

APPENDIX P

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF RIO ARRIBA COUNTY, NEW MEXICO

AMENDING THE RIO ARRIBA COUNTY SUMMARY PLAT REVIEW PROCESS, APPENDIX P, AS ADOPTED SEPTEMBER 31, 1995 AND AS AMENDED JUNE 26, 1997

1.01 TITLE AND SHORT TITLE

- A. This Ordinance shall be known as the "Summary Subdivision Plat Review Process." The short title of the ordinance shall be known as "Appendix P."

1.02 AUTHORITY, APPLICABILITY

- A. This Summary Subdivisions Plat Review Process is created pursuant to Section 47-6-9-11 NMSA 1978 of the *New Mexico Subdivision Act*.
- B. All regulations, requirements and design standards set forth in the New Mexico Subdivision Act, Section 47-6-1 et seq. NMSA 1978, Rio Arriba County Subdivision Regulations, Ordinance 1987, the Rio Arriba County Interim Design and Development Regulation System Ordinance 2012-001, and the Rio Arriba County Flood Damage Prevention Ordinance 2012-004 and Land Subdivision Regulations Ordinance, 1987 Appendix G.
- C. These regulations shall apply to all areas within the exterior boundaries of the County that lie outside of (1) the incorporated boundaries of a municipality; (2) any tribal and tribal trust lands owned by Santa Clara Pueblo, Ohkay Owingeh Pueblo, or the Jicarilla Apache Nation; (3) lands owned by the state of New Mexico; and (4) lands owned by the United States, including, but not limited to lands that are managed by the Forest Service and the Bureau of Land Management.

1.03 SCOPE

- A. The procedures, processes and standards set forth in this Ordinance shall apply to Type III subdivisions containing 5 or less parcels of land and all Type V subdivisions. Subdivisions created according to the procedures and standards set forth in this Ordinance shall be known as "Summary Subdivisions."
- B. The procedures and processes set forth in this ordinance shall apply to the administration of all 13 subdivision exemptions as defined in the Land Subdivision Regulations ordinance.
- C. All other Survey Plats are subject to the procedures and processes set forth herein.

1.04 PURPOSE

- A. The Rio Arriba County Board of County Commissioners finds that this Ordinance is needed for the following purposes:
 - 1. To provide for and protect the public health, safety, and general welfare of the County;
 - 2. To guide the future growth and development of the County in accordance with land use plans adopted by the County;
 - 3. To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other danger; and to prevent overcrowding of the land and undue congestion of population;

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4. To protect and conserve the value of land throughout the County and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings;
5. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the County, having particular regard to the avoidance of congestion in the streets and highways, and pedestrian traffic movements appropriate to the various uses of land and buildings; and to provide for the proper location and width of streets;
6. To establish reasonable standards of design and procedures for subdivisions and summary subdivisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions of subdivided land; and
7. 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.
8. To ensure the suitability of the land and water supply to support the proposed development.
9. To encourage the design and creation of development that has the most limited possible impact on the County's natural resources.

1.05 DEFINITIONS

- Committee – Rio Arriba County Planning and Zoning Committee
- Director – The Community Development Director or a person designated by the Community Development Director to act in his/her capacity
- Exempt Land Divisions – Any one of 13 methods for dividing land defined as “not a subdivision” by the State of New Mexico
- Other Survey Plats - Any type of miscellaneous surveys that may be prepared for easements, boundary, lot consolidation, etc.
- Summary Review Subdivisions - Type III subdivisions containing 5 or less parcels of land and Type V subdivisions
- Type III Subdivision – Any subdivision containing not more than twenty-four (24) parcels, any one of which is less than ten (10) acres in size
- Type V Subdivision – Any subdivision containing not more than twenty-four (24) parcels, each of which is ten (10) acres or more in size
- Words Without Definitions - Any words not herein defined shall be construed as defined in the statutory and common laws of the State of New Mexico, and if not defined therein, then as defined in the current adopted codes of Rio Arriba County, New Mexico, and if not defined therein, then in accordance with Webster's Unabridged Dictionary.



