



City of Las Cruces[®]
P E O P L E H E L P I N G P E O P L E

ETZ (Extra-Territorial Zone) Subdivision Ordinance

A Five Mile Zone Around the City of Las Cruces. Serving in the Best Interest of the
Community by Ensuring the Public Health, Safety, and General Welfare

ETZ SUBDIVISION REGULATIONS

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ARTICLE I

GENERAL PROVISIONS

Section 1.1 Title

The title of these Subdivision Regulations shall be "The City of Las Cruces Extra-territorial Zone Subdivision Regulations Doña Ana County", referred to elsewhere as these "Subdivision Regulations" or "Regulations."

Section 1.2 Purpose

The purpose and intent of these Subdivision Regulations is to promote the health, safety, and welfare of the general public within the Extra-territorial Zone (ETZ) of the City of Las Cruces, Doña Ana County and to establish standards for subdivision design for the encouragement of sound, economical and safe development by:

- A. Ensuring orderly, efficient and integrated development within the Extra-territorial zone.
- B. Making adequate provisions for light and air, public open spaces, utility services, traffic, drainage and public facilities.
- C. Providing a more efficient means to process development applications.
- D. Ensuring proper street location, width and design in order to facilitate vehicle circulation and minimize growth impacts.
- E. Ensuring that proper land surveys and records of land titles are prepared and recorded.
- F. Encouraging coordination of land development with orderly physical patterns in accordance with policies adopted by the Extra-territorial Zoning Authority.
- G. Providing for the protection and preservation of natural resources and vegetation and the promotion of natural beauty within the Extra-territorial Zone.

Section 1.3 Statutory Authority and Jurisdiction

These Subdivision Regulations are created and adopted pursuant to the Extra-territorial Zoning Authority set forth by the Joint Powers Agreement adopted by the Doña Ana County Commission on May 12, 1987 and the Las Cruces City Council by Resolution #87-205 on May 18, 1987, as amended. Jurisdiction shall be applicable to all property within the Extra-territorial Zone as approved by the Joint Powers Agreement. See Appendix A for Jurisdiction Map.

Section 1.4 Severability

If any article, section, paragraph, sentence, phrase or part hereof is declared unconstitutional or invalid, the remaining portions shall not be affected.

Section 1.5 Interpretation and Conflict

1.5A Minimum Requirements. The provisions of these Subdivision Regulations shall be considered the minimum requirements to meet the purpose expressed in Section 1.2 of these Subdivision Regulations.

- 1.5B Local Conflict. Where the provisions of any ordinance or regulation pertaining to the Extra-territorial Zone imposes greater restrictions than those of these Subdivision Regulations, the provisions of such document shall prevail.
- 1.5C Federal and State Conflict. Any provisions of U.S. or New Mexico State Law, which impose a greater duty, standard or requirement than those contained herein shall supersede the provisions of these Subdivision Regulations.
- 1.5D Interpretation of Meaning. The Community Development Director of the City of Las Cruces or his/her designee shall interpret the meaning of the provisions of these Subdivision Regulations. Disagreement with an interpretation may be appealed to the ETZ Commission, and the Commission's decision may be appealed to the ETZ Authority.
- 1.5E Conflict within these Subdivision Regulations. When two or more provisions of these Subdivision Regulations are conflicting, the most restrictive provision shall apply.

Section 1.6 Repeal

All Subdivision Regulations of Doña Ana County and the City of Las Cruces that pertain to the five-mile planning and platting jurisdiction (Extra-territorial Zone) effective prior to the adoption of these Subdivision Regulations are hereby repealed. Such repeals shall not affect nor prevent the prosecution or punishment of any person for the violation of any regulations repealed for an offense committed prior to the repeal (See Appendix A for Jurisdiction Map).

Section 1.7 Changes and Amendments

These Subdivision Regulations may be changed and amended by the Extra-territorial Zoning Authority. Such changes or amendments shall not become effective until after a public hearing has been held on the amendments by the ETZ Commission and recommendations from the Commission have been forwarded to the ETZ Authority. Before such hearing, notice of same must be published in a newspaper of general circulation in Las Cruces and the Extra-territorial Zone at least fifteen (15) days before the hearing.

Section 1.8 Enforcement

These Subdivision Regulations shall be enforced by the Extra-territorial Zoning Authority as the authority having jurisdiction.

No plans, plats or replats of land shall be approved by the Extra-territorial Zoning Commission unless the plans or plats conform to the provisions within these Subdivision Regulations.

Any owner or agent of the owner of any land located within the five-mile ETZ who transfers, sells, agrees to sell, or negotiates to sell the land by reference to, or exhibition of, or by other use of a plat or subdivision of the land before the plat has been approved to the provisions set forth in these Subdivision Regulations and recorded in the office of the Doña Ana County Clerk, shall be guilty of violating said Regulations. If any subdivision and land development occurs in violation of these Subdivision Regulations, the Extra-territorial Zoning Authority, City Attorney or any other City or County official may institute any appropriate action deemed necessary to uphold the provisions of these Subdivision Regulations.

Section 1.9 Penalties

Any person violating any provision of these regulations shall be punished by a fine of up to \$1000. Each lot sold, leased, offered to be sold or offered to be leased shall constitute a separate violation of these Subdivision Regulations.

Section 1.10 Appeals

- 1.10A **Grounds for Appeal.** Any aggrieved person, or any department, commission, board or bureau of the City or County that is affected by a decision of an administrative official, committee, or board in the administration or enforcement of these Subdivision Regulations or any other resolution, rule or regulation adopted, may appeal such decision to the ETZ Commission. Such appeal must be initiated in writing within fifteen (15) days after all other procedures established by these Subdivision Regulations have been exhausted.
- 1.10B **Authority of the ETZ Commission.** When an appeal alleges that there is error in any order, requirement, decision or determination by an administrative official, committee or board in the enforcement of these Subdivision Regulations, or any other resolution, rule or regulation adopted, the ETZ Commission, by a majority vote of all its members may, after all other procedures established by the provision of these Subdivision Regulations have been exhausted, reverse or affirm any order, requirement, decision or determination of an administrative official, committee or board; or make any change in an order, requirement, decision or determination of an administrative official, commission, board or committee.
- 1.10C **Appeal of the ETZ Commission.** Any aggrieved person, or any department, commission, board, or bureau of the City or County that is affected by a decision of the ETZ Commission, may appeal such decision to the ETZ Authority. Such appeal must be initiated in writing within fifteen (15) days after all other procedures established by these Subdivision Regulations have been exhausted.
- 1.10D **Stay of Proceedings.** An appeal shall stay all proceedings in furtherance of the action appealed unless the officer, official, commission, committee, board or authority from whom the appeal is taken, certifies that by reason of facts a stay would cause imminent peril of life and property.
- 1.10E **Appellant Responsibility in Appeals.** All appellants under this section are required to submit in writing to the City Community Development Department, a detailed statement of the grounds of their appeal, no later than fifteen (15) days after the decision is appealed.
- 1.10F **Notice.** Notice on all appeals on decisions of the ETZ Commission shall be sent by certified mail to all property owners (as shown on the records of the County Assessor) within the proposed area of development and within three hundred feet (300'), or to a total of at least fifteen (15) property owners, whichever is greater, of the area of the proposed development, excluding streets, alleys, channels, canals, other public rights-of-way and railroad rights-of-way. Notice to said property owners

shall be mailed at least fifteen (15) days prior to the meeting. Notice of the time and place of the meeting shall be published in a newspaper of general circulation in the Las Cruces area and also posted on the property at least nine (9) days prior to the meeting.

Fees shall be assessed to the appellant person or persons in order to cover the costs of such appeal. Such fees shall be as prescribed in the fee schedule as adopted and amended.

Section 1.11 Fees

All fees related to these Subdivision Regulations shall be adopted by resolution of the Las Cruces City Council.

Section 1.12 Definitions

Absorption Field - An area in which open joint or perforated piping is laid in gravel-packed trenches or excavations for the purpose of distributing the effluent discharged from a tank used as a part of an individual liquid waste disposal system for absorption into the soil.

Adjacent - Contiguous parcel, tract, easement, or right-of-way totally within, partially within, or next to one or more boundaries of a subdivision and not considered an internal parcel, tract, easement, or right-of-way.

Aerobic Disposal System - A tank where air is introduced to the liquid waste by mechanical means, together with an absorption field.

Alley - A minor public way, with a minimum 10 foot width, which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Applicant - An individual who has submitted a subdivision for staff review. The applicant and/or his/her representative may attend the EDRC meeting and participate in the discussion.

Area Subject to Periodic Flooding - An area which, according to the records of the United States Soil Conservation Service or the United States Army Corps of Engineers, has been substantially flooded during the past 25 years.

Bike Paths - A portion of a roadway or separate pathway designated for use by bicycles.

Body of Water - All water situated wholly or partly within or bordering upon this State, whether surface or subsurface, public or private.

Channel - Any arroyo, stream, swale, ditch, diversion, or water course that conveys storm run-off, including man-made facilities.

City - The City of Las Cruces, New Mexico.

Community Liquid Waste Treatment System - A system which is designed to receive liquid waste and includes the disposal system, the liquid waste treatment unit and the enclosed system separately or in combination.

Contiguous Tract of Land - A parcel of land which is next to, abutting or touching another parcel of land and having a boundary, or portion thereof in common. Rivers, County dedicated and maintained rights-of-way and EBID dedicated and maintained rights-of-way are not considered contiguous.

County - The County of Doña Ana, New Mexico

County Clerk - The elected Clerk of the County or the Clerk's authorized representative.

Cul-de-sac - A local street with only one (1) outlet and culminated by a turnaround.

Curb Cut - A depressed segment of a vertical roadway curb.

Curb Return - A curved segment of curb used at each end of an opening in the roadway curb.

Drainage Plan - A plan indicating an on-site drainage proposal, the passage of storm waters through the development and safe discharge of run-off onto adjacent lands or into storm drainage facilities. Also, a comprehensive analysis of (a) the existing storm drainage conditions of a proposed development and (b) the disposal of the increased run-off which is generated by the proposed development.

Dwelling Unit - Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation for not more than one family.

Easement - A nonpossessing interest held by one person, party or entity in land of another, whereby that person is accorded partial use of such land for a specific purpose. An easement restricts but does not abridge the right of the fee owner to the use and enjoyment of this land.

Engineer - A person who is engaged in the practice of engineering and is qualified to so practice as attested by his/her legal registration as a professional engineer in the State of New Mexico.

ETZ - The five-mile Extra-territorial Zone of the City of Las Cruces, Doña Ana County.

ETZ Authority - The governing authority created by the Joint Powers Agreement, dated May 12, 1987, a joint City/County organization for the Las Cruces five-mile ETZ area for growth management, zoning and subdivision administration.

ETZ Commission - The zoning commission created by the joint powers agreement, dated May 12, 1987, subject to section 3-21-3 - 3-21-5 NMSA (1978) as amended, a joint City/County organization for the Las Cruces 5-mile ETZ Area for growth management, zoning and subdivision administration.

ETZ Development Review Committee (EDRC) - A group of employees representing the City, County and State who are empowered to act on behalf of their departments on all matters concerning subdivision/development related applications.

The EDRC consists of the ETZ Subdivision Administrator, ETZ Zoning Administrator, City Development Engineer, County Compliance Coordinator, a representative of Rio Grande Gas, a representative from the Metropolitan Planning Organization, a representative of the Doña Ana County Flood Commission, and a representative from the State of New Mexico Environment Department. Attendance by these individuals will be based on the applicability of their discipline to the development related proposal. If a member is unable to attend an EDRC meeting, that member shall select an alternate to act as a replacement.

Flood Control - The treatment measures necessary to protect life and property from the 100-year design storm run-off.

Flood Plain - Any area susceptible to be inundated by water from the base flood. As used in the regulations, the term refers to that area designated as subject to flooding from the base flood (100-year flood) on the "flood boundary and flooding map" prepared by the U.S. Department of Housing and Urban Development, or similar maps prepared by the Army Corps of Engineers, Federal Emergency Management Agency or a similar federal agency.

Hazardous Waste - The waste that meets the requirements of Section 201 of the New Mexico Hazardous Waste Management Regulations.

Improvements - Includes infrastructure such as streets, curbs, gutters, sidewalks, fire hydrants, storm drainage facilities, bike paths, trails and water, sewer and gas systems or parts thereof.

Individual Liquid Waste Disposal System - A disposal system which receives waste from one parcel and includes, but is not limited to, septic tank systems, aerobic disposal systems and evapotranspiration systems.

Internal - A parcel, tract, easement, or right-of-way which lies entirely within and does not touch an outer boundary of a subdivision, except where it may intersect with or extend another roadway or road and utility easement, and lies between two parcels or tracts within the subdivision; or a parcel, tract, easement, or right-of-way that shall be identified with a different name or indexing code than that of an adjacent parcel, tract, easement, or right-of-way.

Large Land Area Subdivision - The division of land into two or more parts and where all lots are at least 5.01 acres in size by platting or by metes and bounds description into tracts for the purpose of:

- a. Sale for future building purposes
- b. Laying out a municipality or an part thereof
- c. Adding to a municipality
- d. Laying out suburban lots
- e. Resubdivision
- f. Long term lease
- g. The replat of court ordered partition property.

Liquid Waste - Domestic waste water containing human excreta or other water-carried waste.

Long Term Lease - Any lease of real property for a period of 20 years or longer which includes all options to renew granted at the time of the original lease.

Lot - A portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building or other development. It also is a tract of land described by metes and bounds land held in separate ownership, as shown on the records of the County Assessor.

Major Subdivision - The division of land into nine (9) or more parts and where at least one lot is less than five (5) acres by platting or by metes and bounds description into tracts for the purpose of:

- a. Sale for future building purposes
- b. Laying out a municipality or any part thereof
- c. Adding to a municipality
- d. Laying out suburban lots
- e. Resubdivision
- f. Long term lease
- g. The replat of court ordered partition property.

Manufactured Housing - A manufactured home or modular home that is a single-family dwelling with a heated area of at least thirty-six by twenty-four feet and at least eight hundred sixty-four square feet, constructed in a factory to the standards of the United States Department of Housing and Urban Development, the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et. seq.) and the Housing and Urban Development Zone Code II or the Uniform Building Code, as amended to the date of the unit's construction, and installed consistent with the Manufactured Housing Act (Chapter 60, Article 14 NMSA 1978) and with the regulations made pursuant thereto relating to ground level installation and ground anchors.

May - When a requirement in these regulations uses the word "may" instead of "shall", the requirement will be necessary only if directed by the ETZ Commission or Authority.

Minor Subdivision - The division of land into two or more parts, but not more than eight (8) and where at least one lot is less than 5 acres by platting or by metes and bounds description into tracts for the purpose of:

- a. Sale for future building purposes
- b. Laying out a municipality or any part thereof
- c. Adding to a municipality
- d. Laying out suburban lots
- e. Resubdivision
- f. Long term lease
- g. The replat of court ordered partition property.

Municipal Code - The ordinances of the City of Las Cruces, New Mexico, known as the Municipal Code.

