

McKINLEY COUNTY
SUBDIVISION REGULATIONS

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CONTENTS

ARTICLE 1. GENERAL PROVISIONS

- Section 1.1. Title
- Section 1.2. Authority
- Section 1.3. Purpose
- Section 1.4. Jurisdiction
- Section 1.5. Written Decisions
- Section 1.6. Interpretation

ARTICLE 2. DEFINITIONS

ARTICLE 3. PRE-APPLICATION PROCESS

- Section 3.1. Pre-Application Procedure
- Section 3.2. Pre-Application Data Requirements

ARTICLE 4. PRELIMINARY PLAT REVIEW PROCESS

- Section 4.1. Preliminary Plat Submittal
- Section 4.2. Agency Review
- Section 4.3. Public Hearings on Preliminary Plats
- Section 4.4. Expiration of Preliminary Plat
- Section 4.5. Preliminary Plat Data Requirements

ARTICLE 5. FINAL PLAT REVIEW PROCESS

- Section 5.1. Final Plat Submittal
- Section 5.2. Decision on Final Plat
- Section 5.3. Final Plat Data Requirements
- Section 5.4. Advertising Standards
- Section 5.5. Requirements Prior to Sale, Lease, or Other Conveyance
- Section 5.6. Water Permits

ARTICLE 6. SUMMARY REVIEW PROCESS

- Section 6.1. Summary Review Procedure
- Section 6.2. Summary Review Data Requirements

ARTICLE 7. SPECIAL PROCEDURES

- Section 7.1. Succeeding Subdivisions
- Section 7.2. Resubdivision
- Section 7.3. Dormant Subdivisions
- Section 7.4. Vacation of Plats
- Section 7.5. Variances
- Section 7.6. Claim of Exemption(s)

ARTICLE 8. INFRASTRUCTURE IMPROVEMENTS

- Section 8.1. No guarantee by County
- Section 8.2. Construction of Required Improvements
- Section 8.3. Infrastructure Development
- Section 8.4. Improvement Guarantees

ARTICLE 9. PROTECTION OF CULTURAL PROPERTIES, ARCHAEOLOGICAL SITES, AND UNMARKED BURIALS

- Section 9.1. Unmarked Human Burials
- Section 9.2 Registered Cultural Properties

ARTICLE 10. RECORDING OF CONVEYANCES OF ALL PARCELS

- Section 10.1 Authority
- Section 10.2 Purpose
- Section 10.3 Requirement
- Section 10.4 Form and certification
- Section 10.5 Compliance
- Section 10.6 Plat attachment

ARTICLE 11. ADMINISTRATIVE FEES

ARTICLE 12. APPEALS

- Section 12.1. Who May Appeal
- Section 12.2. Appeal Process

ARTICLE 13. ENFORCEMENT, PENALTIES, AND REMEDIES

- Section 13.1. Purpose and Authority
- Section 13.2. Investigation of Alleged Violations
- Section 13.3. Penalties and Remedies

ARTICLE 14. AMENDMENT

ARTICLE 15. SEVERABILITY

ARTICLE 16. REPEAL AND EFFECTIVE DATE

SUBDIVISION DESIGN STANDARDS

- APPENDIX A. General Subdivision Design Standards
- APPENDIX B. Water Availability
- APPENDIX C. Water Quality
- APPENDIX D. Liquid Waste Disposal
- APPENDIX E. Solid Waste Disposal
- APPENDIX F. Terrain Management
- APPENDIX G. Mobile Home Parks

- APPENDIX H. Forms and Suggested Disclosure Statements
Disclosure Statement For Subdivisions With No More Than Four Parcels
Disclosure Statement For Subdivisions With Five or More Parcels
Claim of Exemption
Application for Preliminary Plat Approval
Application for Final Plat Approval
Application for Summary Review Plat Approval
Application for a Variance
Application for County Road Maintenance
Application for Vacation of Plat
Notice of Appeal

- APPENDIX I. FLOW CHARTS
Adopting, Amending, Repealing County Subdivision Regulations
Preliminary Plat Review (1, 2, 3*, 4)
Final Plat Review (1, 2, 3*, 4)
Final Plat Summary Review (3*,5)
Appeal (Preliminary or Final Plats)

*NOT ALL TYPE 3 SUBDIVISIONS QUALIFY FOR SUMMARY REVIEW.

ARTICLE 1. GENERAL PROVISIONS

Section 1.1. Title

This ordinance shall be known and may be cited as the "McKinley County Subdivision Regulations" and shall be referred to elsewhere herein as "these Regulations."

Section 1.2. Authority

These Regulations are created pursuant to the enabling authority set forth in §§47-6-1 et seq. NMSA 1978; §§4-37-1 et seq. NMSA 1978; and §§3-20-5, 3-20-6, and 3-20-9 NMSA 1978.

Section 1.3. Purpose

These Regulations (including the design standards) are adopted for the following purposes:

1. To provide for and protect the public health, safety, and general welfare of the County;
2. To guide the future growth and development of the County;
3. To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other danger; and to prevent overcrowding of the land and undue congestion of population;
4. To protect and conserve the value of land throughout the County and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings;
5. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the County, having particular regard to the avoidance of congestion in the streets and highways, and pedestrian traffic movements appropriate to the various uses of land and buildings; and to provide for the proper location and width of streets;
6. To establish reasonable standards of design and procedures for subdivisions and resubdivision in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land;
7. To prevent the pollution of air, streams, and ponds: to assure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources throughout the County in order to preserve the integrity, stability, and beauty of the community and the value of the land;
8. To ensure that purchasers of land are well informed on all issues covered by these regulations so as to be able to make a sound decision when purchasing; and,
9. To ensure that purchasers of land in McKinley County are well informed on the following relationships: {subdivider / purchaser}; {subdivider / County}; {purchaser / County}; {County / Citizens}.

Section 1.4. Jurisdiction

These Regulations shall govern all subdivision of land not within the boundaries of municipalities but within the County. The County and a municipality exercise concurrent jurisdiction over the territory within the platting jurisdiction of both the County and the municipality, as provided in §§3-20-5 and 3-20-9 NMSA 1978.

Section 1.5. Written Decisions

Whenever the Board of County Commissioners or it's delegate is required by these Regulations to make a decision, the decision shall be in writing (recordable format) and supported by findings of fact and conclusions of law which are sufficient for meaningful review. Any interested person may submit proposed findings of fact and conclusions of law to be considered by the County Commission during the decision making process. Subdividers and persons in opposition to a subdivision are requested to submit proposed findings and conclusions.

Section 1.6. Interpretation

The provisions (including the design standards) of these Regulations are held to be minimum requirements. Whenever any provisions of these Regulations conflict with other laws, rules, regulations, covenants, or ordinances, the more restrictive shall govern. These Regulations shall be construed broadly to promote the purposes for which they were adopted.

ARTICLE 2. DEFINITIONS: The following definitions apply to these regulations and the design standards in the appendices. More definitions are also contained in the appendices.

administrative fees	The filing fees required by these regulations, and any charges made by reviewing bodies, all of which shall be borne by the subdivider.
approval / acceptance	An approved resolution from the County Board of Commissioners. This decision shall contain findings of fact, conclusions of law and may contain conditions at any stage of the process. including final approval.
archaeological survey	A pedestrian survey of the entire subdivision performed by a qualified archeologist. The survey needs to identify unmarked burials, or indications that unmarked burials exist on lots proposed for sale. The survey needs to include records research through the Office of Cultural affairs (the Laboratory of Anthropology).
common promotional plan	Any plan or scheme of operation, undertaken by a single subdivider or a group of subdividers acting in concert, to offer for sale or lease parcels of land where such land is either 1) contiguous to or part of the same area of land or 2) is known, designated or advertised as a common unit or by a common name
County	County of McKinley, a political subdivision of the State of New Mexico.

County Manager	The current McKinley County Manager, or, for purposes of the review process of these regulations, the County Manager may designate another member of County Staff to be his/her designee. Such designation should be in writing and given to the subdivider. Upon designation, the designee shall be read in these regulations as the County Manager.
contiguous	Refers to adjacent parcels sharing a boundary line or separated only by a road, right-of-way, or easement.
disclosure statement	Statement required to be given to persons acquiring an interest in subdivided land; this statement complies with the requirement of §47-6-17 NMSA 1978.
dedication for public use	Those portions of a subdivision which must be dedicated to the public i.e. roads, common grounds, and easements. Dedication for public use is not an acceptance of land for maintenance purposes.
design standards	Those minimum standards adopted with these regulations including but not limited to the standards governing infrastructure, water quantity, water quality, liquid waste disposal, solid waste disposal, terrain management, and historical site protection.
dormant subdivision	A previously approved subdivision that has not had any sales activity (excluding a sale of the entire subdivision) within the past six (6) years, and/or that has not had any improvements made to the infrastructure within the past six (6) years. These subdivisions are also known as antiquated subdivisions. For purposes of these regulations, any natural division or objective separate portion or phase or stage of a subdivision that meets the above test, is a dormant subdivision. Dormant subdivisions are regulated by these regulations in §7.3.
DXF file format	Digital Exchange File - Popular Computer Aided Design or Computer Aided Drawing (CAD) data exchange format.
final plat	Map, chart, survey, plat, or replat, certified by a licensed registered land surveyor, which contains a description of the subdivided land with ties to permanent monuments, prepared in a form suitable for filing of record. All recording of a final plat must be accompanied by the disclosure statement, and all approving / acceptance documents, and a digital file of the plat for the Mapping Department, County Assessors Office. This digital data shall be in DXF format and be distributed on 3.5" floppy disk readable by a personal computer running DOS or Windows 3.X. The data on the final plat shall be in New Mexico State Plane Coordinate System - Western Zone, North American Datum of 1983.

immediate family member	Husband, wife, father, stepfather, mother, stepmother, brother, stepbrother, sister, stepsister, son, stepson, daughter, stepdaughter, grandson, stepgrandson, granddaughter, stepgranddaughter, nephew and niece, whether related by natural birth or adoption.
infrastructure	includes but is not limited to: Roads, Streets, Water and Wastewater facilities, drainage, utilities, fire hydrants, street lights, curbs, gutters, sidewalks, bike paths, parkings, equestrian paths, fire stations, parks, driveways, etc.
lease	To lease or offer to lease land.
mobile home park	A development of land wherein lots property is being divided for lease or rental purposes. The developer intends to maintain ownership over all lots and provide mobile homes or allow tenants to place a mobile home on the property. Mobile home parks are subject to the standards contained in these regulations. Any division of land to the property in a mobile home park must meet all regulations as a subdivision.
parcel	Unit of land capable of being described by location and boundaries and not dedicated for public or common use.
pedestrian survey	an on-the-ground in-field inspection of the subdivision project area to identify and record any cultural properties, archaeological sites, and unmarked human burials using transects of 10 to 20 meeters should be used depending on site density and terrain.
person	Any individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate, or other entity.
preliminary plat	Map of a proposed subdivision showing the character and proposed layout of the subdivision and the existing conditions in and around it; the map need not be based upon an accurate and detailed survey of the land.
resubdivision	Any change to a lot line, right-of-way line, or utility easement, unless the change is the result of a vacation of plats or a variance granted by action of the Board of County Commissioners.
sell	To sell or offer to sell land.
subdivide	To divide a surface area of land into a subdivision.

subdivider

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

subdivision

Division of a surface area of land, (including land within a previously approved subdivision), into two or more parcels for the purpose of sale, lease, or other conveyance; or for building development (including mobile home parks), whether immediate or future; dormant subdivisions or portions of dormant subdivisions; all of which are subject to these regulations. However, the following thirteen (13) divisions of land are exempt from Articles 3, 4, 5, 6, 8, and 9, of these regulations. These regulations at Article 7.6 describe the process to verify any one of the following exemptions. Exempt divisions are:

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

- 9) division of land to create a parcel that is sold or donated as a gift to an immediate family member; however, this exception shall be limited to allow the seller or donor to sell or give no more than one parcel per tract of land per immediate family member. The donee is restricted from further division of the land for a period of five (5) years;
- 10) division of land created to provide security for mortgages, liens, or deeds of trust, provided that the division of land is not the result of a seller-financed transaction;
- 11) sale, lease, or other conveyance of land that creates no parcel smaller than one hundred forty (140) acres;
- 12) division of land to create a parcel that is donated to any trust or nonprofit corporation granted an exemption from federal income tax, as described in §501 (c) (3) of the United States Internal Revenue Code of 1986, as amended; school, college, or other institution with a defined curriculum and a student body and faculty which conducts classes on a regular basis; or to any church or group organized for the purpose of divine worship, religious teaching, or other specifically religious activity; or,
- 13) sale, lease, or other conveyance of a single parcel from a tract of land, except from a tract within a previously approved subdivision, within any five (5) year period, provided that a second or subsequent sale, lease or other conveyance from the same tract of land within five (5) years of the first sale, lease, or other conveyance shall be subject to the provisions of the New Mexico Subdivision Act; provided further that a survey shall be filed with the County Clerk indicating the five (5) year holding period for both the original tract and the newly created tract.