1.06 ADMINISTRATIVE AUTHORITY

- A. The Director has the authority to administratively approve, approve with conditions, or deny summary subdivision plat applications, Exempt Land Divisions and other Survey Plats.
- B. After review and recommendation by the Planning and Zoning Committee, the Board of County Commissioners has the authority to approve, approve with conditions or deny summary subdivision plat applications for Type III of less than ten (10) acres and up to five (5) lots and Type V subdivisions of more than ten (10) acres and up to twenty-four (24) lots.
- C. All applicants for Type III Subdivisions and Type V Subdivisions shall submit a plat application which shall include the submittals required by this Ordinance 2012-001.
- D. The Design and Development Regulation System Ordinance shall supplement the provisions listed herein for Summary Plat Reviews, Exempt Land Divisions and other Survey Plats. Whenever a conflict exists between the restrictions and standards of these two documents, the more stringent requirements shall apply.
- E. No land division or lot consolidation may be created in Rio Arriba County without an approved plat of survey. Property may not be divided by deed alone.
- F. All land divisions or lot consolidations located within a Critical Management Area (CMA) are subject to additional review and standards of the overlay zone associated with the CMA.

1.07 DESIGN AND DEVELOPMENT STANDARDS

- A. All land divisions or lot consolidations shall comply with the design and development standards of the Design and Development Regulation System Ordinance 2012-001. In addition, the following standards shall apply:
 - 1. Exterior roads which provide access into a subdivision shall be adequate to handle the traffic that will be generated by the proposed use. Standards for adequacy include the following:
 - a. The roadway shall be of sufficient width to accommodate two-way traffic along its entire length;
 - b. Emergency vehicles shall have access to the proposed subdivision as an all-weather road.
 - c. Vertical street grades shall not be in excess of ten percent (10%).
 - d. Road crossings over Floodplain Rivers and arroyos shall have Army Corps of Engineers approval.
 - 2. Private streets shall have a minimum clear roadway width of twenty-four (24) feet.
 - 3. Roadways shall be paved with a minimum six (6) inch crushed aggregate or pit-run gravel or double penetration asphalt surfacing over four (4) inch crushed aggregate base.
 - 4. Alternative road surfacing may be allowed pursuant to the recommendation of an engineer licensed by the State of New Mexico.
 - 5. The suitability of the land for a subdivision shall be determined based on the quality of the topography and soil composition to support septic tank leach-field sewer systems.
 - 6. The proposed drinking water source must be proven to be of sufficient quantity and quality to fulfill the maximum annual water requirements of the subdivision.
 - 7. The Applicant will verify that the soils and the type of terrain of the proposed subdivision are compatible with the septic system proposed and that no soil deficiencies exist which could affect building construction.



8. A terrain management plan is required to at least coordinate road design with road runoff, existing natural drainage and cut and fill slopes along the roadway. The plan shall also provide for a system by which water within the subdivision is contained, dispersed or otherwise regulated to prevent potential harm to the natural environment or to surrounding properties.
9. Dead end streets and streets greater than 750 feet from the access street shall provide a turn-around to accommodate emergency vehicles as required by the Fire Marshall.
10. Subdivisions of more than five (5) lots shall provide a community water system or shared wells.
11. Subdivisions of more than five (5) lots shall provide a community liquid system or shared septic systems. Other advanced liquid waste systems will be considered.
12. Residential uses having twenty-five (25) or more dwelling units shall provide open space for parks and recreation.
13. Overhead and underground utility line easements shall be located on the plat. The easement shall be labeled "No Buildings Permitted Within This Easement".

1.08 CONSULTANTS

- A. If the Director determines that the application for a subdivision plat may present a negative impact on archeological resources, ground or surface water quality, natural resources, or the environment, the Director may, at the expense of the Applicant, hire experts to review the application or to evaluate specific technical issues related to the project for the purpose of collecting additional information regarding a decision on the Application.
- B. If the Director determines that the County should retain such experts, the Director shall notify the Applicant and the Applicant shall have the opportunity to provide recommendations of experts to the County. The Applicant shall make a company check, cash, certified or bank check, or letter of credit, deposit in an amount to be determined by the Director for each application submitted, to cover all of the County's expenses incurred to engage such consultants and experts.

