CITY of BLOOMFIELD

SUBDIVISION REGULATIONS
and
CONSTRUCTION STANDARDS

Ordinance 384

An ordinance AMENDING the Bloomfield Municipal Code, Subdivision Regulations Appendix B.

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GENERAL PROVISIONS

TITLE

For the purpose of this Article these requirements shall be officially referred to as the "Land Subdivision Regulations and Construction Standards for the City of Bloomfield.

POLICY

1. It is declared to be the policy of this municipality to consider the subdivision of land and the subsequent development of the subdivided plat subject to the control of the City of Bloomfield pursuant to the Comprehensive Plan.

2. Land to be subdivided shall be of a character that it can be used safely for building purposes without danger to health from fire, flood, or other menace. Land shall not be subdivided until provisions for adequate public facilities and improvements have been made and provision has been made for drainage, water, waste water and capital improvements such as schools, parks, recreational facilities, transportation facilities, and improvements.

3. The existing and proposed improvements shall conform to and be properly related to the proposals shown in the Comprehensive Plan.

PURPOSES

These regulations are adopted for the following purposes:

1. To protect and provide for the public health, safety, and general welfare of the citizens of Bloomfield.

2. To guide the future growth and development in accordance to the Comprehensive Plan and of the territory lying within three (3) miles of the municipality.

3. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger and to prevent overcrowding of the land and undue congestion of population.

4. To protect the character, the social and economic stability of all parts of the city, to encourage the orderly and beneficial development of the community through appropriate growth management techniques, assuring the timing and sequence of development, promotion of development in existing neighborhoods and nonresidential areas with adequate public facilities, to ensure proper urban form and open space separation of urban areas and to protect environmentally critical areas and areas premature for urban development.

5. To protect and conserve the value of the land throughout the city and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.

6. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the city, having particular regard to the avoidance of congestion in the streets and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.

7. To establish reasonable standards of design and procedures for subdivisions and re-subdivisions in order to further the orderly layout and use of subdivided land.

8. To ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision and that the community will be required to bear no more than its fair share of the cost of providing the facilities and services.

9. 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 municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land.

10. To preserve the natural beauty and topography of the city and to ensure appropriate development with regard to these natural features.

11. To provide for open spaces through the most efficient design and layout of the land, while preserving the density of development as established in the zoning ordinance of the city.

AUTHORITY

The Bloomfield City Council is vested with the authority to review, approve, conditionally approve and disapprove applications for the subdivision of land, including preliminary, and final plats in accordance with Chapter 3, Article 20 and Article 19, NMSA 1978. The City Council may grant variances from these regulations.

JURISDICTION

1. These regulations apply to all subdivision of land, located within the city limits and all territory within the three (3) miles planning and platting jurisdiction of the city limit boundary. If annexation of land to the city should occur, these regulations apply to the annexed land and that land up to three (3) miles therefrom.

2. No land may be subdivided through the use of any legal description other than with reference to a plat approved by the City Council or Zoning Administrator in accordance with these regulations.

3. No land shall be subdivided, sold, leased, transferred or developed until each of the following conditions has occurred:

   a. The subdivider or his agent has submitted a conforming preliminary plat of the subdivision to the Planning and Zoning Administrator for the City Council; and
   b. The subdivider or his agent has obtained approval of the preliminary plat when required, and approval of a final plat from the City Council; and
   c. The subdivider or his agent files the approved plats with the San Juan County Clerk and the City of Bloomfield Planning and Zoning Department.

INTERPRETATION AND SEPARABILITY

1. **INTERPRETATION.** In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.

   a. **Public Provisions.** These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Any other provisions which are more restrictive or impose higher standards shall control.

   b. **Private Provisions.** These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, except where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern.

2. SEPARABILITY. If any part or provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or

application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances.

SAVING PROVISION

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the municipality under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation by lawful action of the municipality except as shall be expressly provided for in these regulations.

AMENDMENTS

For the purpose of protecting the public health, safety, and general welfare, the City Council may from time to time propose amendments to these regulations which shall then be reviewed by the Planning and Zoning Commission and subsequently, approved or disapproved by the City Council at a public meeting following public notice.

PUBLIC PURPOSES

Regulation of the subdivision of land is an exercise of valid police power delegated by the state to this municipality. The developer has the duty of compliance with reasonable conditions laid down by the City Council for design, dedication, improvement, and restrictive use of the land to conform to the physical, prudent and efficient development of the municipality and to the health, safety, and general welfare of the future lot owners in the subdivision and of the community at large.

VARIANCES, AND SPECIAL EXCEPTIONS.

1. **GENERAL.** Where the City Council finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances and special exceptions, to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that the variance, exception, or waiver conditions shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the city shall not approve variances, special exceptions, unless it shall make findings based on the following:

    a. The granting of the variance, special exception, will not be detrimental to the public safety, health, or welfare or injurious to other property;

    b. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;

c. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;

d. The difficulty or hardship resulting from the application of these regulations would prevent the owner from making a reasonable use of the property. The fact that the property could be utilized more profitably or conveniently with the variance than without the variance shall not be considered as grounds for granting the variance.

e. The relief sought will not in any manner vary the provisions of the Zoning Ordinance, Comprehensive Plan, except that those documents may be amended in the manner prescribed by law.

3. PROCEDURES. An application for a variance or special exception, shall be submitted in writing by the subdivider or legal agent to the Planning and Zoning Administrator.

ENFORCEMENT, VIOLATIONS, AND PENALTIES

1. GENERAL.

a. It shall be the duty of the Zoning Administrator to enforce these requirements and to bring to the attention of the City Council and or City Attorney or their designated agent any violations of these regulations.

b. No owner, or agent of the owner, or any parcel of the land located in a proposed subdivision shall transfer or sell any part of the parcel before a final plat of the subdivision has been approved by the City Council in accordance with the provisions of the regulations and filed with the San Juan County Clerks Office.

c. The subdivision of any lot or any parcel of land by the use of metes and bounds description for the purpose of sale, transfer, lease, or development is prohibited.

d. No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations, nor shall the Building Inspector nor the City of Bloomfield have any obligation to issue certificates of occupancy or to extend utility services to any parcel created in violation of these regulations.

2. CIVIL ENFORCEMENT. Appropriate actions and proceedings may be taken in law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation and to prevent illegal occupancy of a building structure or premises. These remedies shall be in addition to the penalties described above and include:

a. Injunctive relief to prohibit a Subdivider from selling, leasing, or otherwise conveying any interest in subdivided land until the Subdivider complies with the terms of these Regulations;

b. Injunctive relief to compel compliance by any person with the provisions of the injunctive relief with the provisions of 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 these regulations.

3. VIOLATIONS AND PENALTIES. Whoever being the owner, or agent of the owner, of any land located in the City of Bloomfield or within the three (3) mile planning and platting jurisdiction, transfers, leases, sells, or agrees to sell such land by reference to any presentation of as herein provided for in the Article, shall be deemed guilty of a misdemeanor, and upon conviction shall forfeit and pay a penalty of not less than two hundred and fifty dollars ($250.00) for each lot, in violation of this article, and or by imprisonment for not more than 90 days. The city through its attorney or other official designated by the City Council may enjoin such transfer or sale or agreement by action for injunction or may recover the penalty by civil action.

DEFINITIONS

For the purpose of these regulations, certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth. Words used in the present tense include future tense and words used in the plural include the singular.

WORDS AND TERMS DEFINED

ADEQUATE PUBLIC FACILITIES - Facilities determined to be capable of supporting and servicing the physical area and designated intensity of the proposed subdivision as determined by the City Commission based on specific levels of service.

AGENT - Professional consultant hired by land owner or developer to act on behalf of the owner.

ALLEY - A public right-of-way or private way or thoroughfare or part thereof, primarily devoted to vehicular use and providing secondary access to abutting property.

APPLICANT - The owner of land proposed to be subdivided or its representative who shall have express written authority to act on behalf of the owner. Consent shall be required from the legal owner of the premises.

AREA OF BENEFIT - An area of land which is designated by the City Council as receiving benefits from or creating the need for the construction, acquisition, or improvement of a public infrastructure.

ARTERIAL - A major street or thoroughfare that carries, or will carry, a considerable volume of traffic or more than neighborhood character and also serves abutting properties.

BLOCK - The distance measured along a street between intersecting streets from centerline to centerline; and where the context requires, it also means the enclosed area within the perimeter of the streets or property line enclosing it.

BOND - Any form of a surety bond in an amount and form satisfactory to the Governing Body. All bonds shall be approved by the Governing Body whenever a bond is required by these regulations.

BUFFER - See **EXTERNAL BUFFER.**

BUILDING - Any structure built for the support, shelter, or enclosure of persons, animals, personal property, or movable property of any kind.

BUILDING OR SETBACK LINE - A line on a plot between the property line and the street right-of-way where no building may be erected. This also indicates what may be permitted in which yards: parking, fences, accessory buildings patios, swimming pools and other such structures.

CAPITAL IMPROVEMENT - A public facility with a life expectancy of three or more years, to be owned and operated by or on behalf of the City of Bloomfield.

CAPITAL IMPROVEMENTS PROGRAM - A plan setting forth, by category of public facilities, those capital improvements and that portion of their costs which are attributable to serving new and existing developments and that portion of their costs which are attributable to serving new development within designated service areas for such public facilities over a period of specified years (10-20). Capital improvements program may refer either to the improvements and the associated costs programmed for all service areas for a particular category of public facilities.

CERTIFY - Whenever these regulations require that an agency or official certify the existence of some fact or circumstance, the municipality by administrative rule may require that such certification be made in any manner, oral or written, which provides reasonable assurance of the accuracy of the certification.

CITY ATTORNEY - The chief attorney for the city.

CITY COUNCIL - Governing Body of the City of Bloomfield.

COLLECTOR ROADS - A road intended to move traffic from local roads to secondary arterial roads. A collector road serves a neighborhood or large subdivision and should be designed so that no residential properties face onto it. The term includes the principal entrance streets of a residential development and streets for major circulation within such a development.

COMMISSION- Planning and Zoning Commission, an advisory board to the City Council

COMMON OWNERSHIP - Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockbroker, partner, or

associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

COMPREHENSIVE PLAN A master plan for development of the local government prepared and adopted by the City Council, pursuant to State law, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

CONCEPTUAL GRADING AND DRAINAGE PLAN - A plan prepared by a state registered engineer in graphic format showing existing and proposed grading, drainage control, flood control, and erosion control information in sufficient detail to determine project feasibility.

CONSTRUCTION PLAN - The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the City Commission as a condition of the approval of the plat.

CONTIGUOUS - Lots are contiguous when at least one boundary line of one lot touches a boundary line or lines of another lot.

COUNTY - San Juan County, New Mexico.

COUNTY CLERK - The elected Clerk of San Juan County, New Mexico.

CUL-DE-SAC - A local street with only one outlet that terminates in a vehicular turnaround and having an appropriate terminal for the safe and convenient reversal of traffic movement.

DESIGN STANDARDS - Standards that set forth specific improvement requirements.

DEVELOPER - The owner of land proposed to be subdivided or its representative who is responsible for any undertaking that requires review and/or approval under these regulations. See also **SUBDIVIDER.**

DEVELOPMENT AGREEMENT - Agreement between the Governing Body and developer through which the Governing Body agrees to vest development use or intensity or refrain from interfering with subsequent phases of development through new legislation in exchange for the provision of public facilities or amenities by the developer in excess of those required under current community regulations.

DRAINAGE COURSE - A natural water course or indenture for the drainage of surface waters. An undrained low is one that has no outlet other than through infiltration or evaporation.

DRAINAGE PLAN - See **CONCEPTUAL GRADING AND DRAINAGE PLAN.**

DRAINAGE REPORT - A comprehensive analysis prepared by a registered engineer of the drainage, flood control, and erosion control constraints on and impacts resulting from a proposed subdivision, development, or construction project.

EASEMENT - Authorization by a property owner for another to use the owner's property for a specified purpose.

ESCROW - A deposit of cash with the local government or escrow agent to secure the promise to perform some act.

EXACTIONS - Requirements of development to dedicate or pay for all or a portion of land or costs of public facilities as a condition of development approval.

EXPENDITURE - A sum of money paid out in return for some benefit or to fulfill some obligation. The term includes binding contractual commitments whether by development agreement or otherwise to make future expenditures as well as any other substantial change in position.

EXPRESSWAY OR FREEWAY - A high capacity and high speed major thoroughfare with partially or fully controlled access to abutting properties.

EXTERNAL BUFFER - A naturally vegetated area or vegetated area along the exterior boundaries of an entire development processed in accordance with a multi phased or phased subdivision application which is landscaped and maintained as open space in order to eliminate or minimize conflicts between such development and adjacent land uses.

FINAL SUBDIVISION PLAT - The map of a subdivision to be recorded after approval by the City Commission and all provisions as described in Section 13-3-19. Final Plat Approval.

FRONTAGE - That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot; but it shall not be considered as the ordinary side of a corner lot.

GOVERNING BODY - The Bloomfield City Council Bloomfield, New Mexico.

GRADE - The slope of a road, street, or other public way specified in percentage terms.

HEALTH, SAFETY, OR GENERAL WELFARE - The purpose for which municipalities may adopt and enforce land use regulations for the prevention of harm or the promotion of pubic benefit to the community; commonly referred to as police power.

IMPROVEMENTS - See **LOT IMPROVEMENT OR PUBLIC IMPROVEMENT.**

INDIVIDUAL SEWAGE DISPOSAL SYSTEM - A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device.

INFILL DEVELOPMENT - Development designed to occupy scattered or vacant parcels of land which remain after the majority of development has occurred.

INFRASTRUCTURE - Streets, sidewalks, sanitary sewer and water system facilities, lines, and appurtenances, drainage and flood control facilities, street lighting, and other improvements used by the public or used in common by owners of lots within a subdivision.

LAND SURVEYOR - A person who engages in the practice of land surveying and is registered as a land surveyor in the State of New Mexico.

LANDSCAPING - Acting with the purpose of meeting specific criteria regarding uses of outside space, including ground cover, buffers, and shade trees.

LIQUID WASTE SYSTEM - 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.