**Subdivision Review
Committee**

A Committee formed by the County Commission composed of interested citizens of at least three (3) and no more than seven (7). This Committee shall meet to accomplish the hearing processes of these regulations. This committee can elect a chair and shall hold any hearings and meetings pursuant to the Open Meetings Act and these regulations. A quorum is not necessary for the conducting of business. The authority of this Committee is to hold the required public hearings during the approval stages, and issue written recommendations and proposed findings to the County Commission.

summary review plat

A plat suitable for filing with the County Clerk as if it were a final plat, containing all notes and documentation in accordance with the summary review procedures of these regulations.

survey	A map, chart, plat, or replat, certified by a licensed registered land surveyor which contains a proper legal description of a parcel of land with metes and bounds, and containing a brief history of the land division and conveyances.
terrain management	Control of floods, drainage and erosion, and measures necessary to adapt proposed development to existing soil characteristics and topography.
Terrain management plan	A document prepared by a New Mexico licensed engineer which details the improvements needed to satisfy the infrastructure requirements imposed by these regulations.
time of purchase, lease or other conveyance	Time of signing any document obligating the person signing the document to purchase (including options to purchase), lease, or otherwise acquire a legal interest in land.
Type One subdivision	Any subdivision containing five hundred (500) or more parcels, any one of which is less than ten (10) acres in size.
Type Two subdivision	Any subdivision containing twenty-five (25) to four hundred ninety-nine (499) parcels, any one of which is less than ten (10) acres in size
Type Three subdivision	Any subdivision containing two (2) to twenty-four (24) parcels, any one of which is less than ten (10) acres in size.
Type Four subdivision	Any subdivision containing twenty-five (25) or more parcels, each of which is ten acres (10) or more in size.
Type Five subdivision	Any subdivision containing two (2) to twenty-four (24) parcels, each of which is ten (10) acres or more in size.

Types of Subdivisions

Type	Number of Parcels	Size of Smallest Parcel
One	500 or more	Less than 10 acres
Two	25 to 499	Less than 10 acres
Three	2 to 24	Less than 10 acres
Four	25 or more	10 acres or more
Five	2 to 24	10 acres or more

- vacation** Act of rescinding (canceling) all or part of a recorded subdivision plat, including legal dedications and grants of easements.
- variance** A written decision (adopted by resolution) which can alter the effect of these regulations for any one subdivision. All variances must be expressly requested, and a decision with findings of fact and conclusions of law must be made. See §7.5 of these regulations.

ARTICLE 3. PRE-APPLICATION PROCESS

Section 3.1. Pre-Application Procedure

- 3.1.1. Conference, optional. For the purpose of expediting applications and reducing subdivision design and development costs, a subdivider may request an informal pre-application conference in accordance with the requirements provided in these Regulations. The pre-application conference is intended to provide general advice to the subdivider about the procedures and data requirements for subdivision review and approval in the County. The County Manager may designate the County staff member at this time.
- 3.1.2. Summary procedure conference. All proposed subdivisions which qualify for approval under the summary procedure provided in Article 6 of these Regulations shall begin with a pre-application conference.
- 3.1.3. Scheduling. At the request of the subdivider, the County Manager shall schedule a pre-application conference in order for the subdivider to meet with appropriate County representatives to become acquainted with the necessary requirements for subdivision review and approval. The County Manager may designate the County staff member at this time.
- 3.1.4. Fee. No fee shall be required for a pre-application conference.
- 3.1.5. Statements non binding. Neither the subdivider nor the County shall be bound by any statements made during the pre-application conference.
- 3.1.6. Application/forms. At the request of the subdivider, the County Manager shall provide sufficient information and application forms for preliminary plat submittal in order to proceed with the County subdivision process and to fulfill the requirements of the New Mexico Subdivision Act.

Section 3.2. Pre-Application Data Requirements

- 3.2.1. Sketch plan. A sketch plan shall be prepared by the subdivider which shows the proposed layout of streets and lots, with estimated dimensions and other relevant site information. The location of the proposed subdivision must be adequately described on a general map of the area.

- 3.2.2. Additional information. In addition to the sketch plan and location map, the subdivider may provide information including, but not limited to, the following:
- a. name and mailing address of the subdivider and designated agent, if any;
 - b. name of owner or owners of land to be subdivided;
 - c. a written description of the proposed subdivision;
 - d. a description of surrounding land uses;
 - e. accessibility of site to roads and utilities; and,
 - f. condition of existing and proposed infrastructure and an estimated construction schedule.

ARTICLE 4. PRELIMINARY PLAT REVIEW PROCESS

Section 4.1. Preliminary Plat Submittal

- 4.1.1. Preliminary plat required. Preliminary plats shall be submitted for Type One, Type Two, Type Three, and Type Four subdivisions. Certain Type Three and all Type Five subdivisions are subject to review under the summary procedure set forth in Article 6 of these Regulations.
- 4.1.2. Application/fees. A subdivider shall prepare a preliminary plat and supporting documentation in accordance with the requirements provided in these Regulations. Preliminary plat submittal is initiated by completing an application on a prescribed form available from the County Manager or designee, and upon payment of the required administrative fees, Article 11.
- 4.1.3. Plat deemed complete. On receipt of the application, fees, preliminary plat, and supporting documentation as set forth in §4.5 of these regulations, the County Manager or designee shall review all materials in order to determine if the preliminary plat is ready to begin the review process. If there are no deficiencies, the preliminary plat is deemed complete for review by written notice to the subdivider within thirty (60) days after the date of application. If the preliminary plat is incomplete or does not comply with the submittal requirements provided in these Regulations, the subdivider shall be notified in writing and be given a maximum period of thirty (60) days to correct the deficiencies and return the preliminary plat for consideration. If any deficiencies are not cured within this time, the subdivider must begin the application process over with the filing of a new application and new fees.

Section 4.2. Agency Review

- 4.2.1. Plat transmittals. Within ten (10) days after the date that the preliminary plat is deemed complete, the County Manager or designee shall forward a copy of the preliminary plat and supporting documentation to the following state and local agencies by certified mail "return receipt requested". with a request for opinions:
- a. New Mexico State Engineer's Office;
 - b. New Mexico Environment Department;

- c. New Mexico State Highway and Transportation Department;
- d. Soil and Water Conservation District in which the proposed subdivision is located;
- e. County Road Department;
- f. County Fire/Safety Officer;
- g. Any other public agencies the County considers necessary to determine whether there are adequate facilities to accommodate the proposed subdivision. These agencies include but are not limited to: G.I.S.C./Rural Addressing, Law Enforcement, NWNMCOG, Gallup McKinley County Schools, NWNMRSWA, utility Companies, and Tribal Governments; and,
- h. The City of Gallup if there is dual review for those subdivisions within 3 miles of the City limits.

- 4.2.2. Agency response. State and local agencies shall have thirty (30) days from receipt of the preliminary plat to review and return an opinion regarding the preliminary plat. The County Manager or designee shall obtain receipts or other proof showing the date the opinion request was received by each state or local agency. Any adverse agency response should detail all deficiencies.
- 4.2.3. Hearing deadlines. If the opinions received from all agencies are favorable, the County shall schedule a public hearing for consideration and action on the preliminary plat within thirty (30) days following the receipt of such favorable opinion. If the County does not receive a requested opinion within the specified thirty (30) days, it shall proceed with the required public hearing. The Subdivision Review Committee shall conduct the public hearing and issue recommendations to the County Commission.
- 4.2.4. Adverse opinion. If any opinion from a public agency is adverse, the County Manager or designee shall forward a copy of the adverse opinion to the subdivider (by certified mail, "return receipt requested") and request that additional information be provided to the County within thirty (30) days to respond to the concerns of the appropriate agency. The County Manager or designee shall forward such additional information (by certified mail "return receipt requested") upon receipt to the appropriate agency, which shall have thirty (30) days after the date the subdivider submits the additional information in order to revise its opinion. The County Manager or designee shall obtain receipts or other proof showing the date the additional information was received by each state or local agency.
- 4.2.5. Revised opinion. The County shall schedule a public hearing for consideration and action within thirty (30) days after the receipt of a revised opinion from the appropriate agency. If the County does not receive a revised opinion within the specified thirty (30) days after the date the subdivider submits the additional information, it shall proceed with the required public hearing.

Section 4.3. Public Hearings on Preliminary Plats

- 4.3.1. Scheduling. The County shall conduct a public hearing within the time periods specified in these Regulations. The Subdivision Review Committee shall conduct the hearing and make recommendations to the County Commission. Notice of the public hearing shall be given at least twenty-one (21) days before the hearing date. The subdivider may prepare the notice and have the notice published after obtaining a firm date for such meeting from the County Manager or designee.
- 4.3.2. Notice. The notice of public hearing shall be published in a newspaper of general circulation in the County and shall contain the following information:
 - a. subject of the hearing;
 - b. time and place of the hearing;
 - c. manner for interested persons to present their views;
 - d. place and manner for interested persons to view copies of any favorable or adverse opinions on the subdivider's application;
 - e. place and manner for interested persons to purchase at a reasonable rate, copies of relevant documents; and,
 - f. provisions to accommodate the disabled under the A.D.A.
- 4.3.3. Notification. Copies of the notice of public hearing shall be transmitted to the following:
 - a. the subdivider filing the application for preliminary plat approval;
 - b. those public agencies which initially received copies of the preliminary plat and supporting documentation with a request for opinion;
 - c. any interested person who previously requested such notice and provided a stamped, self-addressed envelope for such purpose; and
 - d. owners of property contiguous to land proposed to be subdivided.
- 4.3.4. Participation/record. At the public hearing, the County shall allow all interested persons a reasonable opportunity to submit data, views, or arguments, orally or in writing, and to examine witnesses testifying at the hearing. A record of the public hearing shall be kept. The opinions of the public agencies shall be made a part of the record. The recommendations of the Subdivision Review Committee shall be in writing signed by the chair or acting chair.
- 4.3.5. Action. Within thirty (30) days of the public hearing, the Board of County Commissioners shall approve, approve with conditions, or disapprove the preliminary plat at a public meeting, the date, time, and place of which shall be announced publicly at the conclusion of the public hearing, and may be done at the next regularly scheduled County Commission meeting. The County Manager or designee shall inform the subdivider in writing of the decision of the Board of County Commissioners.

Section 4.4. Expiration of Preliminary Plat

- 4.4.1. Expiration. An approved or conditionally approved preliminary plat shall expire twelve (12) months after its approval or conditional approval. Upon request by the subdivider, an additional period of no more than six (6) months may be added to the expiration date by the Board of County Commissioners.
- 4.4.2. Phased development. If the preliminary plat was approved for phased development, the subdivider may file final plats for portions of the development, and the expiration date of the preliminary plat shall be extended for an additional twenty-four (24) months after the date of the filing of each final plat. The number of phases in a final plat shall be determined by the Board of County Commissioners at the time of the approval or conditional approval of the preliminary plat. Notwithstanding this or any other provision, there shall be no more than three (3) phases to any subdivision unless a variance is granted.
- 4.4.3. Extension. Before the expiration date of the approved or conditionally approved preliminary plat, the subdivider may submit to the Board of County Commissioners an application for extension of the preliminary plat for a period of time not exceeding six (6) months. Application for extensions shall be in letter form and state in detail all reasons the extension is needed.
- 4.4.4. Expiration effect. The expiration of the approved or conditionally approved preliminary plat shall terminate all proceedings on the subdivision, and no final plat shall be filed without first processing a new preliminary plat.

Section 4.5. Preliminary Plat Data Requirements

- 4.5.1. Purpose. At a minimum, the supporting documentation required for the preliminary plat review shall provide sufficient information for the County to determine that:
 - a. water is sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses;
 - b. water is of an acceptable quality for human consumption and measures are taken to protect the water supply from contamination;
 - c. there is a means of liquid waste disposal for the subdivision;
 - d. there is a means of solid waste disposal for the subdivision;
 - e. there are satisfactory roads to each parcel, including entry and exit for emergency vehicles, and there are appropriate utility easements to each parcel;
 - f. terrain management protects against flooding, inadequate drainage and erosion;
 - g. there are protections for cultural properties, archaeological sites and unmarked burials that may be directly affected by the subdivision, as required by the Cultural Properties Act;

- h. the subdivider can fulfill the proposals contained in the disclosure statement for the subdivision; and
- i. the subdivision will conform with the New Mexico Subdivision Act and these Regulations.

4.5.2. Minimum documentation. Supporting documentation shall, at a minimum, include:

- a. water supply plan including conservation, water quality and quantity, and fire protection;
- b. liquid waste disposal plan;
- c. solid waste disposal plan;
- d. access to site by roads and utilities;
- e. terrain management plan;
- f. cultural properties protection;
- g. current condition of infrastructure, (including the type of roads to be constructed under these regulations), and expected construction schedule; and,
- h. names and addresses of owners of property contiguous to the land proposed to be subdivided.

4.5.3. Filing specifications. The subdivider shall submit fifteen (15) copies of the preliminary plat and supporting documentation for review and distribution to public agencies. Preliminary plat maps shall be prepared at a scale of two-hundred (200) feet to one (1) inch, and printed on sheets no larger than twenty-four by thirty-six (24 x 36) inches. Sheets shall be dated and numbered in sequence if more than one sheet is used.

4.5.4. Map specifications. The preliminary plat map shall show the following:

- a. title, scale, north arrow, and date;
- b. existing topography and grading plans, indicating contour intervals sufficient for planning purposes;
- c. existing and proposed boundary lines, in bearings and distances, for the subdivision;
- d. proposed lot lines, with lot and block numbers, and approximate acreage of each lot. Lot numbers are to coincide with the County's Rural Addressing System;
- e. the location, dimensions, and purpose of existing and proposed easements;
- f. names and right-of-way widths of existing and proposed streets in or adjacent to the subdivision;
- g. existing and proposed utilities in or adjacent to the site;
- h. locations, dimensions, and purpose of any land to be dedicated for public use, including any improvements to be made to that land;
- i. location of subdivision in relation to well-known landmarks;
- j. location of archaeological, historical, or culturally significant features on the site;

- k. delineation, if applicable, of any 100-year flood plain as designated by the Federal Emergency Management Agency;
 - l. names and addresses of the owner or owners of land to be subdivided, the subdivider if other than the owner, and the land surveyor; and
 - m. legal description by range, township, and section. (NM State Plane Coordinate System).
- 4.5.5. Phased subdivisions. Subdivisions which are proposed to be phased and filed in multiple final plats shall include an anticipated phasing schedule for the final plats and a schedule of improvements.
- 4.5.6. Disclosure statement. The preliminary plat shall be accompanied by a draft disclosure statement in the required form. (see Appendix H). A disclosure statement is required for all subdivisions. The purpose of the disclosure statement is to permit the prospective purchaser, lessee, or other person acquiring an interest in subdivided land to make a fully informed decision about the purchase, lease, or other conveyance of the land, and the duties and responsibilities of the subdivider, purchaser, and the County.