1.09 APPLICATION FEES

- A. All fees related to this Ordinance shall be listed in Rio Arriba County Land Use Review, Publications & Business License Fees. Fees shall be paid when the preliminary map is submitted for Staff review and approval.

1.10 PRELIMINARY PLAT SUBMITAL AND APPROVAL PROCESS

- A. A preliminary plat shall be submitted to the Planning Department for review with respect to the regulations contained within this ordinance.
- B. The Director shall prepare a written review of the plat. The review will describe any corrections needed to make the preliminary plat conform to applicable ordinances.
- C. When the preliminary plat has been presented in a corrected form, the Director shall issue a written statement permitting the applicant to proceed with the notice to the public as required in the section Notice to the Public.

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2.00 REVIEW PROCESS FOR SUMMARY PLAT APPLICATIONS

- A. All applicants should have a pre-application meeting with the P&Z Dept. prior to submitting an application. A staff member shall review the material and make recommendations to the applicant in pursuing the proposal. Neither the applicant nor the County shall be bound by any statements or determinations made during the pre-application conference.
- B. The Director may also determine to request a review and comment from any County, State or Federal entity or Tribal government that has jurisdiction or that could be impacted by the proposed subdivision. The Director can use the information contained within any written comment received as a basis to approve, deny or conditionally approve the proposal.
- C. The following list of items, the Plat Review Checklist, shall serve as the general guidelines used by P&Z Department staff to review all summary plats;
 1. A minimum of two copies of the survey plat, a completed application (Section 15.04 Appendix D), and all applicable and non-refundable fees, as per the currently adopted Planning and Zoning Department Permit Fee Schedule, have been submitted;
 2. Copies of the original deed(s), date(s), and survey(s) provided;
 3. Signatures of all current owners of the subject property shall be shown on the plat and application;
 4. New deeds accompanying each lot are signed, dated, and notarized;
 5. New plat shall be signed and dated within 60 days of the date of filing by a licensed land surveyor;
 6. Applicable land use regulations for properties associated with a CUP, SUP, variance, CMA or Floodplain designation shall be delineated or noted.
 7. A disclosure statement has been provided that includes;
 - a. Name of subdivision;
 - b. Name and address of subdivider;
 - c. Encumbrances on the property;
 - d. Water delivery methods;
 - e. Solid waste disposal methods;
 - f. Liquid waste disposal systems;
 - g. Slopes in excess of eight percent;
 - h. Floodplains, flood fringes, and floodways;
 - i. Storm drainage systems or other improvements installed;
 - j. Soil suitability for residential construction; and
 - k. Responsibility for maintenance of roads and other improvements.
 8. A water availability assessment shall be provided for either; connection to an existing community/municipal water system or the use of domestic wells. When possible, for sites where a domestic well is proposed, a minimum of three representative well logs shall be submitted that are from within a 1 mile radius of the subject property, or from the property itself.
 9. A soils survey report to determine the suitability of soils for residential construction shall be provided and depicts at a minimum; septic system absorptions fields, shallow excavations, and dwellings without basements.
 10. A copy of an approved application for a new liquid waste permit or registration of an existing unpermitted system dated from within six months from NMED shall be provided;
 11. If within the IAOZD, a copy of the letter to the Mayodormo/Ditch Commission which indicates that the owner is dividing the property; with a US Mail 'Proof of Delivery,' and one of the following surveyor's notes is included:

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- Part or all of the property shown on this plat lies within the Irrigated Agricultural Overlay Zoning District (IAOZD). The IAOZD requires no more than 30% of the irrigated agricultural land be shown as a buildable area and at least 70% of the area be shown as irrigated agricultural land. At this time, the owner has elected to show all of the property as irrigated agricultural land and is thus in conformance with the IAOZD.
 - This survey plat designates the land use areas for the Irrigated Agricultural Overlay Zoning District (IAOZD). This plat delineates designated IAOZD land use areas shown as:
 1. An area up to 30% developable land; and
 2. An area of at least 70% irrigated land
 - The developable area can remain as irrigated agricultural land until such time as development occurs on all or part of the developable area. Please refer to the Rio Arriba County Design and Development Regulation System Ordinance for modifications to the shape/location of the developable or agricultural areas. These designated land use areas do not determine or regulate water rights.
12. Taxes are paid and current for the property;
 13. A North Central Solid Waste service account has been established;
 14. All resulting lots meet minimum lot size requirements of the Design and Development Regulation System ordinance;
 15. Newly created internal roads;
 - a. Provide adequate vehicular access (Section 7.01-B-9 Proof of Vehicular Access);
 - b. Meet minimum development standards for driveways (Section 5.01-F Driveways);
 - c. Include on the plat, the responsibility for maintenance of such roads;
 16. Easements have been provided for all utility services;
 17. Overall acreage is shown on the plat; and
 18. Adjoining owners are listed with the corresponding Uniform Parcel Code (UPC) or Book & Page numbers for a deed or plat.

2.01 NOTICE TO THE PUBLIC

- A. Notice to the public of an application for a Type III and Type V subdivision plats with greater than five (5) lots shall follow the public notice procedure listed below. Type III and V subdivisions with five (5) or less lots may, at the discretion of the Director, be processed without mailing a notice to the public as described in subsection C below.
- B. The notice to the public shall include the following information;
 1. "Summary Subdivision" and the name of the subdivision;
 2. The name of the applicant;
 3. The address of the request and a legal description; and
 4. The permit number issued.
 5. A brief description of the proposal.
- C. Notice to the public shall be mailed, by first-class mail, at least thirty (30) days prior to the public hearing to the owner of each parcel of land as identified by the records of the County Assessor located within one half mile (2,640 feet) from the applicant's property boundary. If there are not at least ten (10) such owners within the distance required, then that distance shall be extended until ten (10) such owners are included within the area for notification.

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- D. Placement of at least one notice to the public on the property at least thirty (30) days prior to the hearing date in a location that is conspicuous to the public in the form of a sign supplied by the Planning Department, and if necessary;
 - 1. For properties without clear sight distance from a major roadway, a second notice shall be provided to be posted at the nearest major road intersection.
 - 2. For properties with more than one public access road, the Director may require an additional notice for each road.
- E. The applicant is required to submit to the Planning Department, before the public hearing date, the following proof of notice to the public posting:
 - 1. Notarized affidavit of posting form as provided by the Planning Department;
 - 2. Dated photograph of "notice to the public hearing" sign placed on the property;
 - 3. Proof of mailing certificates to area of notice, if required.

2.02 PRELIMINARY PLAT APPROVAL PUBLIC HEARING

- A. Upon completion of the notice to the public requirements, a public hearing will be conducted to consider the preliminary plat approval. When making a decision, the Director will take into consideration the preliminary plat, reports from other governmental agencies, reports from consultants and information presented by attendees at the public hearing.
- B. The public hearing process can be conducted in any manner that the Director considers appropriate.
- C. A written report of the public meeting is required. The report shall record the time, place and location of the meeting, the names of the attendees, a copy of all material facts introduced at the meeting and the decision of the Director to approve, deny or conditionally approve the plat. Conditions of approval must be in writing.
- D. The Director's decision is final following the time for an appeal, fifteen (15) days following the date of the decision, as described in this ordinance.

2.03 EFFECT OF APPROVAL

- A. Preliminary Plat approval is given for a period of two (2) years during which time any required infrastructure improvements must be constructed or secured by a bond, cash or similar security device agreed upon by the Applicant and Rio Arriba County to guarantee the improvements.
- B. One extension of time may be granted for a Preliminary Plat Approval of up to one additional year. A request for a time extension must be submitted in writing before the two (2) year approval period has expired. Either the Director or the Board of County Commissioners, as is appropriate to the source of the preliminary approval, may approve the extension of time in writing.
- C. Administrative changes or adjustments to an approved preliminary plat are permitted and limited to lot line adjustments and lot area changes that reduce or enlarge a lot by not more than ten (10) percent in area.
- D. Revisions to maps greater than subsection C above can be accomplished only by filing a new map.