LOCAL ROAD - A road whose sole function is to provide access to abutting properties and to other roads from individual properties and to provide right-of-way beneath it for sewer, water, and storm drainage pipes and adjacent to it for electric and possible future expansions.

LOT - A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership, or possession, or for building development.

LOT IMPROVEMENT - Any building, structure, place, work of art, or other object situated on a lot.

MAJOR SUBDIVISION - All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of four (6) or more lots, or any size subdivision requiring any new street or extension of the local government facilities or the creation of any public improvements.

MAJOR THOROUGHFARE - A street of considerable length that carries, or that planning evidence indicates will carry, a large volume of traffic, and is usually planned in conjunction with state or federal agencies and is not to serve immediately abutting properties as its primary purpose.

MARGINAL ACCESS STREET (FRONTAGE ROAD) - A street parallel to and adjacent to a controlled access thoroughfare and which provides access from the thoroughfare or interchanges to abutting properties.

MINOR INDUSTRIAL OR COMMERCIAL STREET - A street of relatively short length that provides direct access to an industrial or commercial district and is designed to discourage its use by through traffic.

MINOR, OR LOCAL, RESIDENTIAL STREET - A street of relatively short length that provides direct access to a limited number of abutting residential properties and is designed to discourage its use by through traffic.

MINOR SUBDIVISION - Any subdivision containing not more than three (5) lots fronting on an existing street that does not require the extension of new infrastructure in accordance with the design standards, including streets, roads, water and sewer mains and does not adversely affect the remainder of the parcel or adjoining property.

MONEY IN LIEU OF LAND - Payment of money into a municipality earmarked fund to provide for acquisition of facilities off-site in place of dedicating land or providing such facility on site which is recorded and enforced in accordance with Chapter 3, Article 36 NMSA 1978 or such other method prescribed by law.

on site which is recorded and enforced in accordance with Chapter 3, Article 36 NMSA 1978 or such other method prescribed by law.

MONUMENT - One or more of the following:

1. **BENCH MARK -** A cap, set with the elevation on the same datum as used on design plans and the land surveyor's registration number inscribed thereon.

2. **PERMANENT SURVEY MONUMENT -** A cap set, in reference to the New Mexico Coordinate System having the land surveyor's registration number inscribed thereon or a standard Bureau of Land Management monument marking sectionalized corners.

3. **SUBDIVISION CONTROL MONUMENT -** A metal stake or pipe or other approved monument which identifies position within a subdivision area and which is referenced to a permanent survey monument.

MUNICIPALITY -City of Bloomfield

NEIGHBORHOOD PARK AND RECREATIONAL IMPROVEMENT FUND - A special fund established by the Governing Body to retain monies contributed by developers in accordance with the "money in lieu of land" provisions of these regulations.

NONRESIDENTIAL SUBDIVISION - A subdivision whose intended use is other than residential, such as commercial or industrial.

NOTICE OF NONCOMPLIANCE - A notice issued by the Zoning Administrator to the City Commission informing the applicant for approval of a major subdivision that the preliminary plat is not in compliance with these regulations and that the applicant may not apply for preliminary plat approval.

OFF-SITE - Any premises not located within the area of the property to be subdivided, whether or not in the common ownership of the applicant for subdivision approval.

OFFICIAL MAP - The map established by the Governing Body pursuant to law showing the streets, highways, parks, drainage systems and setback lines laid out, adopted, and established by law, and any amendments or additions thereafter.

OWNER - The record owners of the fee or a vendee in possession, including any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under the definition of **SAME OWNERSHIP.**

PAVEMENT WIDTH - The distance between the edges of the pavement which is intended for vehicular travel. It includes gutters and flat curb.

PERFORMANCE BOND - A surety bond or cash deposit made out to the city in an amount equal to the full cost of the improvements which are required by this Article, said cost estimate provided by subdivider and reviewed by the City Attorney and said surety bond or cash deposit

PERFORMANCE CRITERIA - Regulation of development based on open space ratio, impervious surface ratio, density, and floor area ratio.

PERIMETER STREET - Any existing street to which the parcel of land to be subdivided abuts on only one (1) side.

PHASED SUBDIVISION APPLICATION - An application for subdivision approval submitted pursuant to a Master Preliminary Plat, or at the option of the subdivider, pursuant to a specific plan in which the applicant proposes to immediately subdivide the property but will develop in one or more individual phase(s) over a period of time. A phased subdivision application may include an application for approval of, or conversion to, horizontal or vertical condominiums, nonresidential development projects, planned unit developments, mixed-use projects, and residential developments.

PLANNED UNIT DEVELOPMENT (PUD) - A development constructed on a tract of minimum size under single ownership planned and developed as an integral unit and consisting of a combination of residential and/or nonresidential uses on the land.

PLANNING AND ZONING COMMISSION- The local government's Planning Commission established in accordance with law.

PLAT - A graphic and verbal description of a lot or lots with licensed registered land surveyor reference ties to permanent survey monuments.

POLICE POWER - Inherent, delegated, or authorized legislative power for purposes of regulation to secure health, safety, and general welfare.

POTENTIAL SOURCE OF CONTAMINATION - Any source which could release substances resulting in the degradation of a body of water and a hazard to public health.

PRELIMINARY PLAT - The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Zoning Administrator and the City Council for approval.

PRIVATE WAY - A lot or easement which is not public right-of-way and which contains a street or alley providing access between public right-of-way and one or more lots. The term may include easements for public and private infrastructure when such are established through a suitable legal document, along with access rights.

PROPERTY OWNERS ASSOCIATION - An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants or deed restrictions, through which each owner of a portion of a subdivision -be it a lot, parcel site, unit plot, condominium, or any other interest -is automatically a member as a condition of ownership and each such member is subject to a charge or assessment for a pro-rated lot, parcel, unit, condominium, or other interest of the member.

PUBLIC FACILITY - means separately identify categories of public facilities and the types of improvements for which an impact fee may be charged for each such category under this article. Public facility excludes those improvements that are site-related facilities.

PUBLIC FACILITY IMPROVEMENT PROGRAM - Established improvement's program to correspond to public facilities for which an impact fee may be charged. The adopted plan, as may be amended from time to time, which identifies the public facilities and their costs for each public facility area or sub-area, which serve new development for a period not to exceed ten (10) years, which are to be financed in whole or in part through the imposition of public facilities fees pursuant to this article.

PUBLIC FACILITIES PROJECT - Any and all public improvements the need for which is directly or indirectly generated by development.

PUBLIC HEARING - An adjudicatory proceeding held by the City Council preceded by published notice and actual notice to certain persons and at which certain persons, including the applicant, may call witnesses and introduced evidence for the purpose of demonstration that plat approval should or should not be granted. Witnesses may be sworn and subject to cross-examination. The rules of civil procedure binding on the courts shall not, however, bind the City Council.

PUBLIC IMPROVEMENT - Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may effect an improvement for which local government responsibility is established.

PUBLIC MEETING - A meeting of the City Council preceded by notice, open to the public and at which the public may, at the discretion of the body holding the public meeting, be heard.

PUBLIC RIGHT-OF-WAY - That public area of land deeded, dedicated by plat, or otherwise acquired by any unit of government and owned in fee for the purposes of movement or vehicles, pedestrian traffic, and/or for conveyance of public utility services and drainage.

RE-SUBDIVISION - Any change in a map or an approved or recorded subdivision plat that affects any street layout on the map or area reserved thereon for public use or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

RIGHT-OF-WAY - A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric line, oil or gas pipeline, water main, sanitary or storm sewer main, shade-trees, or for any other special use. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which the right-of-way is established.

ROAD, CLASSIFICATION - For the purpose of providing for the development of streets, highways, roads and rights-of-way in the governmental unit, and for their future improvement,

sidewalks, each existing street, highway, road, and right-of-way, and those located on approved and filed plat, have been designated on the Official Map of the local government and classified therein. The classification of each street, highway, road, and right-of-way is based upon its location in the respective zoning districts of the local government and its present and estimated future traffic volume and its relative importance and function as specified in the Comprehensive Plan of the local government. The required improvements shall be measured as set forth for each street classification on the Official Map.

ROAD RIGHT-OF-WAY WIDTH - The distance between property lines measured at right angles to the center line of the street.

RURAL AREA - A sparsely developed area, with a population density of less than one hundred persons per square mile and where the land is undeveloped or primarily used for agricultural purposes.

SALE OR LEASE - Any immediate or future transfer of ownership, of land, including contract of sale, lease, devise, intestate succession, or other transfer of an interest in a subdivision or part thereof, whether by metes and bounds or lot and block description.

SECURITY - The letter of credit or cash escrow provided by the applicant to secure its promises in the subdivision improvement agreement and other applicable required improvements.

SERVICE AREA - The area for a particular category of pubic facilities within the jurisdiction of the local government and within which impact fees for capital improvements will be collected for new development occurring within such area and within which fees so collected will be expended for those types of improvements for that category of public facility identified in the public facility improvement's program. Service areas may be subdivided into subareas for purposes of assuring that impact fees collected and expended therein reasonably benefit new development within such areas.

SERVICE UNIT - [identify, collectively, each service unit for each category of public facility for which an impact fee is to be charged], which is the standardized measure of consumption for that category of pubic facility and which is set forth in impact fee schedules for that category of public facility.

SETBACK - The distance between a building and the street line nearest to the building.

SITE-RELATED FACILITY - An improvement or facility which is for the primary use or benefit of a new development and/or which is for the primary purpose of safe and adequate provision of [identify categories of public facilities for which an impact fee is to be charged] to serve the new development, and which is not included in the capital improvements program and for which the developer or property owner is solely responsible under subdivision or other applicable regulations.

SOIL SURVEY - A national cooperative soil survey conducted by the USDA, Natural Resources Conservation Service in cooperation with the state agriculture experiment station and other

SOIL SURVEY - A national cooperative soil survey conducted by the USDA, Natural Resources Conservation Service in cooperation with the state agriculture experiment station and other federal and state agencies, or any other survey containing information of comparable quality and detail following the national standards.

SPECIFIC PLAN - A document encompassing a specific geographic within the jurisdiction of the local government which is prepared for the purpose of specifically implementing the local government comprehensive plan by (1) refining the policies of the comprehensive plan to a specific geographic area; (2) containing specific recommendations as to the detailed policies and regulations applicable to a focused development scheme. The specific plan shall consist of goals, objectives and policies; requirements for capital improvements; the level of service required for public facilities; physical and environmental conditions; housing and land use characteristics of the area; and maps, diagrams, and other appropriate materials showing existing and future conditions.

STREET - See **ROAD.**

STRUCTURE - Anything constructed or erected.

SUBDIVIDE - The act or process of creating a subdivision of land.

SUBDIVIDER - Any person who (1) having an interest in land, causes it directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertise to sell, lease, or develop, any interest, lot, parcel site, unit, or plat in a subdivision, or, who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, indirectly controlled by, or under direct or indirect common control with any of the foregoing.

SUBDIVISION - Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, condominiums, tracts, or interests for the purpose of offer, sale, lease, or development whether immediate or future, either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of residentially and nonresidential zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. Subdivision includes re-subdivision and condominium creation or conversion.

SUBDIVISION AGENT - Any person who represents, or acts for or on behalf of, a subdivider or developer, in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services.

SUBDIVISION DEVELOPMENT AGREEMENT - A contract entered into by the applicant and the City Council by which the applicant promises to complete the required public improvements within the subdivision within a specified time period following final subdivision approval.

Council for approval and which, if approved, may be submitted to the San Juan County Clerk for Recording of Deeds.

TEMPORARY IMPROVEMENT - Improvements built and maintained by a subdivider during construction of the subdivision and prior to release of the performance bond.

TRANSFER OF DEVELOPMENT and or WATER RIGHTS - The conveyance of development and or water rights by deed, easement, or other legal instrument, authorized by ordinance or regulation, to another parcel of land and the recording of that conveyance.

VACATION - The act which rescinds all or part of a recorded subdivision plat including legal dedications and grants of easements.

VARIANCE - Modification or waiver of the regular subdivision design standards.

WATERCOURSES - Any waterway or bed or channel of a waterway.

APPLICATION PROCEDURE AND APPROVAL PROCESS

GENERAL PROCEDURE

1. **CLASSIFICATION OF SUBDIVISIONS.** Before any land is subdivided, the owner of the property proposed to be subdivided, or his authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedures, which include two (2) principal steps. If so requested and all provisions have been met for final approval, any minor subdivision may request that preliminary approval and final approval be reviewed concurrently by the Zoning Administrator. It is recommended, but not required that the developer submit a simple sketch plat of the proposed subdivision to the adjacent land owners of the proposed development. The purpose of this recommendation is to identify any issues or constraints the public may have prior to submitting engineered plats and designs.

a. **MINOR SUBDIVISION -** Any subdivision containing not more than five (5) lots fronting on an existing street that does not require the extension of new infrastructure in accordance with the design standards, including streets, roads, water and sewer mains and does not adversely affect the remainder of the parcel or adjoining property. Minor Subdivisions may be approved by the Zoning Administrator.
   1. Preliminary Plat
   2. Final Subdivision Plat; or
   3. Preliminary and Final Plat Concurrently

b. **MAJOR SUBDIVISION -** All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of six (6) or more lots, or any size subdivision requiring any new street or extension of the local government facilities or the creation of any public improvements.
   1. Preliminary Plat

requiring any new street or extension of the local government facilities or the creation of any public improvements.

1. Preliminary Plat
2. Final Subdivision Plat

c. **Water Rights:** It is the policy of the City of Bloomfield, to require the property owners within a proposed subdivision transfer to the city water rights in at least a equal amount to the treated water to be furnished as described on page 55, if possible to do so. Water to be furnished by the city would be restricted to household use only. Therefore, as a condition precedent to the approval of the Final Plat the property owner will be required to convey said water rights to the city by the city to all lots located within the subdivision.

1. Should the property owners wish to continue to use irrigation water to irrigate the property owned by them, the owner shall convey to the city water rights owned by them collectively in an amount equal to three-tenths (.3) acre foot for each lot, having an area of one-half (½) acre or less and or pay a one time water right fee in the amount as stated in Section 18-20 of the Bloomfield Municipal Code for each lot within the subdivision.