ARTICLE 5. FINAL PLAT REVIEW PROCESS

Section 5.1. Final Plat Submittal

- 5.1.1. Conformity. Following approval or conditional approval of a preliminary plat, and before the expiration of the preliminary plat, the subdivider shall prepare a final plat in substantial conformity with the approved or conditionally approved preliminary plat. Phase I of the final plat shall be submitted first, followed by phase II and III, if any.
- 5.1.2. Application/fees. A subdivider shall prepare a final plat and supporting documentation in accordance with the requirements provided in these Regulations and any conditions imposed by the approval of the preliminary plat. Final plat submittal is initiated by completing an application form (see Appendix H), and upon payment of the required administrative fees.
- 5.1.3. Plat deemed complete. The County Manager or designee, shall review all materials in order to determine whether the final plat is complete. If there are no deficiencies, the final plat will be deemed complete for review by written notice to the subdivider within thirty (30) days after the date of application. If the final plat is incomplete or does not comply with the submittal requirements provided herein, the subdivider shall be notified (by Certified mail "Return Receipt requested") and will be given a maximum time period of sixty (60) days to correct the deficiencies and return the final plat for consideration. If the deficiencies are not corrected within this time period, the subdivider must submit a new final plat application with the payment of the required administrative fees.

Section 5.2. Decision on Final Plat

- 5.2.1. Action. Final plats submitted to the County for approval shall be approved or disapproved by the Board of County Commissioners at a public meeting within thirty (30) days after the date the final plat is deemed complete. This may be at a regularly scheduled meeting of the County Commission.
- 5.2.2. Denial. The Board of County Commissioners shall not deny a final plat if it has previously approved a preliminary plat for the proposed subdivision and it finds that the final plat is in substantial compliance with the previously approved preliminary plat. Denial of a final plat shall be accompanied by a finding identifying the requirements that have not been met.
- 5.2.3. Improvement agreement. If, at the time of approval of the final plat, any infrastructure has not been completed by the subdivider as required by these Regulations, the Board of County Commissioners shall, as a condition preceding approval of the final plat, require the subdivider to enter into an agreement with the County, on mutually agreeable terms, to thereafter complete the improvements at the subdivider's expense.
- 5.2.4. Failure to act. If the Board of County Commissioners does not act upon a final plat within the required period of time, the subdivider shall give the Board of County Commissioners written notice of its failure to act. If the Board of County Commissioners fails to approve or reject the final plat within thirty (30) days after that notice, the Board of County Commissioners shall, upon demand by the subdivider, issue a certificate that the final plat has been approved. Approval of any subdivision by this default provision does not commit the County to accept any infrastructure for maintenance or any other purpose. The Subdivider must apply for acceptance of any dedication of land for public use.

Section 5.3. Final Plat Data Requirements

- 5.3.1. Filing specifications. The original drawing of the final plat shall be submitted in waterproof ink on mylar or acetate or other durable material suitable for reproducing copies. Final plat maps shall be drawn at a scale of two-hundred (200) feet to one (1) inch and printed on sheets twenty-four by thirty-six (24 x 36) inches. When more than one sheet is used to include the entire subdivision, all sheets shall show appropriate references to other sheets of the subdivision. The subdivider shall also submit three paper copies of the final plat map and accompanying information.
- 5.3.2. Map specifications. The final plat map shall include the following information:
 - a. name of subdivision, scale, north arrow, and date;
 - b. permanent monuments, or descriptions and ties to such monuments, to which all dimensions, angles, bearings, and similar data on the plat shall be referred;

- c. tract boundary lines, easement and right-of-way lines, and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles, and radii, arcs, and central angles of all curves;
- d. accurate description of legal access to roads, and utility easements for each parcel, and if the access or easement is based upon an agreement, the recording data in the land records for the agreement;
- e. name, right-of-way width, and centerline data of each road or other right-of-way, with a note indicating if the road(s) have or have not been accepted for maintenance;
- f. location, dimensions, and purpose of all easements and dedicated public sites, with a note indicating if the easement(s) or site(s) have or have not been accepted for maintenance;
- g. number of each parcel in progression, with its dimensions, and the dimensions of all land dedicated for public use or for the use of the owners of parcels fronting on or contiguous to the land;
- h. names of owners of contiguous unplatted land;
- i. delineation of any 100-year flood plain as designated by the Federal Emergency Management Agency;
- j. the names of the owner or owners of the subdivision, and the developer if other than the owner;
- k. the certification of a registered land Surveyor licensed in New Mexico attesting to the accuracy of the plat, and the date of the survey; and,
- l. legal description by range, township, and section. (NM State Plain Coordinate System).

5.3.3. Affidavit. The final plat shall contain a statement that the land being subdivided is subdivided in accordance with the final plat. The final plat shall be acknowledged by the owner and subdivider or their authorized agents in the manner required for the acknowledgment of deeds. Every final plat submitted to the County Clerk shall be accompanied by an affidavit of the owner and subdivider, or authorized agents, stating whether or not the proposed subdivision lies within the subdivision regulation jurisdiction of the County. A copy of the final plat and final disclosure statement shall be provided to every purchaser, lessee, or other person acquiring an interest in the subdivided land before sale, lease, or other conveyance.

5.3.4. Dedication. The final plat shall contain a certificate stating that the Board of County Commissioners has accepted, accepted subject to improvement, not accepted, or rejected on behalf of the public, any land offered for dedication for public use in conformity with the terms of the offer of dedication. On full conformity with County standards, the road(s) may be accepted for maintenance by a resolution passed by the Board of County Commissioners expressly accepting the road(s) (or portion of road(s)) to be filed with the County Clerk. It is the responsibility of the subdivider to apply for or request the express resolution.

- 5.3.5. Disclosure statement. For all subdivisions, a final disclosure statement shall be prepared in similar form to the preliminary plat disclosure statement. It is unlawful to sell, lease, or otherwise convey land in a subdivision until the required disclosure statement has been filed with the County Clerk, the Board of County Commissioners, and the Attorney General's Office; and until the prospective purchaser, lessee or other person acquiring an interest in the subdivided land has been given a copy of the final disclosure statement.
- 5.3.6. Conformity. The Board of County Commissioners shall not approve the plat of any subdivision if the subdivider cannot reasonably demonstrate that he can fulfill the proposals contained in his disclosure statement or if the subdivider has not conformed with the New Mexico Subdivision Act and the County's subdivision ordinance.
- 5.3.7. Land Sales Act. Any subdivider who has satisfied the disclosure requirement of the Interstate Land Sales Full Disclosure Act may submit the approved statement of record in lieu of the disclosure statement required by the New Mexico Subdivision Act. However, any information required in the New Mexico Subdivision Act and not covered in the subdivider's statement of record shall be attached to the statement of record.
- 5.3.8. Environment Department approval. For any subdivision requiring construction of a public water supply system or a community liquid waste system, documentation of approval from the New Mexico Environment Department shall be required for final plat approval.
- 5.3.9. Recording. The final plat is in full force and effect only after having been recorded in the Office of the County Clerk within one (1) year after the date of approval by the Board of County Commissioners.
- 5.3.10. Water permit. For all subdivisions containing twenty (20) or more parcels, any one of which is two (2) acres or less in size, the subdivider shall provide a copy of the water permit issued by the State Engineer for subdivision water use. The Board of County Commissioners shall not approve the final plat unless the State Engineer has issued a water permit for the subdivision water use.

Section 5.4. Advertising Standards

- 5.4.1. Filing requirements. Copies of all brochures, publications, and advertising relating to subdivided land shall be filed with the Board of County Commissioners and the Attorney General within fifteen (15) days after initial use by the subdivider.

- 5.4.2. Requirements/restrictions. Brochures, disclosure statements, publications, and advertising of any form relating to subdivided land shall:
- a. not misrepresent or contain false or misleading statements of fact;
 - b. not describe deeds, title insurance, or other items included in a transaction as "free" and shall not state that any parcel is "free" or given as an "award" or "prize" if any consideration is required for any reason;
 - c. not describe parcels available for "closing costs only" or similar terms unless all such costs are accurately and completely itemized; or when additional parcels must be purchased at a higher price;
 - d. not include an asterisk or other reference symbol as a means of contradicting or substantially changing any statement;
 - e. accurately portray, if subdivision illustrations are used, the subdivision in its present state; and, if illustrations are used portraying points of interest outside the subdivision, state the actual road miles from the subdivision;
 - f. not contain artists' conceptions of the subdivision or any facilities within it unless clearly labeled as such, and shall not contain maps unless accurately drawn to scale with the scale indicated;
 - g. not contain references to any facilities, points of interest or municipalities located outside the subdivision unless the distances from the subdivision are stated in the advertisement in actual road miles; and
 - h. refer to the location where the subdivider's disclosure statement may be obtained.

Section 5.5. Requirements Prior to Sale, Lease or Other Conveyance

It is unlawful to sell, lease, or otherwise convey land within a subdivision before the following conditions have been met:

- 5.5.1. Final plat approval. The final plat shall be approved by the Board of County Commissioners and shall be filed with the Clerk of the County in which the subdivision is located. If a subdivision lies within more than one county, the final plat shall be approved by the Board of County Commissioners of each county in which the subdivision is located and shall be filed with the County Clerk of each county in which the subdivision is located.
- 5.5.2. Relevant documents. The subdivider shall furnish the Board of County Commissioners a sample copy of sales contracts, leases and any other documents which will be used to convey an interest in the subdivided land.
- 5.5.3. Permanent marks. All corners of all parcels and blocks within a subdivision shall be permanently marked with metal stakes in the ground and a reference stake shall be placed beside one corner of each parcel.
- 5.5.4. Recording of subdivision. Recording of subdivision documents under this section shall conform to the requirements as set forth in Article 10 of these regulations.

Section 5.6. Water Permits

5.6.1. Requirement. The Board of County Commissioners shall not approve a final plat for a subdivision containing twenty (20) or more parcels any one of which is two (2) acres or less, unless there is a State Engineer permit for subdivision water use issued according to:

- §72-5-1: New appropriations of surface water;
- §72-5-23: Changes in place of use;
- §72-5-24: Changes in purpose of use or point of diversion;
- §72-12-3: New appropriations of ground water; and,
- §72-12-7: Changes in purpose of use or location of well.

In acting on the permit application, the State Engineer shall determine whether the amount of water is sufficient in quantity to fulfill the maximum water requirements for the subdivision.

ARTICLE 6. SUMMARY REVIEW PROCESS

Section 6.1. Summary Review Procedures

- 6.1.1. Qualifications. The following types of subdivisions may be submitted to the County for approval under summary review procedure:
 - a. Type Three subdivisions containing five (5) or less parcels of land; and,
 - b. all Type Five subdivisions.
- 6.1.2. Pre-application Conference. A pre-application conference is recommended but not required before application for summary review and approval. The pre-application process is described in Article 3 of these Regulations.
- 6.1.3. Application/fees. A subdivider shall prepare a summary review plat and supporting documentation in accordance with the minimum requirements provided in these Regulations at §6.2. The summary review plat shall be considered as a final plat suitable for filing with the County Clerk. Summary review plat submittal is initiated by completing an application on the required form (see Appendix H), and upon payment of the required administrative fees.
- 6.1.4. Plat deemed complete. On receipt of the application, fees, summary review plat, and supporting documentation, the County Manager or designee shall review submittals. If there are no deficiencies, the summary review plat will be deemed complete for review by written notice (by Certified mail, "return receipt requested") to the subdivider within thirty (30) days after the date of application. If the summary

review plat is incomplete or does not comply with the submittal requirements, the subdivider shall be notified (by Certified mail, "return receipt requested") and given a maximum time period of thirty (30) days to correct the deficiencies and return the summary review plat for consideration.

- 6.1.5. Review Process. Summary review plats submitted to the County shall be approved or disapproved by the County Manager or designee within sixty (60) days of the date the summary review plat is deemed complete. The Board of County Commissioners has delegated to the County Manager or his/her designee under these regulations the authority to approve any subdivision under summary review. Prior to any decision of the County Manager or designee, a public meeting shall be held before the Subdivision Review Committee to consider the Summary Review Plat Application. The Subdivision Review Committee shall give recommendations to the County Manager or designee.
- 6.1.6. Improvement agreement. If, at the time of approval of the summary review plat, any infrastructure has not been completed by the subdivider as required by these Regulations, the Board of County Commissioners shall, as a condition preceding approval of the summary review plat, require the subdivider to enter into an agreement with the County, on mutually agreeable terms, to thereafter complete the improvements at the subdivider's expense. It is the responsibility of the subdivider to apply to the County to accept for maintenance any road(s).
- 6.1.7. Failure to act. If the County Manager or designee does not act upon a summary review plat within the required period of time, the subdivider shall give the Board of County Commissioners written notice of the County's failure to act. If the Board of County Commissioners fails to approve or reject the summary review plat within thirty (30) days after such notice, the Board of County Commissioners shall, upon demand by the subdivider, issue a certificate that the summary review plat has been approved. This default approval shall not be construed or deemed to be an acceptance for maintenance any public road dedications. It remains the responsibility of the subdivider to apply to the County to accept for maintenance any road(s).