2.03 EFFECT OF DENIAL

- A. An action to deny the Preliminary Plat is final except for action relative to a timely appeal.
- B. Resubmitting the same Preliminary Map on the same property is permitted one year after the date of Denial.

2.04 FINAL PLAT PROCEDURE AND APPROVAL

- A. The final plat shall conform substantially to the approved or conditionally approved preliminary plat. The document shall be prepared on 24 inch by 36 inch format. Four blackline print copies will be required for signatures at recording. One electronic version shall be sent to the Planning Department.
- B. Final Plat requirements, acknowledgement and affidavit:
 - 1. A statement that the land is being subdivided in accordance with the approved final plat;
 - 2. The final plat shall be acknowledged by the owner in a manner required for the acknowledgement of deeds;
 - 3. A statement by the owner that the subdivision lies within the platting and planning jurisdiction of Rio Arriba County;
- C. The applicant may elect to prepare only a portion of the preliminary plat as the final plat provided however:
 - 1. The final plat will provide for orderly development within the preliminary plat.
 - 2. The roads and infrastructure will be developed in a continuous manner serving all property without gaps in service.
 - 3. The remaining portion of the preliminary plat not included in the final plat is subject to the original preliminary plat time limit.
- D. The final plat shall state which roads or other improvements are public or private. Agreements for the continued maintenance of roadways may be required and will be required to be recorded with the final map.
- E. When all conditions of approval have been met, and a notice to the public of the proposal has been posted on the property for at least 30 days, the Director will signify his approval or conditional approval of the final plat for all Type III and Type V summary subdivisions in a written form.
- F. The approved plat may not be recorded until after the 15th day after the date the Director approves or conditionally approves the final plat, pursuant to the appeals process described in this ordinance.
- G. If the Director does not act upon a final plat that has been found to prepared in conformance with all applicable ordinances within thirty (30) days, the Board of County Commissioners shall, upon written demand by the applicant, issue a certificate stating that the final plat has been approved.

2.05 VACATION OF PLATS

- A. Any recorded Plat may be vacated or a portion of the plat 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
 - 2. The statement shall be approved by the Board of County Commissioners.
- B. The BOCC shall determine whether or not the vacation will adversely affect the interests of the County.
- C. The vacation may be approved with conditions as necessary to protect the interests of the County, persons with interests in the area to be vacated or utility easements.
- D. To be valid, a vacated plat must be recorded with the County Clerk showing the change to the previous plat with the words "vacated" or "partially vacated" describing the area of vacation. The recording documentation shall be marked on the recorded plat.