Natural State - Open space, a tract of land or a parcel of ground that may have been altered in some fashion, however, restoration has occurred to reestablish indigenous flora or the use of naturalized flora that established itself without cultivation.

Owner - Any person or his successor in interest having a legal or equitable interest in a given property.

Performance Bond - A surety bond made out to the City of Las Cruces in an amount equal to the estimated full cost of the improvements; said cost being estimated by the City Development Engineer, and surety bond being legally sufficient to secure to the City of Las Cruces that the said improvements will be constructed in accordance with these Regulations.

Person - Any individual, estate, trust receiver, cooperative, association, club, corporation, company, firm, partnership, joint venture, syndicate or other entity.

Plat or Replat - A map, chart, survey, or plan certified by a registered land surveyor which contains a description of subdivided or resubdivided land with ties to permanent survey monuments.

Private Maintained Road - A right of way or easement for purposes of access which is in private ownership, which has not been dedicated to or accepted for maintenance by Doña Ana County, but is maintained by the private owner. Privately maintained roads shall conform to Article IV of these Regulations and gives access to apartments, townhouses, condominiums, offices or businesses.

Private Road Easement - An easement established by a written and recorded document, for purposes of access which remains in private ownership, but is permanently established for the benefit of the property it serves. Private road easements are not maintained by Doña Ana County but are maintained by the property owner in accordance to the terms of the easements.

Public Rights-of-Way - The total area of land deeded, reserved by plat, or otherwise acquired by the City, the County, or the State of New Mexico.

Public Works Project - May be, but shall not be limited to: water well; water pumping station; water storage tank; transportation mechanism; flood control mechanism, waste water treatment facility; water, gas, sewage, or electrical pipes and/or lines.

Purchaser - Any person who purchases or leases land within a subdivision from a subdivider.

Resubdivision - The replatting of any lot or group of lots by any means including changes in existing lot lines for the purpose of leasing, transferring title, or conveying to another person by a clear and understandable description of the legal boundaries of such lot.

Roadway - That portion of the street available for vehicular traffic.

Sanitary Sewer - The public sewer portion of a publicly owned treatment works which transports waste water and to which storm, surface and ground waters are not intentionally admitted.

Secondary Thoroughfare - A street of relatively short length that carries a considerable volume of traffic of more than neighborhood character.

Septic Tank System - A tank which is designed and constructed to separate solids from the liquid and digest organic matter through a period of detention, together with an absorption field.

Setback - The shortest distance between the property line and the foundation, wall or main frame of a building or structure.

Shall - The word "shall" is mandatory and not directory or permissive.

Sidewalk - A pedestrian walkway with permanently improved surfacing.

Solid Waste - Any solid or semi-solid discarded material which results from household, commercial, industrial or other operations, but does not include water-borne waste in a sewerage system.

Street - A public way which has been dedicated or reserved by plat, other than an alley, which affords the principal means of access to abutting property.

Street Classification - A system of dividing streets into categories based on the amount of traffic and function of the street and incorporating varied requirements for right-of-way width and cross sections. Specific classifications are defined by the Las Cruces Metropolitan Planning Organization and incorporated by reference herein.

Subdivider - Any person creating or who has created a subdivision individually or as part of a common promotional plan or any person engaged in the sale or lease of subdivided land which is being sold or leased by the owner in the ordinary course of business.

Subdivision - Subdivision, as defined for the Las Cruces Extra-territorial Zone means:

For the area of land within the five-mile ETZ of Las Cruces, Doña Ana County, the division of land into two (2) or more parts by platting or by metes and bounds description into tracts for the purpose of:

- a. Sale for future building purposes
- b. Laying out a municipality or any part thereof
- c. Adding to a municipality
- d. Laying out suburban lots
- e. Resubdivision
- f. Long term lease
- g. The replat of court ordered partition property

Contiguous tracts of land owned by the same owner shall be considered one parcel by these Regulations even in the existence of separate deeds, property code numbers, or any other parcel differentiated documentation.

Substantial - Solid and important, with regard to essential elements.

Surveyor - A person who is engaged in the practice of surveying and is qualified to so practice as attested by his/her legal registration as a professional surveyor in the State of New Mexico.

Trail - A narrow path designed for use by horseback riders, pedestrians, and bicyclists.

ARTICLE II

SUBDIVISION PROCEDURES

Section 2.1 Sketch Plan

A sketch plan conforming to these Subdivision Regulations shall be optional and submitted only in the following instances:

1. When development is to be divided into in various phases; or
2. When multiple land uses are proposed; or
3. When a replat increases the total number of lots by more than two (2); or
4. When a proposed development includes forty (40) or more dwelling units.

2.1A Pre-application Procedure (Optional).

Prior to the filing of an application for approval of a sketch plan, the subdivider may submit to the Community Development Department of the City of Las Cruces a conceptual plan of the proposed development. A written application or fee is not required, nor does this pre-application procedure require formal Commission or Authority approval.

Proposals shall be processed to the first available ETZ Development Review Committee (EDRC) meeting for review and comment. The EDRC shall review all conceptual plans and discuss with the subdivider or subdivider's representative the changes, if any, that will be required for the approval process. In cases where the impacts and issues relating to a proposal are determined to be minimal, the EDRC may authorize the sketch plan and preliminary plat to be submitted at the same time.

2.1B Application Procedure.

The sketch plan and supplemental material shall be submitted to the Community Development Department of the City of Las Cruces no later than thirty-four (34) days prior to the day of the regular meeting of the ETZ Commission approval consideration.

Upon submittal, the ETZ Subdivision Administrator of the City of Las Cruces shall have eight (8) business hours to review the submittal for completeness. If all the required items have been submitted, the ETZ Subdivision Administrator shall issue a receipt for the submittal. A proposed sketch plan shall not be accepted for review if incomplete or substantially inaccurate. All items required on a sketch plan must be present for acceptance.

Sketch plans will be processed to the applicable City and County departments and other governmental agencies for review, comments and recommendations. Written reports with their comments and recommendations shall be forwarded to the ETZ Subdivision Administrator. Failure to respond in the designated time period shall be deemed an approval by the non-responding department or agency.

The reviewing departments and agencies shall review the sketch plan to determine if it is consistent with the purpose set forth in these Subdivision Regulations. A written report shall be provided to the ETZ Commission with a recommendation for the sketch plan.

2.1C Public Notice

1. Agenda - The agenda for the ETZ Commission meetings shall be made available no later than six (6) calendar days prior to the meeting.
2. Posting - Notice of the proposed development shall be posted in conspicuous places on the property site by the City Community Development Department at least nine (9) days prior to the ETZ Commission meeting.
3. Notice - Notice on all proposed subdivisions shall be sent by certified mail to all property owners (as shown on the records of the County Assessor) within the proposed area of development and within three hundred feet (300') or to a total of at least fifteen (15) property owners, whichever is greater, of the area of the proposed subdivision, excluding streets, alleys, channels, canals, other public rights-of-way and railroad rights-of-way. Notice to said property owners shall be mailed at least fifteen (15) days prior to the meeting. Notice of the time and place of the meeting shall be published in a newspaper of general circulation in the Las Cruces ETZ area and also posted on the property at least nine (9) days prior to the meeting.

2.1D Approval Procedure.

The ETZ Commission shall review the sketch plan, reports, comments and recommendations from the EDRC, presentation from the subdivider or subdivider's representative and from any interested citizens at a public hearing. The intent of the ETZ Commission review of a sketch plan is to allow for public input in the development process and serve as a land planning process. Review of the sketch plan shall consist of conceptual site plan compliance to the ETZ policies. Action from the ETZ Commission shall be in the form of an approval, conditional approval, table or disapproval. Action from the ETZ Commission shall be recorded in the minutes of the meeting. A copy of the action form that includes any changes or conditions from the ETZ Commission as approved at the public hearing, shall be furnished to the subdivider.

It is the requirement of the ETZ Commission that no sketch plan shall be reviewed unless either the subdivider or the subdivider's representative is present at the ETZ Commission meeting. If the applicant is not present at the public hearing, the sketch plan will be postponed until the next regular ETZ Commission meeting.

Upon approval of the sketch plan by the ETZ Commission, the subdivider may submit any preliminary plats or final plats to the City Community Development Department, that reflect

the objectives of the approved sketch plan. The minor subdivision procedure shall not be substituted for the preliminary plat/final plat procedure.

The sketch plan shall be effective for a period of two (2) years. If, at the expiration date, no preliminary plat in conformance with the approved sketch plan has been submitted and approved, the sketch plan shall expire.

Any substantial change to the approved sketch plan shall require resubmittal of the plat in its entirety.

Section 2.2 Preliminary Plat

A preliminary plat shall be required on all subdivisions, except Minor and Large Land Area Subdivisions. The purpose of the preliminary plat is to determine the suitability of the soils, flood hazards and the capability of the land for the type of development proposed before extensive surveying and engineering work is undertaken by the subdivider. Sufficient information shall be submitted about the tract of land to enable the ETZ Commission to determine the location, intensity and feasibility of development, and how the proposed development relates to adjoining properties and land uses.

2.2A Pre-application Procedure (Optional).

Prior to the filing of an application for approval of a preliminary plat, the subdivider may submit to the Community Development Department of the City of Las Cruces, a conceptual plan of the proposed development. A written application or fee is not required, nor does this pre-application procedure require formal Commission or Authority approval.

The ETZ Subdivision Administrator shall discuss with the subdivider or subdivider's representative the changes, if any, that will be required for the submittal process. Preliminary plats shall be processed to the first available ETZ Development Review Committee (EDRC) meeting for review and comment.

2.2B Application Procedure.

The preliminary plat and supplemental material shall be submitted to the Community Development Department of the City of Las Cruces no later than thirty-four (34) days prior to the day of the regular meeting of the ETZ Commission for approval consideration.

Upon submittal, the ETZ Subdivision Administrator of the City of Las Cruces shall have eight (8) business hours to review the submittal for completeness. If all the required items have been submitted, and the preliminary plat submittal contains all necessary items per this code, the ETZ Subdivision Administrator shall issue a receipt for the submittal. A proposed preliminary plat submittal shall not be accepted for review if incomplete or substantially inaccurate. All items required on a preliminary plat must be present for acceptance. In cases where a submittal is found to be incomplete, the applicant shall have eight (8) business hours to correct the deficiencies and still meet the submittal deadline if applicable.

Preliminary plats will be processed to the applicable City and County departments and other governmental agencies for review, comments and recommendations. The reviewing departments and agencies shall review the preliminary plat to determine if it is consistent with the purposes set forth in these Subdivision Regulations. Written reports with their comments and recommendations shall be forwarded to the ETZ Subdivision Administrator. Failure to respond in the designated time period shall be deemed an approval by the non-responding department or agency.

The ETZ Subdivision Administrator shall review all comments for applicability and appropriateness to the preliminary plat requirements and forward any comments to the subdivider or subdivider's representative for completion. Preliminary plats that receive comments shall be resubmitted and reviewed until the provisions set forth in these regulations are met.

Following staff review, the EDRC shall review the preliminary plat and staff comments to determine if it is consistent with the intent and purpose set forth in these Subdivision Regulations. A written report shall be provided to the ETZ Commission with a recommendation that the preliminary plat be either approved, conditionally approved, postponed or disapproved. The EDRC shall state their recommendations to the ETZ Commission.

2.2C Public Notice: (See Section 2.1C)

2.2D Approval Procedure.

The ETZ Commission shall review the preliminary plat, reports, comments and recommendations from the EDRC, presentation from the subdivider or subdivider's representative and from any interested citizens at a public hearing. The intent of the ETZ Commission review is to allow for public input in the development process and serve as a land planning process. Review of the proposal shall consist of site plan compliance with ETZ policies. Action from the ETZ Commission shall be in the form of approval, conditional approval, table or disapproval. Action from the ETZ Commission shall be recorded in the minutes of the meeting. A copy of the action form that includes any changes or conditions from the ETZ Commission as approved at the public hearing, shall be furnished to the subdivider.

It is the requirement of the ETZ Commission that no preliminary plat shall be reviewed unless either the subdivider or the subdivider's representative is present at the ETZ Commission meeting. If the applicant is not present at the public hearing, the preliminary plat will be postponed until the next regular ETZ Commission meeting.

Approval of a preliminary plat shall not constitute approval of the final plat, but shall signify the general acceptability of the proposed subdivision. Such approval shall constitute the permission to prepare the final plat and construction drawings of all public improvements for the proposed subdivision.

Preliminary plat approval shall be effective for no more than one (1) year from the date of approval. If a final plat has not been approved as required by the provisions of these

Subdivision Regulations within such period, the preliminary plat must be resubmitted for approval by the ETZ Commission.

Any substantial change to the approved preliminary plat shall require resubmittal of the plan in its entirety.

Section 2.3 Final Plat

Within one (1) year after the approval of the preliminary plat, the subdivider may cause the parcel of the land to be surveyed and a final plat thereof prepared in conformance with the preliminary plat and/or sketch plan and these Subdivision Regulations. Each year thereafter, a final plat must be submitted to continue preliminary plat approval status.

2.3A Application Procedure.

The final plat and supplemental material shall be submitted to the City Community Development Department any time during normal working hours. Upon submittal, the City Community Development Department shall review the submittal for completeness. If all the required items have been submitted, the Community Development Department shall issue a receipt for submittal.

Final plats will be processed to the applicable City and County departments and other governmental agencies for review, comments and recommendations. Written reports, with their comments and recommendations, shall be forwarded to the City Community Development Department. Failure to respond in the designated time period shall be deemed an approval by the non-responding department or agency.

The City Community Development Department shall forward any comments to the subdivider or subdivider's representative for completion. Final plats that receive comments shall be resubmitted and reviewed until the provisions set forth in the preliminary plat and/or sketch plan and these Subdivision Regulations are met. At that time, the final plat shall be approved and signed by the appropriate authorities. An action form shall be furnished to the subdivider.

Upon final approval of the final plat, the subdivider may submit applications for construction permits and/or a form of security for the filing of the plat. The final plat shall not be filed until all construction improvements have been completed and approved by the City and County or a form of security has been established and approved. It shall be the City Community Development Department's responsibility to file and record with the County Clerk the final plat.

Final plat approval shall be effective for no more than (2) years from the date of approval. If the subdivision improvements have not begun or a form of security established and approved, the final plat shall be resubmitted for approval.

No changes, revisions, erasures or modifications shall be made on the final plat. No final plat shall be filed and recorded prior to satisfaction of all requirements and conditions.

Section 2.4 Minor Subdivision

The Minor Subdivision procedure shall be submitted for all subdivisions that qualify under the provisions set forth in these Subdivision Regulations for Minor Subdivisions.

2.4A Pre-application Procedure (Required).

Prior to the filing of an application for approval of a Minor Subdivision, the subdivider shall submit to the Community Development Department of the City of Las Cruces a conceptual plan of the proposed subdivision. A written application or fee is not required, nor does this pre-application procedure require formal Commission or Authority approval.

The Community Development Department shall discuss with the subdivider the proposed Minor Subdivision and shall indicate changes, if any, that will be required for the approval process.

2.4B Application Procedure.