2. Should the property owner not use irrigation water, the owner shall convey to the city water rights owned by them collectively in the amount of six-tenths (.6) acre foot for each lot having an area of one-half (½) acre or less and or pay a one time water right fee in the amount as stated in Section 18-20 of the Bloomfield Municipal Code for each lot within the subdivision.

3. In instances in which the lots within the proposed subdivision exceeds one-half (½) acre, the water rights determined to be conveyed to the city will be proportionately increased in the ratio of square footage of said lot (s) to 21,780 feet and or pay a one time water right fee in the amount as stated in Section 18-20 of the Bloomfield Municipal Code for each lot within the subdivision.

4. In instances in which water rights are not available to the property owner, the owner shall pay to the city, current market value of the required water rights and or pay a one-time water right fee in the amount of as stated in Section 18-20 of the Bloomfield Municipal Code for each lot within the subdivision.

2. **OFFICIAL SUBMISSION DATES**. The Official Submission Date for both major and minor subdivisions is thirty (30) days prior to the date of the public meeting by the Planning and Zoning Commission at which a recommendation for approval of a preliminary subdivision plat is conducted.

PRELIMINARY PLAT

1. **PRE-APPLICATION PROCEDURE**. Before preparing the preliminary plat for a subdivision, the applicant shall schedule an appointment and meet with the Zoning Administrator. The Zoning Department will notify relevant department heads for the purpose of a Planned

protection, and similar matters, as well as the availability of existing services. The Zoning Administrator shall also advise the applicant, when appropriate, to discuss the proposed subdivision with those officials who must eventually approve those aspects of the subdivision plat coming within their jurisdiction.

2. **APPLICATION PROCEDURE AND REQUIREMENTS.** After the Planned Review Process, the owner of the land, or his authorized agent, shall file an application for approval of a preliminary plat with the city at least thirty (30) days prior to a regular meeting of the Planning and Zoning Commission. The application shall:

   a. Be made on forms available at the office of the Zoning Administrator together with a fee of one hundred and fifty dollars ($150.00) and eight dollars ($8.00) per lot for the first 25 lots with additional charge of four dollars ($4.00) per lot in excess of 25 lots for all subdivisions located within in the city limits. For subdivisions outside city limits a flat fee of seventy-five dollars ($75.00).

   b. Present a plat which includes all contiguous holdings of the owner including land in "common ownership" as defined in these regulations, with an indication of the portion which is proposed to be subdivided, accompanied by evidence of ownership, such as a copy of the deed. The information shall include the book and page number of the recorded document and granting title if available.

   c. Application shall be presented in duplicate and accompanied by minimum of eight (8) copies of the preliminary plat as described in these regulations and complying in all respects with these regulations;

3. **AGENCY REVIEW PROCESS.** Upon completion of the application and the planned review process the city will identify the appropriate agencies listed below to which the subdivider shall forward a copy of the preliminary plat and supporting documentation. The selected federal, state and local agencies are to be supplied with a request for review

and opinions to be served from the agency directly to both the subdivider and the Zoning Administrator. The following include, but are not limited to potential review agencies:

   a. the New Mexico Highway and Transportation Department;

   b. the New Mexico State Engineer Office;

   c. the New Mexico Environment Department;

   d. the City or County Fire Marshal, depending on the pertinent jurisdiction;

d. the City or County Fire Marshal, depending on the pertinent jurisdiction;

e. the Soil and Water Conservation District in which the proposed subdivision is located;

f. any irrigation ditch association whose irrigation ditch, lateral or tailwater passes through the proposed subdivision or within one hundred (100) feet of any exterior boundary of the proposed subdivision;

g. Army Corps of Engineers; and

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

The above agencies shall have sixty (60) calendar days from their receipt of the preliminary plat to review and return an opinion regarding the proposed subdivision.

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4. APPROVAL PROCEDURE.

1. If the preliminary plat complies with all applicable regulations governing the subdivision of land, the Zoning Administrator shall place the matter on the next available regular meeting agenda of the Planning and Zoning Commission for formal recommendation of approval, disapproval or conditional approval of the preliminary plat. The Zoning Administrator shall submit a notice for publication in one (1) newspaper of general circulation.

2. After the Planning and Zoning Commission has reviewed the preliminary plat and construction plans, the report of the Zoning Administrator, any staff recommendations and testimony and exhibits submitted at the pubic hearing, the applicant shall be advised of any recommended changes and/or additions.

3. Upon receipt of the formal recommendation of the Planning and Zoning Commission, the Zoning Administrator shall place the application and preliminary plat on the next regular scheduled meeting of the City Council. The City Council shall approve, conditionally approve, or disapprove the preliminary plat (or the preliminary plat and final plat concurrently if a major subdivision and if so required).

4. If the preliminary plat is disapproved by the City Council, the applicant may appeal as provided. The applicant shall have six (6) months from the date that the preliminary plat is approved by the City Council to submit a final subdivision plat after which time a new preliminary plat must be submitted for approval.

a. Definite provision and assurance has been made by the water supply system provider that the system is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed;

b. If a public sewage system is proposed, adequate provision has been made for such a system and, if other methods of sewage disposal are proposed, that such systems will comply with federal, state, and local laws and regulations;

c. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and or city staff that the proposed uses of these areas are compatible with such conditions;

6. **PUBLIC IMPROVEMENTS.** If the subdivider does not intend that all public improvements be installed and dedicated prior to signing of the final subdivision plat by the Mayor or the Zoning Administrator, the City Council shall require that the applicant execute a development agreement and provide security for the agreement.

7. **EFFECTIVE PERIOD OF PRELIMINARY PLAT APPROVAL.** If a subdivision plat is not submitted for final approval within the six month (6) period, the preliminary approval shall be null and void, and the applicant shall be required to submit a new plat for preliminary plat review subject to the then existing zoning restrictions and subdivision regulations.

8. **ZONING AND SUBDIVISION REGULATIONS.** Every preliminary plat shall conform to existing zoning regulations and subdivision regulations applicable at the time that the proposed preliminary plat is submitted for the approval of the Planning and Zoning Commission and City Council.

AMENDMENTS TO PRELIMINARY PLAT

At any time after the preliminary plat approval and before submission of a final plat, the applicant may request of the Zoning Administrator that an amendment be made in the approval or conditional approval of the preliminary plat. The Planning and Zoning Commission shall hold a public hearing on the proposed amendment in accordance with the same requirements for preliminary plat approval.

FINAL SUBDIVISION PLAT

1. APPLICATION PROCEDURE AND REQUIREMENTS. Following the approval of the preliminary plat the applicant shall file with the Zoning Administrator an application for final approval of a subdivision plat. The application shall:

a. Be made on forms available at the Office of the Zoning Administrator.
b. Include the entire subdivision, or section thereof, which derives access from an existing state, county, or local government highway.

c. Be accompanied by a minimum of nine (9) copies of the subdivision plat and the construction plans, as described in these regulations.

d. Comply in all respects with the preliminary plan, as approved, depending on the classification of the subdivision.

e. Be presented to the Zoning Administrator at least thirty (30) days prior to a regular meeting of the Planning and Zoning Commission in order that a public meeting may be scheduled. The notice shall advise the public that the final plat and all conforming documents have been received by the Planning and Zoning Commission and may be reviewed by members of the public who may then submit written comments to the Commission with any concerns regarding the proposed subdivision. The notice shall include a deadline for receipt of comments and shall include the date of the public meeting at which final plat approval will be considered.

f. The subdivision plat shall be marked with a notation indicating the formal offers of dedication as follows:

The owner, or his representative, hereby offers for dedication to the local government all the streets, easements, parks, required city utilities or other necessary improvements shown on the subdivision plat and construction plans in accordance with an offer of dedication dated ___, and recorded at the Office of the San Juan County Clerk, San Juan County, New Mexico.

By_____
(Owner or Representative)

Date_____

g. Be accompanied by the subdivision development agreement and security, if required, in an amount established by the City Council and shall include a provision that the subdivider shall comply with all the terms of the resolution of final subdivision plat approval as determined by the City Council and shall include, but not be limited to, the performance of all required subdivision and offsite improvements, and that all improvements and land included in the irrevocable offer of dedication shall be dedicated to the local government free and clear of all liens and encumbrances on the premises.

2. **NOTICE OF PUBLIC MEETING.** Upon receipt of formal application and all accompanying material, the Zoning Administrator shall call a public meeting for the next scheduled meeting of the Planning and Zoning Commission. The Planning and Zoning Administrator shall submit a notice for publication in one (1) newspaper of general circulation and shall maintain file copies of the plat and construction plans for public review prior to the meeting.

3. **PUBLIC MEETING DETERMINATION.** After the public meeting, the Zoning Administrator shall place the final subdivision plat on the next regularly scheduled City Council meeting. The City Council shall approve or disapprove the application and shall set forth any reasons for disapproval.

4. APPEAL IN THE EVENT OF DISAPPROVAL. If the Planning and Zoning Commission disapproves the final plat, the applicant may appeal to the City Council.

5. SUBMISSION AND REVIEW. Subsequent to the resolution of the City Council, three (3) paper copies of the construction plans, and one (1) copy of the original of the subdivision plat on tracing cloth, and/or reproduction Mylar, and or two (2) copies of the subdivision plat on sepia paper and nine(9) copies of the subdivision plat on paper shall be submitted to the Planning an d Zoning Administrator for final review. No final approval shall be endorsed on the plat until a review has indicated that all the requirements of approval have been met.

VESTED RIGHTS AND DEVELOPMENT AGREEMENTS

1. EFFECT OF APPROVAL AND RECORDING. Except as otherwise provided in this section, no vested rights shall accrue to the owner or developer of any subdivision either by virtue of the recording of a final plat or by reason of preliminary or final plat approval until the actual signing of the final plat by the Mayor and or Zoning Administrator.

2. APPLICABLE LAWS. To obtain final plat approval, the applicant shall be in compliance with all federal, state and local laws applicable at the time that the final plat is considered for approval by the Planning and Zoning Commission and City Council.

3. DEVELOPMENT AGREEMENTS. The municipality may, but under no circumstances is it required to, enter into a Development Agreement:

a. **General.** The Development Agreement shall constitute a binding contract between the subdivider of the proposed subdivision and the municipality (the "parties") and shall contain those terms and conditions agreed to by the parties and those required by this section, The City Attorney or designee is authorized to negotiate Development Agreements on behalf of the municipality.

b. **Covenants.** Any covenant by the municipality contained in the Development Agreement to refrain from exercising any legislative, quasi-legislative, quasi-judicial or other discretionary power, including re-zoning or the adoption of any rule or regulation that would affect the proposed subdivision, shall be limited to a period of five (5) years. The covenant shall also contain a provision that the municipality may, without incurring any liability, engage in action that otherwise would constitute a breach of the covenant if the action is required by federal or state law.

c. **Third Party Rights.** Except as otherwise expressly provided in the Development Agreement, the Development Agreement shall create no rights enforceable by any party who/which is not a party to the Development Agreement.

d. **Limitation on Liability.** The Development Agreement shall contain a clause that any breach of the Development Agreement by the municipality shall give rise only to damages under state contract law.

e. **Developer's Compliance.** The Development Agreement shall include a clause that the government's duties under the Agreement are expressly conditioned upon the subdivider's substantial compliance with each and every term, condition, provision, and covenant of the Agreement, and all applicable federal, state, and local laws and regulations, and its obligations under the subdivision improvement agreement.

f. **Adoption.** The Development Agreement shall be adopted by the Governing Body pursuant to applicable state and local laws and shall be recorded at the San Juan County Clerk, San Juan County, New Mexico.

g. **Incorporation as Matter of Law.** All clauses, covenants, and provisos required by these regulations to be included in a Development Agreement shall be incorporated in to the Development Agreement as a matter of law without respect to the intent of the parties.

SIGNING AND RECORDING OF SUBDIVISION PLAT

1. SIGNING OF PLAT.

a. When a subdivision development agreement and security are required, the Mayor shall endorse approval on the final plat after the agreement and security have been approved by the City Council, and all the conditions of the resolution pertaining to the final plat have been satisfied.

b. When installation of improvements is required prior to the recording of the final plat, the Mayor and or the Zoning Administrator shall endorse approval on the final plat after all conditions of the resolution have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the local government as shown by a certificate signed by the City engineer, stating that the necessary dedication of public lands and improvements have been accomplished.

2. RECORDING OF PLAT.

a. The Mayor and or Zoning Administrator will sign with the approval of the City Council the reproducible Mylar original of the final subdivision plat and two (2) prints of the final subdivision plat.

b. It shall be the responsibility of the developer, subdivider or owner to file the final plat with the San Juan County Clerk Office within ten (10) days of the date of signature.

1. ALTERNATE SUBDIVISION PROCEDURE. The Zoning Administrator is hereby authorized to approve and sign certain subdivision plats as follows:

a. Subdivisions of not more than five (5) parcels of land; or

b. Re-plats, where the combination or recombination of portions of previously platted subdivision lots: or

c. Subdivisions of three (3) or more parcels of land in areas zoned for industrial use.

Any subdivision approved as authorized in this section shall be in substantial conformity with Appendix A- Specifications for Preliminary Plat SUBMITTAL, of these regulations.

APPEALS TO GOVERNING BODY

Any person who is adversely affected by a decision of the approval may appeal the disapproval of any preliminary or final subdivision plat by the Planning and Zoning Commission by filing a Notice of Appeal with the Zoning Administrator, with a copy to the Planning and Zoning Commission, no later than ten (10) days after the date on which the Zoning Administrator notifies the applicant that the commission has disapproved the preliminary or final subdivision plat. The Notice of Appeal shall set forth in clear and concise fashion the basis for the appeal. The appeal shall be considered at the next regularly scheduled public meeting of the City Council, at which time it may affirm or reverse the decision of the Planning and Zoning Commission. The City Council may reverse the decision only by a majority vote of the members of the governing body present at the meeting. On appeal, the applicant shall be allowed to make a presentation to the City Council under such terms, conditions and procedures as established by the City Council. The City Council shall render a decision affirming or reversing its decision no later than forty-five (45) days after the date on which the Notice of Appeal is filed. If the City Council reverses the decision, the applicant may proceed to submit a preliminary or final plat as is appropriate under the conditions for approval agreed to by the City Council.