3.00 EXEMPT LAND DIVISIONS /OTHER SURVEY PLATS

- A. Exempt land divisions are meant for certain divisions of land, which would otherwise constitute subdivisions as defined by the State of New Mexico and are exempt from the County subdivision development standards. However, such land divisions and other survey plats are subject to County administrative processes to promote the orderly and consistent development of land divisions and surveys for the health safety and welfare of the citizens of the County.
- B. Exempt land divisions must conform to the development standards delineated in the Design and Development Regulation System ordinance 2012-001. As required by the Director, Survey Plats may be required to conform to applicable development standards of ordinance 2012-001 and submittal requirements of this ordinance.
- C. Except for one lot, which must be identified on the plat, lots created by the Exempt Land Division process, shall be held away from sale, lease, transfer or other conveyance for a period of five (5) years from the date the plat is recorded.
- D. Lots may be released from the five (5) year holding period, within that time period, only by re-subdividing the entire tract as a non-exempt subdivision.
- E. Pre-application Conference. All applicants should have a pre-application meeting with the P&Z Department. P&Z Dept. staff shall review the material and make recommendations to the applicant. Neither the applicant nor the County shall be bound by any statements or determinations made during the pre-application conference.
- F. Submittals are similar to Summary Subdivision submittals. Applicants shall follow the checklist for plat review guidelines listed above for Review Process for Summary Plat Reviews, Section 2.00, C, except for the submission of information listed in numbers 7-10. Additional documentation (e.g. copies of court orders, financing documents, and IRS exemption letters) may also be necessary as required by the Exemption Affidavit form itself.
- G. Applications for Exempt Land Divisions and other Survey Plats shall be reviewed by the P&Z Dept. within ten days of receiving all required submittals and a determination of eligibility for exempt land division approval shall be made. If the proposal is denied, the P&Z Dept. shall refer the applicant to the full subdivision procedure as required by the Land Subdivision Regulations Ordinance. If the proposal is approved, the Director, or designee, shall sign the Plat and the Plat shall be recorded with the County Clerk's Dept.
- H. The date with the surveyor's signature on the Plat shall not be older than 60 days prior to recording.
- I. The document shall be prepared on 24 inch by 36 inch format. Four blackline print copies will be required for signatures and one electronic copy.
- J. Decisions by the Director, regarding Exempt Land Divisions and other Survey Plats are final.
- K. Any person or party aggrieved by a decision of the Director may appeal that decision in the manner described in Section 4.00 Appeals.

4.0 APPEALS

- A. Any person or party aggrieved by a decision of the Planning Director, the Planning and Zoning Committee or the Board of County Commissioners may appeal that decision in the following manner:

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1. Public notice shall be given in the same manner as required for the decision being appealed the appellant shall bear the financial cost of the public notice.
 2. Decisions of determination by the Planning Director may be appealed to the Planning and Zoning Committee.
 3. The action of the Planning and Zoning Committee may be appealed to the Board of County Commissioners.
 4. All appeals shall be made within fifteen (15) days of the decision date.
- B. Appeals shall be submitted to the Planning Director in writing and shall include the following:
1. The name of the individual filing the appeal;
 2. The date of the appeal;
 3. The matter from which the appeal is taken;
 4. The grounds for the appeal;
 5. Appeals fee
- C. Once a timely appeal has been filed, a hearing before the appropriate body shall be conducted to review the decision. The hearing shall be scheduled for the next available regularly scheduled meeting.
- D. Any person aggrieved by a decision of the Board of County Commissioners may file an appeal within the court system.

5.00 SEVERABILITY

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

6.00 AMEND/REPEAL/SURVIVOR

- A. This document shall amend the previously made permanent ordinances to this ordinance, known as the Land Subdivision Regulations Ordinance, Appendix "P"
- B. No existing contract, agreement, franchise, existing rights, liability, or pending litigation of any kind shall be affected by the adoption of this ordinance or the repeal or amendment thereof.
- C. The provisions of other existing County ordinances imposing less strict standards than those given in this ordinance are repealed, but only to the extent which they are in conflict with the provisions of this ordinance.



7.00 EFFECTIVE DATE

A. Pursuant to Section 4-37-7 NMSA 1978 it is hereby declared by the Board of County Commissioners of Rio Arriba County that there is an immediate danger to the public health, safety and welfare of the County and therefore this ordinance shall take effect immediately upon signature by the County Commissioners, signature and rerecording by the County Clerk and publication by title and general summary in a newspaper of general circulation in the County.





**Rio Arriba
Board of County Commissioners**

Ordinance No. 2012-007

COMMISSIONERS
Barney Trujillo
Chairman
District I

Alfredo L. Montoya
District II

Felipe D. Martinez
District III

COUNTY MANAGER
Tomas Campos, III

Ordinance No. 2012-007

PASSED, ADOPTED, AND APPROVED THIS 28th DAY OF JUNE, 2012.

**BOARD OF COUNTY COMMISSIONERS
RIO ARRIBA COUNTY, NEW MEXICO**

Barney Trujillo, Chairman
Commissioner, District I

Alfredo L. Montoya
Commissioner, District II

Felipe D. Martinez
Commissioner, District III



ATTEST: 
Moises A. Morales, Jr. Rio Arriba County Clerk

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