The Minor Subdivision and supplemental material shall be submitted to the City Community Development Department any time during normal working hours. Upon submittal, the City Community Development Department shall review the submittal for completeness. If all the required items have been submitted, the Community Development Department shall issue a receipt for submittal.

Minor Subdivisions will be processed to the applicable City and County departments and other governmental agencies for review, comments and recommendations. Each department or agency will have five (5) "working days" to complete the review. Government agencies that will review Minor Subdivisions, if applicable, are Elephant Butte Irrigation District, International Boundary Commission, New Mexico State Highway Department, Bureau of Reclamation, State Engineer's Office and Environmental Improvement Division. Written reports with their comments and recommendations shall be forwarded to the City Community Development Department. Failure to respond in the designated time period shall be deemed an approval by the non-responding department or agency.

The City Community Development Department shall forward any comments to the subdivider or subdivider's representative for correction. Minor Subdivisions that receive comments shall be submitted and reviewed until the provisions set forth in these Subdivision Regulations are met. At that time, the Minor Subdivision shall be approved and signed by the appropriate authorities. An action form shall be furnished to the subdivider.

The ETZ Commission shall be informed of all proposed Minor Subdivisions with a recommendation by the City Community Development Department of which subdivisions should be brought before the ETZ Commission for review. Minor Subdivisions will not be submitted to the ETZ Commission, unless directed by the Chairman or a majority of the members of the Commission. The subdivider may also request that his/her Minor Subdivision be brought before the ETZ Commission if so desired. The ETZ Authority retains the right to direct the ETZ Commission to review any subdivision.

Upon final approval of the Minor Subdivision by the City of Las Cruces, it shall be the City Community Development Department's responsibility to record the Minor Subdivision with the County Clerk.

No changes, revisions, erasures or modifications shall be made on the Minor Subdivision after approval by the City of Las Cruces. No Minor Subdivision shall be recorded prior to satisfaction of all requirements and conditions.

A Minor Subdivision shall only be created once on any one property. Minor Subdivisions may be created more than once if used for commercial or industrial uses and where the streets have been dedicated and accepted by the County. A Major Subdivision procedure shall apply thereafter.

Section 2.5 Large Land Area Subdivision.

The Large Land Area Subdivision procedure shall be submitted for all subdivisions that qualify under the provisions set forth in these Subdivision Regulations for Large Land Area Subdivisions.

2.5A Pre-application Procedure (Required).

Prior to the filing of an application for approval of a Large Land Area Subdivision, the subdivider shall submit to the Community Development Department of the City of Las Cruces a conceptual plan of the proposed subdivision. A written application or fee is not required, nor does this pre-application procedure require formal Commission or Authority approval.

The Community Development Department shall discuss with the subdivider the proposed Large Land Area Subdivision and shall indicate changes, if any, that will be required for the approval process.

2.5B Application Procedure.

The Large Land Area Subdivision and supplemental material shall be submitted to the City Community Development Department any time during normal working hours. Upon submittal, the City Community Development Department shall review the submittal for completeness. If all the required items have been submitted, the Community Development Department shall issue a receipt for submittal.

Large Land Area Subdivisions will be processed to the applicable City and County departments and other governmental agencies for review, comments and recommendations. Each department or agency will have five (5) "working days" to complete the review. Government agencies that will review Large Land Area Subdivisions, if applicable, are Elephant Butte Irrigation District, International Boundary Commission, New Mexico State Highway Department, Bureau of Reclamation, State Engineer's Office and Environmental Improvement Division. Written reports with their comments and recommendations shall be forwarded to the City Community Development Department.

Failure to respond in the designated time period shall be deemed an approval by the non-responding department or agency.

The City Community Development Department shall forward any comments to the subdivider or the subdivider's representative for correction. Large Land Area Subdivisions that receive comments shall be resubmitted and reviewed until the provisions set forth in these Regulations are met. At that time, the Large Land Area Subdivision shall be approved and signed by the appropriate authorities. An action form shall be furnished to the subdivider.

The ETZ Commission shall be informed of all proposed Large Land Area Subdivisions with a recommendation by the City Community Development Department on which subdivisions should be brought before the ETZ Commission for review. Subdivisions will not be submitted to the ETZ Commission, unless directed by the Chairman or a majority of the members of the Commission. The subdivider may also request that his/her Large Land Area Subdivision be brought before the ETZ Commission if so desired. The ETZ Authority retains the right to direct the ETZ Commission to review any subdivision.

Upon final approval of the Large Land Area Subdivision by the City of Las Cruces, it shall be the City Community Development Department's responsibility to record with the County Clerk the Large land Area Subdivision.

No changes, revisions, erasures or modifications shall be made on the Large Land Area Subdivision after approval by the City of Las Cruces. No Large Land Area Subdivision shall be recorded prior to satisfaction of all requirements and conditions.

Section 2.6 Vacations

A subdivider shall file a vacation plat on any land being vacated which was originally subdivided by plat and recorded in the Doña Ana County Clerk's Office unless determined by the City Community Development Director that such action is not required. If a vacation plat is not required, drawings shall be submitted in lieu of said plats that are clear and concise in displaying the proposed vacation.

Vacation plats shall be prepared as a final plat. Said plat shall be prepared by and have the seal of a New Mexico registered land surveyor.

2.6A Application Procedure.

The vacation plat and supplemental material shall be submitted to the Community Development Department of the City of Las Cruces no later than thirty-four (34) days prior to the day of the regular meeting of the ETZ Commission for approval consideration.

Upon submittal, the Community Development Department of the City of Las Cruces shall review the submittal for completeness. If all the required items have been submitted, the Community Development Department shall issue a receipt for submittal.

Vacation plats will be processed to the applicable City and County departments and other governmental agencies for review, comments and recommendations. Written reports, with their comments and recommendations, shall be forwarded to the City Community Development Department. Failure to respond in the designated time period shall be deemed an approval by the non-responding department or agency.

The reviewing departments and agencies shall review the vacation plat to determine if it is consistent with the provisions set forth within these Subdivision Regulations. A written report shall be provided to the ETZ Commission with a recommendation for the vacation plat.

2.6B Public Notice: (See Section 2.1C)

2.6C Approval Procedure.

The ETZ Commission shall review the vacation plat, reports, comments and recommendations from the reviewing departments and agencies, presentation from the subdivider or subdivider's representative and from any interested citizens. Action from the ETZ Commission shall be recorded in the minutes of the meeting. A copy of the action form that includes any changes or conditions from the ETZ Commission, as done at the public hearing, shall be furnished to the subdivider.

It is the requirement of the ETZ Commission that no vacation plat shall be reviewed unless either the subdivider or the subdivider's representative is present at the ETZ Commission meeting. If the applicant is not present at the public hearing, the vacation plat will be tabled until the next regular ETZ Commission meeting.

No changes, revisions, erasures or modifications shall be made on the vacation plat after approval by the ETZ Commission. No vacation plat shall be filed and recorded prior to satisfaction of all requirements and conditions. It shall be the City Community Development Department's responsibility to file and record the vacation plat with the County Clerk.

Section 2.7 Replat

A replat of a previously filed subdivision that does not increase the total number of lots by more than two (2) lots shall follow procedures outlined in Section 2.3A under final plats.

Replats that increase the total number of lots by three (3) or more shall follow procedures appropriate for preliminary plats and final plats.

Vacation plats and replats may be submitted simultaneously and as one (1) plat if applicable.

No replat may be used to change the number and/or size of lots, which would create a different type of subdivision, without complying with all provisions of the applicable type of subdivision.

Section 2.8 How Subdivisions are Approved

The ETZ Commission and ETZ Authority are the governing bodies of these ETZ Subdivision Regulations. Depending upon the type of subdivision submitted, either the ETZ Commission or the ETZ Authority shall approve subdivision proposals.

2.8A The ETZ Subdivision Administrator

The ETZ Subdivision Administrator's objective is to interpret the ETZ Subdivision Regulations and address all concerns related to the proposal. The ETZ Subdivision Administrator is the source of information for the general public, the development community, and the staff regarding the ETZ subdivision process and its requirements. The ETZ Subdivision Administrator shall facilitate the processing of subdivision proposals from pre-application meetings to final acceptance of subdivision improvements.

2.8B The ETZ Development Review Committee (EDRC)

A group of employees representing the City of Las Cruces, Doña Ana County, and the State who are empowered to act on behalf of their departments on all matters concerning subdivisions and development related applications and proposals.

2.8C Purpose of the ETZ Development Review Committee (EDRC)

The EDRC, a recommending body, shall:

1. Review subdivisions and development-related proposals;
2. Resolve conflicting comments and design differences between reviewing departments and subdividers/developers/consultants (as defined in the City of Las Cruces Design Standards or the Doña Ana County Design Standards as applicable);
3. Forward recommendations to the ETZ Commission and/or ETZ Authority.

2.8D Procedure of the ETZ Development Review Committee (EDRC)

The EDRC shall meet at a regularly scheduled time to review subdivision submittals, potential submittals, or other development-related issues that may require EDRC review. The ETZ Subdivision Administrator shall schedule EDRC meetings as needed and set the agenda for each meeting. Notes will be taken during EDRC meetings by the ETZ Subdivision Administrator, or his/her designee, and shall be made available to interested parties upon request consistent with the Inspection of Public Records Act. The ETZ Subdivision Administrator shall include in his/her packet report to the ETZ Commission the recommendation of the EDRC.

ARTICLE III

SUBMITTAL REQUIREMENTS

Section 3.1 Sketch Plan

3.1A Sketch Plan Requirements.

The sketch plan shall be at a scale that adequately represents the information required. The minimum sheet size for a sketch plan shall be 18" x 24". Copies provided shall be legible. The following information shall be required:

1. Name of development
2. Name and address of the subdivider
3. Name and address of the person, corporation or organization preparing the sketch plan
4. A general legal description that includes approximate acreage and survey tie (Deed to property will be adequate)
5. North arrow, date of preparation, written and graphic scale
6. Vicinity Map to locate tract. Vicinity Map shall show relationship to existing major thoroughfares
7. Boundary lines of the proposed sketch plan with approximate lengths of lines
8. Zoning: Existing and/or proposed within and adjacent to the proposed sketch plan
9. Land use adjacent to the proposed sketch plan
10. Thoroughfare System: Proposed approximate location, length, width, and point of intersection of all roads, bikeways, trails and any other transportation lines
Identification of Existing and Proposed Classification of Roads as per City of Las Cruces, New Mexico and Five-Mile Planning and Platting Jurisdiction Design Standards based on the current Las Cruces MPO Major Thoroughfare Plan. The classifications are as follows:
 - a. Interstate
 - b. Highway
 - c. Major Arterial
 - d. Minor Arterial
 - e. Major Collector
 - f. Minor Collector
 - g. Major Local
 - h. Minor Local.(On developments over 100 acres, local roads may be omitted.)
11. Land Use: Proposed land uses with approximate acreage and relative percentages. Residential land use shall also include dwelling units per acre. For subdivisions under 25 acres, approximate lot lines should be added.
12. Location and purpose of all existing and proposed major easements and rights-of-way within and adjacent to the proposed sketch plan.
13. Facilities. Existing and/or proposed community facilities shall be identified.
14. Adjacent roads and other transportation links identified by classification and width, including all access points.

15. Phasing Plan. General location and number of phases or final plat phases.

Portions of land within the proposed sketch plan which are not owned by the subdivider shall be noted on the proposal. Written evidence that such owners are aware of the proposal and indication from such owners of their intent to participate in the proposed sketch plan shall be required at the time of submittal. The sketch plan shall show all contiguous property owned/controlled by the subdivider or developer.

3.1B Supplemental Material.

The following shall be required:

1. Application
2. Fee
3. Sketch Plan Report. The following shall be required within this report:
 - a. Intent and Purpose of Development.
 - b. Phasing of Development (if applicable)
 - (1) Number and extent of proposed phases
 - (2) Approximate time schedule of phasing
 - c. Jurisdictional Impacts: Relationship to adopted City, County, Regional and or ETZ plans. Identification of special districts and private service entities included within the boundary of the sketch plan.
 - d. Geological and Soil Hazards: Report on the Geologic and Soil Hazards in relation to slope conditions, drainage problems and suitability for septic system use (if applicable), as identified by the Soil Survey of the Doña Ana County Area, New Mexico. This report shall also include either an aerial photograph or a map with existing contours (20' contour interval minimum) of the proposed development.
 - e. Identification of Potential Hazard Areas: Flood plains and arroyos and significant vegetation must be identified.
 - f. Identify. Historical and/or archaeological sites. Any location of sites of natural or scenic importance as identified by the New Mexico State Cultural and Historical Preservation Department.
 - g. Schematic of all Proposed Utilities

Section 3.2 Preliminary Plat

3.2A Preliminary Plat Requirements

The preliminary plat shall be at a scale that adequately represents the information (preferred scale 1" = 100'). The preliminary plat shall be prepared on 18" x 24" or 24" x 36" sheets of paper. Copies provided shall be legible with no limit to the number of sheets used. The plat shall show existing conditions and all proposals, including the following:

1. Name of proposed subdivision, name and address of subdivider, agent, and/or principal persons preparing the preliminary plat.
2. North arrow, date of preparation, written and graphic scale.

3. Plat boundary lines: Bearings in degrees, minutes and seconds; distances in feet and hundredths.
4. Existing conditions of the proposed preliminary plat shall include the following, if applicable:
 - a. Present site designation or subdivision name.
 - b. Easements on site: Location, width and purpose.
 - c. Public rights-of-way on and within 150 feet of the site: Name, width, and classification.
 - d. Utilities on and adjacent to the site: Location and size of water wells, water reservoirs, water lines, sanitary and storm sewers; location of all irrigation channels and drains; location of gas lines, fire hydrants, electric and telephone poles and street lights. If water mains and sewer are not on or adjacent to the tract, indicate the direction, distance and size of nearest lines.
 - e. Existing topography:
 - 1) For land that slopes approximately less than five percent (5%), show contour lines at interval of not more than two feet (2').
 - 2) For land that slopes more than five percent (5%), show contour lines at intervals of not more than five (5').
 - f. Existing storm drainage facilities on and adjacent to the site.
 - g. Conditions on adjacent land significantly affecting design of the subdivision: Approximate direction and gradients of ground slope, character and location of development, access points from adjacent points and building types.
 - h. Zoning on and adjacent to the site (including Special Use Permit information).
 - i. A statement of ownership signed by the subdivider.
 - j. Total area of the proposed plat to the nearest one-tenth (0.10) acre.
5. Vicinity Map to locate tract. Vicinity Map shall show relationship to existing major thoroughfares.
6. Proposed lot lines and public rights-of-way lines; rights-of-way and street widths; indicate rights-of-way for public services or utilities and any limitations thereof.
7. All lots in any subdivision shall meet the requirements of the ETZ Zoning Code and each lot shall be dimensioned in such a manner that setbacks as required by the Code shall be met for any structure or building that may be on or will be constructed on the lot. No platted lot within a subdivision shall contain less square footage than that required by the ETZ Zoning Code.
8. Number to identify each proposed lot.
9. Letter to identify each proposed block.
10. Approximate locations, dimensions, areas and purposes of lots proposed to be reserved for the public.
11. Sites and approximate area for any multi-family dwellings or non-residential uses.