Section 6.2. Summary Review Data Requirements

- 6.2.1. Filing Specifications. The original drawing of the summary review plat shall be submitted in waterproof ink on mylar or acetate or other durable material suitable for reproducing copies. Summary review plat maps shall be drawn at a scale of two hundred (200) feet to one (1) inch and printed on sheets twenty-four by thirty-six (24 x 36) inches. The subdivider shall also submit three paper copies of the summary review plat map and accompanying information.
- 6.2.2. Map specifications. The summary review plat map shall include the following information:
 - a. title, scale, north arrow, and date;
 - b. name and mailing address of subdivider and designated agent, if any;
 - c. names of owners of land to be subdivided and of contiguous property;

- d. subdivision boundary lines, easement and right-of-way lines, property lines of all lots with accurate dimensions, tied to monuments;
 - e. acreage measurements and identification numbers for each lot;
 - f. location, dimensions, and purpose of all easements;
 - g. delineation of any 100-year flood plain as designated by the Federal Emergency Management Agency;
 - h. the certification of a surveyor registered in New Mexico attesting to the accuracy of the plat, and the date of the survey; and
 - i. legal description by range, township, and section. (NM State Plane Coordinate System).
- 6.2.3. Affidavit. The summary review plat shall contain a statement that the land being subdivided will be subdivided in accordance with the summary review plat. The summary review plat shall be acknowledged by the owner and subdivider, or authorized agents, in the manner required for the acknowledgment of deeds. Every summary review plat submitted to the County Clerk as a final plat shall be accompanied by an affidavit of the owner and subdivider, or authorized agents, stating whether the proposed subdivision lies within the subdivision jurisdiction of the County. A copy of the summary review plat shall be provided to every purchaser, lessee, or other person acquiring an interest in the subdivided land prior to sale, lease or other conveyance
- 6.2.4. Dedication. The final plat shall contain a certificate stating that the Board of County Commissioners has accepted, accepted subject to improvement, not accepted, or rejected on behalf of the public, any land offered for dedication for public use in conformity with the terms of the offer of dedication. On full conformity with County standards, the road(s) may be accepted for maintenance by the County. Acceptance of offers of dedication mentioned or noted on a final plat shall not be effective until a resolution is passed by the Board of County Commissioners expressly accepting the road(s) (or portion of road(s)) is filed with the County Clerk. It is the responsibility of the subdivider to apply for or request the express resolution.
- 6.2.5. Disclosure statement. For all subdivisions, a disclosure statement shall be prepared in the required form. (see Appendix H). It is unlawful to sell, lease or otherwise convey land in a subdivision until the required disclosure statement has been filed with the County Clerk, the Board of County Commissioners, and the Attorney General's Office; and until the prospective purchaser, lessee or other person acquiring an interest in the subdivided land has been given a copy of the disclosure statement.
- 6.2.6. Land Sales Act. Any subdivider who has satisfied the disclosure requirement of the Interstate Land Sales Full Disclosure Act may submit the approved statement of record in lieu of the disclosure statement required by the New Mexico Subdivision Act. However, any information required in the New Mexico Subdivision Act and not covered in the subdivider's statement of record shall be attached to the statement of record.

- 6.2.7. Advertising standards. The advertising standards covering the sale, lease, or other conveyance of subdivided land provided in §5.4 of these Regulations shall be applicable to summary review plats.
- 6.2.8. Recording of subdivision. Recording of subdivision documents under this section shall conform to the requirements as set forth in Article 10 of these regulations.

ARTICLE 7. SPECIAL PROCEDURES

Section 7.1. Succeeding Subdivisions

- 7.1.1. Standards. Any proposed subdivision may be combined with a previous subdivision and upgraded for classification purposes by the Board of County Commissioners if the proposed subdivision includes:
 - a. A part of a previous subdivision that has been created in the preceding seven (7) year period; or
 - b. Any land retained by a subdivider after creating a previous subdivision if the previous subdivision was created in the preceding seven (7) year period.

Section 7.2. Resubdivision

- 7.2.1. Definition. Resubdivision shall include any change to a lot line, right-of-way line, or utility easement, unless the change is the result of a vacation of plats or a variance granted by action of the Board of County Commissioners.
- 7.2.2. Procedure. All or a portion of any final plat filed in the office of the County Clerk may be resubdivided by the same procedures prescribed in these Regulations for the subdivision of land.

Section 7.3 Dormant Subdivisions

It is unlawful for any person to sell, lease or by other conveyance to transfer a parcel within a dormant subdivision, or portion of a dormant subdivision, before the following conditions have been met.

- 7.3.1 Definition. A previously approved subdivision that has not had any sales activity within the past six (6) years, and/or that has not had any improvements made to the infrastructure within the past six (6) years. These subdivisions are also known as antiquated subdivisions. For purposes of these regulations, any objective separate portion or phase or stage of a subdivision that meets this definition is a dormant subdivision.

- 7.3.2 Procedure. All or a portion of any final plat filed in the Office of the County Clerk meeting the definition of a dormant subdivision, must submit a new application for approval by the same procedures prescribed in these Regulations for the subdivision of land. An updated disclosure statement must be approved and filed for any dormant subdivision. The procedure for finding a dormant subdivision shall be the same for vacating a plat as set forth in Section 7.4 of these regulations.
- 7.3.3 Due process. When considering the application for a dormant subdivision, the County Commission must give "Due Precess" to the rejection, denial and/or revocation of a final plat. Rejection, denial and/or revocation of an application regarding a dormant subdivision can only be made upon specific findings of a serious effect or impact the health safety and welfare to the citizens of McKinley County.

Section 7.4. Vacation of Plats

- 7.4.1. Cause. Any final plat filed in the Office of the County Clerk may be vacated or a portion of the final plat may be vacated if:
- a. the owners of the land proposed to be vacated sign an acknowledged statement declaring the final plat or a portion of the final plat to be vacated, and the statement is approved by the Board of County Commissioners; **or,**
 - b. the Board of County Commissioners finds that a plat was obtained by misrepresentation or fraud and orders a statement of vacation to be prepared by the County; **or,**
 - c. the Board of County Commissioners finds that a plat or portion of a plat is a dormant subdivision as defined in these regulations. An allegation of a dormant subdivision can be brought to the attention of the Board by any person. Non-action by the Board is not a waiver of the dormant subdivision provisions of these regulations. Non-action by the Board under this provision or the dormant subdivision provisions of these regulations (Section 7.3) is not and does not create a private cause of action against the Board of County Commissioners. It is within the discretion of the Board of County Commissioners to implement these provisions.
- 7.4.2. Request for vacation. The vacation of all or a portion of a final plat shall be initiated by submittal of a request for vacation to the County Clerk, along with the names of all owners of record of property within the subdivided land to be vacated and the names of all owners of record of property contiguous to the subdivided land to be vacated. The request for vacation shall be considered filed upon payment of the required administrative fee.
- 7.4.3. Scheduling and notification. Within sixty (60) days after the date of receipt of the request for vacation, the Board of County Commissioners shall approve or disapprove the vacation, subject to the following:

- a. Action shall be taken at a public meeting;
- b. At least fifteen (15) days before the proposed meeting, all owners of record of property within the subdivided land to be vacated and all owners of record of property contiguous to the subdivided land to be vacated shall have been notified (by Certified mail "return receipt requested") of the proposed vacation and the date, time and place of the public meeting at which the vacation will be considered by the Board of County Commissioners; and,
- c. Relevant utilities and other agencies have been notified.

7.4.4. Action. In approving the vacation of all or a part of a final plat, the Board of County Commissioners shall decide whether the vacation will adversely affect the interests of persons on contiguous land or of persons within the subdivision being vacated. In approving the vacation of all or a portion of a final plat, the Board of County Commissioners may require that road(s) dedicated to public use in the final plat continue to be dedicated to the public use.

7.4.5. Filing. The approved statement declaring the vacation of a portion or all of a final plat shall be filed in the Office of the County Clerk. The County Clerk shall mark the final plat with the words "Vacated" or "Partially Vacated" and refer on the final plat to the volume and page on which the statement of vacation is recorded.

7.4.6. Utilities. The rights of any utility existing before the total or partial vacation of any final plat are not affected by the vacation of a final plat.

Section 7.5. Variances

7.5.1. Commission approval. The County Commission may grant a variance from the standards and requirements of these Regulations if it is presented with a plan which, in the judgment of the County Commission provides adequate public spaces and improvements for the circulation, recreation, light, air, and service needs of the subdivision when fully developed and populated, and which also provides such covenants and other legal provisions as will assure conformity to and achievement of the purposes of these regulations.

7.5.2. Conditions and limitations. A variance shall not be granted which will cause the County to absorb costs over and above those typically associated with subdivision approval. In granting variances, the County Commission may require such conditions as will:

- a. substantially secure the objectives of the standards of these Regulations; and,
- b. not adversely affect the health, safety, and general welfare of the public, if otherwise consistent with the general purpose and intent of these Regulations and if not injurious or detrimental to the surrounding area.

7.5.3. Procedures. The following procedures and requirements shall apply to all requests for variances under these Regulations:

- a. request for variances shall be submitted in writing prior to or at the time of request for preliminary plat approval on the prescribed form (see Appendix H), and upon payment of the required administrative fee.
- b. request for Variances shall be reviewed by the County Subdivision Committee in public hearings at the same time public hearings are held for approval of the preliminary plat. The Committee shall make written recommendations on the variance(s) to the County Commission.
- c. notice of the request for variance shall be given in the same manner as notice is provided for any public hearing required in these Regulations and shall comply with the requirements of the Open Meetings Act of the State of New Mexico.
- d. variance requests shall be submitted to the State or other reviewing agency having expertise in the subject matter for which the variance is sought, and shall be governed by the same time limits as set forth in §4.2.2 of these regulations.
- e. The County Commission shall make written findings of fact regarding each of the requirements of these Regulations and shall produce those findings of facts as a portion of its decision and order on each request for variance.
- f. The decision and order shall be prepared, signed and filed within five (5) working days after the public hearing at which the variance is considered.

Section 7.6. Claim for Exemptions

7.6.1. Approval Required. It is unlawful for any person to divide a surface area of land, including land within a previously approved subdivision, into two or more parcels for the purpose of sale, lease or other conveyance or for building development, whether immediate or future, unless such person either obtains approval for a subdivision as provided in these Regulations or files and obtains approval for a Claim of Exemption as provided in this Article.

7.6.2. Verification of Exemption.

- a. Any person claiming entitlement to an exemption under the provisions of these Regulations shall file a written claim of exemption in the prescribed form, (see Appendix H) and, pay the applicable filing fee for which the claim of exemption is made.
- b. The County Manager or designee shall review the claim of exemption and supporting documents and shall mail written notice (by Certified mail "return receipt requested") of whether the exemption has been approved or denied to the person claiming the exemption within thirty (30) days after receipt

of the completed claim of exemption; provided, however, that the thirty (30) day period shall not begin to run until the person claiming the exemption has delivered a completed Claim of Exemption and all supporting documents to the County Manager or designee.

- c. If the County Manager fails to mail written notice to the claimant within thirty (30) days after receipt of the completed claim of exemption, the exemption will be deemed denied and the person claiming the exemption may proceed with an appeal to the County Commission.
- d. Upon approval of the claim of exemption, the person claiming the exemption may divide the land in the manner prescribed in the claim of exemption without complying with the provisions of Articles 3 - 6 of these regulations.
- e. If any exempted property division dedicates land for rights-of-way to the public use, such dedication shall not be effective until a resolution is adopted by the Board of County Commissioners expressly accepting the dedication, and is filed with the County Clerk. It is the responsibility of the claimant to apply for or request the express resolution.
- f. If the claim of exemption is denied, the person claiming the exemption may appeal the denial as provided in Article 12 of these Regulations or may submit an application for a subdivision as provided in these Regulations.
- g. The act of recording the claim of exemption is the responsibility of the person seeking the exemption. The County Manager or County Clerk is not responsible for failure of filing. The Clerk is to record documents under the recording laws of the State of New Mexico only. Any failure of these provisions is a private cause of action between the grantor and grantee only.

ARTICLE 8. INFRASTRUCTURE IMPROVEMENTS

Section 8.1. Construction of Required Improvements

- 8.1.1 Guarantees. The County is not, nor shall it become the guarantor of any improvements for proposed or approved subdivisions. All infrastructure and improvements are the responsibility of the subdivider. On full conformity with County standards, the road(s) may be accepted for maintenance by the County. Acceptance of offers of dedication noted on a final plat shall not be effective until a resolution is passed by the Board of County Commissioners and is filed with the County Clerk. It is the responsibility of the subdivider to apply for the express resolution.
- 8.1.2. Improvement requirements. The subdivider shall install and construct such improvements, if any, as are required by these Regulations and any conditions of approval in an acceptable manner as provided in these Regulations. Approval of the preliminary plat is authorization for the subdivider to proceed with the improvements required by these Regulations. Before the construction of any improvements or

the submission of any bond or other improvement guarantee, the subdivider shall furnish the County with all plans designed by a registered architect or licensed engineer necessary for the construction of such improvements. These plans shall be reviewed by the County Manager and, if in accordance with these Regulations, shall be approved by the County Commission, allowing the subdivision development to proceed. Approval of plans does not create any liability of the County concerning design or workmanship.