SUSPENSION AND INVALIDATION OF FINAL PLAT

If the municipality suspends final approval for any subdivision plat under these regulations, it shall record a document with the San Juan County Clerk Office, declaring that final approval for the subdivision is suspended and that further sale, lease, or development of property within the subdivision is prohibited except that this prohibition shall not apply to persons or parties who have acquired property from the subdivider unless the person or party acquiring property meets the definition of "common ownership". If any court of competent jurisdiction invalidates final plat approval for any subdivision, the municipality shall record a document with the San Juan County Clerk Office, declaring that the final plat for the subdivision is no longer valid and that further subdivision activity is prohibited.

IMPROVEMENTS AND SUBDIVISION DEVELOPMENT AGREEMENT.

1. **COMPLETION OF IMPROVEMENTS.** Before the final subdivision plat is signed by the Mayor and all applicable entities, all applicants shall be required to complete, all street, sanitary and other public improvements, including lot improvements on the individual lots

of the subdivision, as required in these regulations, and free and clear of all liens and encumbrances on the dedicated property and public improvements. The timing of improvements may be altered as stated below.

2. SUBDIVISION DEVELOPMENT AGREEMENT AND GUARANTEE.

a. **Agreement.** The City Council may waive the requirement that the applicant complete and dedicate all public improvements prior to approval of the final subdivision plat and, as an alternative, permit the applicant to enter into a subdivision improvement agreement by which the subdivider agrees to complete all required public improvements no later than one (1) year following the date on which the Mayor and or Zoning Administrator signs the final subdivision plat.

The applicant shall covenant to maintain each required public improvement for a period of one (1) year following the acceptance by the governing body of the dedication of that completed public improvement and also shall warrant that all required public improvements will be free from defect for a period of two (2) years following the acceptance by the governing body of the dedication of the last completed public improvement. The subdivision development agreement shall contain such other terms and conditions agreed to by the applicant and the City Council.

b. **Covenants to Run.** The subdivision development agreement shall provide that the covenants contained in the agreement shall run with the land and bind all successors, heirs, and assignees of the subdivider. The subdivision development agreement will be approved by the City Council pursuant to applicable state and local laws and shall be recorded at the San Juan County Clerks Office.

c. **Security.** Whenever the City Council enters into a subdivision development agreement, it shall require the applicant to provide sufficient security for the promises contained in the subdivision improvement agreement. Security may be in the form of a letter of credit, cash escrow, surety bonds or other acceptable security device. Security shall be in an amount equal to one hundred percent (100%) of the estimated cost of completion of the required public improvement, including lot improvements. Security shall be approved by the City Council.

3. TEMPORARY IMPROVEMENT. The applicant shall build, pay and maintain for all temporary improvements required by the City Council.

4. COSTS OF IMPROVEMENTS. All required improvements shall be made by the developer, at its expense, without reimbursement by the local government or any improvement district except that, as may be allowed under state law, the developer may form or cause to be formed a special district or districts to construct and finance the construction of required public improvements excluding lot improvements on individual lots.

5. **FAILURE TO COMPLETE IMPROVEMENT.** For subdivisions for which no subdivision development agreement has been executed and no security has been posted, if the improvements are not completed within the period specified by the City Council upon preliminary approval, the preliminary plat approval shall be deemed to have expired. In those cases where a subdivision development agreement has been executed and security has been posted and required public improvements have not been installed within the terms of the agreement, the local government may then: (1) declare the agreement to be in default and require that all the improvements be installed regardless of the extent of the building development at the time of the agreement is declared to be in default; (2) suspend final subdivision plat approval until the improvements are completed and record a document to that effect for the purpose of public notice; (3) obtain funds under the security and complete improvements itself or through a third party; (4) assign its right to receive funds under the security to any third party, including a subsequent owner of the

subdivision for which improvements were not constructed, in whole or in part, in exchange for the subsequent owner's written agreement to complete improvements in the subdivision; (5) exercise any other rights available under the law.

6. **ACCEPTANCE OF DEDICATION OFFERS.** The approval of a subdivision plat by the City Council whether preliminary or final, shall not be deemed to constitute or imply the acceptance by the municipality of any street, easement, or park shown on the plat. Acceptance of formal offers of dedication of streets, easements, and parks shall be by ordinance of the governing body and shall be recorded with the approved subdivision plat. The City Council may require the plat to be endorsed with appropriate notes to this effect.

INSPECTION OF IMPROVEMENTS

1. **GENERAL PROCEDURE.** The city shall provide for periodic inspection of required improvements during construction and ensure their satisfactory completion.

2. **RELEASE OR REDUCTION OF SECURITY.**
   a. **Certificate of Satisfactory Completion**. The City Council shall not accept dedication of required improvements, nor release nor reduce the amount of any security posted by the subdivider until the responsible department has submitted an endorsement stating that all required improvements have been satisfactorily completed and until (1) the applicant's engineer or surveyor has certified to the city, through the submission of a detailed "as-built" survey plat of the subdivision, indicating location, dimensions, materials, and other information required by the Subdivision Regulations, that the layout of the line and grade of all public improvements is in accordance with construction plans for the subdivision, and (2) a title insurance policy has been furnished to and approved by the City Attorney indicating that the improvements have been completed, are ready for dedication to the local government, and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation by the City Council and City Attorney, the City Council shall thereafter accept the improvements for dedication in accordance with the established procedure.

ESCROW DEPOSITS FOR LOT IMPROVEMENTS

1. **ACCEPTANCE OF ESCROW FUNDS.** Whenever, by reason of the season of the year, any lot improvements required by the subdivision regulations cannot be performed, the Building Inspector and the Zoning Administrator may issue a certificate of occupancy, provided there is no danger to health, safety, or general welfare upon accepting a cash escrow deposit in an amount to be determined by the city for the cost of the lot improvements. The subdivision development agreement and security covering the lot improvements shall remain in full force and effect.

MAINTENANCE OF IMPROVEMENTS

The developer shall be required to maintain all required public improvements on the individual subdivided lots until acceptance of the improvements.

DEFERRAL OR WAIVER OF REQUIRED IMPROVEMENTS

1. The City Council may defer or waive at the time of final approval, the provisions of any or all public improvements as, in its judgment, are not requisite in the interests of the public health, safety, and general welfare and must be made on the record and the reasons for the deferral or waiver also shall be expressly made on the record.

ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

1. No certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the required public improvements and the acceptance of the dedication of those improvements by the local government, unless approved through an agreement with the City Council and or Zoning Administrator.

REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGN

GENERAL IMPROVEMENTS

1. **CONFORMANCE TO APPLICABLE RULES AND REGULATIONS.** In addition to the requirements established in these regulations, all subdivision plats shall comply with the following laws, rules, and regulations:

a. All applicable statutory provisions.

b. The official zoning ordinance, building and housing codes, and all other applicable laws of the appropriate jurisdictions.

c. The Comprehensive Plan, public utilities and Capital Improvements Plan including all streets, drainage systems, and parks shown on the Comprehensive Plan as adopted.

d. The rules and regulations of the State Highway Department if the subdivision or any lot contained therein abuts a state highway or a collector road accessed by a state highway.

e. Any and all standards and regulations adopted by the city.

f. Plat approval may be withheld if a subdivision is not in conformity with the above laws, regulations, guidelines, and policies as well as the purposes of these regulations established in these regulations.

2. **ADEQUATE PUBLIC FACILITIES.** No preliminary plat shall be approved unless the city staff determines that public facilities will be adequate to support and service the area of the proposed subdivision.

a. **Comprehensive Master Plan Consistency Required.** Proposed public improvements shall conform to and be properly related to the comprehensive plan and all applicable capital improvement plans.

b. **Water**. A public water system capable of providing water for health and emergency purposes, including adequate fire protection, shall be made available to all habitable dwellings and lots per design standards.

c. **Wastewater.** All residential dwellings and lots shall be served by an approved means of wastewater collection and treatment.

d. **Storm Water Management**. Drainage improvements shall accommodate potential runoff from the entire upstream or arroyo drainage area and shall be designed to prevent increases in downstream flooding. The city may require the use of control methods such as retention or detention, and/or the construction of offsite drainage improvements to mitigate the impacts of the proposed developments.

e. **Roads**. Proposed roads shall provide a safe, convenient, and functional system for vehicular, pedestrian, and bicycle circulation; shall be properly related to the comprehensive plan; and shall be appropriate for the particular traffic characteristics of each proposed development.

f. **Extension Policies.** All public improvements and required easements shall be extended through the parcel on which new development is proposed. Streets, water lines, gas lines, wastewater systems, drainage facilities, electric lines, and telecommunication lines shall be constructed through the new development. The city may require the applicant of a subdivision to extend offsite improvements to reach the subdivision or install larger lines to serve anticipated future development as a condition of plat approval.

3. **MONUMENTS.** The applicant shall place permanent reference monuments in the subdivision as required in these regulations and as approved by a Registered Land Surveyor.

a. Monuments shall be located on street right-of-way lines, at street intersections, angel points of curve and block corners. They shall be spaced so as to be within sight of each other, the sight lines being contained wholly within the street limits.

b. The external boundaries of a subdivision shall be marked in the field by monuments approved by a Registered Land Surveyor prior to the time the Planning and Zoning Commission recommends final plat approval.

4. **CHARACTER OF THE LAND.** Land that the Planning and Zoning Commission and City Council finds to be unsuitable for subdivision development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features that will be reasonably harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the city, upon recommendation of the city staff, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve any danger to public health, safety, and welfare.

LOT IMPROVEMENTS

Side lot lines shall be at right angles to straight street lines or radial to curved street lines. Each lot must front upon a publicly dedicated street. Lot dimensions shall conform to the requirements of the zoning regulations. Corner lots for residential use shall have extra width to permit appropriate building setback from both streets.

a. **Lot Drainage**. Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

ROADS

1. GENERAL REQUIREMENTS. Every subdivided lot may or may not be served from a publicly dedicated street.

A. **Frontage on Improved Roads.** No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street unless such street is:

1. An existing designated federal, state, or county road; or

2. A street upon a plat approved by the city and recorded in the San Juan County Clerks Office. Such street or highway must be suitably improved as required by or be secured by a performance bond required under these regulations, with the width and the right-of-way required by these subdivision regulations.

Wherever the area to be subdivided is to utilize existing road frontage, the road shall be suitably improved as provided above.

b. **Level of Service**. No development shall be approved if such development, at full occupancy, will result in or increase traffic on an arterial or collector so that the street does not function at a level of service to which it was intended when constructed. The applicant may propose and construct approved traffic mitigation measures to provide adequate roadway capacity for the proposed development. The applicant for any development may be required by the New Mexico State Highway and Transportation Department or the city to submit a traffic impact analysis.

c. **Grading and Improvement Plan**. Roads shall be graded and improved and conform to the Construction Standards and specifications found in these regulations and shall be approved as to design and specifications by the city staff in accordance with the construction plans required to be submitted prior to final plat approval.

d. **Classification.** All roads shall be classified as either Primary Arterial, Secondary Arterial, Collector, Industrial or Commercial, Marginal Access Street, Minor Residential Street, CUL-de-sac or Alley.

2. **DESIGN CRITERIA.**

General. In order to provide for roads of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, fire fighting, snow removal, sanitation, and road-maintenance equipment, and to coordinate roads so as to compose a convenient system and avoid undue hardships to adjoining properties, the following design criteria for roads are hereby required.

a. **Road Surfacing and Improvements**. After sewer and water utilities have been installed by the developer, the developer shall construct curbs and gutters and shall surface or cause to be surfaced roadways to the widths prescribed in these regulations. All surfacing shall be of a character as is suited for the expected traffic and in harmony with similar improvements in the surrounding areas. Types of pavement shall be in accordance with the Construction Standards. Adequate provisions shall be made for culverts, drains and bridges. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all Construction Standards and specifications approved by the City Council and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.

b. **Additional Width of Existing or Planned Streets**. Subdivisions that adjoin existing or planned streets shall dedicate the right-of-way as necessary to meet the minimum street width requirements set forth in the design standards.

c. **Street Names and Designations**. A proposed street, which is in alignment with and joins an existing and named street shall bear the name of the existing street. In no case shall the proposed name of a street duplicate the name of an existing street. The use of a suffix

"street" , "avenue", "boulevard", "drive", "place", "court", or similar description shall not be a distinction sufficient to constitute compliance with this article. In general, east-west trending right-of-ways shall be called "streets" while north-south trending ones shall be called "avenue." Dead end rights-of-way may be called "courts" or "circles" and short streets may be called "place" or "drive."

d. **Alleys.** Alleys 20 feet wide may be provided to the rear or side of all lots, unless proper easements and facilities have been put into place to address all required utilities and maintenance thereto. Dead-end alleys are not allowed.

f. **Blocks.** In blocks over eight hundred (800) feet in length, the city may require one or more public cross walks of right-of-way no less than six (6) feet in width to extend entirely across the block and at locations deemed necessary at intervals not closer than four hundred (400) feet.

g. **Bridges**. Bridges of primary benefit to the applicant, as determined by the city, shall be constructed at the full expense of the applicant without reimbursement from the city. The sharing expense for the construction of bridges not of primary benefit to the applicant as determined by the city, will be fixed by special agreement between the city and the applicant. The cost of bridges that do not solely benefit the developer shall be charged to the developer pro rata based on the percentage obtained by dividing the service area of the bridge into the area of the land being developed by the subdivider.

h. **Road Regulatory Signs**. The applicant shall deposit with the city, at the time of final subdivision approval the sum to be determined by the city staff, for each road sign require. Within the city, city staff shall install all road signs before issuance of certificates of occupancy for any residence on the streets approved. Street name signs are to be placed at all intersections within or abutting the subdivision, the type and location of which is to be approved by city staff.

i. **Street Lights**. Installation of street lights shall be required in accordance with the design and specification standards approved by the City Council.