3.2B Supplemental Material to Submit with the Preliminary Plat.

1. Application.
2. Fee.
3. Master Drainage Study. A Master Drainage Study shall be required prior to approval for any planned development, commercial development or major subdivision.

The purpose of the Master Drainage Study is to identify major drainage ways, ponding areas, locations of culverts, bridges, open channels and drainage basins which are contributory to the proposed study area. In addition, the ability of downstream drainage facilities to pass the developed runoff from the proposed development must be analyzed in the Master Drainage Study.

The Master Drainage Study shall contain a general outline of the proposed drainage routing plans for the development.

The report shall include but not be limited to the following information and calculations:

- a. Calculations for peak flow from all offsite tributary drainage areas.
- b. Calculations for peak flow within the proposed development for all drainage basins larger than 20 acres.
- c. Preliminary analysis of 100 year flood plain and major drainage ways.
- d. Closed subbasin analysis including identification of water into or out of subbasin.
- e. Discussion and analysis of downstream drainage facilities.
- f. Discussion of drainage problems and solutions which are anticipated within the development.
- g. Report shall be typed on 8 2" x 11" paper.

Drawings for the Master Drainage Study shall include but not be limited to the following:

- a. Any and all floodplains and floodways must be identified. A copy of applicable F.E.M.A. Floodplain Map is required indicating limits of current study (if F.E.M.A. map is available).
- b. Existing topography:
 - (1) For land that slopes approximately less than five percent (5%), show contour lines at intervals of not more than two feet (2').
 - (2) For land that slopes more than five percent (5%), show contour lines at intervals of not more than five feet (5').
- c. Location and size of existing and proposed open channels, storm drains, retention/detention areas and other drainage structures.
- d. Identification of all drainage basins in the development.
- e. Location of all streets.
- f. Identification of all drainage basins tributary to development.
- g. Basin maps may be scaled as small as 1" = 2000'. Orthophoto maps at scale 1" = 200' are preferred (Use the most appropriate scale available).

Inlet and storm drain size calculations are not required with the Master Drainage Study, therefore, the number of sub-basins analyzed in the report shall be held to the smallest practical amount.

Section 3.3 Final Plat

3.3A Final Plat Requirements

The plat shall be drawn with permanent India Ink or produced by a photographic process on a linen or polyester (Mylar) film. The final plat shall be at a scale that adequately represents the information (preferred scale 1" = 100') and prepared on 18" x 24" sheets. Copies provided shall be legible.

If more than one sheet is used, all sheets must be indexed and contain an index map showing the relationship of the sheet to the whole. Each sheet shall show north arrow, name of subdivision, date of survey, written and graphic scale.

The following information shall be shown on the plat:

1. Name of subdivision.
2. Total acreage of subdivision to nearest one-tenth of an acre.
3. Date of preparation, north arrow, written and graphic scale.
4. Vicinity Map to locate subdivision. The Vicinity Map shall show relationship to existing major thoroughfares.
5. Signed statements by the subdivider dedicating public rights-of-way, and granting all required easements for public use. Also include a statement that states that the subdivision is with the free consent and in accordance with the desire of the undersigned owner of the land, acknowledged in a manner required for acknowledgment of deeds.
6. Name of subdivider and address.
7. Name and address of the person, corporation or organization preparing the final plat.
8. Certification block for ETZ Commission, Chairman and Secretary.
9. Certification by authorized representatives from all appropriate utility companies.
10. Certification and seal by a registered licensed surveyor of New Mexico in accordance with the laws of the State of New Mexico, certifying the accuracy of the survey and plat and that he/she prepared or supervised preparation of the plat.
11. An accurate and complete boundary survey shall be made of the land to be subdivided. Plat boundary lines shall be shown giving the bearing in degrees, minutes and seconds. Distances shall be shown in feet and hundredths. Curved boundaries or lines on the plat shall provide sufficient data to enable the reestablishment of curves on the grounds.
Curve Data shall include:
 - a. Central angle and arc length
 - b. Radius
 - c. Chord bearing and length
12. Bearings and lengths shall be given for all lot lines and rights-of-way lines existing or proposed. Lines to be eliminated shall be designated by dashed lines.
13. Names of streets, rights-of-way width of all streets, commercial alleys, greenways, bikeways, trails and other transportation links shall be so designated.
14. Number and acreage of each lot.
15. Letter to identify each block.
16. Location, dimensions and purpose of all easements, existing or proposed, and any limitations thereof.

17. Zoning or proposed zoning shall be shown with boundaries shown as streets, highways or property lines. Special Use Permit information shall be included.
18. Adjacent land ownership shall be designated. Note subdivision names and filing information: Book, Page and Date.
19. Outlots or parcels other than lots, streets, or easements shall be designated by letter with disposition indicated in the note section. Location of land intended to be converted or reserved for public use or reserved in the deeds for the use of all property owners in the proposed subdivision shall be so identified. Purpose of each outlot and responsibility for maintenance of all tracts shall be noted.
20. Location dimensions and purpose of all necessary easements for water rights in relation to irrigation.

3.3B Supplemental Material to Submit with the Final Plat

1. Application
2. Fee
3. Disclosure Statement (see Section 3.8A and 3.8C)
4. Appropriate documentation shall be submitted to show proof of water service and approval of sewage disposal.
5. Paving Design/Soil Report.
This report shall include material testing data with soil classification, Sieve Analysis, structural design factors, recommendations on paving design and an aerial photo on soils of the proposed development from the Soil Survey of Doña Ana County Area New Mexico. If a detention drainage facility is proposed, the soils report will also include, but not be limited to: soil boring logs, water table elevations and soil classifications. Sufficient and representative soil borings shall be required.
6. Final Drainage Study.
The Final Drainage Study shall be a detailed study and analysis of the drainage in the proposed development. It shall include detailed calculations for all runoff within the proposed development and detailed calculations for all runoff exterior to the site, with detailed calculations supporting the design of all drainage structures within the development.

Construction plans for all drainage structures, grading plans and street grades where applicable, shall also be considered part of the final drainage study.

Drawings and calculations comprising the final drainage study shall include, but not be limited to the following information:

- a. Existing and proposed contours for proposed development. Contour interval based on N.G.S. Datum - 2 ft. contour interval minimum.
- b. Locations and elevations of City or U.S.G.S. benchmark. All elevations shall be based on N.G.S. Datum.
- c. Property lines.
- d. Streets, R.O.W. limits, names and grades.
- e. Existing drainage facilities and structures, including existing irrigation ditches, roadside ditches, drainage ways, gutter flow directions and culverts. All pertinent information such as size, slope and location of existing drainage ways shall be included to facilitate review and approval of drainage plans.

- f. Overall drainage area boundaries and drainage sub-area boundaries.
 - g. Proposed type of curb and gutter (vertical, combination or flat) and gutter flow directions, including crosspans (intersections.)
 - h. Proposed storm drains, open drainage ways and rights-of-way requirements, including proposed inlets, manholes, culverts, erosion control and energy dissipation device, and any other required appurtenances necessary for drainage control.
 - i. Proposed inflow and outfall point(s) for runoff from the study area.
 - j. Routing and accumulative flows at various critical points for the initial (10 year) and major (100 year) storm runoff.
 - k. Minimum finished floor elevation and ground site elevations at all critical building locations for protection from major storm runoff.
 - l. A 1" = 100' scale map of the proposed development which shall show the following information:
 - (1) Location and size of all drainage structures.
 - (2) General flow patterns within the development.
 - (3) Minimum finished floor or building pad elevation of all building sites.
 - (4) 100 year flood level in all streets in which the curb is overtopped during the 100 year storm.
 - (5) All drainage basins within the development (Note: the number of basins should be limited to the smallest practical number).
 - m. All floodplains and floodways within the proposed development. A copy of the current F.E.M.A. Floodplain Map is required showing project limits.
 - n. All drawings shall be on 24" x 36" sheets.
7. Plat Details.
- The following details shall be indicated on the drainage plans:
- a. Title block (lower right hand corner preferred)
 - b. Scale
 - c. Date and revisions
 - d. Name of Professional Engineer (and firm)
 - e. Professional Engineer's seal
 - f. Drawing number (sheet n/n)
 - g. Legend
 - h. Approval block for appropriate reviewing departments and agencies
8. Construction Drawings.
- Construction Plans shall show the following information:
- a. Plan
 - (1) North arrow
 - (2) Property lines and ownership and/or subdivision information
 - (3) Street names, easements with width dimensions and location
 - (4) Existing utility lines, location and depth (or height)
 - (a) Water
 - (b) Gas
 - (c) Telephone
 - (d) Storm Drains
 - (e) Irrigation Canals
 - (f) Sanitary Sewers

- (g) Other Utilities
 - b. Profile
 - (1) Vertical and horizontal grids with scales
 - (2) Ground surface grade (dashed) and proposed grade (solid)
 - (3) Existing utility lines where crossed
 - (4) Benchmarks (U.S.G.S. Datum)
 - c. Proposed Construction
 - (1) Pipes and culverts:
 - (a) Plan showing stationing
 - (b) Profile
 - (c) Size, length between manholes and pipe composition (if applicable)
 - (d) Slope of pipe
 - (e) Inlet and outlet details of all manholes and inlets, and connections to existing drainage systems (If applicable)
 - (f) Manhole details including station numbers and invert and top elevations
 - (g) Typical bedding details for pipe for all bedding situations encountered on project
 - (2) Open Channels
 - (a) Plan showing stationing
 - (b) Profile indicating elevations of invert of channel, top of lining if any and adjacent ground grade
 - (c) Typical cross sections
 - (d) Construction notes
 - (e) Lining details
 - (f) Rip-rap and bedding details, gradation requirements for same
 - (g) Structure details of all inflow and outflow structures, drop structures Includes subgrade and foundation design details
 - (3) Technical Specifications

Technical specifications shall be included on any drainage project that is permitted for construction within the five-mile area. Specifications shall meet the minimum guidelines for construction as outlined in the City of Las Cruces Standard Specification for Roadway Construction and Design Standards, as amended. Additional specifications for construction shall be included to the point that there exists a clear understanding of the nature and quality of work to be performed on the project. Additional technical specifications for projects that will become County property or will be involved in the County Storm Drainage Maintenance Program may be required.
- 9. Street Plan and Profiles.

The plan and profiles shall be prepared by a registered professional engineer, licensed in the State of New Mexico. All drawings shall be on 24" x 36" sheets.

 - a. Plan

The following information shall be indicated on the plans:

 - (1) Title block (lower right hand corner preferred)
 - (2) Horizontal/Vertical scale
 - (3) Date and revisions

- (4) Name of Professional Engineer (and firm)
- (5) Professional Engineer's seal
- (6) Drawing number (sheet n/n)
- (7) Legend
- (8) Approval block for appropriate reviewing departments and agencies.
- (9) Street name/north arrow
- (10) Match lines with stationing
- (11) Limits of construction
- (12) Centerline stationing
- (13) Stations at street intersections and curb returns
- (14) Size and location of all utilities
- (15) Rights-of-way widths
- (16) Adjacent lot and block numbers
- (17) Fire hydrant locations
- (18) Water valve locations
- (19) Sidewalk and wheelchair ramp locations
- (20) Centerline curve data
- (21) Stationing and locations of crown transition
- (22) Back of curb radius (P.C. and P.T. stations), if applicable
- (23) Curb/gutter location, if applicable
- (24) Top of curb elevations and stations at each front lot corner
- (25) Drainage flow arrows
- (26) Driveway locations and stations (if applicable)
- (27) Proposed top of pavement spot elevations at all intersections
- (28) A local benchmark based on U.S.G.S. datum with description, location and elevation.

b. Profile

The following information shall be indicated on the profiles:

- (1) Proposed and existing grades, 100 ft. beyond limits of construction
- (2) Even stationing and elevations on all profiles
- (3) Stationing and elevation of all vertical curves including M.O.
- (4) Top of curb elevations at right and left curbs or centerline
- (5) Invert elevations
- (6) Slope of sewer lines
- (7) Stationing of manholes
- (8) Pipeline sizes and depths noted

10. Grading Plans

The plans shall be prepared by a registered professional engineer, licensed in the State of New Mexico. The following information shall be required:

- a. Street names
- b. Lot and block numbers
- c. North arrow, written and graphic scales
- d. Existing contours at 2' intervals (100 ft. beyond project boundary)
- e. Retaining wall locations
- f. Top of curb elevations at each front lot corner
- g. Pad elevations and finished floor elevations (for each lot)
- h. Spot elevations (minimum of six per lot showing high points and low points)

- l. Pond elevations: top, bottom, and dimension from property lines (if applicable)
 - j. Barrow ditch elevations (if applicable)
 - k. Drainage channel elevations (if applicable)
 - l. Drainage flow arrows
 - m. Retention/detention basin location and elevation
 - n. A local benchmark based on U.S.G.S. datum with description, location and elevation
11. Utility Master Plan

The utility master plan shall be prepared by a registered professional engineer, licensed in the State of New Mexico. The following information shall be required.

 - a. All utilities for existing development: size and type of pipe (existing and proposed) including underground electrical, telephone, cable TV, etc.
 - b. Lot and block numbers
 - c. Street names
 - d. North arrow, written and graphic scale
 - e. All utility stubouts
 - f. Street light pad and conduit locations
 - g. All wire utility boxes
 - h. Fire hydrant locations
 - l. Water valve locations
 - j. A local benchmark based on U.S.G.S. datum with description, location and elevation.
12. Detail Sheet

Detail Sheet shall be prepared by a registered professional engineer, licensed in the State of New Mexico. The following information shall be required, if applicable:

 - a. Roadway construction notes and general notes
 - b. Utility construction notes
 - c. Manhole notes
 - d. Typical utility stubout to lot detail
 - e. Street intersection detail (if applicable)
 - f. Typical street cross-section(s) (including paving composition)
 - g. Curb and gutter detail
 - h. Wheelchair ramp detail
 - l. Retaining wall detail, cut-off wall detail and all fencing details (if applicable)
 - j. Drainage structure details
13. Address Plat

The address plat shall be drawn with permanent India Ink and produced by a photographic process on a linen or polyester (Mylar) film. The address plat shall be at a scale that adequately represents the information (preferred scale 1" = 100'), and prepared on 18" x 24" sheets. Copies provided shall be legible. The following information shall be required.

 - a. Title of subdivision - including Address Plat
 - b. Approved lot layout
 - c. Lot and block numbers
 - d. Street names
 - e. Address for each lot

- f. Neighborhood Delivery and Collection Box Unit location (NDCBU), if applicable.

Section 3.4 Minor Subdivision

3.4A The following requirements shall apply for Minor Subdivisions.

1. Minor Subdivisions with five (5) to eight (8) lots shall conform to the provisions set forth in Section 3.3A of these Regulations.

Minor Subdivisions with two (2) to four (4) lots may provide a plat of survey and certified legal description in lieu of a final plat. Information required for the plat of survey and legal description shall conform to Section 3.3A of these Regulations, but may be distributed on separate sheets of paper.

