7.2	3.6	1.8	0.7	0.4	0.2
	40	--	--	--	11.5	5.8	2.9	1.2	0.6	0.3
	45	--	--	--	16.8	8.4	4.2	1.7	0.8	0.4
	50	--	--	--	--	12.0	6.0	2.4	1.2	0.6
	55	--	--	--	--	--	--	--	--	--
	60	--	--	--	--	--	--	--	--	--
Minor Access	15	10.2	5.2	2.6	1.1	0.5	0.3	0.1	0.1	0.0
	20	--	11.1	5.6	2.3	1.1	0.6	0.2	0.1	0.1
	25	--	--	9.7	3.9	2.0	1.0	0.4	0.2	0.1
	30	--	--	16.8	6.8	3.4	1.7	0.7	0.3	0.2
	35	--	--	--	10.5	5.2	2.6	1.1	0.5	0.3
	40	--	--	--	15.5	7.8	3.9	1.6	0.8	0.4
	45	--	--	--	22.3	11.2	5.6	2.3	1.1	0.6
	50	--	--	--	--	15.3	7.7	3.1	1.5	0.8
	55	--	--	--	--	--	--	--	--	--
	60	--	--	--	--	--	--	--	--	--
Major Access	15	10.2	5.2	2.6	1.1	0.5	0.3	0.1	0.1	0.0
	20	--	11.1	5.6	2.3	1.1	0.6	0.2	0.1	0.1
	25	--	--	9.7	3.9	2.0	1.0	0.4	0.2	0.1
	30	--	--	16.8	6.8	3.4	1.7	0.7	0.3	0.2
	35	--	--	--	10.5	5.2	2.6	1.1	0.5	0.3
	40	--	--	--	15.5	7.8	3.9	1.6	0.8	0.4
	45	--	--	--	22.3	11.2	5.6	2.3	1.1	0.6
	50	--	--	--	--	15.3	7.7	3.1	1.5	0.8
	55	--	--	--	--	20.4	10.2	4.1	2.1	1.0
	60	--	--	--	--	27.5	13.8	5.5	2.8	1.4

## 5.2. Vertical

The vertical alignment of public roads shall meet the requirements of Table 5-3.

**Table 5-3 - Minimum Rate of Vertical Curvature (Design Value), K, on Crest Vertical Curves**

Design Speed (mph)	Local Road	Minor Access Road	Major Access Road
15	2	2	2
20	4	5	5
25	7	8	8
30	9	13	13
35	14	20	20
40	22	29	29
45	32	42	42
50	45	57	57
55	—	76	76
60	—	103	103

## 6. Roadside Design

A clear zone as wide as practical shall be provided within the constraints of cost, terrain, right of way, or potential social/environmental impacts. A clear zone analysis for each roadway shall be submitted. The guidelines for establishing the clear zone follow:

- ☐ At locations where a clear recovery area of six feet or more in width can be provided at low cost and with minimum social/environmental impacts, provision of such a clear recovery area should be considered.
- ☐ Where constraints of cost, terrain, right of way, or potential social/environmental impacts make the provision of a six foot clear recovery area impractical, clear recovery areas less than six feet in width may be used, including zero feet clear recovery areas.
- ☐ In all cases, tailoring the roadside design to site-specific conditions, considering cost-effectiveness and safety tradeoffs, are encouraged.

Where the potential consequences of departure from the roadway are likely to be extremely severe, traffic barrier shall be included meeting the requirements of the *Roadside Design Guide* published by AASHTO, current edition.

## 7. Signing and Marking

All signing and marking on public roads shall meet the requirements of the *MUTCD* published by the Federal Highway Administration, current edition. At a minimum, all public roads shall include the following:

- ☐ **Speed Limit Signs** shall be placed on public roads at any point following intersections and at a minimum interval of five miles on tangent sections of roadway.
- ☐ **Street Name Signs** shall be placed at all intersections.

- 
- ☐ **County Road Designation Signs** shall be placed at any point following intersections and at a minimum interval of five miles on tangent sections of roadways.
  - ☐ **Culvert Markers** shall be placed at both ends of all culverts.