DRAINAGE AND STORM SEWERS

1. **GENERAL REQUIREMENTS.** The city staff may or may not recommend for approval any plat of subdivision that does not make adequate provision for storm and flood water runoff channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system. A report by a civil engineer, registered in New Mexico, shall accompany the preliminary plat of a subdivision giving the quantity, velocity and depth of flow in all drainage courses at points of entering and leaving the subdivision and at key points within the subdivision for flows anticipated, after development of the area, from floods with an average reoccurrence level of 100 years. The effect of such flows at these points on hydraulic structures, streets, street intersections, and private structures should be presented in the report. Any open channel must be structurally lined with adequate checks to prevent excessive erosion, as determined by the drainage report. Right-of-way

easements for all open channels shall be dedicated to the City. Surface water drainage patterns shall be shown for each and every lot and block.

2. NATURE OF STORM WATER FACILITIES.

a. **Accessibility to Public Storm Sewers**.

1. Where pubic storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the Subdivision Construction Standards.

2. If a connection to a storm sewer system will be provided eventually, as determined by city staff, the developer shall make arrangements for future storm water disposal at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the subdivision development agreement required for the subdivision plat.

b. **Accommodation of Upstream and Arroyo Drainage Areas**. A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire drainage area, whether inside or outside a subdivision. A civil engineer, registered in New Mexico shall determine the size of the facility, based on the provisions of the constructions standards and specifications assuming conditions of maximum potential watershed development permitted by the Zoning Regulations.

c. **Effect on Downstream Drainage Areas**. The city may withhold approval of the subdivision until provision has been made for the expansion of the existing downstream drainage facility.

d. **Areas of Poor Drainage**. Whenever a plat is submitted for an area that is subject to flooding, the city may approve such subdivision provided that the applicant fills the affected area of the subdivision to an elevation sufficient to place the elevation of streets and lots at a minimum of twelve (12) inches above the elevation of the one hundred (100) year flood plain, as determined by the Federal Emergency Management Agency. The plat of the subdivision shall provide for an overflow zone along the bank of any watercourse, in a width that shall be sufficient in times of high water to contain or move the water, and no fill shall be placed in the overflow zone nor shall any structure be erected or placed in the overflow zone. The boundaries of the overflow zone may be adjusted only by a "Letter of Map Amendment," signed by the Federal Emergency Management Agent, and shall be subject to approval by the Floodplain Administrator. The City Council may deny subdivision approval for areas of poor drainage and potential for flooding.

e. **Flood way Areas**. The City Council may, when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property that lies within the flood way of any stream or drainage course. These flood way areas shall be preserved from any and all destruction or

damage resulting from clearing, grading, or dumping earth, waste material, or stumps, except at the discretion of the Flood plain Administrator and or City Council.

3. DEDICATION OF DRAINAGE EASEMENTS.

a. **General Requirements**. When a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourses, and of such width and construction as will be adequate for the purpose. Whenever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

b. **Drainage Easements**.

I. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within rights-of-way, perpetual, unobstructed easements equal to the width of flow at the energy grade line, as determined by the drainage report shall be required. Drainage facilities shall be provided as required. Easements shall be shown on the plat. Drainage easements shall extend from the road to a natural watercourse or to other drainage facilities.

2. When a proposed drainage system changes the location of offsite drainage and will carry water across private land outside the subdivision, appropriate drainage easements must be secured by the subdivider and indicated on the plat.

3. Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways.

WATER FACILITIES

1. GENERAL REQUIREMENTS.

a. City water main extensions shall be approved by the city staff.

b. The location of all fire hydrants, all water supply improvements, shall be shown on the preliminary plat, and the cost of installing same shall be borne by the developer and included in the subdivision development agreement and security to be furnished by the developer.

2. FIRE HYDRANTS. Fire hydrants shall be required for all subdivisions unless it is deemed a minor subdivision with adequate fire hydrants already in place. Fire hydrants shall be located no more than 500 feet apart and shall be approved by the Fire Department. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves, and all other supply improvements shall be installed before any final paving of a street.

SEWERAGE FACILITIES

1. **GENERAL REQUIREMENTS.** The applicant shall install sanitary sewer facilities in accordance with the Subdivision Constructions Standards. If the municipal sanitary sewer is not within one hundred and fifty (150) feet, the applicant shall install sanitary sewer facilities in a manner prescribed by the New Mexico State Environment Department construction standards and specifications.

2. **MANDATORY CONNECTION TO PUBLIC SEWER SYSTEM.** If a public sanitary sewer is within 150 feet of a structure and accessible, the owner of the property shall be required to connect to the sewer for the purpose of disposing of waste, and it shall be unlawful for any such owner or occupant to maintain upon any such property an individual sewage disposal system.

SIDEWALKS

1. REQUIRED IMPROVEMENTS.

a. Sidewalks shall be included within the dedicated non-pavement right-of-way for all roads created because of the subdivision and contiguous to all existing roads.

b. Sidewalks shall be required on both sides of all streets, whenever sidewalks are provided, they shall have a minimum width of four (4) feet in R-1, R-2, R-3, R-4, NCD and CC zoning districts. All sidewalks shall be constructed to the regulations set forth in the American Disability Act (ADA).

UTILITIES

1. **LOCATION.** All utility facilities, including but not limited to gas, electric power, telephone, and cables, shall be located underground if possible throughout the subdivision or whenever existing utility facilities are located above ground. All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense.

2. **EASEMENTS.**

a. Easements shall be provided for utilities (private and municipal) and such easements shall be at least twenty (20) feet wide. Proper coordination shall be established between the subdivider and the applicable utility companies for the establishment of utility easements established in adjoining properties.

PUBLIC USES

NONRESIDENTIAL SUBDIVISIONS

1. **GENERAL.** If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to the land shall make provision as the Planning and Zoning Commission and City Council may require. A nonresidential subdivision shall also be subject to all the requirements of site plan approval set forth in the Zoning Regulations. A nonresidential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards deemed necessary by the City Council, and shall conform to the proposed land use and standards established in the Comprehensive Plan and Zoning Regulations.

2. **STANDARDS.** In addition to the principles and standards in these subdivision regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the city council that the street, parcel, and a block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed.

    a. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.

    b. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereon.

    c. Special requirements may be imposed by the local government with respect to the installation of public utilities, including water, sewer, and storm water drainage.

    d. Every effort shall be made to protect adjacent residential areas from a potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

    e. Streets carrying truck traffic shall not be extended to the boundaries of adjacent existing or potential residential areas.

RE-PLAT OF LAND

1. **PROCEDURE FOR RE-PLATING.** Whenever a developer or land owner desires to re-plat an already approved final subdivision plat, the developer shall first obtain approval for the re-plat by the same procedures prescribed for the subdivision of land.

2. **RE-PLATING** Re-plating includes:
    a. Any change in any street layout or any other public improvement;
    b. Any change in any lot line;

c. Any change in the amount of land reserved for public use or the common use of lot owners;
d. Any change in any easement shown on the approved plat.

3. SUCCEEDING SUBDIVISIONS. Any proposed subdivision may be combined with a previous subdivision and upgraded for classification purposes by the City Council if the proposed subdivision includes:

a. A part of a previous subdivision that has been created in the preceding seven (7) year period; or

b. Any land retained by a subdivider after creating a previous subdivision if the previous subdivision was created in the preceding seven (7) year period.

5. PROCEDURE FOR SUBDIVISIONS WHEN FUTURE RE-PLATTING IS INDICATED. Whenever land is subdivided and the subdivision plat shows one or more lots containing more than one (1) acre of land and there is reason to believe that such lots eventually will be subdivided, the City Council may require that the applicant allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of streets may be required for plat approval.

PLAT VACATION

1. OWNER INITIATED PLAT VACATION. The owner or owners of lots in any approved subdivision, including the developer, may petition the Planning and Zoning Administrator and City Council to vacate the plat with respect to their properties. The petition shall be filed with the Planning and Zoning Administrator.

a. **Notice and Hearing**. The Planning and Zoning Administrator shall publish notice in a local newspaper of general circulation and provide personal notice of the petition for vacation to all owners of property within the affected subdivision and shall state in the notice the time and place for a public hearing on the vacation petition. The public hearing shall be no sooner than thirty (30) and no later than forty-five (45) days after the published notice.

b. **Criteria.** The Planning and Zoning Commission shall approve the petition for vacation on such terms and conditions as are reasonable to protect public health, safety, and welfare; but in no event may the City approve a petition for vacation if it will materially injure the rights of any non-consenting property owners or any public rights in public improvements unless expressly agreed to by the City Council.

c. **Recording of Revised Plat**. Upon approval of any petition for vacation, the Zoning Administrator shall direct the petitioners to prepare a revised final subdivision plat in accordance with these regulations. The revised subdivision plat may be recorded only after having been signed by the Mayor and or the Zoning Administrator.

d. **Developer Initiated Vacation**. When the developer of the subdivision, or its successor, owns all of the lots in the subdivision, the developer or successor may petition for vacation of the subdivision plat and the petition may be approved, conditionally approved, or disapproved at a regular public meeting of the City Council subject to the criteria. The petition shall be at least thirty days prior to a regular Planning and Zoning Commission public meeting and the Commission shall refer one (1) copy of the Commission's actions on the petition to the developer or its

successor will have no right to a refund on any monies, fees, or charges paid to the municipality nor to the return of any property or consideration dedicated or delivered to the municipality except as may have previously been agreed to by the City and the developer.

SUBDIVISION DESIGN STANDARDS

DEFINITIONS

The following additions are made to those Definitions as stated in the current Land Subdivisions Regulations.

AASHTO	American Association of State Highway and Transportation Officials
ASTM	American Society for Testing and Materials
AWWA	American Water Works Association
Design Engineer	Shall mean a registered professional engineer in the State of New Mexico who has been contracted by the developer/subdivider to perform engineering studies, reports, design, etc., for the proposed subdivision and to represent the developer/subdivider on engineering matters.
NMDOT	New Mexico Department of Transportation
NMSSPWC	Current Edition of the New Mexico Standard Specifications for Public Works Construction.
Standard Details	All standard detail drawings included in this Subdivision Design Standards.

GENERAL INFORMATION

1. The requirements for the provision, design, and construction of infrastructure facilities within new subdivisions are presented in these Standards.

2. These Subdivision Design Standards may be revised by the Planning and Zoning Commission with the approval of the City Council to reflect changing conditions and new construction techniques and/or materials. The purpose of these Standards is to promote sound design practices and provide consistent facilities throughout the City and adjoining areas.

COMPLIANCE WITH REQUIREMENTS

1. It is the responsibility of the subdivider to obtain all necessary permits, easements and other approvals for the proposed subdivision. The subdivider must be familiar with, and comply with any and all City, County, State and Federal laws, ordinances, regulations and codes related to subdivision development.

2. Under certain circumstances, the developer has the right to request the City to waive any part or parts of these Subdivision Design Standards on the basis of extreme hardship. A developer exercising such privilege shall specify in writing any and all design standards that are requested to be waived, the reason for deviation from these standards, and the alternative proposal for the subdivision. The written request shall be submitted to the Zoning Administrator and City staff who shall evaluate the request and make recommendation to the Planning and Zoning Commission and the City Council relative to the request. Such deviation from these standards may be incorporated into design documents only after approval has been granted by the City Council.

3. Except where specifically modified by the City Council, each proposed subdivision shall conform to these design standards.

4. The subdivider shall make the following minimum improvements that shall conform to these Design Standards:

    a. Grading, curbs and gutters, paving, and drainage structures required for proper drainage.
    b. Site Grading and drainage, taking into consideration the drainage patterns of adjacent improved and unimproved property and treating upstream area(s), where appropriate, as though fully developed.

    c. All streets, easements, and pedestrian ways shall be graded and surfaced to widths and grades shown on the Construction Plans. The subdivider shall improve the extension of all streets to intercepting or intersecting streets.

    d. Sidewalks shall be as shown on the Construction Plans.

    e. Sanitary sewer and domestic water supply facilities shall be installed as shown on the Construction Plans.

    f. Storm drainage facilities shall be installed as shown on the Construction Plans.

g. Fire Hydrants shall be installed as shown on the Construction Plans.

h. Telephone, electric power, gas, and cable television service shall be installed and available too lots created.

i. Street Signs

j. Street lights

k. Survey Monuments

5. It is the sole responsibility of the subdivider to ensure that all construction improvements are performed in compliance with federal, state, and local safety and health laws.

6. Before construction activities begin, the subdivider shall conduct a pre-construction meeting with the Construction Contractor and the City. At this time the subdivider shall provide the City with a construction schedule delineating various phases of the work. During the construction phase, the subdivider shall arrange full-time construction inspection which will be provided by the subdivider's Design Engineer. The Engineer shall prepare certified monthly inspection reports with all necessary data and information such as test results, shop drawings, mix designs, etc. It shall be the subdivider's responsibility to require that the Engineer communicate with the City regarding the construction activities and any field changes that may require written justification and documentation. A complete set of "Record Drawings" will be required at the completion of the project. Additional required SUBMITTAL and required inspections during construction include, but are not limited to, the following items:

a. Compaction test results at the completion of mass grading operations

b. City staff shall inspect all underground facilities before backfill material is placed.

c. Compaction test results on trench backfill.

d. Sub-grade compaction test results.

e. City staff shall inspect curb forms or grade line before placement of concrete.

f. Submit design mix(s) for concrete and break tests at 7 days and 28 days.

g. Design mix, gradation, and compaction tests for installed base course.

h. Design mix, and compaction tests for asphalt paving.

i. City will inspect after final grading operations are complete.

j. Upon request for acceptance, the Design Engineer will be required to submit a final construction report certifying the completion of all installations and shall provide comprehensive "record drawings" for all work completed.

k. Before final acceptance, at the City's sole discretion, it may request additional test be completed to insure proper installations. Any such test will be at the cost of the subdivider.