2. Application
3. Fee
4. Disclosure Statement (see Section 3.8B and 3.8D)
5. Appropriate documentation shall be submitted to show proof of water service and approval of sewage proposal.
6. Show approximate driveway locations
7. Drainage Report Requirements.

A drainage report shall be required for all Minor Subdivisions that apply to the following situations:

- a. A portion of or entirely within a flood control zone.
- b. Subdivision grades in excess of four percent (4%).
- c. Existing major arroyos, stream channels or any type of water course within the proposed subdivision.

Run-off analysis method shall be determined by the size of the proposed Minor Subdivision. Minor Subdivisions of less than three (3) acres shall conform to Section 3.1C1 of the City of Las Cruces Design Standards. Minor Subdivisions greater than three (3) acres shall conform to the run-off analysis methods within Section 3.1C.2 of the City of Las Cruces Design Standards.

8. Construction Plan Requirements.
Construction Plans shall be on 24" x 36" sheets and contain the following items (if applicable):
 - a. Street Plan and Profiles. The plans and profiles shall be prepared by a registered professional engineer, licensed in the State of New Mexico. All drawings shall be on 24" x 36" sheets.
 - (1) Plan. The following information shall be indicated on the plans:
 - (a) Title block (lower right hand corner preferred)
 - (b) Horizontal/vertical scale
 - (c) Date and revisions
 - (d) Name of professional engineer (and firm)
 - (e) Professional engineer's seal
 - (f) Drawing number (sheet n/n)
 - (g) Legend

- (h) Approval block for appropriate reviewing departments and agencies.
 - (l) Street name/north arrow
 - (j) Match lines with stationing
 - (k) Limits of construction
 - (l) Centerline stationing
 - (m) Stations at street intersections and curb returns
 - (n) Size and location of all utilities
 - (o) Rights-of-way widths
 - (p) Adjacent lot and block numbers
 - (q) Fire hydrant locations
 - (r) Water valve locations
 - (s) Sidewalk and wheelchair ramp locations
 - (t) Centerline curve data
 - (u) Stationing and locations or crown transition
 - (v) Back of curb radius (P.C. and P.T. stations)
 - (w) Curb/gutter location
 - (x) Top of curb elevations and stations at each front lot corner
 - (y) Drainage flow arroyos
 - (z) Driveway locations and stations (if applicable)
 - (aa) Proposed top of pavement spot elevations at all intersections
 - (bb) A local benchmark based in U.S.G.S. datum with description, location and elevation
- (2) Profile. The following information shall be indicated on the plans:
- (a) Proposed and existing grades (100 ft. beyond limits of construction)
 - (b) Even stationing and elevations on all profiles
 - (c) Stationing and elevation of all vertical curves including M.O.
 - (d) Top of curb elevations at right and left curbs or centerline elevation.
 - (e) Invert elevations
 - (f) Slope of sewer lines
 - (g) Stationing of manholes
 - (h) Pipeline sizes and depths

b. Grading Plan

A Grading Plan shall be required for all Minor Subdivisions that apply to the following situations:

- (1) A portion of or entirely within a flood control zone
- (2) Subdivision grades in excess of four percent (4%)
- (3) Existing major arroyos, stream channels or any type of water course within the proposed subdivision

If a Grading Plan is required, the plans shall be in conformance with Section 3.3B.10 of these Subdivision Regulations.

c. Detail Sheet

Detail Sheet shall be prepared by a registered professional engineer, licensed in the State of New Mexico. The following information shall be required:

- (1) Roadway Construction Notes and General Notes

- (2) Utility Construction Notes
- (3) Manhole Notes
- (4) Typical Utility Stubout to Lot Detail
- (5) Street Intersection Detail
- (6) Typical Street Cross-Sections (s) (Including Paving Composition)
- (7) Curb and Gutter Detail
- (8) Wheelchair Ramp Detail
- (9) Retaining Wall Detail, Cut-off Wall Detail and all Fencing Details
- (10) Drainage Structure Details

Section 3.5 Large Land Area Subdivision

The following information shall be required:

- A. Application
- B. Fee
- C. Large Land Area Subdivision shall conform to the provisions set forth in Section 3.3A. If the Community Development Director determines that said plat is unnecessary, a map and certified legal description, drawn to an appropriate scale, indicating the existing and proposed configuration, shall be submitted.
- D. Disclosure Statement for Large Land Area Subdivisions of two (2) to ten (10) lots. (See Section 3.8B and 3.8D)
- E. Large Land Area Subdivisions shall conform to Section 4.2K of these Regulations.

Section 3.6 Vacations

The following information shall be required.

- A. Application
- B. Fee
- C. Vacation Plat (conform to the provisions set forth in Section 3.3A). If the Community Development Director determines that said plat is unnecessary, a map and certified legal description, drawn to an appropriate scale, indicating the existing and proposed configurations, shall be submitted.
- D. A petition signed by property owners in situations where access would be affected.

Section 3.7 Replat

A replat of a previously filed subdivision that does not increase the total number of lots by more than two (2) lots shall follow requirements outlined in Section 3.3A. A submittal application and fee shall also be required.

Replats that increase the total number of lots by three (3) or more shall follow requirements appropriate for preliminary plats and final plats as per Section 3.2 and Section 3.3.

No replat may be used to change the number and/or size of lots, which would create a different type of subdivision, without complying with all provisions of the applicable type of subdivision.

Section 3.8 Disclosure Statements

3.8A Major Subdivisions. The subdivider shall include the following in the disclosure statement:

1. The name of the subdivision
2. Name and address of the subdivider and the name and address of the person in charge of sales or leasing in New Mexico
3. Size of the subdivision, both present and anticipated
4. Size of the largest and smallest parcels offered for sale within the subdivision
5. Distance from the nearest town to the subdivision and the route over which this distance is computed
6. Name and address of the person who is recorded as having legal and equitable title to the property offered for sale or lease
7. A statement of the condition of title including any encumbrances
8. A statement of all restrictions or reservations of record which subject the subdivided land to any unusual conditions affecting its use or occupancy
9. Name and address of the escrow agent, if any
10. A statement as to availability and cost of public utilities
11. A statement of the proposed use of water, if any, within the subdivision and if the availability of fire flow is present
12. A statement describing the quality and quantity of water for the proposed use, if any, of the subdivision
13. A description of the means of liquid waste disposal for the proposed use of the subdivision
14. A description of the means of solid waste disposal for the proposed use of the subdivision
15. A description of the means of water delivery, if any, within the subdivision
16. The average depth to water within the subdivision if water is available only from subterranean sources and if such water is contemplated for the proposed use of the subdivision
17. A description of access to the subdivision
18. A statement disclosing whether or not the roads within the subdivision have been accepted for maintenance by the County
19. A description of the subdivider's provisions for terrain management
20. A summary, approved by the issuing state agency of the opinions, if any, whether favorable or adverse, provided by state agencies to the ETZ Commission concerning any one of the points listed above
21. Such other information as the ETZ Commission may require including but not limited to the following:
 - a. The location of all lots located on slopes in excess of eight percent
 - b. The suitability of the soils for residential use whether permanent or seasonal
 - c. The location of all lots in areas subject to periodic flooding
 - d. The subsurface drainage for all lots
 - e. The surface drainage for all lots
 - f. The location of all utilities to be provided, if any, including an indication as to whether they will be located above or underground
 - g. A description and installation date of storm drainage systems
 - h. A description and installation date for all roads
 - i. The date on which all roads and parking areas will be surfaced including a description of the type of surfacing to be used.

- j. The installation date of each utility to be provided
- k. The descriptions and initial installation dates for recreation structures and other community improvements to be provided
- l. The owner's maintenance and construction responsibilities including all restrictions required to be filed with the plat by the ETZ Commission.
- m. If the subdivider is to provide water for any proposed use, the disclosure statement shall contain the following information:
 - (1) The minimum daily quantity of water to be provided for each parcel and each use proposed in the disclosure statement;
 - (2) The time at which water will be made available at each parcel, if needed, and for each use in the disclosure statement;
 - (3) Whether or not the prospective purchaser or lessee will be required to pay for extension of the water system to his parcel, if he desires water prior to the date scheduled under 3.8A, 21.m of this section; and
 - (4) Life expectancy of the water supply under full development of the subdivision; subject to the final adjudication of the water basin from which the water supply comes.
- n. A statement disclosing whether the subdivider is to provide a domestic water supply or the prospective owner will be required to provide his own domestic water supply
- o. If the prospective owner is to provide his own domestic water supply:
 - (1) Average, maximum and minimum depths to ground water within the subdivision;
 - (2) Recommended total depths of wells;
 - (3) Estimated yield in gallons per minute of wells completed to recommended total depth
 - (4) Life expectancy of the water supply under full development of the subdivision; subject to the final adjudication of the water basin from which the water supply comes.
 - (5) Recommended pump settings and size
 - (6) Lithologic character of formations through which well is to be completed, and
 - (7) Source and yield of surface-water supply, if any.
- p. The precise type of liquid waste disposal system that has been approved by the ETZ Commission for use within the subdivision including a statement that no other system may be used other than the approved system; and
- q. Each maximum allowable water quality contaminant that has been exceeded with Environmental Improvement Division approval and the name of the element, compound or standard that has exceeded the parameter.

The Disclosure Statement shall be in the form set forth in Section 3.8C of these Subdivision Regulations.

3.8B Minor and Large Land Area Subdivisions. Prior to the time of purchase or lease, the subdivider of a Minor or Large Land Area Subdivision shall, if applicable, disclose at least the following information to the purchaser or prospective purchaser or lessee in a written disclosure statement:

1. The name of the subdivision;

2. Name and address of the subdivider and the name and address of the person in charge of sales or leasing in New Mexico;
3. A statement of the proposed uses of water, if any;
4. A statement disclosing whether the subdivider is to provide domestic water supply or the prospective purchaser or lessee will be required to provide his own domestic water supply;
5. If the prospective purchaser or lessee is to provide his own domestic water supply:
 - a. Average, maximum and minimum depths to ground water within the subdivision;
 - b. Recommended total depths of wells;
 - c. Estimated yield in gallons per minute of wells completed to recommend total depths;
 - d. Life expectancy of the water supply under full development of the subdivision; subject to the final adjudication of the water basin from which the water supply comes.
 - e. Recommended pump settings and size;
 - f. Source and yield of surface-water supply, if any.
6. If the subdivider is to provide water for any proposed use, the disclosure statement shall also contain the following information:
 - a. A description of the means of water delivery;
 - b. The minimum daily quantity of water to be provided for each parcel and for each use proposed;
 - c. The completion date at which water will be made available at each parcel, if needed, and for each use proposed;
 - d. Whether or not the prospective purchaser or lessee will be required to pay for extension of the water system to his parcel, if he desires water prior to the date scheduled under 3.8B, 6.C; and
 - e. Life expectancy of the water supply under full development of the subdivision; subject to the final adjudication of the water basin from which the water supply comes.
7. The precise type of liquid waste disposal system that has been approved for use within the subdivision including a statement that no other system may be used other than the approved system, (septic systems shall be installed in accordance with the Uniform Building Code and approval from the Environment Department);
8. The location of all lots located on slopes in excess of eight percent;
9. The location of all lots within a flood plain;
10. A description and installation date of any storm drainage systems;
11. A description and installation date for all roads;
12. A statement disclosing whether or not the roads within the subdivision have been accepted for maintenance by the County.

The disclosure statement shall be in the form set forth in Section 3.8D of these Subdivision Regulations.

3.8C Format Procedure for Major Subdivision Disclosure Statement

**PLEASE READ THIS DISCLOSURE STATEMENT BEFORE YOU
SIGN ANY DOCUMENTS OR AGREE TO ANYTHING**

DISCLOSURE STATEMENT

THIS DISCLOSURE STATEMENT IS INTENDED TO PROVIDE YOU WITH ENOUGH INFORMATION TO PERMIT YOU TO MAKE AN INFORMED DECISION ON THE PURCHASE OR LEASE OF PROPERTY DESCRIBED IN THIS STATEMENT. YOU SHOULD READ CAREFULLY ALL OF THE INFORMATION CONTAINED IN THIS STATEMENT BEFORE YOU DECIDE TO BUY OR LEASE THE DESCRIBED PROPERTY.

YOU SHOULD BE AWARE OF THE FACT THAT VARIOUS STATE AGENCIES HAVE ISSUED OPINIONS ON BOTH THE SUBDIVISION PROPOSAL AND WHAT IS SAID IN THIS DISCLOSURE STATEMENT ABOUT THE PROPOSAL. THESE OPINIONS, WHETHER FAVORABLE OR UNFAVORABLE, ARE CONTAINED IN THIS DISCLOSURE STATEMENT AND SHOULD ALSO BE READ CAREFULLY.

THE ETZ COMMISSION HAS EXAMINED THIS DISCLOSURE STATEMENT TO DETERMINE WHETHER THE SUBDIVIDER CAN SATISFY WHAT HE/SHE HAS SAID IN THIS DISCLOSURE STATEMENT. HOWEVER, THE ETZ COMMISSION DOES NOT VOUCH FOR THE ACCURACY OF WHAT IS SAID IN THIS DISCLOSURE STATEMENT. FURTHER, THIS DISCLOSURE STATEMENT IS NOT A RECOMMENDATION OR ENDORSEMENT OF THE SUBDIVISION BY EITHER THE ETZ OR THE STATE. IT IS INFORMATIVE ONLY.

FINALLY, THE ETZ COMMISSION RECOMMENDS THAT YOU SEE THE PROPERTY BEFORE BUYING OR LEASING IT. HOWEVER, IF YOU DO NOT SEE THE PROPERTY PRIOR TO PURCHASING OR LEASING IT, YOU HAVE SIX MONTHS FROM THE TIME OF PURCHASE OR LEASE TO INSPECT THE PROPERTY. UPON INSPECTING THE PROPERTY, YOU HAVE THREE DAYS FROM THE DATE OF INSPECTION TO RESCIND THE TRANSACTION AND RECEIVE ALL OF YOUR MONEY BACK, LESS CLOSING COSTS, FROM THE SUBDIVIDER. YOU MUST GIVE THE SUBDIVIDER NOTICE IN WRITING, OF YOUR INTENT TO RESCIND WITHIN THREE DAYS OF YOUR INSPECTION OF THE PROPERTY.