All right-of-way shall be marked with survey monuments at each corner of the right-of-way and at the beginning and ending of all curves. Survey markers (minimum two-inch vertical pipe set in ground) shall be placed along the right-of-way at minimum intervals of 500-feet on tangents and 200-feet on curves.

## **8. Drainage**

Roadway drainage shall meet the requirements of the Drainage Design Manual published by the NMDOT, current edition. However, provisions may be made to allow historic concentrated flows to cross the road (in lieu of through a structure under the road) provided that a concrete low water crossing is placed for the roadway that will contain the flow associated with the 50-year storm event plus one vertical foot of freeboard.

## **9. Miscellaneous**

A recorded plat must be presented showing clear evidence of right-of-way from any new roadways to intersection with the State or Federal Highway.

All clearances and permits required by local, state and federal regulations must be obtained for construction of the roadway.

## **10. Construction**

Construction of public roads shall meet the requirements of the following documents. Should a duplication or conflict exist between documents, the documents will govern in the order of importance as listed below.

1. *Standard Specifications for Highway and Bridge Construction* published by the NMDOT, current edition.
2. *Standard Drawings* published by the NMDOT, current edition.
3. *New Mexico Standard Specifications for Public Works Construction* published by the New Mexico Chapter of APWA, current edition

The results of material testing showing compliance with the documents above shall be provided to the County.

ADOPTED this Feb. 21st day of 200 8.

ATTEST:

BOARD OF COMMISSIONERS  
SIERRA COUNTY, NEW MEXICO

  
Janice Sanchez  
Sierra County Clerk

  
James Costin  
Chairman

  
Walter Armijo  
Vice-Chairman

  
Gary Whitehead  
Member

Ordinance No 11-007

Appendix F  
To the Sierra County Subdivision Regulations

FIRE PROTECTION

ADOPTED

## **APPENDIX F FIRE PROTECTION**

### **Section 1. FIRE PROTECTION**

#### **A. Requirements for Provision of Fire Protection**

1. For all subdivisions, the subdivider shall provide water for fire fighting and facilities for storage and distribution of the water.
2. The subdivider shall provide water for fire fighting and facilities for storage, distribution, and delivery of the fire flows for all non-residential subdivisions.
3. The subdivider shall provide a 1.5 acre lot for future building for all subdivisions with greater than ten (10) lots.
4. The subdivider shall provide a two (2) bay fire building, to comply with New Mexico State Fire Marshal's Office specifications, for all subdivisions with 30 or more lots.

#### **B. Standards for Fire Protection**

The subdivider's fire protection shall conform to the guidelines provided by the Insurance Service Offices (ISO), and to applicable County fire regulations and shall meet the following minimum requirements:

1. The required storage for fire protection shall equal 30,000 gallons or other required minimum specified by ISO. Amounts deliverable by tanker, as estimated by the local fire authority may be included in the fire protection plan, but shall not be credited towards the ISO storage requirement.
2. The fire protection system shall be capable of delivering a minimum of 500 gallons per minute to the fire at a residual pressure of 20 pounds per square inch or as required by ISO.
3. Fire hydrant spacing shall not exceed a distance of 1,000 feet measure along the roadway, and individual hydrants shall not be located more than 500 feet from each parcel.

#### **C. Fire Protection Plan**

1. A fire protection plan shall be a condition of preliminary plat approval for subdivisions with more than one hundred (100) lots.
2. For all subdivisions with fire protection, the subdivider shall submit a plat of the proposed subdivision, preliminary plans of the proposed subdivision, preliminary plans of the proposed water supply, storage and distribution systems, and calculations demonstrating that the proposed fire protection facilities will meet the requirements of this appendix, prepared by or under supervision of a registered professional engineer.
3. If fire-fighting services are available, the subdivider shall provide a letter from the local fire authority having jurisdiction that states:
  - a. rate in gallons per minute that water may be delivered to the fire by tanker service from the fire authority, if applicable; and
  - b. distance and anticipated time of travel to the fire.