REQUIREMENTS FOR SUBMITTING SUBDIVISIONS

1. **REQUIRED SUBMISSIONS:**

SUBMITTAL	When Required	# of Copies
Pre-application Location Map Sketch Plat General Information	Prior to Prelim. Plat	3
Preliminary Plat Grading & Drainage Plan Soils Analysis Schedule	30 days prior to P&Z Mtg.	9
Final Plat	30 days prior to P&Z Mtg.	3
Construction Drawings and Specification including: Street and Sidewalk Water system Drainage Sanitary Sewer (provide a design analysis for all improvements) (*Final plat approval will not be granted until all required submittals have been approved)	Before Construction	9
Other Federal, State or Local Approvals	Before Construction	1
Record Drawings of all improvements	After construction of all improvements with Certification(s)	2

2. **SUBMITTAL FORMAT**

   a. **Plats:** shall be as specified in the Appendixes of the Land Subdivision Regulations.

   b. **Improvement Plans:**

      1. Originals drawn in black ink on Mylar.

2. Include title sheet with (1) name of subdivision, (2) name and address of Subdivider and Design Engineer, and (3) Seal and signature of Design Engineer registered in the State of New Mexico.
3. Include index with (1) list of plan sheets, (2) vicinity and location map.

4. Grading/Drainage plans.
5. Street, Storm Sewer, Sanitary Sewer, and Waterline plan and profile sheets.
6. Standard details and site specific details.

c. **Reports, Specifications, Design Analysis and Other Data:**

1. Bound on 8-1/2" x 11" paper
2. Include (1) name of subdivision, (2) name and address of Subdivider and Design Engineer, and (3) Seal and signature of Design Engineer registered in the State of New Mexico.

PROVISION OF EASEMENTS

1. Easements and/or rights-of-way shall be provided in all subdivisions in a fashion to be conducive to the future extension of street, utilities and drainage facilities. Location and width of easements and rights-of-way shall be of the size and be located with consideration of the surrounding properties. The City has the right to require the continuation of easements and rights-of-way through proposed subdivisions if it deems it necessary for the benefit of the community.

SURVEY MONUMENTS

1. Monuments shall be placed in accordance with these provisions.
2. Specific location and types are as follows:

Location	Type of Monument	Notes
Subdivision Boundary Corners	Brass cap	4 min. per subdivision
Block Corners	Alum. cap on #5 bar	
Lot Boundary (PC, PT, corners, etc.)	#5 bars	
Elev. Bench Mark	Brass cap	1 min. per subdivision

3. Minimum physical requirements of survey monuments

a. Brass cap to be 2.5″ diameter rounded cap with integral anchor for placement in concrete base. Base to be a 12" diameter by 30″ deep anchor placed in undisturbed soil. The cap shall have identifying markings and surveyor's registration number.

b. Aluminum Cap designed to lock on to 2 ft. long #5 rebar when struck with hammer. Caps shall have identifying markings and surveyor's registration number.

c. Rebar: Standard #5 deformed steel reinforcing bar 2 ft. minimum in length.

d. All monuments to be placed at front lot corners.

STREET DESIGN STANDARDS

This section presents criteria established for use in the design of street systems and related features. The purpose of this section is to promote consistent and sound design of streets having acceptable performance characteristics, to encourage innovative design, and to assert the need for responsible judgment by the Design Engineer.

Material presented is intended for use by a qualified design professional familiar with municipal street design. A brief overview of important governing regulations is presented together with references to commonly accepted standard publications related to the subject. Designers and others using this manual are expected to familiarize themselves fully with the following regulations, other pertinent regulations, and the standard reference publications cited herein.

3. GENERAL DESIGN STANDARDS CRITERIA FOR STREETS

A. **Street Location and Arrangement**.

1. Streets must conform in character, location, and arrangement to adopted plans. Governing plans include, but are not limited to, approved area plans, comprehensive plan and adopted future street corridors. During pre-application the City should be consulted about, and will provide applicable data.

2. Proposed street arrangement must provide for the continuation of existing principal streets or appropriate projections thereof if not otherwise governed by an adopted plan.

3. Alleys are to be provided unless other provisions can be made for adequate and suitable service access.

4. Cul-De-Sac's shall be a minimum of 100 feet turning diameter, or as deemed necessary by the Public Works department.

B. **Right-of-Way and Pavement Width Minimum Standards.**

1. Required street right-of-way, pavement, and sidewalk widths are as follows:

Street Classification	ROW (min.)	Bike lane (min.)	Sidewalk (min.)	Pavement (min.)
Principal Arterial	100 ft.	5ft	6 ft.	(1)
Minor Arterial	80 ft.	5ft	6 ft.	66 ft.
Collector	60 ft.		4 ft. (2)	48 ft.
Major Local	60 ft.		4 ft. (2)	40 ft.
Local	50 ft.		4 ft. (2)	32 ft.
Alley	20 ft.		N/A	20 ft.

(1) To be determined during pre-application process.
(2) 6' when adjacent to schools or churches
(3) Pavement width is from face of curb to fab

4. ENGINEERING DESIGN CRITERIA: The criterion presented herein are the controlling factors in the design of streets within city. It is expected that the Design Engineer will apply these criterion to specific design circumstances.

A. **General Design Criteria:**

1. The above table are the minimum requirements in the city for various street classifications. Design speeds given are intended to establish levels to which facilities are to be designed. Posted legal speeds are established only after appropriate examination of the completed street. Posted limits will be determined by the city.

B. **Geometric Criteria:**

1. **General Information**. The City recognizes other factors must also be considered in the design process.

2. **Vertical Alignment**. Long flats are undesirable due to poor drainage characteristics. The minimum desirable gradient consistent with acceptable drainage is 0.5 percent. Similarly, long steep gradients are undesirable due to the

ability of traffic to safely negotiate this condition. Vertical curve requirements are intended to provide adequate safety conditions consistent with applicable design speeds. In application of these criterion, the Design Engineer shall apply sound judgment in combining vertical geometry with horizontal geometry. Excessive undulation will not be permitted. Adequate site distances at curve and intersections shall be maintained.

3. **Horizontal Alignment**. Abrupt, inconsistent changes in the horizontal alignment will not be acceptable. Deviation from the minimum standards provided may be permitted only when approved by the City and on minor streets where extenuating circumstances exist and there is an effort to discourage excessive traffic speeds.

C. **Intersection Design.**

1. **Angle of Intersection**. Streets must be designed to intersect at right angles. Minor deviations may be permitted when topographical or other constraints exist and only when approved by the City. Under no circumstances will intersections be allowed at less that 80 degrees. Intersection designs must provide adequate site distances.

2. **Intersection Spacing**. Intersection of a street along arterial street shall be minimized. The following limiting value are to be observed:

   a. Streets intersecting arterial streets shall not be closer that 500 ft.

   b. Offset alignments at intersection will not be permitted.

   c. Non-continuous local streets shall be offset a minimum of 150 ft.

   d. Collector streets shall be spaced at a minimum of 300 ft.
   (all distances are measured from centerline to centerline of street).

3. **Curb Return Radii**. Minimum acceptable return radius is 25 ft.

4. **Intersection Grading**. A street crown shall be reduced through intersection to promote comfort and positive drainage. Concrete valley gutter and fillets are required at intersections which convey storm waters.

4. Curb and Gutter Criterion.

a. Standard 6-inch high barrier curb and gutter must be used as the exterior curb section for all classes of street. Any desired deviation from this standard will require City approval.

b. On local streets in rural areas, a mountable or estate curb may be used if both traffic and drainage condition permit and approval is granted by the City.

c. Concrete curbs and gutter shall be NMSHTD Class A Portland Cement Concrete and placed in accordance with NMSHTD Section 609.

5. Pavement Design Criterion.

a. Pavement design shall be based on the latest edition of ASSHTO Interim Guide for Design of Pavement Structures, and the State adaptation of those procedures developed by NMSHTD entitled Structural Design Guide for Flexible Pavement, Bulletin 102.

b. Design of pavement structure for all new streets shall conform to the Standard Details included herein. Sub-grade soils investigation(s) and evaluation shall be required to determine the bearing values of the proposed sub-grade soils. The Design Engineer shall submit a report to the City stating sub-grade bearing values and proposed structural pavement design.

c. Structural design of private streets shall also conform to these standards.

d. **Drivepad Requirements.**

1. Drivepads shall be NMSHTD Class A Portland Cement Concrete.

2. Drivepads shall be constructed in accordance with the American Disability Act.

e. **Sidewalk Requirements.**

1. Sidewalks must be provided for all new subdivisions. They shall be NMSHTD Class A Portland Cement Concrete and be a minimum of 4-inches thick.

2. The width of new sidewalk shall be 4 feet in width.

3. Sidewalks must be located within the street right-of-way.

4. Sidewalks shall slope ¼-inch per foot toward the street. They shall be vertically located such that the low point on the top of the sidewalk is at the same elevation as the top of curb when the sidewalk is adjacent to the curb and gutter. They shall be vertically located such that the low point on the top of sidewalk is 0.2 ft. above top of curb when offset from curb line.

5. Sidewalk shall be constructed in accordance with the Standard Details.

SANITARY SEWER DESIGN STANDARDS

This section presents criteria established for use in the design of sanitary sewerage systems and related facilities. It does not include provisions for the design of major interceptor sewers of any type of treatment. The purpose of this material is to guide the Design Engineer in the development of detailed construction drawings for the extension of the City's sewer system. Requirement and standard's presented are those considered minimum acceptable values necessary to result in system designs having satisfactory functional characteristic, durability and operational suitability.

1. **GOVERNING REGULATIONS:** The following are adopted City regulations that pertain to sanitary sewer design. The designer is cautioned that these regulations are updated from time to time and the designer is responsible to maintain constant familiarity with this documentation.

   a. Land Subdivision Regulations
   b. Zoning Regulations
   c. Comprehensive Plan

2. **ENGINEERING DESIGN CRITERIA:** The criterion presented herein are the controlling factors in the design of sanitary sewer within the jurisdiction of the City. It is expected that the Design Engineer will apply these criterions to specific design circumstances.

   A. **Design Capacities**

      1. When applicable, offsite (potential upstream development) shall be included in the calculations of pipe size. The pipe size required may be governed by City adopted area or master plans for the sewerage system. The City will

notify the subdivider during the pre-application process of master planned lines.

2. In residential areas, the required design flow per house shall be an average flow of 380 gallons per day (g.p.d.), and a peak flow of 850 g.p.d. The required design flow per townhouse, apartment, or mobile home shall be an average flow of 290 g.p.d., and a peak flow of 650 g.p.d.

3. In commercial areas, the design flows will be considered on a case-by-case basis. The Design Engineer shall provide the calculations to the City demonstrating the sewer flow used in design.

4. Design flow is to be 1.2 times the peak flow rate. Design is for full pipe flow at design flow.

5. Minimum velocities in pipe shall be 2.0 feet per second (fps). Maximum velocities shall be 10 fps.

6. The minimum allowable pipe size is 8-inches.

B. **Manhole Design Requirements**.

1. Manholes are generally to be located on the centerline of the street of right-of-way. Manholes for straight lines in a curved street may be located up to 5 ft. from centerline provided adequate clearance from other utilities is maintained. This offset is measured from the center of the manhole barrel perpendicular to the street centerline.

2. Minimum manhole depth is 6.0 ft. as measure from invert to rim, unless otherwise approved by the City.

a. Manholes for pipe diameters 8-inch through 21-inch shall be 4.0 ft. inside diameter minimum. 6.0 ft. inside diameter manholes may be required on larger lines specific to the degree of direction change in the line.

b. Flow through a manhole will not be permitted to change direction more than 90 degrees.

c. The minimum drop through a manhole with a change in direction is 0.1 ft. If the grade on the line is in excess of this minimum drop the pipe grade shall be carried through the manhole. In a straight through manhole the minimum can be reduced to the pipe grade if the pipe invert is maintained through the manhole. Excessive drops in manholes will not be permitted to avoid

potential odor and turbulence conditions. Drops in excess of 2′ or more will require the construction of a drop manhole, design to be approved by the Public Works Department.

d. Where pipes converge, invert shall be designed to prevent any occurrence of a backwater condition.

e. The use of drop-manholes will be permitted on a case-by-case basis.

f. The maximum distance between manholes shall be 400 ft.

g. Cleanouts in lieu of manholes will not be permitted.

C. **Line Design Requirements**.

1. Sanitary sewer materials and installation methods must comply with the requirements set forth in the New Mexico Standard Specifications for Public Works Construction, as modified herein, and the Standard Details.

2. The minimum line size allowable is 8-inch diameter line.

3. Sections of line that are flat relative to the upstream line are to be avoided. As much as possible, continuous flow velocities and capacities shall be provided. The energy gradient shall slope parallel to the slope of the invert with no abrupt changes nor slopes opposite to the direction of flow.

4. Line depth should be sufficient to provide gravity service to property contiguous to the line. Generally, house services will be assumed at a depth of 3.0 ft. below the finished floor elevation measured at a point on the finished floor edge of the nearest sewer line.

5. Sanitary sewer main lines are to be located in accordance with the primary utility location figure provide in the Standard Details. Where these requirements cannot be met, location of all utilities will be reviewed on a case-by-case basis. Parallel water and sewer lines shall be at least 10 feet apart horizontally, and the waterline shall be 2 feet above the sewer. When the waterline crosses the sewer, the waterline shall be a minimum of 3 feet above the sewer. Where this required separation is not achievable, the sewer line shall be encased in concrete 10 feet beyond the area where the proximity violation occurs. As an alternative, pressure rated pipe may be used for the sewer installation; however, the pipe must run manhole-to-manhole. See Standard Details for additional information.

6. Main lines must be located so they can be maintained without disturbing sidewalk, curb, gutter or any other utility. The required trench must be totally within the paved roadway.

7. Written approval of the City must be obtained for any deviation from this criteria.

8. Any sanitary sewer mains located outside the public right-of-way must be in a permanent perpetual easement granted to the City. The easement shall be of sufficient width to properly maintain the sewer line, but in no case shall be less than 20 feet in width. If water and sewer are to be located within the same easement, a minimum width of 25 feet will be required. In all cases, the proximity requirements of waterline and sewer line shall be maintained.

D. **Trenching and Backfilling.**

1. Trenching shall be performed in accordance with the approved improvement plans and specifications and shall be of sufficient depth and width to insure a safe and proper installation.