All major subdivisions must complete each item set forth below:

1. NAME OF SUBDIVISION

_____ (name of subdivision)

(lithological characteristics of formations through which well is to be completed)

(neighboring wells within one hundred (100') feet of the proposed subdivision)

22. SURFACE WATER (IF APPLICABLE)

(state the source and yield of the surface water supply)

23. STATE ENGINEER'S OPINION ON WATER

Include here the approved summary of the opinion received by the ETZ Commission from the State Engineer on:

(whether or not the subdivider can satisfy the proposals contained in this disclosure statement concerning water -- except water quality)

(whether or not the subdivider is conforming with the county's regulations on water -- except water quality)

24. WATER QUALITY

(describe any quality which would make the water unsuitable for use within the subdivision)

(state each maximum allowable water quality parameter that has been exceeded with ED approval and the name of the element, compound, or standard that has exceeded that parameter)

25. ENVIRONMENTAL IMPROVEMENT DIVISION'S OPINION ON WATER QUALITY

Include here the approved summary of the opinion received by the ETZ Commission from the Environment Department on:

(whether or not the subdivider can satisfy the water quality proposals made in this disclosure statement)

26. LIQUID WASTE DISPOSAL

(describe the precise type of liquid waste disposal system that is proposed and that has been approved by the Environment Department for use within the subdivision)

27. ENVIRONMENTAL IMPROVEMENT DIVISION'S OPINION ON LIQUID WASTE DISPOSAL

Include here the approved summary of the opinion received by the ETZ Commission from the Environment Department on:

(whether or not the subdivider can satisfy the liquid waste disposal proposals made in this disclosure statement)

(whether or not the subdivider is conforming with the county's regulations on liquid waste disposal)

28. SOLID WASTE DISPOSAL

(describe the means of solid waste disposal that is proposed for use within the subdivision. If the lot purchasers are required to utilize a County Landfill include the distance of the County Landfill in relation to the subdivision.)

29. ENVIRONMENTAL IMPROVEMENT DIVISION'S OPINION ON SOLID WASTE DISPOSAL

Include here the approved summary of the opinion received by the ETZ Commission from the Environment Department on:

(whether or not the subdivider can satisfy the solid waste disposal proposals made in this disclosure statement.)

(whether or not the subdivider is conforming with the county's regulations on solid waste disposal)

30. TERRAIN MANAGEMENT

(describe the suitability of the soils in the subdivision for residential use whether permanent or seasonal)

(give the location of all lots within areas subject to periodic flooding)

(give the location of all lots located on slopes in excess of 8%)

(describe the subsurface drainage for all lots)

(describe the surface drainage for all lots)

(describe all storm drainage systems including the completion date of any required to be constructed)

31. NATURAL RESOURCES CONSERVATION DISTRICT'S OPINION ON TERRAIN MANAGEMENT

Include here the approved summary of the opinion received by the ETZ Commission from the Natural Resources Conservation District on:

(whether or not the subdivider can satisfy the terrain management proposals made in this disclosure statement)

(whether or not the subdivider is conforming with the county's regulations on terrain management)

32. SUBDIVISION ACCESS

(name of nearest town)

(distance from town to subdivision)

(name of highway or state road over which distance is computed)

(If access to subdivision is available by conventional vehicle, state that fact here. If it is not, state that fact.)

(If property is ordinarily accessible in all seasons and under all weather conditions, state so. If it is not, state that fact also.)

(describe the width and type of surfacing of all roads)

(give the date on which all roads will be completed)

(state whether the roads within the subdivision have been accepted for maintenance by the county)

(state the date on which all roads will be surfaced)

33. STATE HIGHWAY AND TRANSPORTATION DEPARTMENT'S OPINION ON ACCESS

Include here the approved summary of the opinion received by the ETZ Commission from the State Highway and Transportation Department on: (if applicable)

(whether or not the subdivider can satisfy the access proposals made in this disclosure statement)

(whether or not the subdivider is conforming with the ETZ's regulations on access)

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SIGN ANY DOCUMENTS OR AGREE TO ANYTHING**

DISCLOSURE STATEMENT

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THE ETZ COMMISSION OR THEIR REPRESENTATIVES HAVE EXAMINED THIS DISCLOSURE STATEMENT TO DETERMINE WHETHER THE SUBDIVIDER CAN SATISFY WHAT HE/SHE HAS SAID IN THIS DISCLOSURE STATEMENT. HOWEVER, THE ETZ COMMISSION OR THEIR REPRESENTATIVES DOES NOT VOUCH FOR THE ACCURACY OF WHAT IS SAID IN THIS DISCLOSURE STATEMENT. FURTHER, THIS DISCLOSURE STATEMENT IS NOT A RECOMMENDATION OR ENDORSEMENT OF THE SUBDIVISION BY EITHER THE ETZ COMMISSION OR THE STATE. IT IS INFORMATIVE ONLY.

FINALLY, THE ETZ COMMISSION RECOMMENDS THAT YOU SEE THE PROPERTY BEFORE BUYING OR LEASING IT. HOWEVER, IF YOU DO NOT SEE THE PROPERTY PRIOR TO PURCHASING OR LEASING IT, YOU HAVE SIX MONTHS FROM THE TIME OF PURCHASE OR LEASE TO INSPECT THE PROPERTY. UPON INSPECTING THE PROPERTY, YOU HAVE THREE DAYS FROM THE DATE OF INSPECTION TO RESCIND THE TRANSACTION AND RECEIVE ALL OF YOUR MONEY BACK, LESS CLOSING COSTS, FROM THE SUBDIVIDER. YOU MUST GIVE THE SUBDIVIDER NOTICE IN WRITING YOUR INTENT TO RESCIND WITHIN THREE DAYS OF YOUR INSPECTION OF THE PROPERTY.

All Minor and Large Land Area Subdivisions must complete each item set forth below:

1. NAME OF SUBDIVISION

_____ (name of subdivision) _____

2. NAME AND ADDRESS OF SUBDIVIDER

_____ (name)
_____ (address)

3. NAME AND ADDRESS OF PERSON IN CHARGE OF SALES OR LEASING IN NEW MEXICO

(name)

(address)

4. WATER USE

Include here whether or not there will be water for domestic use, commercial use or recreational use and include any limitation, physical or legal, anticipated for each use indicated.

_____ (domestic use) (limit, if any) _____ (indicate whether the subdivider or owner will provide the water)

_____ (commercial use) (limit, if any) _____ (indicate whether the subdivider or owner will provide the water)

_____ (residential use) (limit, if any) _____ (indicate whether the subdivider or owner will provide the water)

5. AMOUNT OF WATER

If the subdivider is to provide water for any use, he shall provide the following information:

_____ (minimum daily quantity of water to be provided for each parcel and for each proposed use)

_____ (the date on which water will be made available to each parcel and for each proposed use)

6. WATER DELIVERY*

_____ (describe the means of water delivery, including source and pipe size, from the source of the water to the subdivision)

7. WATER SYSTEM EXTENSION*

_____ (state what the prospective owner will be required to pay for the extension of water to his parcel if he wants water prior to the date scheduled by the subdivider)

8. LIFE EXPECTANCY OF THE WATER SUPPLY

Include the life expectancy of each source of water supply under full development of the subdivision; subject to final adjudication of the water basin from which the water supply comes.

_____ (source) _____ (life expectancy)

9. WELLS

****NOTE: PROSPECTIVE OWNERS MUST PROVIDE THEIR OWN WELLS.**

_____ (state who will be responsible for drilling and maintaining any wells which are used and provide water to the subdivision)

_____ (average, maximum and minimum depth to water in the subdivision if water is available only from subterranean sources)

_____ (recommended total depth of well)

_____ (estimated yield in gallons per minute of wells completed to recommended total depth)

10. SURFACE WATER**

(state the source and yield of the surface water supply)

*Not applicable if the subdivider does not intend to provide water for domestic use.

**Not applicable if the subdivider intends to provide water for domestic use.

11. WATER QUALITY

(describe any quality which would make the water unsuitable for use within the subdivision)

(state each maximum allowable water quality parameter that has been exceeded with E.D. approval and the name of the element, compound or standard that has exceeded that parameter)

12. LIQUID WASTE DISPOSAL

(describe the precise type of liquid waste disposal system that is proposed and that has been approved by the Environment Department for use within the subdivision)

NOTE: NO OTHER LIQUID WASTE DISPOSAL SYSTEM MAY BE USED IN A SUBDIVISION OTHER THAN THE SYSTEM APPROVED BY THE E.D.

13. TERRAIN MANAGEMENT

(give the location of all lots within areas subject to periodic flooding)

(give the location of all lots located on slopes in excess of 8%)

14. SUBDIVISION ACCESS WITHIN THE SUBDIVISION

(describe the rights-of-way or road easement width, type and width of surfacing of all roads within the subdivision and whether or not the roads within the subdivision have been accepted for maintenance by the County)

(give the construction improvement date on which all roads within the subdivision will be completed)

15. DISCLOSURE OF NEIGHBORING WELLS AND SEPTIC SYSTEMS WITHIN ONE HUNDRED FEET (100') OF THE PROPOSED SUBDIVISION.

16. DISCLOSURE OF ALL LEGAL RAMIFICATIONS OF ANY EXISTING LIENS OR OBLIGATIONS WHICH MAY BE ATTACHED TO THE LAND PROPOSED FOR SUBDIVISION.

(include all information that fully explains ramification and/or obligation)

Section 3.9 Water Supply Plan

For a subdivision where the subdivider proposes to provide a domestic water supply, the following minimum requirements shall be met.

1. The subdivider shall provide at least 0.2 acre feet per year per dwelling and a peak flow rate of 180 gallons per dwelling for a one-hour period.
2. The subdivider shall provide for the completion of any proposed system, in accordance with applicable minimum design standards of the New Mexico

Environment Department, the Construction Industries Commission, and Section 2.4 of the City of Las Cruces Design Standards.

3.9A Major Subdivision Requirements. For Major Subdivisions, the subdivider shall provide water supply and system for domestic uses.

The subdivider shall submit a water supply plan adequate for domestic use and fire protection, and any other uses which may be proposed by the subdivider. The plan shall be prepared by or under the direction of a registered professional engineer and shall include the following information:

1. Plans and specifications for diversion, storage, and distribution facilities and a time schedule for their completion.
2. Information showing the volume and peak rate of production of water required in each month to supply each use at full development of the subdivision.
3. A geohydrologic report, if part or all of the supply is to be obtained from ground water sources, containing the following information:
 - a. Geologic maps, cross-sections and descriptions of the aquifer systems proposed for production, including information concerning the hydro geologic boundaries, intake areas and locations of discharge of those aquifers.
 - b. Maps and cross-sections showing the depth to water, water-level contours, direction of ground water movement and the estimated thickness of saturation in the aquifers.
 - c. Probable yields of the proposed wells (in gallons per minute and acre feet per year) and probable length of time that the aquifer system will produce water at rates sufficient to meet the demands under full development of the subdivision. This information shall be based on pump-test analysis, hydro geologic boundaries, aquifer leakage, interference of the proposed wells and the historic interference of existing wells.
 - d. A 40-year schedule of the effect of the projected water withdrawals for the subdivision on water levels and natural discharge.
4. A hydrologic report, if part or all of the supply is to be obtained from surface water sources, containing the following information: Source of water supply, drainage area above the point of diversion, analysis of relevant historical runoff records, projected water supply available for the subdivision requirements, life expectancy of the water supply under full development of the subdivision and a description of the means of water delivery.
5. If the subdivider proposes that a municipality, water users association, private utility company or any other private party provide water, the subdivider shall provide:
 - a. Documentation that the municipality, water users association, company or party is ready, willing and able to provide water to the subdivision.
 - b. A statement from the municipality, water users association, company or party indicating the quantity of water available to the subdivision and any conditions or limitations pertaining to the use of water.

3.9B Minor and Large Land Area Subdivision Requirements. The following shall apply for Minor and Large Land Area Subdivisions (if applicable):

1. The water supply for all proposed uses, other than domestic, shall be provided by the subdivider. Domestic water supply may be provided by the subdivider or by the

- purchaser or lessee of each parcel at his own expense. To the extent that the water supply is to be provided by the subdivider, regulations of Section 3.9, 3.9A, as outlined above shall apply.
2. If the domestic water supply is to be furnished by the purchaser or lessee of each parcel, the Community Development Director may require the subdivider to submit reports (as outlined above in Section 3.9, 3.9A, 3 and 4), prepared by or under the supervision of a registered professional engineer.
 3. If the reports are not provided to the ETZ and available to the purchaser or lessee, it should be clearly stated in the Disclosure Statement that domestic water may not be available for use within the subdivision.

Section 3.10 Water Quality Plan

Any person seeking approval of a subdivision plat and proposing the use of a water supply system, must submit a water quality plan.

3.10A If the subdivider proposes to provide for a new public water supply system, the water quality plan shall:

1. Be accompanied by a water quality analysis, prepared by a laboratory, acceptable to the Environment Department, of a representative water sample for the primary inorganic and secondary water quality parameters as outlined within applicable E.D. regulations.
2. Be accompanied by a water quality analysis, prepared by a laboratory, acceptable to the Environment Department, of a representative water sample for the primary micro biological, primary radiological and primary organic water quality parameters as outlined within applicable E.D. regulations, if required by the ETZ on request of the Environment Department.
3. State the location of and describe the details of the water source sampled for the water quality analysis.
4. Be accompanied by an engineer's report, preliminary plans and design criteria for the proposed public water supply system.
5. Be accompanied by maps showing the location of all known existing and proposed potential sources of contamination within one thousand (1,000) feet of the proposed water supply source.
6. Be accompanied by maps showing the location and flood plain of all water courses and surface bodies of water within one thousand (1,000) feet of the proposed water supply source.
7. Contain such other relevant information as the ETZ Commission may reasonably require.

3.10B If the subdivider proposes to provide for a public water supply system by connection to and extension of an existing public water supply system, the water quality plan shall:

1. Be accompanied by a letter signed by an authorized official of the existing public water supply system indicating a commitment to supply water to the proposed subdivision and listing all conditions and restrictions applicable to the commitment.
2. Be accompanied by an engineer's report, preliminary plans and design criteria for the proposed extension of the existing water supply system.

3. Contain such other relevant information as the ETZ Commission may reasonably require.

3.10C If the subdivider proposes to provide for or proposes the use of individual water supply systems, the water quality plan shall:

1. Be accompanied by a water quality analysis, prepared by a laboratory acceptable to the Environment Department, of a representative water sample for the primary inorganic and secondary water quality parameters as outlined within applicable E.D. regulations.
2. Be accompanied by a water quality analysis, prepared by a laboratory acceptable to the Environment Department, of a representative water sample for the primary microbiological, primary radiological and primary organic water quality parameters outlined within applicable E.D. regulations below if required by the ETZ on request of the Environment Department.
3. State the location and describe the details of the water source sampled for the water quality analysis.
4. Describe the individual water supply systems that are to be provided or proposed for use by the occupants of the subdivision.
5. Be accompanied by maps showing the location of all known existing and proposed potential sources of contamination within the proposed subdivision and within five hundred (500) feet of the proposed subdivision boundaries.
6. Be accompanied by maps showing the location of all water courses and surface bodies of water within the proposed subdivision and within five hundred (500) feet of the proposed subdivision boundaries.
7. Contain such other relevant information as the ETZ Commission may reasonably require.

3.10D Public water supply systems are subject to the New Mexico Environmental Improvement Board's Regulations Governing Water Supplies which are administered by the Environment Department of the New Mexico Health and Environment Department.

3.10E The quality of water to be delivered from a water supply system shall not exceed the maximum contaminant level (MCL) as per Environment Department Regulations.