- 8.1.3. Improvement Agreement. The County may enter into a Subdivision Improvement Agreement with a subdivider. This agreement shall constitute a binding contract between the subdivider and the County and shall contain those terms and conditions agreed to by the Subdivider and the County. Before any agreement is entered, the Subdivider shall present evidence of being capable of financing and completing the improvements.

Section 8.2. Improvement Development

- 8.2.1. Construction schedule. Improvements within a subdivision shall be constructed only on a schedule approved by the Board of County Commissioners. In approving or disapproving a subdivider's improvement construction schedule, the Board of County Commissioners shall consider the following:
 - a. the proposed use of the subdivision;
 - b. the period of time before the infrastructure will receive substantial use;
 - c. the period of time before construction of homes will begin on the portion of the subdivision serviced by the infrastructure;
 - d. the county regulations governing phased development; and
 - e. the needs of prospective purchasers, lessees and other persons acquiring an interest in subdivided land in viewing the land within the subdivision.

Approval of an improvement construction schedule, is not acceptance of roads or improvements for maintenance.

- 8.2.2. Safety. All proposed improvements shall conform or exceed the minimum County standards.
- 8.2.3. Demonstration of use/access. The Board of County Commissioners shall not approve the grading or construction of improvements unless and until the subdivider can reasonably demonstrate that the improvements to be constructed will receive use and that the improvements are necessary to provide access to parcels or improvements within twenty-four (24) months after the date of construction of the improvements. It is unlawful for the subdivider to grade or otherwise commence construction of improvements unless the construction conforms to the schedule of improvement development approved by the Board of County Commissioners.

Section 8.3. Improvement Guarantees

- 8.3.1. Assurance. In order for the County to be assured of the completion of required improvements, the subdivider shall agree to either:
- a. complete installation of the required improvements before approval of the final plat; or
 - b. assure construction of required improvements after final plat approval.
- 8.3.2. Alternatives. If the subdivider wishes to submit the final plat for review, approval, and recording before completion of required improvements, the subdivider shall post a suitable improvements guarantee in an amount approved by the County. The guarantee shall be not less than 150 percent of the estimated cost of the required improvement. This guarantee may be by bond, escrow deposit, or other method acceptable to the County.

ARTICLE 9. PROTECTION OF CULTURAL PROPERTIES, ARCHAEOLOGICAL SITES, AND UNMARKED BURIALS

Section 9.1. Unmarked Human Burials

- 9.1.1 Policy. According to State policy, any human burial in the State in any unmarked burial ground is accorded the protection of law and shall receive appropriate and respectful treatment and disposition.
- 9.1.2 Compliance. All subdividers shall comply with the requirements of all applicable State and Federal laws including, §18-6-11.2 NMSA 1978, which prohibits the knowing, willful and intentional excavation, removal, disturbance or destruction of any human burial, buried, entombed or sepulchered in any unmarked burial ground except by authority of a permit issued by the State Medical Investigator or by the State Cultural Properties Review Committee with the concurrence of the State Archaeologist and State Historic Preservation Officer. Any violation of this section shall be enforced by the entities granted such power by the laws of New Mexico.

Section 9.2. Registered Cultural Properties. Any person desiring to subdivide land in the County shall demonstrate that they have reviewed the latest edition of the State Register of Cultural Properties (the Register) that has been provided to the County By the State Historic Preservation Division, and

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

ARTICLE 10. RECORDING OF CONVEYANCES OF ALL PARCELS

- 10.1. Authority. §47-6-9(A)(17) NMSA 1978 requires Counties to enact regulations for recording all conveyances of parcels with the County Clerk. As defined in the Act, the term "parcel" means "land capable of being described by location and boundaries and not dedicated for public or common use." To the extent of this grant of power, any and all conveyances of land, equitable, legal, or both, must be recorded with the County Clerk, and must meet the terms of these regulations for subdivision, or contain an affidavit from the grantee that such conveyance is exempt under the provisions of §7.6 of these regulations. Any real estate broker or sales agent or title company with the fiduciary duty to consummate conveyances found to have violated the recording provisions of these regulations can be subjected to the penalty provisions contained in Article 13.
- 10.2. Purpose. Recording conveyances of parcels provides anyone interested in acquiring land, and lenders, with important information about the condition of title. Recording conveyances of all parcels also provides public officials with information needed to detect illegal subdividing. The purpose of this information is to protect buyers and lenders and to help enforce the Act and these Regulations by making all conveyances of parcels matters of public record.
- 10.3. Requirement. Any person who sells, leases for an initial term plus option terms in excess of five (5) years, or otherwise conveys any interest in any parcel located in whole or in part in the County shall record the deed, lease, real estate contract, notice of lease, notice of real estate contract, or other document of conveyance with the County Clerk no later than five (5) days after the closing or thirty (30) days after the date on which the document is signed, whichever comes first.
- 10.4. Form and certification. Any deed, lease for an initial term plus option terms in excess of five (5) years, real estate contract, notice of lease, notice of real estate contract, or other document used to convey any interest in any parcel located in whole or in part in the County shall be in a form acceptable for recording and duly acknowledged and certified as required by the provisions of §14-8-4 NMSA 1978.
- 10.5. Compliance. The provisions of this section does not impose any duty on the County Clerk. The County Clerk must comply with the proper recording laws of the State of New Mexico. The burden of compliance with this section is placed on the Subdivider.
- 10.6. Plat attachment. The deed, lease, real estate contract, notice of lease, notice of real estate contract, or other document of conveyance shall have a survey plat and a legal description of the parcel attached to it. The survey plat shall show the surveyor's seal, the boundaries of the parcel, the means of access to the parcel, and any easements to which the parcel is subject.

ARTICLE 11. ADMINISTRATIVE FEES

11.1 Any person desiring to subdivide land in the County shall pay the following administrative fees:

Preliminary Plat \$200.00 plus \$10.00 per lot for the first 99 lots and \$5.00 per lot for each additional lot payable when the Preliminary Plat is submitted.

Final Plat \$200.00 plus \$10.00 per lot for the first 99 lots and \$5.00 per lot for each additional lot payable when the Final Plat is submitted.

Summary Review Plat \$300.00 payable when the plat is submitted.

Variance \$400.00 plus \$10.00 per lot for each lot affected by the proposed variance, payable when the request for variance is submitted.

Appeal \$100.00 payable upon filing of the Notice Of Appeal.

Claim of Exemption \$100.00 payable upon submittal of application.

Statement of Vacation \$200.00 plus \$10.00 per lot affected, payable upon application.

Road Acceptance \$200.00 payable with the application for a road maintenance resolution.

11.2 Additional fees for unusual circumstances, where additional review by the County is required above and beyond normal review requirements due to complex, unforeseen, or unique circumstances relating to the proposed plan or plat, an additional review fee to defray the cost of such review may be required. These review fees shall be only for professional services should the County not have the personnel qualified to review reports, plans and plats. When an additional fee is deemed necessary, the fee shall be arrived at between the County and the subdivider.

11.3 Method of Payment: Fees shall be made payable by cashier's check to McKinley County.

11.4 Fees are **nonrefundable**.

ARTICLE 12. APPEALS

Section 12.1. Who May Appeal

- 12.1.1. County Manager or Subdivision Review Committee. Any person who is adversely affected by a decision of the County Manager or Subdivision Review Committee in approving or disapproving a subdivision plat may appeal to the Board of County Commissioners within fifteen (15) calendar days after the date of the action of the County Manager or Subdivision Review Committee. The Board of County Commissioners shall hear the appeal and render a decision within thirty (30) calendar days after receiving the notice of appeal.
- 12.1.2. Board of County Commissioners. Any person who is adversely affected by a decision of the Board of County Commissioners in approving or disapproving a subdivision plat may appeal to the District Court of the county in which the subdivision is located within thirty (30) calendar days after the date of the action of the Board.

Section 12.2. Appeal Process

- 12.2.1. Nature of review. The appeal shall consist of a whole record review, and the reviewing authority, whether it be the Board of County Commissioners or the District Court, shall set aside the action of the lower tribunal only if it is found to be:
 - a. arbitrary, capricious or an abuse of discretion; or,
 - b. not supported by substantial evidence; or,
 - c. otherwise not in accordance with law.

The Rules of Civil Procedure for the District Courts shall apply to any such appeal.

- 12.2.2. Standing. Any party to the action in District Court shall have full appellate rights in accordance with the laws of the State of New Mexico and the rules of appellate procedure for the State of New Mexico.
- 12.2.3. Notice of appeal. The appeal shall be perfected by filing a written notice of appeal which sets forth the specific portion or portions of the decision being appealed. A copy of the decision or order being appealed shall be attached to the notice of appeal. The appeal shall be perfected upon filing of the notice required by these Regulations and payment of the required administrative fee.

ARTICLE 13. ENFORCEMENT, PENALTIES, AND REMEDIES

Section 13.1. Purpose and Authority

Violations of the provisions of these Regulations shall be prosecuted in the manner provided by law to protect the health, safety, and welfare of the public according to the County's authority under the New Mexico Subdivision Act, §§ 47-6-1 et seq. NMSA 1978. The remedies provided in these Regulations shall be cumulative and not exclusive, and may be applied at the enforcement agencies discretion.

Section 13.2. Investigation of Alleged Violations

All written, signed complaints alleging one or more violations of the provisions of the New Mexico Subdivision Act or these Regulations shall be referred to the County Manager or designee for investigation. The County Manager or designee shall investigate the complaint and take such action as is warranted, or make a written recommendation to the Board of County Commissioners of what action is warranted. The County Manager or designee shall inform the complainant in writing of what actions have been taken or will be taken in response to the complaint. Only written, signed complaints will be investigated. Non-action does not grant any right or cause of action against the County.

Section 13.3. Penalties and Remedies.

Violations of the provisions of these Regulations shall be subject to the following penalties, remedies and enforcement procedures:

- 13.3.1. Utility Connections. Any water, sewer, electric, phone, or gas utility that connects or provides service to individual parcels within a subdivision before a final plat for the subdivision has been approved by the Board of County Commissioners or before the landowner holds a valid building permit, may be fined a civil penalty of up to five hundred dollars (\$500) by the Board of County Commissioners. The Board of County Commissioners may also require that any utility connected in violation of this section and of §47-6-27.2 NMSA 1978 be disconnected.
- 13.3.2. Suspension of Right of Sale. The Board of County Commissioners may suspend or revoke approval of a plat as to unsold, unleased or otherwise non-conveyed portions of a subdivider's plat if the subdivider does not meet the schedule of compliance approved by the Board of County Commissioners or any condition imposed by State Statute or these Regulations or any other condition of approval. Upon the suspension of right of sale, the Board of County Commissioners shall give written notice (by certified letter, "return receipt requested") of such suspension, and allow the subdivider the opportunity to be heard in opposition to such suspension at the next regularly scheduled meeting of the County Commission or may request a hearing before the Subdivision Review Committee who shall give recommendations to the Board of County Commissioners.

13.3.3. Injunctive Relief, Mandamus. The Board of County Commissioners, the District Attorney, or the Attorney General may apply to the District Court for any one or more of the following remedies in connection with violations of the New Mexico Subdivision Act and these Regulations at their discretion:

- a. injunctive relief to prohibit a Subdivider from selling, leasing, or otherwise conveying any interest in subdivided land until the Subdivider complies with the terms of the New Mexico Subdivision Act and these Regulations; **or**,
- b. injunctive relief to compel compliance by any person with the provisions of the New Mexico Subdivision Act and these Regulations; **or**,
- c. rescission and restitution for persons who have purchased, leased, or otherwise acquired an interest in subdivided land that was divided, sold, leased or otherwise conveyed in material violation of the New Mexico Subdivision Act or these Regulations; **or**,
- d. a civil penalty of up to five thousand dollars (\$5,000) for each parcel created in knowing, intentional or willful violation of the New Mexico Subdivision Act or these Regulations.

13.3.4. Bond not Required. The Board of County Commissioners, the District Attorney and the Attorney General shall not be required to post bond when seeking a temporary or permanent injunction or mandamus according to the provisions of the New Mexico Subdivision Act.

13.3.5. Criminal Penalties

- a. The New Mexico Subdivision Act at § 47-6-27 NMSA 1978 provides that:
 - i) any person who knowingly, intentionally, or willfully commits a material violation of the New Mexico Subdivision Act is guilty of a misdemeanor, punishable by a fine of not more than ten thousand dollars (\$10,000) per violation, or by imprisonment for not more than one year, or both; and
 - ii) any person who is convicted of a second or subsequent knowing, intentional, or willful violation of the New Mexico Subdivision Act is guilty of a fourth degree felony, punishable by a fine of not more than twenty-five thousand dollars (\$25,000) per violation or by imprisonment for not more than eighteen (18) months, or both.
- b. Any violation of the provisions of these Regulations is punishable by a fine not to exceed three hundred dollars (\$300) or imprisonment for not more than ninety (90) days, or both, in accordance with §4-37-3 NMSA 1978.

ARTICLE 14. AMENDMENT

These Regulations may be amended from time to time as conditions warrant. Amendments shall be made by Ordinance adopted by the Board of County Commissioners in accordance with §4-37-1 et seq. NMSA 1978, as amended, and in accordance with §47-6-1 et. seq. NMSA 1978, as amended.

ARTICLE 15. SEVERABILITY

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

ARTICLE 16. REPEAL AND EFFECTIVE DATE

These Regulations repeal all prior Subdivision Regulations including those adopted or amended on August 28, 1973; April 19, 1978; and, December 27, 1978. These Regulations shall become effective on the 26th day of April, 1997.