2. Bedding material to be placed around the pipe shall be finely graded material free of rocks, debris and any sharp objects. Bedding material shall be compacted around the pipe and at least 6 inches above the pipe. The remainder of the backfill shall be select material compacted to a minimum of 90% maximum density as determined by ASTM D1557 when located outside roads, sidewalks and drives. When located within roads, sidewalks and drives, the top 12 inches shall be compacted to 95% of maximum density as determined by ASTM D1557.The above shall apply to all utilities installed in the subdivision.

E. **Service Connections.**

1. Service line connections shall be main line and shall be a minimum of 4 inch diameter. Service line connections to the manhole will not be permitted at any time.

2. Six (6) inch service lines may be required in non-residential areas and may require manhole placement over the sewer main.

3. All mechanical taps shall conform to the requirements of the New Mexico Standard Specifications for Public Works, adopted by the City.

4. All services shall have a minimum slope of ¼ inch per foot from the main line to the edge of the right-of-way.

F. **Sewage Lift Stations.**

1. Sewage lift stations shall be wet well submersible type stations with provisions for pump removal from the surface without entering the well.

2. Stations shall have 100% standby capabilities with one pump out of service and shall be capable of pumping the design flow as defined in these regulations.

3. Pumps shall be designed for a maximum of four starts per hour.

4. Pumps, hardware, access cover and controls for the lift station shall be supplied by the pump manufacturer.

3. **CONSTRUCTION CRITERIA**:

A. **General.**

1. Any permits of easements required for the installation of sewer lines or appurtenances are to be obtained by the subdivider in the name of the City. Any and all cost associated with such permits or easements shall be bore by the subdivider.

B. **Materials.**

1. All construction shall conform to the Standard Details and these regulations unless otherwise approved by the City.

2. All construction shall conform to the New Mexico Standard Specifications for Public Works Construction, as modified herein.

3. All sanitary sewer line pipe material shall conform to the following:
   (1) DIP - ASTM/ANSI A746, push on joints, corrosion protected.
   (2) PVC - ASTM D3034, SDR 35 for lines 15 inch and smaller
   (3) PVC - ASTM F679 for lines 18 inch and larger.

4. All force main pipe material shall conform to the following:
   (1) PVC - AWWA C900 pressure class 150.
   (2) DIP - AWWA C151.

C. **Pipe Installation.**

1. Trenching and backfilling shall be per manufactures instruction and recommendations.

2. Compaction testing is required at a maximum interval of 200 feet.

D. **Service Connections.**

1. In-line service tees or "Y's"to be provided on new sewer lines.
2. Mechanical taps permitted only when connecting to an existing line.
3. See standard details for additional information.

E. **Testing of Sewer Lines.**

1. All new lines are required to be tested. The tests shall be completed no sooner that 15 days after pipe installation but before any surfacing activities.

2. **Mandrel Test**. All new lines shall pass a rigid mandrel which is 95% the pipes specified inside diameter. The length of the mandrel shall be equal to or greater than the diameter of the mandrel. The mandrel shall be pulled through the span of pipe by hand without mechanical equipment. Any sections where the mandrel does not pass shall be excavated and repaired before acceptance by the City.

3. **Low Pressure Air Test.** A low pressure air test in accordance with the Uniform Plumbing Code shall be performed on 25% of the new pipe installed. The City will identify the pipe to be tested. Any sections of pipe that fails the air test shall be removed and pipes repaired.

WATER SYSTEM DESIGN STANDARDS

This section presents the criteria, standards and regulations related to the design of water distribution systems for general development services. It does not cover the criteria necessary for design of major transmission lines, wells or reservoirs. The material is directed to the competent design professional and is not intended to be a detailed design handbook. Criteria and standard's presented are those determined to be the minimum acceptable values necessary to result in system designs having satisfactory functional characteristics, durability, and operational suitability. It is expected that the designer will strive for the best design to suit the circumstance involved, and that designs will reflect sound professional judgment.

1. **GOVERNING REGULATIONS:** The following are adopted City regulations that pertain to water system design. The designer is cautioned that these regulations are undated from time to time and the designer is responsible to maintain constant familiarity with this documentation.

   a. Land Subdivision Regulations

   b. Zoning Regulations

   c. Comprehensive Plan

2. **ENGINEERING DESIGN CRITERIA***:* The criterion presented herein are the controlling factors and the design of water system within the jurisdiction of the City. It is expected that the Design Engineer will apply these criterions to specific design circumstances.

a. **General Requirements.**

1. The designer will be required to consider the surrounding area when calculating the required line sizes for main or loop lines.

2. The design of domestic water lines shall conform in size, location, and arrangement to adopted plans.

b. **Design and Sizing of Waterlines**.

1. Design flow rates for subdivisions line sizing are as follows:

	Average Day	Peak Flow
(1) Single Family Housing (½ acre or less)	400 g.p.d.	1.8 g.p.m.
(2) Single Family Housing (½ acre plus)	400 g.p.d.	3.3 g.p.m.

(3) Commercial will be considered on an individual basis.

(4) See Fire Flow section for additional requirements.

2. Lines shall be 8 inch minimum.

3. 12 inch lines will be required if loop lines are not provided at a maximum interval of 1200 feet.

4. In Commercial and/or Industrial areas the minimum line size is 8 inches or as required by the adopted fire codes.

5. Waterlines are to be located in accordance with the primary utility location figure provide in the Standard Details. Where these requirements cannot be met, location of all utilities will be reviewed on a case-by-case basis. Parallel water and sewer lines shall be at least 10 feet apart horizontally, and the waterline shall be 2 feet above the sewer. When the waterline crosses the sewer, the waterline shall be a minimum of 3 feet above the sewer.

6. Waterlines must be located so they can be maintained without disturbing the sidewalk, curb, gutter or any other utility. The required trench must be completely within the paved roadway.

7. Written approval of the City must be obtained for any deviation from this criteria.

8. Any waterline located outside the public right-of-way must be in a permanent perpetual easement granted to the City. The easement shall be of sufficient width to properly maintain the line, but in no case shall be less than 20 feet in width. If water and sewer are to be located within the same easement, a minimum width of 25 feet will be required. In all cases, the proximity requirements of waterline and sewer line shall be maintained

c. **Trenching and Backfilling**.

1. Trenching shall be performed in accordance with the approved improvement plans and specifications and shall be of sufficient depth and width to insure a safe and proper installation.

2. Backfill shall be select material compacted to a minimum of 90% maximum density as determined by ASTM D1557 when located outside roads, sidewalks and drives. When located within roads, sidewalks and drives, the top 12 inches shall be

   compacted to 95% of maximum density as determined by ASTM D1557. The above shall apply to all utilities installed in the subdivision. See standard details for additional information.

d. **Valving.**

1. The spacing of valves shall be a maximum of 1200 feet between in-line valves for lines 14 inches and smaller.

2. At the intersection of waterlines, all but one leg must be valved.

3. Fire hydrant legs must be valved on all lines.

4. The system valving must be arranged so that lines may be shut down with a minimum number of valves and affecting the minimum service area. System valving design shall assure that only the immediate area would suffer a disruption of water supply should a break occur.

5. All valves shall be the same size as the line on which they are installed. Special tapping valves shall be used with tapping sleeves.

6. Air relief valves shall be provided as determined by the designer and approved by the City. See Standard Details for additional information.

7. Pressure relief valves shall be provided as determined by the designer and approved by the City. See Standard Details for additional information.

E. **Service Lines and Meters.**

1. The metered service line is public through the meter setter and is placed within the public right-of-way.

2. Typical residential meter services shall be a minimum of ¾ inch.

3. The size of commercial or other services shall be provided as determined by the designer and approved by the City.

4. The subdivider is responsible for the installation of the service line, meter box and meter setter. At the time service is requested, the City will install the meter and initiate water service.

5. All dwelling units must be individually metered.

F. **Fire Hydrants.**

1. The Bloomfield Fire Department and or adopted Fire Codes shall be used to determine required fire flow protection.

2. Fire hydrants are to be installed in all new subdivisions. Each subdivision shall analyze its fire hydrant need relative to the type of buildings proposed or allowable under the requested zoning.

3. All fire hydrants are to be located in public right-of-way.

4. Lines serving a fire hydrant must be sized to meet the required fire flow and shall not be less than 8 inches.

5. In commercial or other areas the required flow rate shall be as determined by the adopted Fire Code.

6. Fire hydrants shall be spaced no further than 500 ft. or as deemed necessary by the adopted fire code or Fire Department.

7. Fire hydrants shall be placed at intersecting property lines..

8. Fire hydrants shall be placed at the intersection of roadways.

9. Fire hydrants shall be painted as per a color scheme approved by the Fire Department.

3. **CONSTRUCTION CRITERIA:**

A. **General**.

1. Any permits of easements required for the installation of waterlines or appurtenances are to be obtained by the subdivider in the name of the city. Any and all cost associated with such permits or easements shall be bore by the subdivider.

B. **Materials.**

1. All construction shall conform to the Standard Details and these regulations unless otherwise approved by the City.

2. All construction shall conform to the New Mexico Standard Specifications for Public Works Construction, as modified herein.

3. All waterline pipe material shall conform to the following:
   (1) PVC - pressure class 200.
   (2) DIP - AWWA C151.

4. Gate Valves shall be per AWWA C509 for buried service, non rising stem, resilient seat wedge-type.

5. Valve boxes - see Standard Details.

6. Fire hydrants shall be per AWWA C502 traffic type, 5-1/4 inch main valve size, 2 - 1-1/2 inch and 1 - 4-1/2 inch nozzles with National Standard fire hose treads and nozzle caps.

7. Fittings shall be ductile iron.

8. All control valves will be reviewed on a case-by-case basis.

C. **Pipe Installation.**

1. Trenching and backfilling shall be per manufactures instruction and recommendations.

2. Compaction testing is required at a maximum interval of 200 feet.

D. **Testing of Waterlines**.

1. All lines shall be pressure tested in accordance with AWWA C600.

2. All lines shall be disinfected in accordance with AWWA C601.

DRAINAGE AND FLOOD CONTROL STANDARDS

This section presents criteria established for use in design of drainage structures and flood control methods. Material presented is intended for use by qualified design professionals familiar with drainage and flood control methods. Designers and others using this manual are expected to familiarize themselves fully with the following regulations, other applicable regulations, and standard referenced publications cited herein. The purpose of this section is to promote consistent sound design of drainage structures, flood control structures, and methods, to encourage innovative design, and to assert the need for responsible, professional judgment by the designer.

1. **FLOOD CONTROL AND PROTECTION:**
   a. A flood control study shall be performed by the design engineer and a drainage report shall be submitted to the City for review and approval. The drainage report must be approved prior to any action being taken on the final plat or before any construction activities are undertaken where platting actions are not required.

   b. Analysis of all watersheds affecting the proposed subdivision shall be incorporated in the report and design of the flood control/drainage structures.

   c. Total surface street runoff from the proposed improved subdivision into existing or possible future developments shall not exceed the runoff from that area of land before development. The engineer may utilize a holding pond, underground sewers, drainage channels or any other means that may be deemed appropriate in order to restrict or divert runoff. If the designer is proposing to increase the runoff from an area of land, he must demonstrate to the satisfaction of the City that down streams capacity exists or will be provided as part of the subdivision improvements.

   d. Surface and underground drainage shall not be altered or diverted in any way which creates possible drainage or flooding problems to adjacent areas.

2. **HYDROLOGY**

   a. The design engineer's drainage studies shall analyze the 100-year rainfall event and shall determine both peak rates of discharge and volumetric runoff.

   b. In areas where positive drainage does not exist, the 100-year rainfall depth shall be determined to establish the required minimum elevation of future structures.

3. **DRAINAGE STRUCTURES**
   a. Construction plans and details for drainage structures shall be included in the subdivision improvement plans for the proposed subdivision. All plans shall be reviewed and approved by the City.

b. The design engineer shall be responsible for showing all necessary supporting data and criteria on plans, specifications, or in the drainage report with regard to flow capacities and structural soundness.

c. All drainage structures and construction methods shall conform to the New Mexico Standard Specifications for Public Works Construction.

STREET LIGHTING and TRAFFIC SIGNS:

1. **STREET LIGHTING**
   a. All streets are required to be lighted. All lighting units shall be hooded or shielded as to direct all lighting downward.

   b. On local streets, 100 watt High pressure Sodium or lighting approved by the local utility company shall be placed at all intersections, on CUL-de-sac streets over 200 feet in length, at right angle turns, and at mid-locations where the block length exceeds 500 feet.

2. **TRAFFIC SIGNS**
   a. Street name signs shall be installed by the subdivider. The post and sign, size and type shall be consistent with the City's standard. Traffic regulatory signs and posts shall be installed by the City.

Comment [COMMENT1]:

APPENDIX A - SPECIFICATIONS FOR PRELIMINARY PLAT SUBMITTAL

1. General. The preliminary plat shall be prepared by a licensed land surveyor at a convenient scale not more than one (1) inch equals hundred (100) feet. The preliminary plat shall be drawn in ink on reproducible mylar. The preliminary plat shall be no larger than (18" X 36"). In conjunction with the preliminary plat the subdivider will provide:

A. When applicable, a Development Agreement explaining how and when the subdivider proposes to provide and install all required improvements.

2. Features. The preliminary plat shall show the following:

A. The legal description of the areas being platted and location of property with respect to surrounding property and streets, the names of all adjoining property owners of record, or the names of adjoining developments; the names of adjoining streets.

B. The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.

C. The location of existing streets, existing utilities, easements, water bodies, streams, irrigation ditches and other pertinent features such as swamps, buildings, parks, cemeteries, drainage ditches, culverts and bridges, within fifty (50) feet of any perimeter boundary of the subdivision.

D. The location and width of all existing and proposed streets, utilities and easements, alleys, and other public ways, and easement and proposed street rights-of-way and building set-back lines.

E. The locations, dimensions, and areas of all proposed or existing lots and the acreage of the land to be subdivided with the intended zoning classification and proposed use for the area being platted.

F. The location and dimensions of all property proposed to be set aside because of unsuitable character of the land or for park or playground use, or other public or private reservation, with designation of the purpose of those set asides, and conditions, if any, of the dedication or reservations.

G. The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, and the name of the land surveyor.

H. The date of the map, approximate true north point, scale, and title of the subdivision.

I. Sufficient data acceptable to the City to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground; the location of all proposed monuments.