3.10F The quality of water to be delivered from a water supply system may not exceed the maximum contaminant level (MCL) for any one of the following parameters: (Not a requirement of these Regulations)

<u>Secondary Parameter</u>	<u>MCL (mg/1 or indicated)</u>
Alkalinity (used in corrosivity evaluation)	30-500
Chloride	250
Color	15 Color Units
Copper	1
Corrosivity	Positive Langelier Index
Foaming Agents	0.5
Hardness	250
Iron	0.3
Manganese	0.05

Odor	3 Threshold Odor Number
pH	6.5 to 8.5
Sodium (used for health advisory purposes)	250
Sulfate	250
Total Filterable Residue	500
Turbidity	5 Turbidity Units
Zinc	5

Section 3.11 Liquid Waste Management Plan

Any person seeking approval of a subdivision plat must submit a liquid waste management plan.

3.11A Community Liquid Waste System

Community liquid waste systems are subject to the New Mexico Water Quality Control Commission Regulations which are administered by the Environment Department of the New Mexico Health and Environment Department.

The subdivider shall provide for:

1. The community liquid waste system, by the time of first occupancy within the subdivision, shall have been reviewed and approved by the Environment Department in conformance with the Water Quality Control Commission Regulations.
2. The connection to the community liquid waste system of all occupants within the subdivision at the time of occupancy.
3. The operation, maintenance and expansion of the community liquid waste system throughout the growth in population within the subdivision in a manner to ensure that the system will comply with all applicable Water Quality Control Commission Regulations in effect at the time of plat approval.

3.11B If the subdivider proposes to provide for a new community liquid waste system, the liquid waste management plan shall:

1. Be accompanied by an engineer's report, preliminary plans and design criteria for the proposed community liquid waste system.
2. Be accompanied by maps showing the location of all known, existing and proposed water supply system sources within one thousand (1,000) feet of the proposed liquid waste treatment and liquid waste disposal site.
3. Be accompanied by maps showing the location and flood plain of all water courses and surface bodies of water within one thousand (1,000) feet of the proposed liquid waste treatment and liquid waste disposal site.
4. Contain such other relevant information as the ETZ Commission may reasonably require.

3.11C If the subdivider proposes to provide for a community liquid waste system by connection to an existing community liquid waste system, the liquid waste management plan shall:

1. Be accompanied by a letter signed by an authorized official of the existing community liquid waste system indicating a commitment to accept the liquid wastes

- of the proposed subdivision and listing all conditions and restrictions applicable to the commitment.
2. Be accompanied by an engineer's report, preliminary plans and design criteria for the proposed extension of the existing community liquid waste system.
 3. Contain such other relevant information as the ETZ Commission may reasonably require.

3.11D Individual Liquid Waste Systems

Individual liquid waste systems are subject to the New Mexico Environmental Improvement Board's Liquid Waste Disposal Regulations which are administered by the Environment Department of the New Mexico Health and Environment Department. Individual liquid waste systems shall not be approved for use within a subdivision unless the following conditions are met:

1. The systems can be located, installed, operated and maintained so as not, by themselves or in combination with other sources, to potentially pollute or cause high nutrient levels in any body of water, potentially degrade any recreational resource, create a nuisance or cause a potential hazard to public health.
2. The parcels on which they will be installed meet the minimum lot sizes specified in the Environment Department Regulations.
3. The subdivider provides adequate guarantees that the lots will not be further divided or subdivided to less than the minimum lot size as specified in the Environment Department Regulations.
4. The distance between the boundary of the subdivision and an existing community liquid waste system available for use within the subdivision is greater than three hundred (300) feet.

3.11E If the subdivider proposes to provide for or proposes the use of individual liquid waste systems, the liquid waste management plan shall:

1. Describe the individual liquid waste system that is to be provided or proposed for use by the occupants of the subdivision.
2. Be accompanied by a soil survey and soil test results, including engineering interpretations of the soil survey and soil test results for soil depth to bedrock, percolation rate, soil depth to seasonal high ground water table and slope of the land, for all of the soil types within the proposed subdivision.
3. Be accompanied by maps showing the location of all known existing and proposed water supply system sources within the proposed subdivision and within five hundred (500) feet of the proposed subdivision boundaries.
4. Be accompanied by maps showing the location of all water courses and surface bodies of water within the proposed subdivision and within five hundred (500) feet of the proposed subdivision boundaries.
5. Contain such other relevant information as the ETZ Commission may reasonably require.

Section 3.12 Solid Waste Management Plan

Systems for the collection, transportation and disposal of solid waste are subject to regulations administered by the New Mexico Environment Department. In addition to providing the information below, the subdivider must comply with all applicable regulations.

- A. If the subdivider proposes to develop a sanitary landfill or other solid waste disposal system to service the proposed subdivision, he shall provide plans and design criteria for the construction, operation and maintenance of that facility.
- B. If the lot purchasers will be required to utilize a County landfill, the information required for the Disclosure Statement will be sufficient.

Section 3.13 Terrain Management Plan

The Terrain Management Plan shall be prepared by the subdivider and shall follow the standards set forth in the City of Las Cruces Design Standards for drainage reports and grading plans.

ARTICLE IV

DESIGN STANDARDS

Section 4.1 General Provisions

Design Standards for subdivisions within the Las Cruces five-mile Extra-Territorial Zone (ETZ) shall conform to the provisions set forth in the City of Las Cruces Design Standards or to the provisions set forth in the Doña Ana County Design Standards as made applicable herein, except as amended by the ETZ Authority through this or subsequent enactments. Requirements set forth in Section 4.2 of these regulations shall be applicable in the ETZ, and shall constitute amendments from the above referenced City Design Standards and County Design Standards. By reference, and as hereby amended, the City of Las Cruces Design Standards and the Doña Ana County Design Standards are made part of these Subdivision Regulations.

Section 4.2 Design Standards Amendments

- 4.2A Right-of-way improvements shall be required of all subdivisions within the ETZ, except those which may qualify under Section 4.2.L. of these Regulations.
- 4.2B All property within the ETZ shall adhere to the Doña Ana County Design Standards (in addition to the requirements as set forth in Section 4.2G). Roadways designated by the Las Cruces Metropolitan Planning Organization (MPO) Major Thoroughfare Plan, ETZ Zone Districts that allow for lots that are less than 0.75 (3/4) net acres, and ETZ Commercial and Industrial Zone Districts, shall comply with the City of Las Cruces Design Standards.

ETZ Zones where City of Las Cruces Design Standards are applicable: ER4M, ER4, ER5M, ER5, ER6M, ER6, ER7M, ER7, EC1, EC2, EC3, EI1, EI2, EI3, and EI4.

- 4.2C All subdivisions shall provide one hundred percent (100%) of the required improvements to interior rights-of-way, except those which may qualify under Section 4.2.M. of these Regulations.
- 4.2D All subdivisions within the ETZ shall dedicate to the public a minimum 50% of the necessary additional adjacent rights-of-way, and 100% of the necessary additional interior rights-of-way, to conform to the Las Cruces MPO Transportation Plan. The minimum width of any dedicated public right-of-way, in its entirety, shall be no less than fifty (50) feet between its nearest points unless otherwise specified by these regulations.
- 4.2E Section lines, when physically and topographically possible, may be designated as center lines for future Collector-status roadways (minimum eighty-five [85] feet of right-of-way) or larger, as deemed by the MPO Policy Committee. If the section line, or a portion thereof, is deemed unsuitable for development by the EDRC, then an alternative route shall be determined by the EDRC, and the alternative route shall be referred to the MPO Policy Committee for approval.
1. If a property is bordered by, partially bordered by, or touching a U.S.G.S. section line and adjacent to any government-owned land, the property owner(s) shall notify the Doña Ana County Right-of-Way Analyst, in writing, prior to submitting their proposal, subdivision application, and fee to the Community Development Department. Doña Ana County shall then proceed to contact the applicable government agency to obtain the government's equal, or greater, share of additional right-of-way. The amount of necessary right-of-way shall be determined by the MPO Policy Committee through its adopted Transportation Plan. The subdivider(s) shall then dedicate to the public their share of the additional necessary right-of-way.
 2. If a property is bordered by, partially bordered by, or touching a U.S.G.S. section line and adjacent to privately-owned land, the subdivider(s) shall dedicate to the public their share of additional necessary right-of-way. The amount of necessary right-of-way shall be determined by the MPO Policy Committee through its Transportation Plan.
- 4.2F A permanent dead end road shall not exceed the maximum length allowable by City or County Design Standards, as applicable.
- 4.2G The minimum road surfacing for all minor local roads within the ETZ shall consist of 1.50 inches of asphalt over prepared base material (unless otherwise specified by these Regulations). Gravel surfacing for any type of road shall be deemed an unacceptable standard and shall not be permitted under any circumstances.
- 4.2H Minimum Access to all Subdivisions;
Minimum access to a subdivision shall be from a dedicated and accepted right-of-way or a permanent road easement, established for such use, of such width as required by these regulations and subject to a road maintenance agreement. In instances where access to a subdivision is unimproved, it shall be the responsibility of the subdivider to construct and extend a minimum of a twenty-four (24) foot wide double penetration surfaced road with a properly prepared base, meeting the City of Las Cruces Standard Specifications for Road construction. Thickness will be determined by the design of the road. The road shall

extend from the subdivision boundary to the nearest paved, public roadway. Improvement requirements for access roads shall not supercede the requirement for adjacent road improvements set forth by these design standards. Gravel surfacing for any type of road shall be deemed an unacceptable standard and shall not be permitted under any circumstances.

4.2I Credit Towards Roads;

Any acceptable improvement in place at the time the adjacent property is subdivided shall be credited towards the required improvement. The subdivider shall only be responsible for constructing the remainder of improvements to bring the road section into full compliance or an acceptable form of improvement in lieu of the full road section as deemed appropriate by the City of Las Cruces Public Works Department and Doña Ana County Engineering Department. Existing improvements shall be evaluated by a licensed engineer and a pavement design analysis shall be completed to determine the level of improvement(s) required. The analysis shall be submitted to the ETZ Subdivision Administrator for review and approval by the City of Las Cruces Public Works Department and the Doña Ana County Engineering Department. The analysis shall include, but not be limited to, surface condition, structure stability, and typical section.

4.2J Right-of-way improvements on Federal and/or State roadways shall be approved by the applicable agency. A subdivider will be required to provide a minimum of fifty percent (50%) of the necessary right-of-way (as indicated on the Las Cruces Metropolitan Planning Organization's Major Thoroughfare Plan) on Federal and/or State roadways.

4.2K If any lot within a subdivision approved prior to the effective date of these standards is proposed for further subdivision, then all interior and adjacent roads of the proposed subdivision, re-subdivision, or replat shall be improved in accordance with current road improvement requirements for subdivisions, re-subdivisions, and replats. The cost of road improvements shall be the responsibility of the owner of the lot(s) being subdivided, or the party initiating the action which causes the increase in lots.

4.2L Street Width and Improvements for Large Land Area Subdivisions

1. The minimum street width for Large Land Area Subdivisions shall consist of a fifty (50) foot dedicated public right-of-way in addition to required utility easements.
2. Road improvements shall conform to the following for Large Land Area Subdivisions:

<u>Number of Lots</u>	<u>Road Improvements Required</u>
1-4	None
5 and above	The minimum surfacing requirement for roads shall comply to the Doña Ana County Design Standards for subdivisions of this type.

4.2M All subdivisions within the ETZ shall provide right-of-way improvements except those which may qualify as a:

NOTE: The following exemptions do not exclude the subdivider from going through the appropriate and formal subdivision procedures. The exemptions are from right-of-way improvements ONLY and shall be presented to the EDRC. The EDRC shall then forward a recommendation to the Community Development Director, or his/her designee, for approval or denial.

1. sale, lease, or other conveyance of any single parcel that is thirty-five (35) acres or larger in size within any twelve (12) month period; or
2. sale or lease of apartments, offices, stores, or similar space within a building; or
3. division of land in which only gas, oil, mineral, or water rights are severed from the surface ownership of the land; or
4. division of land created by court order where the order creates no more than one parcel per party per tract or area of land; or if created through a probate proceeding, no more than one parcel per heir. Subsequent sale or division of any parcel so created shall be subject to these subdivision regulations; or
5. division of land resulting only in the alteration of parcel boundaries where parcels are altered for the purpose of increasing or reducing the size of contiguous parcels, and where the number of parcels is not increased, and where all created lots conform to ETZ development standards; or
6. division of land to create burial plots in a cemetery; or
7. division of land created solely to provide security for mortgages or liens, and not for the purposes of conveyance of legal or equitable title, and provided that the division of land is not the result of a seller-financed transaction such as a real estate contract or deed of trust. Be it noted that should the owner default and/or the indemnitor acquire the land, the indemnitor shall bear the responsibility of initiating formal subdivision procedures prior to the conveyance of legal or equitable title to any other party; or
8. sale, lease, or other conveyance of land that creates no parcel smaller than one hundred forty (140) acres; or
9. division of land to create a parcel that is donated to any trust or non-profit corporation granted an exemption from federal income tax, as described in Sec. 501.c.3 of the United States Internal Revenue Code of 1986, as amended; or
10. purchase of land by a government entity, a public utility company, or a private utility company solely for the purpose of constructing a public works project, whereas a plat of survey shall be provided to the ETZ Subdivision Administrator by that government entity, public utility company, or private utility company for the purpose of filing with the County Clerk; or
11. Large Land Area Subdivision, as defined in these Regulations, consisting of four (4) or fewer total lots with each lot being a minimum of 5.01 net acres in size.
12. A subdivision creating a total of two (2) parcels, and provided the property is accessed by a minimum of 25' of legal access. The property in question shall not lie within a previously approved and filed subdivision and may utilize this exemption only once.

4.2N Utility Improvement Exceptions

Utility improvements shall not be required for Minor Subdivisions, or for Large Land Area Subdivisions with four (4) or fewer lots, but shall be noted as such in the Disclosure

Statement. The Community Development Director may waive the Disclosure Statement requirement for Large Land Area Subdivisions, if deemed appropriate.

4.2O Drainage Report Requirements

A drainage report shall be required for all Minor Subdivisions that meet the following criteria:

1. The entire subdivision, or a portion thereof, lies within a flood hazard area (FEMA);
or
2. Grades in excess of four percent (4%); or
3. A major arroyo, stream, channel, or any other type of water course exists within any portion of the proposed subdivision.

Run-off analysis methods for subdivisions shall conform to current City of Las Cruces Design Standards or current Doña Ana County Design Standards, as applicable.

4.2P Sidewalks

Subdivisions shall develop sidewalks in accordance with City Design Standards or County Design Standards.

4.2Q Driveway Locations

Driveway locations shall not be less than four hundred (400) feet apart when lots contain frontage on existing or proposed major collectors, minor and major arterials. Common or double driveways are encouraged in these situations.

4.2R Driveway Culvert and Road Drainage Requirements for subdivisions shall conform to current City of Las Cruces Design Standards or current Doña Ana County Design Standards, as applicable.

Section 4.3 Water System Standards

A subdivider may request a modification in the City standard for the type of materials used for a water system, provided that the connection is to an existing mutual domestic water association or a private utility company regulated by the Public Utility Commission; and the materials proposed meets the standards established by the AWWA (American Water Works Association).

Fire flow requirements shall be required for all Major Subdivisions that incorporate a mean average lot size of one-half (2) acre or less.