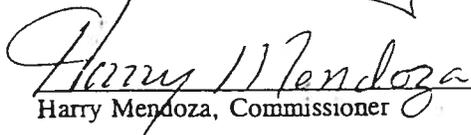
APPROVED AND ADOPTED BY THE MCKINLEY COUNTY BOARD OF COMMISSIONERS, THIS 27th DAY OF MARCH, 1997



Ernest C. Becenti, Sr., Chairperson



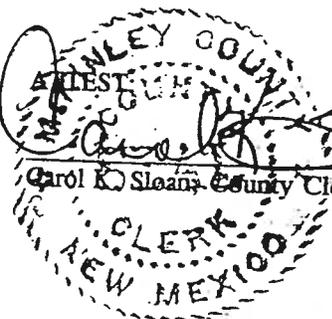
Ben Shelly, Commissioner



Harry Mendoza, Commissioner



Carol K. Sloan, County Clerk


MCKINLEY COUNTY
CLERK
NEW MEXICO

SUBDIVISION DESIGN STANDARDS

- A. *General Design Requirements*
- B. *Water availability*
- C. *Water quality*
- D. *Liquid waste disposal*
- E. *Solid waste disposal*
- F. *Terrain management*
- G. *Mobile home parks*
- H. *Forms and suggested disclosure statements:*
 - 1. *Disclosure Statement For Subdivisions With No More Than Four Parcels*
 - 2. *Disclosure Statement For Subdivisions With Five or More Parcels*
 - 3. *Claim of Exemption*
 - 4. *Application for Preliminary Plat Approval*
 - 5. *Application for Final Plat Approval*
 - 6. *Application for Summary Review Plat Approval*
 - 7. *Application for a Variance*
 - 8. *Application for County Road Maintenance*
 - 9. *Application for Vacation of Plat*
 - 10. *Notice of Appeal*
- I. *Flow Charts*

APPENDIX "A" GENERAL DESIGN REQUIREMENTS

I. GENERAL REQUIREMENTS

The Board of County Commissioners shall not approve the subdivision of land, if it determines that the proposed uses are detrimental to the health, safety, or welfare of the residents of the County.

A. Land to be subdivided shall be of such character that it can be used safely for proposed purposes without danger to health or peril from fire, flood, or other menace.

B. Land shall not be subdivided unless adequate roads, drainage facilities, water, liquid waste systems, solid waste systems, recreational facilities, bus stop shelters, bus turn arounds, etc., are constructed or available and will have a sufficient capacity to serve the proposed subdivision.

C. The layout of the subdivision shall be harmoniously and efficiently organized to best realize the purposes of these regulations and the Subdivision Act. The Subdivider shall consider the following:

1. Topography. Streets, lots, blocks and other improvements, shall be fitted to the terrain with a minimum disturbance to the land. Natural features such as existing trees, rock formations, existing vegetation, and historical or archaeological sites, shall be preserved to the extent possible.

(a) The shape and location of lots shall be governed by the topographic conditions, and the proposed use of both the subject property and the surrounding area.

(b) Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area.

(c) Each lot shall abut a road (constructed consistent with these regulations) or interior private roadway with access to a public road. Any interior private road or drainage will not be maintained by the County.

(d) Double frontage lots shall be avoided except where necessary to separate residential development from through traffic.

(e) Side lot lines shall be substantially at right angles or on a radial line to street lines.

(f) Minimum Lot Size: The following lot size is related to slope of the property. If individual liquid waste systems are being proposed, the lot size must meet the size as set forth in Appendix D (Table D-1 and Table D-2).

- i. The minimum size for any lot with a slope of 5% or less is 1/4 acre.
- ii. The minimum size for any lot with a slope of 6% - 10% is 1/2 acre.
- iii. The minimum size for any lot with a slope of 11% - 15% is 2 acres.

- iv. The minimum size for any lot with a slope of 16% - 30% is 5 acres.
- v. Land with a slope over 30% shall not be subdivided.

(g) The maximum coverage allowed for homes on any subdivision lot is 20% of the size of the lot. The maximum coverage allowed for all homes and accessory structures is 40% of the size of the lot. The set back requirements for all lots shall be 20 ft. front, 20 ft. rear, 10 ft. for sides and 12 ft. for sides abutting a street.

2. Community Facilities: The shape, size and position of structures and community facilities shall be designed to adequately meet the capacity of the proposed subdivision.

3. Utilities: The types of uses and structures for utilities and other improvements shall be constructed per the utility company's requirements for service.

D. Where land is subdivided into large tracts where the potential for future subdivision exists, such tracts shall be arranged so as to allow for the provision for future roads and a logical further resubdivision pattern.

E. In addition to the requirements established herein, all subdivisions shall comply with the following laws, regulations, design standards, and rules:

- 1. All applicable land use controls, building and housing codes, permitting requirements and all other applicable laws.
- 2. Rules and regulations of review agencies, including the Environment Department, State Engineer, Soil and Water Conservation District, Historic Preservation Division - Office of Cultural Affairs, and State Highway Department.
- 3. Subdivision approval may be withheld if a proposed subdivision is not in conformity with the above rules, regulations and standards.

F. Proximity to Mining Operations: The Board of County Commissioners shall not approve any proposed residential subdivision within a one (1) mile radius of a uranium mill, tailings site, strip mine, or abandoned coal mine.

G. Monuments:

- 1. Survey monuments shall be installed at all angles of the subdivision boundaries; at the intersection of the centerline of streets and alleys within the subdivision; at points of curve in the centerline of streets and alleys; and at all corners of all parcels within the subdivision.
- 2. A concrete marking with a minimum dimension of four inches, extended three feet below the finished grade shall be deemed to be permanent.
- 3. Should conditions prohibit the placing of monuments on line, off-set marking will be permitted; provided, however, that off-set distances are shown on the Final Plat.

II. COUNTY ROADS AND STREETS

A. Street/Road layout: Proposed streets and roads in any subdivision must meet the standards set forth in these regulations before an Application for County Road Maintenance can be filed. Acceptance of any roads must be requested by the subdivider and meet all provisions of these regulations.

1. The proposed street layout shall be made according to sound land planning practice for the type and size of development proposed.
2. The street layout of the proposed subdivision shall be coordinated with the street system of surrounding areas. All streets shall provide for the continuation of appropriate projections of principal streets in surrounding areas and provide reasonable means of ingress and egress for surrounding acreage tracts.
3. Streets shall be extended, when topography permits, to the boundaries of the subdivision to provide future connections with unplatted lands.
4. The dedication of half streets at the perimeter of a new subdivision is prohibited.
5. The arrangement, character, extent, width, grade and location of all streets shall conform to public convenience and safety; topographical conditions; the proposed use of land being served by such streets.
6. Local streets shall be arranged to discourage their use by through traffic. The use of curvilinear streets, cul-de-sacs, and U-shaped streets is encouraged.
7. A subdivision shall provide for the separation of motor vehicle, bicycle, pedestrian and equestrian traffic.
8. A subdivision shall make appropriate provisions for the maintenance of all drainage structures and ditches.

B. Highways and Numbered County Roads

1. A proposed subdivision shall be planned so as to avoid having lots fronting a state highway or numbered county road.
2. The proposed subdivision shall be laid out to have a minimum number of intersections with state highways or numbered county roads. The "sight distance" at any intersection must provide for adequate "stopping distance".
3. When the proposed subdivision contains, or is adjacent to a state or federal highway, the subdivider must satisfy the State Highway And Transportation Department guidelines for access. When any street or road intersects a State Highway the subdivider shall obtain the appropriate permit. When a street or driveway intersects a County road the subdivision shall obtain the appropriate permit from McKinley County.

4. Scenic Easement: a "green-belt" or "scenic easement" of a width deemed appropriate by the Board of County Commissioners shall be reserved from development along County, State or Federal designated scenic corridors.

5. Buffer Strips: a buffer strip in residential subdivisions shall be at least one hundred (100) feet in depth in addition to the normal lot depth when the subdivision is adjacent to a state highway and railroad rights-of-way. The one hundred (100) feet shall be counted from the centerline of the highway or railroad right-of-way. The width of frontage roads may be considered as part of the one hundred (100) foot buffer strip. This strip may be part of the platted lots, but shall have the following restriction lettered on the face of the plat: *"This strip reserved for the planting of trees, shrubs, or other vegetation by the developer or owner. The building of structures hereon is prohibited."*

C. Rural Addressing: Street names and house numbers should be simple, consistent, and understandable. Proposed street names shall not duplicate, or too closely approximate phonetically, the street names of any other street or road in the County. The Board of County Commissioners shall have the final authority to designate street names and lot numbers in the subdivision. A subdivider shall consult with McKinley County Rural Addressing to ascertain proper lot numbers and street names to maintain the emergency 911 address data base.

D. Required Street/Road Design: The type of subdivision based on the number of lots shall dictate the street/road design.

1. Required street improvements ("Road Type") depend upon the number of lots served within the proposed subdivision and minimum lot size. The minimum design requirements for each Road Type and required construction type is set forth below.
2. The road types set forth in these regulations are minimum standards which apply under certain common soil conditions. It is the responsibility of the Subdivider to engineer and design the best suitable road for all soil and terrain conditions for the subdivision. All roads within a subdivision are required to have asphalt to the best thickness for the soil and terrain conditions. The Board of County Commissioners may require more stringent standards on an as needed basis.
3. Subdividers shall make all improvements to existing County maintained roads when the lot size and type of subdivision is changed to require a higher road design type. Construction due to the subdivision shall be constructed on the existing roads before final approval of the subdivision is approved.
4. For all Road Types, the right of way width shall be wide enough to include ditches and fill slopes to the break point of the slope.

5. Road Types:

(a) Type "A" Road: Right-of-way minimum width is 70 ft., consisting of a pavement width of 44 ft. with a 3/16 in. slope/ft crown; Shoulder width 8 ft.; 6 in. minimum compacted subgrade. The basecourse thickness and asphalt thickness to be determined by the engineer design taking into consideration soil and terrain conditions; Gutter length and depth to be determined by design; Cut slopes shall be determined on the following ratios:

- (4:1 0 to 5 ft. Depth)
- (2:1 Over 5 ft. Depth)
- (1/4:1 Rock)

Fill slopes shall be determined on the following ratios:

- (6:1 0 to 2 ft. Height)
- (4:1 2 ft. to 5 ft. Height)
- (2:1 Over 5 ft. Height)

(b) Type "B-1" Road: Right-of-way minimum width is 50 ft., consisting of pavement width 24 ft. with a 3/16 in. slope/ft crown; Shoulder width 8 ft.; 6 in. minimum compacted subgrade. The basecourse thickness and asphalt thickness to be determined by the engineer design taking into consideration soil and terrain conditions; Gutter length and depth to be determined by the engineer design taking into consideration soil and terrain conditions; gutter length and depth to be determined by design; Cut slopes shall be determined on the following ratios:

- (4:1 0 to 5 ft. Depth)
- (2:1 Over 5 ft. Depth)
- (1/4:1 Rock)

Fill slopes shall be determined on the following ratios:

- (6:1 0 to 2 ft. Height)
- (4:1 2 ft. to 5 ft. Height)
- (2:1 Over 5 ft. Height)

(c) Type "B-2" Road: Right-of-way minimum width is 46 ft., consisting of pavement width 24 ft. with a 3/16 in. slope/ft crown; Shoulder width 6 ft.; 6 in. minimum compacted subgrade. The basecourse thickness and asphalt thickness to be determined by the engineer design taking into consideration soil and terrain conditions; Gutter length and depth to be determined by design; Cut slopes shall be determined on the following ratios:

- (4:1 0 to 5 ft. Depth)
- (2:1 Over 5 ft. Depth)
- (1/4:1 Rock)

Fill slopes shall be determined on the following ratios:

- (6:1 0 to 2 ft. Height)
- (4:1 2 ft. to 5 ft. Height)
- (2:1 Over 5 ft. Height)

(d) Type "D" Road: Right-of-way minimum width is 57 ft., consisting of pavement width 30 ft. with a 3/16" slope/ft crown; Curb width 2 ft.; Sidewalk width 4 ft. with a minimum 2 in. sand cushion; Planting stripes width 6 ft.6 in.; The basecourse thickness, asphalt thickness, and sidewalk thickness to be determined by the engineer design, taking into consideration soil and terrain conditions; Cut slopes shall be determined on the following ratios:

(4:1 0 to 5 ft. Depth)
(2:1 Over 5 ft. Depth)
(1/4:1 Rock)

Fill slopes shall be determined on the following ratios:

(6:1 0 to 2 ft. Height)
(4:1 2 ft. to 5 ft. Height)
(2:1 Over 5 ft. Height)

(e) Type "E" Road: Right-of-way minimum is 71 ft. consisting of pavement width 44 ft. with a 3/16 in. slope/ft crown; Curb width 2 ft.; Sidewalk width 4 ft. with a minimum 2 in. sand cushion; Planting stripe width 6 ft.6 in.; The basecourse thickness, asphalt thickness, and sidewalk thickness to be determined by the engineer design taking into consideration soil and terrain conditions; Cut slopes shall be determined on the following ratios:

(4:1 0 to 5 ft. Depth)
(2:1 Over 5 ft. Depth)
(1/4:1 Rock)

Fill slopes shall be determined on the following ratios:

(6:1 0 to 2 ft. Height)
(4:1 2 ft. to 5 ft. Height)
(2:1 Over 5 ft. Height)

6. The type of road to be constructed in a subdivision depends on the number and size of lots proposed for the entire subdivision. The following standards apply. A subdivider may elect to design and construct a higher grade of road without approval.

(a) subdivisions with 1 - 99 lots, the smallest lot being one (1) acre or less, must have roads/streets that meet or exceed "Type D".