J. Names of the subdivision and all new streets to be approved by the City.

K. Indication of the use of any lot (single-family, two-family, multi-family, townhouse) and all uses other than residential proposed by the subdivider.

L. Blocks shall be consecutively numbered or lettered in alphabetical order.

M. Subsurface conditions on the tract, including such information as the location and results of tests made to ascertain subsurface soil, rock and ground water conditions, depth to ground water; soil percolation and any other subsurface conditions.

N. A vicinity map showing streets and other general development of the surrounding area.

O. Such other information and material as may be applicable or required by ordinance, rules, policy or regulations pertaining to utilities.

APPENDIX B - SPECIFICATIONS FOR FINAL PLAT SUBMITTAL

1. General. The final subdivision plat shall be presented on reproducible mylar at the same scale and contain the same information, except for any changes or additions contingent upon approval by the

Planning and Zoning Commission and City Council, as shown on the preliminary plat. The preliminary plat may be used as the final subdivision plat if it meets the requirements and is revised in accordance with the City's approval. All revision dates must be shown as well as the following:

A. Notation of any self-imposed restrictions, and locations of any lot lines proposed to be established in this manner, if required by the City in accordance with these regulations.

B. Endorsements from the City of Farmington Electrical Department, Public Service Company of New Mexico, Quest Communications.

C. Endorsement on the plat by every person having a security interest in the subdivision, that they are subordinating their liens to all covenants, servitude, and easements imposed on the property.

D. Lots numbered as approved by the City.

E. All monuments erected, corners, and other points established in the field in their proper places. The material of which the monuments, corners, or other points are made shall be noted at the representation thereof or by legend, except that lot corners need not be shown. The legend for metal monuments shall indicate the kind of metal, the diameter, length, and weight per lineal foot of the monuments.

2. Preparation. The final subdivision plat shall be prepared by a land surveyor or professional engineer licensed by the State of New Mexico.

APPENDIX C - PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENT, That we, _____

, as Principals, _____, and the _____ INSURANCE COMPANY, a Corporation authorized to do business in the State of New Mexico, having an office and place of business at_____, as Surety, are held and firmly bound unto the municipality, as Oblige, in the sum of _____DOLLARS ($_____) lawful money of the United States, for the payment whereof to the Oblige, the Principal and the Surety bind themselves, their heirs, executors, administrators, successors, and assigns, jointly and severally, firmly to the presents:

SIGNED, SEALED AND DATED, this ____, day of __, 20__. WHEREAS, applicant was made to the Oblige for approval of a subdivision shown on plat entitled"_____ _____" filed with the Zoning Administrator on ____, 20__, said final plat was approved upon certain conditions, one of which is that a performance bond in the amount of ($___), to be filed with the City Clerk of Bloomfield, New Mexico to guarantee certain improvements in said subdivision;

NOW THEREFORE, THE CONDITION OF THIS OBLIGATION is such that if the above named Principal shall within two (2) years from the date hereof (time may be extended for one year only by the City Council with the consent of the parties) will and truly make and perform the required improvements and construction of public improvements in said subdivision in accordance with the local government specifications then this obligation to be void; otherwise to remain in full force and effect.

It is hereby understood and agreed that in the event that any required improvements have not been installed within the term of this Performance Bond, the City Council may thereupon declare this bond to be in default and collect the sum remaining payable thereunder and upon receipt of the proceeds thereof, the local government shall install such improvements as are covered by this bond and commensurate with the extent of building development that has taken place in the subdivision but not exceeding the amount of such proceeds.

Principal

Principal

INSURANCE COMPANY

By _____
Attorney-In-Fact

BOND NO._____

APPENDIX D :

SUBDIVISION DEVELOPMENT AGREEMENT (EXAMPLE)

THIS DEVELOPMENT AGREEMENT ("Agreement") made and entered into this _____ day of _____, 20___, by and between **CITY OF BLOOMFIELD, NEW MEXICO** ("City") and _____ ("Developer").

Attach a list of the Developer(s) and or Representatives, addresses,(both physical and mailing), phone numbers, fax numbers and E-mail address if available to Exhibit A.

A. Developer is the owner of the real property identified in the Preliminary Plat of _____[name subdivision]_____ located in Bloomfield, New Mexico, legally described on Exhibit "B" ("the Property").

B. Developer and City each recognize the importance of there being a general plan to guide the growth and development of the Property as a whole and each distinct Phase thereof, and that the

provision of basic infrastructure for road, water, sewer, drainage and other services will require substantial joint planning on the part of Developer and City.

C. City has adopted regulations concerning development within its city limits and the planning and platting jurisdiction, consisting Zoning and Subdivision Regulations, and Flood plain Regulations which are in effect at the time of execution of this agreement or as may be amended by the Governing Body from time to time

D. Developer has expended and will continue to expend considerable amounts of time and money in planning for future development of the Property.

E. City has approved, by Planning and Zoning Commission and City Council approval, a Preliminary Plat for the _____(subdivision) ("Preliminary Plat"), a copy of which Preliminary Plat is attached hereto as Exhibit "C". The Preliminary Plat, which includes the entire Property, illustrates the design, uses and densities which should be allowed to develop the Property.

F. City has also approved a Final Plat for _____(subdivision) (the "Final Plat"), a copy of which Final Plat is attached as Exhibit "D".

G. The approval of the Final Plat by the City was made subject to the approval and the recording of a development agreement mutually agreeable to Developer and City.

H. The portion of the Property in _____(subdivision) is proposed to be developed as follows: Final Plat of the _____(subdivision) to be developed over a maximum time period of _____ months. The foregoing development schedule is conceptual and subject to change by the approval of the Planning and Zoning Commission and City Council and the Developer(s) so long as any change is consistent with the approved Preliminary Plat and the Final Plat and this Agreement, as may be amended.

I. The City, through the approval of the Agreement, will limit costs. The costs manifest themselves in several ways. By law, the City must accept, subject to inspection and acceptance by the City, infrastructure for maintenance constructed to City standards within an approved subdivision, or related to subdivision approval in the case of off site development. By limiting the amount of infrastructure built, the City limits its maintenance cost. If the infrastructure is premature to its function or use, the City limits its liability by limiting exposure. Further, future potential sub-phase owners will have to comply with the terms, thus simplifying the entire process because all parties will know what infrastructure improvements are required when submitting development plans for approval.

Developer and City desire to provide in the Agreement for (I) Developer's assurances to City that the Property and the _____(subdivision) Infrastructure Improvements will be developed in accordance with the provisions of this Agreement, the Preliminary Plat and the Final Plat and (ii) City's assurances to Developer that it will be permitted to develop the Property in accordance with the provisions of this Agreement, the Preliminary Plat and the Final Plat and that such approval of the Preliminary Plat shall be for the period of time set forth in this Agreement. Nothing in this agreement shall restrict the authority of the City to modify or amend

any current policies or regulations in effect at the time of execution of a new Developer's Agreement.

K. City and Developer acknowledge and agree that the development of the property pursuant to this Agreement will result in planning and economic benefits to City and its residents by requiring the development of the property to be consistent with the Preliminary Plat, and Final Plat. The city and the developer further acknowledge that the development of the property pursuant to the agreement will significantly benefit the developer(s) by providing them with permission to develop said property.

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth in this Agreement, City and Developer state, confirm and agree as follows:

AGREEMENT

1. **Incorporation of Recitals.** The foregoing recitals are incorporated into this Agreement by this reference.

2. **Definitions.** The following terms and phrases shall have the meaning set forth below:

(a) **Commencement of Construction:** That date upon which ground is broken in connection with the construction of an infrastructure improvement.

(b) **Exhibits:** A complete listing of all Exhibits to this Agreement is found immediately after the signature page.

(c) **Preliminary Plat:** The Preliminary Plat for the development of the Property, as previously approved by the Planning and Zoning Commission and City Council on _____day of _____, 20____ (copy of Preliminary Plat attached hereto as Exhibit "A").

(d) **Final Plat:** _____,(subdivision) as approved by City Council on _____day of _____, 20____ with conditions as noted.

3. **Infrastructure:**

A. **Required Minimum Infrastructure.** Below are the descriptions of the Final Plat infrastructure improvements described with more specificity in the Final Plat infrastructure that must be constructed by a licensed contractor and prior to the issuance of any Building permits or mobile home permits are issued in _____(subdivision).

1. Streets: Standard curb and gutter with paving as per plans with all city's construction regulation requirements.

2. Sewer Lines: All sewer mains with service lines to property lines and clearly marked for city personal to locate.

3. Water lines: A minimum 8 inch water line, unless the city indicates the requirement for a larger line.

4. Storm Water Drainage: As shown on Final Plat.

5. Street Lighting: As per city regulations.

NOTE:

Infrastructure improvements may be modified if agreed upon by the City and the Developer(s).

4. **Responsibility for Funding and Construction of Phase One Infrastructure Improvements.** Subject to the provisions herein contained, Developer agrees to assume and satisfy all applicable development costs pursuant to applicable policies of the City, and to construct or install, or cause to be constructed or installed, all applicable improvements in accordance with such policies.

(A) **Engineer Fees.** Developer accepts responsibility for all engineering and surveying costs for all improvements for the Development, whether such improvements be constructed directly by the Developer or by the City through special assessment procedures.

(B) **Design Standards.** All improvements shall be designed in compliance with standards and specifications of the City and applicable state agencies.

(C) **Plan Approval.** Construction of improvements shall NOT commence until the plans and specifications for such improvements have been approved by the City.

(D) **Construction Contracts.** For those improvements constructed by direct cost of the Developer, all contracts issued by the Developer for such improvements shall include the following.

(1) Contract and Maintenance Bond (1 year) and Statutory Bond, or other acceptable maintenance and payment guarantees.

(2) Proof of contractor's liability insurance, with the City as a named insured;

(3) Worker's Compensation insurance, with the City as a named insured.

(E) **Water and Sewer Lines.** The Developer shall assume all costs for the installation of water lines serving the Subdivision as per the Water and Sewer Line Extension Policy.

(1) City may be responsible for oversize costs of water line as set out above.
(2) **Electrical Distribution Improvements.** The City of Farmington provides the installation of electrical distribution improvements.

5. **Phasing of _____(subdivision).**

NOTE: The phasing of a subdivision 10 lots or less will not be permitted.

(A) Phasing of Infrastructure Improvements for future development phases. Developer and City contemplate that the parties will enter into one or more written development agreements

similar to the Agreement which will be described with more particularity the infrastructure improvements associated with each phase of development of that portion of the property not included in this Development Agreement and the timing of construction of such improvements. As with this development agreement, future development shall be in conformance with the Subdivision and Zoning Regulations. The Developer shall not be entitled to any building permits or mobile home mover permits on any portion of the property included in this subdivision unless all phases have been completed. Unless, the city receives other assurances that such infrastructure improvements associated with a phase of development will be constructed in accordance with the subdivision and zoning regulations.

6. **Infrastructure Dedication and Operation.** All Infrastructure improvements shall be constructed in accordance with the city construction regulations and all applicable laws, codes, ordinances and design standards. Infrastructure improvements intended to become a part of the City system shall subject to inspection by the city staff or designee and shall inform the developer in writing the date that the city will assume the responsibility of the maintenance of said infrastructure. Thereafter, the city may accept the dedication and be solely responsible for the operation and maintenance of the infrastructure upon completion of the following:

(A) All infrastructure has been inspected by city staff or designee.

(B) Receipt of certification from Developer's Engineer that the infrastructure improvements were constructed in compliance with the city's regulations and constructed in compliance with the approved plans and specifications.

(C) Receipt of a reproducible set of record drawings (as built).

(D) City maintenance responsibilities are subject to any contractor's maintenance bond obligations.

7. Development Rights.

(1) The Developer and City acknowledge and agree that upon the recording of this agreement and the Final Plat, City shall not unless requested by Developer, rescind or modify the approved zoning during the term of the this Agreement. Further, City shall not during the term of the Agreement, adopt by ordinance, resolution or administrative directive or policy any land use regulation, rule, moratorium or other limitation on the density, intensity, rate, timing or sequencing of development permitted on the Property under the approved Zoning and Final Plat for the Property, except as may be necessary to:

(a) Comply with any state or federal laws or regulations, provided that if any such state or federal law or regulation prevents or precludes compliance with any provision of the Agreement, any affected provision shall be modified as may be necessary in order to comply with such state or federal law or regulations:

(b) Contain a legitimate, threat to the general health, safety or welfare of the general public, in which event any ordinance, rule or regulation to be imposed in an effort to contain or alleviate such threat.

(c) Adopt or enforce regular amendments to City's building and fire safety codes.

NOTE:

Nothing in this agreement shall restrict The Authority of the City to modify or amend any current policies or regulations, and any future Development Agreement between the parties should be bound by the policies and regulations in effect at the time of execution of a new Developers Agreement.

NOTICE:

Notice is hereby given that the City of Bloomfield and _____ (developer) of _____(subdivision) has entered into this agreement on this _____ day of _____, 20____.
Said agreement shall exist for a term of _____ months, subject to provisions therein contained with respect to any extensions of this agreement, and provides for the development of and provision for infrastructure improvement to said subdivision, in addition to various other terms and conditions. A copy of this agreement, together with all exhibits attached hereto, is and will remain permanently on file in the office of the Zoning Administrator for the City of Bloomfield, and shall be available for inspection.

8. **Penalties:**

Should the developer and or subdivider violate any part of this agreement or fails to comply with any requirements or agreements set forth, a penalty of five hundred dollars ($500.00) per day per violation, shall be assessed herein. Nothing herein contained shall prevent the city from taking such other lawful action as is deemed necessary to prevent or remedy any violation.

Executed by the authority of the Bloomfield City Council date of meeting _____, Bloomfield New Mexico on this _____ day of _____, 20_____

_____ _____
Developer Mayor, City of Bloomfield

Attest:

_____
City Clerk, City of Bloomfield

ACKNOWLEDGMENT

STATE OF NEW MEXICO)
) ss.
COUNTY OF SAN JUAN)

This instrument was acknowledged before me on this _____day of _____ 20 ___, by _____, (developer).

_____
Developer

_____ Seal:
Notary Public

My Commission Expires:
_____

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