In any subdivision, which is not required otherwise by this regulation to provide fire flow, that is served by a public or private water distribution system, for which a charge is made to each residence for water delivered to those residences, and such system has adequate capacity, shall provide a water filling device for each four (4) lots in the subdivision with a connection capable of tying to a fire truck for purposes of filling fire trucks.

Section 4.4 Cluster Subdivision

The cluster development regulations present a strategy for allowing continuance of agricultural lands, conservation of natural land forms and creating open space areas as the urbanizing area grows. Clustering will permit the size of residential lots to be reduced below the minimum lot size required by the zoning district within which the property is located, provided that the average dwelling density of the entire subdivision does not exceed the density permitted by the applicable zoning classification.

4.4A Permitted Locations

Cluster subdivisions are permitted in the following zoning districts as in Article III of the ETZ Zoning Code.

ER1M, ER1
ER2M, ER2
ER3M, ER3, ER3H
ER4M, ER4
ER5M, ER5
ER 3/4 M, ER 3/4

4.4B Development Standards

1. Maximum Permitted Density of Subdivision. The total number of dwelling units within the subdivision shall not exceed the total number that would result if the area of the site were divided by the maximum density allowed in the applicable zoning district.
2. Minimum Yard Setbacks. Minimum setbacks shall be reviewed on a case by case basis as proposed by the applicants with the following exceptions:
 - a. All structures will maintain a minimum separation of ten (10) feet from overhang to overhang.
 - b. If individually owned lots front on an existing dedicated or proposed dedicated right-of-way, then a minimum of twenty (20) feet front yard setback will be required.
 - c. Rear yard setbacks on the perimeter of the entire site shall be the minimum rear yard requirements of the subject zoning districts and may or may not be part of the individual lots.
3. Other Developments Standards.

Standards not specifically included in this section shall be established based on the provisions for each zone within the zoning code.

4.4C Agriculture Performance Requirements

1. Lands designated for agricultural open space shall be available for farming for a period of not less than 20 consecutive years, or until the land becomes part of the City of Las Cruces, and an agreement shall be entered into between the County and landowner based on the recommendations of the ETZ Authority.

2. Land designated for agricultural open space as part of a cluster subdivision shall be maintained in a single, unsubdivided unit during the time set by the agreement.

4.4D Open Space Performance Requirements

1. Lands designed for open space shall be left in a natural state for a period of not less than 20 consecutive years or until the land becomes part of the City of Las Cruces. A development agreement shall be entered into between the County and the landowner, based on the recommendations of the ETZ Authority.
2. Common open space shall be located in a maximum of two (2) locations within the boundaries of the subject subdivision and shall be adjacent to the clustered lots.
3. The common open space shall not exceed 60% arroyo and/or flood plain.
4. Public streets, drainage facilities, parking lots, private drives, and recreational facilities cannot be calculated as open space. Recreational facilities are defined as swimming pools, tennis courts, basketball courts, clubhouses, and any other facility that would create an impervious surface, with the exception of pedestrian or bicycle trails.
5. All arroyos or flood plains utilized as common open space must be zoned as EFP (Floodplain District) prior to final subdivision approval.
6. All open space areas shall be left in a natural state and said areas shall be free from all noxious weeds and debris. Open space areas shall conform to all other County Ordinances regarding care and upkeep of property.

4.4E Public Purpose Performance Requirements

1. The ETZ Authority shall reserve the right to accept or deny the dedication of lands for public purposes.
2. All lands accepted by the ETZ Authority may be used for any such purpose that they so desire, unless otherwise agreed upon.

4.4F Preapplication Conference

A preapplication meeting shall be mandatory for all cluster subdivisions. Three (3) copies of a site plan should be submitted one (1) week prior to the preapplication meeting for staff review. At the preapplication meeting the planning staff shall review the proposed subdivision and advise the subdivider concerning the compatibility of the subdivision with the intent and requirements of this section and other applicable regulations.

4.4G General Provisions

1. All permitted uses allowed by the zoning district within which the cluster subdivision is located shall be permitted except that the keeping of animals within a cluster subdivision will only be permitted in accordance to Article VIII of the ETZ Zoning Code.
2. All improvements planned to be constructed within the common open space shall be approved at time of final plat approval and shall be specified on the final plans.

3. All other development variations not listed in this provision shall be in accordance to all applicable regulations.
4. Final approval of a cluster subdivision shall be granted at time of approval of final plat by the ETZ Commission.
5. Dimensional variances which encroach on established open space or decrease the required amount of open space shall be prohibited.
6. Lot splits in a cluster subdivision which increase the maximum allowable density are prohibited.
7. The entire agricultural, open space or public purpose areas shall remain during the time covered by the agreement as a single unsubdivided unit. Single family homes within the subdivision, together with the immediately adjacent yard area designed for the private use of the occupants, shall be considered private property.
8. Cluster subdivisions are not exempt from paying building permit fees or any other applicable fee.
9. Provisions for sewage disposal must meet applicable ED standards.
10. A disclosure statement will be required to inform the purchasers of the use, and the duration of the use, of designated open space, agricultural or public purpose areas.
11. All lots within a cluster subdivision must provide adequate access for ingress and egress of emergency vehicles.
12. Only single family detached dwelling units are permitted within a cluster subdivision.
13. All rights-of-way within a cluster subdivision shall be dedicated to the public.

ARTICLE V

GUARANTEE OF PUBLIC IMPROVEMENTS

Section 5.1 Installation and Completion of Improvements

The improvements required from the approved final plat and construction drawings shall be constructed, installed and approved into the County's maintenance program prior to the filing of an approved plat of survey or final plat or provisions made to secure the completion of improvements.

The subdivider may furnish a Performance Bond, or an Irrevocable Letter of Credit, or Cashier's Check, or an Escrow Account, or other collateral acceptable to the City of Las Cruces in the favor of the City of Las Cruces to secure actual construction of the improvements within a period of twenty-two (22) months after the approval of the final plat. Where the improvements have not been constructed in accordance with the approved plans and specifications within the time prescribed by these Regulations, the City of Las Cruces may withdraw adequate monies from the securities to correct the situation.

Section 5.2 Guarantee of Performance

Upon final approval of the final plat or plat of survey, the subdivider shall submit one of the following prior to the filing of an application for construction permits:

1. A written agreement signed by the subdivider to construct all required improvements after the subdivision receives final approval, but prior to filing and recording the final plat at the County Clerk's Office. The Community Development Department shall not file the final plat until all required improvements have been inspected and approved by the City and the County. If the improvements are not completed by the completion date, the subdivision shall revert to a preliminary status.
2. Form of security to be filed with the City. The amount of such security must cover the projected cost of all required improvements agreed to by the City's Community Development Director and the Director of Utilities or their authorized representatives. The amount shall be based on the projected costs at the time improvements are scheduled for completion. The following types of security shall be filed with the City:
 - a. Performance Bond: A surety bond acceptable to the City to cover estimated costs of improvements.
 - b. Escrow Account: An account established with a financial institution in the amount of the projected cost of improvements which can only be drawn upon to cover the costs of improvements.
 - c. Irrevocable Stand-by Letter of Credit: Irrevocable authority to draw a draft for the projected cost of improvements.
 - d. Cashier's Check: An amount of security acceptable to the City to cover estimated costs of improvements.

All security and agreements shall be reviewed and approved by the Director of the Community Development or their authorized representatives, and approved as to form by the City Attorney's Office.

During the period of tentative approval, before completion of improvements, if a developer wishes to submit a Guarantee of Performance and security to the City in order to file the plat, the agreement shall specify the amount of time within which the improvements must be completed. In no case shall the agreement exceed the twenty-two (22) months for completion under the tentative approval, but must conform to the date twenty-two (22) months from approval of the final plat.

Required elements of a Guarantee of Performance shall include:

1. A statement that Indemnitor is the developer of the subdivision within the five-mile Extra-territorial Zone, that compliance with the ETZ Subdivision Regulations requires certain guarantees of performance for the development of improvements.
2. A statement providing for the Indemnitor to indemnify the City from any and all costs, damages, and legal expenses resulting from the City having to construct improvements in said subdivision, up to a specific dollar amount for all improvements required with final approval of the plat. An accompanying quote or signed contract shall be required.
3. A statement of the amount of time allowed for the developer to complete the improvements. In no case shall the date exceed twenty-two (22) months from the date of approval of the final plat. The agreement shall provide that the developer shall be permitted to sell or otherwise dispose of any lot within the subdivision at any time within the twenty-two (22) month period.
4. An accompanying Irrevocable Letter of Credit, Escrow Account Instructions, Performance Bond or Cashier's Check to be made a part of the agreement. The security shall contain specifically named improvements and a description of the

- method to be used for disbursing funds from the security. The security shall extend at least sixty (60) days beyond the required date for completion of the improvements.
5. A statement providing for the remaining funds that have not yet been released for improvements, to be released to the City of Las Cruces to the limits of the Guarantee of Performance, with legal recourse to collect any additional monies expended by the City for completion of the project, should the described improvements not be completed within the time agreed upon.
 6. The estimate of guaranteed funds shall reflect the cost of City installation of improvements, computed using estimates based on probable-cost of construction at the time of expiration of the Guarantee of Performance.

Section 5.3 Release of Collateral

If the developer wishes to provide a form of security, the following procedure for release of collateral shall apply:

As improvements are completed, the subdivider may apply to the City of Las Cruces for a release of part or all of the collateral deposited. Upon inspection and approval by the City and County, the City of Las Cruces may release said collateral. If the City and County determines that any of such improvements are not constructed in substantial compliance with specifications, the City shall furnish the subdivider a list of specific deficiencies and shall be entitled to withhold collateral sufficient to ensure such substantial compliance. If the City and County determines that the subdivider will not construct any or all of the improvements in accordance with all of the specifications, the City may withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvements in accordance with the specifications.

Section 5.4 Acceptance of Improvements

The subdivider may request the County to accept the road improvements for maintenance. Upon receipt of the request in writing, the City and County shall inspect said improvements to see if the improvements are acceptable and conform to the ETZ standards. The City and County will notify the subdivider within ten (10) working days after his/her request as to whether the improvements will be accepted for the County maintenance.

The City Community Development Director and the County Community Services Administrator, upon receipt of the written report of recommendation from the City and County Engineering Departments that all improvements have been installed in accordance with the plans, as approved, and are in conformity with the requirements of these Regulations, may formally accept said road improvements for County maintenance. Upon acceptance, the subdivider shall guarantee improvements for a one (1) year period.

ARTICLE VI

WAIVER OF REGULATIONS

Section 6.1 Waivers

Where, in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of these Subdivision Regulations would result in a substantial hardship to the subdivider because of exceptional topographic, soil or other surface or sub-surface conditions, or that these conditions would result in inhibiting the achievement of the objectives of these Regulations, the ETZ Commission may vary, modify or waive the requirements. No variance or waiver shall be allowed when such waiver is requested because of the lack of meeting the goals and objectives of the drainage design standards of the ETZ. An example of this is that a waiver shall not be requested if the developer is designing a drainage system that transfers problems from one location to another, that does not provide protection against regularly occurring damage or creates major property damage or loss of life from run-off expected on a major storm event. Also, no waiver shall grant any variation or modification contrary to the mandatory requirements of State law.

Section 6.2 Waiver Procedure

- A. Whenever the subdivider desires to request a waiver or variance from any requirements of these Subdivision Regulations, the subdivider shall submit, in writing, the request for waiver and the appropriate fee (see Section 6.2.B) at the time when the proposed subdivision is submitted. The written request for waiver shall include, in detail, the reasons supporting such a request.
- B. The fee for all waiver requests shall be five hundred dollars (\$500.00), as per City Council Resolution No. 99-238, dated and adopted February 1, 1999. The fee shall be due in conjunction with, and considered part of, the submittal material. Any number of waiver requests for one proposed subdivision may be included in one waiver request submittal.
 1. If any additional waivers are found by the subdivider at a later time to be necessary, an additional and separate fee and request shall be required.
 2. If the subdivider submits a proposal which, as proposed, does not require a waiver, but at an EDRC meeting, the EDRC recommends changes that would require a waiver, the subdivider shall be required to pay the waiver request fee if:
 - a. the subdivider appeals the EDRC recommendation to the ETZ Commission and the recommendation is upheld. Further appeals shall follow procedures outlined in these Regulations; or
 - b. the subdivider does not wish to contest the EDRC recommendation and the recommendation is upheld by the ETZ Commission; or
 - c. the subdivider's case is heard before the ETZ Authority, or any other appellate body, and the recommendation(s) of the EDRC are upheld.
 3. If the subdivider submits a proposal which, as proposed, does not include a waiver request, but during the review process it is determined that a waiver is

necessary, the subdivider shall be required to submit a waiver request letter and pay the waiver request fee prior to the next review.

- C. The ETZ Subdivision Administrator shall schedule the subdivider, or their representative, for the next available ETZ Development Review Committee (EDRC) meeting. The subdivider, or their representative, shall present to the EDRC their reasons for the waiver request(s). The EDRC shall inform the subdivider, or their representative, whether the EDRC will recommend APPROVAL, DENIAL, or CONDITIONAL APPROVAL to the ETZ Commission.
- D. The ETZ Subdivision Administrator shall submit to the ETZ Commission the requested waiver(s) and a written report. The report shall state the EDRC's position on each specific waiver requested.
- E. The ETZ Commission shall review the EDRC's recommendation(s), and either APPROVE or DENY the waiver(s) requested.
- F. Specifications or supplementary data required by these Subdivision Regulations for a preliminary or final plat may be waived whenever such specifications or data are determined by the EDRC to be unnecessary for the consideration of the plat.

LIST OF AMENDMENTS

<u>Ord #</u>	<u>Date</u>	<u>Case #</u>	<u>Section Amended</u>
	6/21/89	89-004	Section 1.12, 28, 31, 3.3B & 4.2
	6/21/89	89-006	Final Plat Requirements
	6/21/89	89-007	Design Standards Amendments
91-1000	4/1/92	91-001	Article V, Guarantee of Public Improvements
95-03	3/5/92	92-001	Article V, Design Stds of ETZ Subdivision Regs
	2/3/94	94-001	Article I, Sec 1.12, Definitions
	9/13/95	95-02	Article IV, Sec 4.2, Road Standards
	4/16/97	97-002	Article II, Sec 2.1C, 2.2C, 2.6B Public Notice
	12/11/97	97-004	Article I & II, Establish DRC
ETZSA 98-001	3/18/98	98-001	Article I, Sec 1.12, Court Ordered Partitions
ETZSA 98-002	3/18/98	98-002	Article II, Sec 2.1, Correct language error
ETZSA 98-003	7/15/98	98-003	Article I, Sec 2.1, Sketch Plan Requirement
	2/18/98	98-004	Resolution Only Establishing TAC- No Subdivision Amendment
ETZSA 99-02	6/14/00	99-02	Article II, Section 2.1D, Sketch Plan Subdivision Procedures, to clarify existing language as it relates to Sketch Plan Amendments
ETZSA 00-01	5/17/00	00-01	Article IV, Section 4.2L-Exemptions. To eliminate Exemption 10 from the Design Standards Requirements Exemption Listing.