(b) subdivisions with 100 - 249 lots, the smallest lot being one (1) acre or less, must have roads/streets that meet or exceed "Type D".

(c) subdivisions with 1 - 249 lots, the smallest lot being over one (1) acre, must have roads/streets that meet or exceed "Type B-2".

(d) subdivisions with 250 - 499 lots, the smallest lot being one (1) acre or less, must have roads/streets that meet or exceed "Type E".

(e) subdivisions with 250 - 499 lots, the smallest lot being over one (1) acre, must have roads/streets that meet or exceed "Type B-1".

(f) subdivisions with 500+ lots, the smallest lot being one (1) acre or less, must have roads/streets that meet or exceed "Type E".

(g) subdivisions with 500+ lots, the smallest lot being over one (1) acre, must have roads/streets that meet or exceed "Type A".

7. Street grades shall be designed by type and shall allow for the following speeds (allowing for vertical curves):

(a) "Type A" and "Type E" Roadways - (60 m.p.h.) - 6% grade.

(b) "Type B-1", "Type B-2", "Type D", and "Type E" Roadways - (30 to 50 m.p.h.) - 8% grade.

(c) "Type D" Roadways - (25 m.p.h.) - 10% grade.

(d) No street shall be less than 0.4% grade.

(e) Grades approaching intersections shall not exceed two (2%) percent for a distance of not less than one hundred (100) feet from the centerline of the intersection.

(f) Street grades shall be established to avoid excessive grading, the removal of ground cover and tree growth and the general leveling of the topography.

8. Curves, curve radii and super-elevation of streets and roads shall conform to the following:

(a) Vertical and Horizontal curves and the super-elevation of the horizontal curves shall conform to the requirements as set forth in the American Association of State Highway Official's publication A Policy on Geometric Design of Rural Highways.

(b) A tangent of at least one hundred (100) feet long shall be provided between horizontal curves.

9. Intersections shall conform to the following:

(a) Streets shall be laid out to intersect each other as nearly as possible at right angles. No intersection angle shall be less than 70 degrees.

(b) No two opposing street intersections shall be less than one hundred twenty-five (125) feet between centerline for street types B,C, and D. Street types A and E shall not be offset at intersections, and the intersections shall be at least eight hundred (800) feet apart.

(c) Property lines at street intersections shall be rounded with a minimum radius of twenty (20) feet.

10. Cul-de-Sacs. Permanent dead-end streets or cul-de-sacs shall be no longer than seven hundred fifty (750) feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least one hundred (100) feet.

11. Alleys. If alleys are used in a subdivision, they shall have a minimum width of thirty (30) feet.

12. Parking. The subdivider must provide for off street parking which conforms to the following:

(a) Two parking spaces per lot

(b) Off-street parking is required in all subdivisions except that the subdivider may provide for on-street parking on Type D streets if pavement width is widened by eight (8) feet.

(c) A subdivider shall provide a driveway, either paved, graveled, or covered with similar material, on each lot.

(d) A subdivider shall include a statement in the disclosure statement and any covenants, indicating that on-street parking is prohibited.

(e) There shall be adequate provisions for parking in subdivisions proposed for multi-family use.

(f) The subdivider shall make appropriate load limit conditions for each road and shall post such limits.

13. Street Ownership and Maintenance by McKinley County must be applied for as outlined in these regulations.

(a) Interior streets within a subdivision may be dedicated to McKinley County or remain privately owned. The construction of all streets, whether public or private, must meet or exceed the minimum design standards as set forth in the design standards of these regulations. Separate application must be made to McKinley County before the County will accept any dedication for maintenance.

(b) Private streets retained by the subdivider for construction, maintenance, etc., shall be maintained by the subdivider, their heirs and assigns, or by an Association created by the Subdivider for such purpose.

III. IMPACT AND DESIGN CRITERIA FOR STATE AND FEDERAL HIGHWAYS:

The safety and integrity of all State maintained roads must be preserved. McKinley County, by adopting these standards does not accept any liability for State maintained roads. McKinley County is by these design standards allowing the New Mexico State Highway And Transportation Department to review proposed subdivisions for the impact on State maintained rights-of-way. A Subdivider may obtain a copy of *Regulation for Driveways and Median Openings on Non-Access Controlled Highways*, from the New Mexico State Highway And Transportation Department.

- A. Traffic Design will follow the New Mexico State Highway And Transportation Department's Regulations for Driveways and Median Openings on Non-Access Controlled Highways.
- B. Any access to a State highway from a subdivision needs to be able to accommodate appropriate emergency vehicles.
- C. Traffic Impact Studies (TIS) are required for development that generates more than 125 vehicles per day. This means a typical subdivision of 20 or more lots will need a TIS if it accesses directly to a state route. Typically, a Traffic Impact Study is required if one has not been submitted and there is a question of need.
- D. In all instances, safety and efficiency of the access points onto State routes shall be considered. See the State Driveway Regulations for further details.
- E. The impact of the proposed subdivision will have on present, planned and projected projects will be considered.
- F. The subdivider shall coordinate with the New Mexico State Highway And Transportation Department on all known planned roadway improvements in the immediate or adjacent areas of the subdivisions.
- G. When the subdivision is abutting the highway, existing drainage should be maintained. The drainage within the highway right of way shall not be altered or impeded.
- H. When the subdivision is located upstream of the highway, no additional run-off will be allowed to drain into the highway drainage structures. Historical drainage shall be maintained.
- I. All drainage structures within the highway right-of-way shall be sized for 50 year storm design.
- J. The subdivider shall consider and protect State Highway right-of-way limits and access control.

IV. EASEMENTS/ACCESS/UTILITIES

A. Subdivision Access:

1. There shall be public means of access to all proposed subdivisions. All subdivisions shall be connected by means of public streets, to numbered county roads, or state highways. If the road/street has been dedicated to the public, but has not been accepted for maintenance by the County, then the disclosure statement shall so state and an notation of such must be placed on the plat.
2. Access shall be adequate to ensure proper ingress and egress in case of fire, flooding or other conditions. The Board of County Commissioners may require that more than one point of access be provided to satisfy this requirement.

B. Lighting. The Board of County Commissioners may require out-door lighting be provided in areas that receive heavy pedestrian, vehicular use; in areas that are dangerous if unlit, such as stairs, ramps, intersections, or abrupt changes in grade. If lighting is required, the following standards shall apply. The values are stated in minimum average maintained footcandles:

<u>PEDESTRIAN AREAS:</u>	<u>LIGHTING LEVELS*</u>
Sidewalks	0.2
Interior Walkways	0.5
<u>ROADWAYS:</u>	
Collectors	0.6
Local Streets	0.4
Alleys	0.2

*Lighting level values are given in minimum average maintained footcandles.

C. Utilities and Utility easements:

1. Utility easements centered on rear of side lot lines shall have a minimum width of twelve (12) ft. These easements must be approved and accepted by the local utility companies.
2. Utility easements shall be as long and straight as possible. For lots facing curvilinear streets, utility easements may consist of a series of straight lines with points of deflection not less than 120 feet apart. Points of deflection shall occur at the junction of side or rear lot lines on the side of the exterior angle. Curvilinear easements may be utilized, providing that the minimum radius for the easement shall be not less than eight hundred (800) feet.

D. Easements within the boundaries of a lot shall not be used for major transmission lines, pipelines, streets or alleys. This shall not be construed as applicable to land involved in utility easements for distribution or service purposes.

E. Utility Design Standards:

1. Design details and construction standards for utilities shall conform to the current Uniform Standard Specifications for Public Works Construction for Use of Municipalities and Counties in New Mexico.

2. All utilities shall be placed underground except electrical lines carrying more than 10KV unless: The lot is already served by an overhead distribution line; Adjacent areas are already served by overhead facilities; or, Sub-surface conditions make underground lines unfeasible.

V. **Public Service Improvements.**

A. The Board of County Commissioners may require that a subdivider pay a pro-rata share of the costs of public roads, water, sewer, school system and recreation improvements, when the need for the improvements, in whole, or in part, is due to increased demand for services generated by the proposed subdivision and the need for such improvements is demonstrated by the appropriate public service provider including Water and Sanitation Districts.

B. The subdivider must request that the preliminary plat submittal be reviewed by public providers of roads, water, sewer, school services and recreational services, and allow comment as to the extent to which projected increases in services is due to the proposed subdivision.

C. If responses from public service providers (including McKinley County Road Department and local Water and Sanitation Districts) indicate that the proposed subdivision cannot be accommodated, in whole or in part, then the public service providers may submit to the Board of County Commissioners feasibility/cost studies, indicating the improvements needed to serve the subdivision and continue to maintain the same quality of services to existing users.

D. The Board of County Commissioners may require that a subdivider pay for the feasibility study and pay a pro-rata share of any recommended improvements. A Subdivision Improvements Agreement shall note the type of improvement to be financed by the subdivider, the method of payment, whether in cash, land, labor or materials; the subdivider's share of the cost of the improvement; the date payment will be made, and the name of the public service provider.

E. Any cash payment stated in the Subdivision Improvements Agreement shall be deposited in a Subdivision Improvements Fund to be established by the Board of County Commissioners. Funds shall only be used for the purpose stated in the Subdivision Improvements Agreement. The Board of County Commissioners shall transfer funds, as needed, to the specific public service provider noted in the Subdivision Improvements Agreement.

VI. **Open Space**

A. The Board of County Commissioners, after giving due consideration to the population density in and around the area to be subdivided, may require a subdivider to reserve a portion of the subdivision for parks, recreation areas, drainage, or other open space uses.

APPENDIX "B" WATER AVAILABILITY

I. DEFINITIONS:

For purposes of these regulations, and the design standards for water availability, the following definitions apply:

Community Water System	Any existing or proposed water supply system which relies upon surface and/or groundwater diversions other than wells permitted by the State Engineer under §72-12-1 NMSA, 1978, and which consists of common storage and/or distribution facilities operated for the delivery of water to multiple service connections.
Certificated utility	A utility which operates under the conditions of a Certificate of Convenience and Necessity issued by the New Mexico Public Utilities Commission.
Non-certificated utility	A utility exempt from mandatory registration with the New Mexico Public Utilities Commission, including special districts, cooperatives, municipal owned and homeowner association owned utilities.
Outdoor water features	Refers to any outdoor recreational and architectural uses of water, such as fountains, water gardens and fish ponds.
Technical Report No. 48	This report is entitled: Water Conservation and Quantification of Water Demands in Subdivisions: A Guidance Manual for Public Officials and Developers. A copy may be obtained from the State Engineers Office.
Maximum annual water requirement	The total annual diversion required from the source to meet the necessary water use requirements of the subdivision, including conveyance losses. This amount is the predicted amount necessary for the subdivision assuming full development and occupation.
xeriscape	from the Greek word "xeri" for dry, is a style of landscaping based on seven common-sense steps to create an attractive low-water use landscape. A well designed xeriscape minimizes the area in irrigated turf; only trees, shrubs, flowers and ground covers with low water requirements are planted; and plants are zoned in the landscape according to their different water needs so they can be irrigated separately, and efficiently.

II. WATER CONSERVATION MEASURES

The following water conservation measures shall apply to all subdivisions and shall be included in the Restrictive Covenants of the subdivision.

A. Water-saving fixtures shall be installed in all new residential and non-residential buildings. Water-saving fixtures shall include, but not be limited to, low-flush toilets, low flow showerheads, low-flow faucets.

B. Low water use landscaping techniques applying the principles of xeriscaping should be considered and utilized as part of landscaping.

C. All non-residential service connections, regardless of source of supply, and all residential building served by a community water system shall be metered. Water produced from each well in a community water system or at each surface water source for a community water system shall also be metered and the volume thereof reported to the State Engineer Office.

D. Water distribution mains shall be pressure tested in accordance with New Mexico Standard Specification for Public Works Construction, Section 801.16.

E. If not required by the local plumbing code, where water pressure at the customer service connection exceeds 80 pounds per square inch (psi), a pressure reducing valve shall be installed on the service connection.

F. All applicable restrictions on indoor and/or outdoor water use prescribed under permits issued by the state engineer, or pursuant to an order issued by a court of competent jurisdiction, shall be strictly adhered to. The State Engineer Office will make this information available to the subdivider during the preliminary plat approval phase or upon request.

G. Other conservation measures such as insulating hot water pipes, solar energy, drip irrigation, recycling, should be encouraged in the Restrictive Covenants.

III. QUANTIFICATION OF ANNUAL WATER REQUIREMENTS:

The following procedures shall be used to quantify the "maximum annual water requirement". The Allowable subdivision water use per year shall be calculated as if the subdivision were fully developed and occupied.

A. The "maximum annual water requirement" for both indoor and outdoor purposes, for each parcel in a residential subdivision, shall be quantified by the Subdivider, and the results stated in the Disclosure Statement. This quantification shall be preformed by the computations and standards set forth in Technical Report No. 48, *Water Conservation and Quantification of Water Demands in Subdivisions: A Guidance Manual for Public Officials and Developers*, available from the State Engineers Office.

B. A detailed water demand analysis shall be prepared for all non-residential subdivisions and all water uses not directly related to residential uses within a mixed development subdivision. Annual water requirements shall be estimated using the relevant State Engineer Technical Report No. 48.

IV. COMMUNITY WATER SYSTEM REQUIREMENTS:

A. A community water system is any existing or proposed water supply system which relies upon surface and/or groundwater diversions other than wells permitted by the State Engineer under §72-12-1 NMSA, 1978, and which consists of a common storage and/or distribution facilities operated for the delivery of water to multiple service connections.

B. A community water system shall be required for all subdivisions where any one of the following criteria are met:

1. The subdivision will contain 20 or more parcels, any of which is equal to or less than 2 acres.
2. For all subdivisions containing 19 or less parcels, or subdivisions containing 20 or more parcels in which the minimum parcel size is greater than 2 acres, where groundwater would be supplied from geologic formations where wells have been determined to produce at a rate of 2 gpm or less, or where available information suggests the likelihood of low yielding wells. In lieu of a community water system, individual or shared wells may be drilled by the developer, provided that it can be demonstrated that production can be sustained at rates greater than 2 gpm, and is adequate to meet the maximum annual water requirement of all parcels.

C. If water will be supplied from a community water system, the subdivider shall submit a plat of the proposed subdivision, and preliminary plans for the water production, storage, and distribution facilities prepared by or under the supervision of a registered professional engineer. The site plans shall show the topography, parcel boundaries, streets, wells, and water storage and distribution system, including hydrants. The size or capacity of the water system components should also be indicated on the site plans. Preliminary well plans shall include casing diameter, total depth, screened interval, and proposed pump setting.

D. Shared well systems, permitted under §72-12-1 NMSA, 1978, may be allowed subject to Subsection B, under the condition that the maximum number of parcels served by one well shall not exceed four (4). Rules and obligation contracts for shared well maintenance shall be developed before the sale of any one lot with a shared well.

E. If a community water system is proposed or required, the developer should consult with the New Mexico Public Utilities Commission regarding the applicability of the Public Utility Act to that community water system.

V. WATER AVAILABILITY ASSESSMENT: An Assessment Shall Be Conducted For All Subdivisions Containing Six or More Parcels.

A. Assessment for water availability shall be submitted by the subdivider if:

1. The preliminary subdivision plat contains six or more parcels for a Type one, two, three, or four subdivision.
2. The final subdivision plat contains six or more parcels for a Type-five subdivision.

B. Assessments for water availability are dependent on the source of water supply if:

1. The subdivision's source of water will be a new groundwater diversion and a community system is permitted pursuant to §§72-12-3 or 72-12-7 NMSA 1978; The subdivider shall demonstrate a forty (40) year water supply, and shall submit a geohydrologic report in accordance with Subsection C.
2. The subdivision's source of supply will be a new surface water diversion and a community system is permitted pursuant to §§72-5-1, 72-5-23 or 72-5-24 NMSA 1978; The subdivider shall submit a hydrologic report in accordance with Subsection D.
3. The subdivision's source of supply will be an existing community or municipal water supply system permitted pursuant to §§72-5-1, 72-5-23, 72-5-24, 72-12-1, or 72-12-3, NMSA, 1978; The subdivider shall submit a water utility plan in accordance with Subsection E of the design criteria for Water Availability.
4. The subdivision's source of water will be individual domestic water wells, or shared water wells permitted pursuant to §72-12-1, NMSA, 1978; The subdivider shall demonstrate a forty (40) year water supply and shall submit a geohydrologic report in accordance with Subsection F.

C. New community wells and water systems; the Subdivider shall submit a water supply plan and geohydrologic report which meets the following requirements:

1. Geohydrologic reports shall demonstrate that groundwater is sufficient to meet the maximum annual water requirement of the subdivision; is physically available; and can be practically recovered, (reports shall state the cost of water supply including the depth and cost of construction and maintenance of any wells or systems) to sustain the development of a continuous period of forty (40) years. These analyses shall take into account the production of existing wells and shall demonstrate that the subdivision wells, as proposed or as designed, will be capable of producing the full annual demand for at least forty (40) years.

2. The subdivider shall drill sufficient exploratory wells within the boundaries of the proposed subdivision to adequately characterize the aquifer, unless the subdivider can demonstrate that existing wells in the area are representative of general aquifer conditions within the subdivision. Where existing wells are not adequate to demonstrate aquifer conditions, aquifer parameters required to demonstrate the availability of water should be obtained from aquifer tests, performed on site, which are adequate for predicting long-term water availability or from tests conducted on nearby wells. Alternately, tests can be conducted on nearby off-site wells if the Subdivider can demonstrate that these wells are representative of general aquifer conditions within the subdivision.

3. The assessment shall include a calculated forty (40) year schedule of effects on the proposed subdivision's production well(s) which may result from existing demands and from the increase of groundwater withdrawals for the subdivision. Analyses shall be performed to assess whether future water level declines will be within the limits of allowable drawdown in the subdivision production wells as provided in Subsection C(4). Predicted drawdowns shall be calculated in a conservative manner (which estimates maximum drawdown). These calculations shall include estimates of future water uses.

4. The subdivider shall calculate the lowest practical pumping water level in the proposed subdivision pumping wells by any of the following methods as appropriate, provided there shall be no presumption made as to additional available water below the bottom of the proposed production well, and further provided that the total available drawdown shall be reduced by a factor of twenty percent (20%) as a margin of safety to account for seasonal fluctuations, drought allowance, reduction of well efficiency over time, and peak production requirements:

- (a) By using the results of acceptable on-site aquifer pump tests. The lowest allowable pumping level may be the lowest water level reached during the test.
- (b) By setting the level at the top of the uppermost screened interval.
- (c) In wells completed in fractured aquifers, the lowest practical pumping water level may be above the top of the fracture zone.
- (d) In wells completed in alluvial aquifers, the lowest practical pumping water level may be defined by a maximum allowable drawdown equal to 70% of the initial water column.

5. The geohydrologic report should present all hydrologic information pertinent to the study area including that available from past geohydrologic studies. All sources of information used in the report should be identified including basic data collected by the consultant who prepared the report. The report shall contain maps and cross-sections showing geology, depth to the water bearing formation, water level contours, and estimated thickness of saturation in the aquifer. Basic data for the immediate

area of the subdivision must be current, with the date of collection noted and the location identified on a map. The report on the investigation should be in the format of a technical narrative (spreadsheets, tables, graphs, maps and cross-sections shall be included).

D. For new surface water diversions and community water systems using surface water the subdivider shall submit a hydrologic report which meets the following requirements:

1. The hydrologic report shall demonstrate that surface water sufficient to meet the maximum annual water requirement of the subdivision is physically available. These analyses shall include the following:

- (a) Narrative and analytical demonstration that the surface water will be physically available for the proposed use given short-term and long-term fluctuations (base-flow analysis) due to climatic cycles or other factors such as induced recharge due to groundwater diversion, analyses of relevant historical runoff records, and projected water supply available for the subdivision requirements. Applicable legal or water rights constraints on water availability shall be considered.
- (b) If the analysis for the historical runoff record indicates possible shortages in the projected water supply available for the subdivision requirements the subdivider shall provide for either storage or a supplemental groundwater supply sufficient to meet the shortage.
- (c) If a supplemental groundwater supply is proposed, the subdivider shall prepare a geohydrologic assessment in accordance with Subsection C.

E. For community water systems in which existing utility companies are proposed as the source of water supply the subdivider shall submit a water supply plan which meets the following requirements:

- 1. For all water utilities: Name of the utility proposed as the source of supply. Letter of intent from the utility that they are ready, willing, and able to provide the maximum annual water requirements for the subdivision for at least forty (40) years. The letter must also state any requirement for the subdivider to provide water rights.
- 2. For water utilities other than municipal owned water utilities:
 - (a) Documentation showing the quantity of water presently produced annually, quantity of water supply commitments to date, and proof of sufficient water rights to meet both existing commitments and the requirements of the proposed subdivision for a period no less than forty (40) years.
 - (b) For New Mexico Public Utilities Commission (PUC) certificated utilities, a copy of the most recent annual report submitted to the PUC.

- (c) Plans for the existing water system to which the proposed system will tie into. The plans shall show diversion point locations, and water storage and distribution system. The size or capacity of the water system components should also be indicated on the plans.
- (d) Any other information, including any or all of the requirements of subsections C or D, required by the board of county commissioners to make a determination that the utility has the capability to meet the water requirements of the proposed subdivision.

F. For subdivisions where the source of water will be individual permitted domestic wells, or permitted shared wells (§ 72-12-1 NMSA, 1978), the Subdivider shall submit a water supply plan and geohydrologic report which meets the following requirements:

1. A geohydrologic report conforming to the requirements of Subsections C.1 through C.5.
2. The geohydrologic report shall also include a calculated forty (40) year schedule of off-site effects (drawdowns) and an evaluation of stream depletion effects (if applicable) which may result from the increase of groundwater withdrawals for the subdivision. These calculations shall include estimates of future water uses. The report shall identify by ownership and location all existing wells which will either go dry, experience dewatering of fifty percent (50%) or more of their water column, or experience an average annual rate of water decline of one foot (1 ft.) or more as a consequence of the proposed subdivision's groundwater diversions. The report shall also identify by name and location all springs, streams, acequias (ditches), canals, and drains, the flows of which will be diminished by the proposed surface or groundwater diversions. All natural or man-made ponds, lakes, reservoirs, or wetlands that will be impacted shall also be identified.

VI. WATER AVAILABILITY ASSESSMENT: For Type-three and Type-five Subdivisions Containing Less Than Six Parcels

A. Existing community water system or municipal water system; The Subdivider shall submit a water availability assessment containing the following information:

1. Name of the utility proposed as the source of supply.
2. Letter of intent from the utility company that they are ready, willing, and able to provide the maximum annual water requirements for the subdivision.

B. Individual domestic wells or shared wells; The State Engineer shall approve the permit pursuant to §72-12-1 NMSA, 1978, and the Subdivider shall submit a water availability assessment containing the following information:

1. At least one well log from an on-site well or from an existing nearby well completed in geologic conditions representative of the conditions within the proposed subdivision.
2. A description of the water bearing formation including a statement of the maximum and minimum depths to water in the subdivision and the basis for these statements.
3. A statement of the estimated yield of wells in gallons per minute based upon well logs from existing nearby wells.
4. Any additional information which is required by the Board of County Commissioners that will enable them to determine whether or not the Subdivider can fulfill the proposals contained in their disclosure statement.

C. New wells or surface diversion for a community water system; The requirements of Part 4, Subsection C or D, whichever is applicable, shall apply. Any further subdivision of the parcels sold, leased, or retained by the subdivider shall meet the relevant requirements of Part 4.

VII. WATER AVAILABILITY REQUIREMENTS FOR FIRE PROTECTION:

A. Water for Fire Protection:

1. All subdivisions with community water systems shall provide water for fire fighting and facilities for storage and distribution.
2. The subdivider shall provide water for fire fighting and facilities for storage, distribution, and delivery of the fire flows for all non-residential subdivisions.

B. Standards for Fire Protection:

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

1. The required storage for fire protection shall equal 60,000 gallons or other required minimum specified by ISO. Amounts deliverable by tanker, as estimated by the local fire authority, may be included in the fire protection plan, but shall not be credited towards the ISO storage requirement.

2. The fire protection system shall be capable of delivering a minimum flow as identified by classification of structure as designated by ISO. Minimum water pressure at a residual fire shall be twenty (20) pounds per square inch or as required by ISO. Flow and structure classification are to be calculated using the Fire Suppression Rating Schedule prepared by ISO.

3. Fire hydrant spacing shall not exceed a distance of one-thousand (1,000) feet measured along the roadway, and individual hydrants shall not be located more than five hundred (500) feet from each parcel. There shall be no deadend mains and all interconnecting pipe shall be looped.

4. Fire protection requirements may be waived or modified by a variance approved by the Board of County Commissioners subject to review of the subdivider's request by the fire authority having jurisdiction. The Subdivider shall provide a letter to the Board of County Commissioners from the fire authority having jurisdiction with their comments to support the variance request.

C. Fire Protection Plan:

1. A fire protection plan shall be a condition of preliminary plat approval for all non-residential subdivisions and subdivisions with community water systems, or of final plat approval for summary review subdivisions with community water systems.

2. For all subdivisions with fire protection, the subdivider shall submit a plat of the proposed subdivision, preliminary plans of the proposed water supply, storage and distribution system, and calculations demonstrating that the proposed fire protection facilities will meet the requirements of these guidelines, prepared by or under the supervision of a registered professional engineer.

3. For all subdivisions to be supplied by existing utilities, the letter of intent from the utility company to provide water shall specify fire flows and pressures which will be provided and fire flow storage which may be apportioned to the subdivision.

4. If fire fighting services are available, the subdivider shall provide a letter from the local fire authority having jurisdiction which states:

- (a) Rate in gallons per minutes that water may be delivered to the fire by tanker service from the fire authority, if applicable, and
- (b) distance and anticipated time of travel to the fire.

APPENDIX "C" WATER QUALITY

I. DEFINITIONS:

The design standards for water quality, and liquid and solid waste disposal have the following terms defined as follows:

Alternative disposal system	Individual liquid waste disposal system which is not a conventional disposal system. It is commonly used where limiting soil conditions exist. Some examples of alternative disposal systems are deep trench, seepage pit, fill, sand filter, sand mount, evapo-transpiration, and land application.
Arroyo	A dry wash or draw which flows only occasionally.
Bedrock	Consolidated earth materials which may be fractured and/or cavernous rock.
Body of water	Constrained water including water situated wholly or partly within or bordering the subdivision, whether surface or subsurface, public or private.
Canal	A man-made ditch or channel that carries water for purposes other than domestic consumption.
Community liquid waste system	A liquid waste system which receives a design flow of more than two thousand (2,000) gallons of liquid waste per day. It is subject to the New Mexico Ground and Surface Water Quality Protection Regulations (20 NMAC 6.2).
Conventional disposal system	An individual liquid waste disposal system that is a below grade soil absorption system with an excavated depth no deeper than four (4) feet from the ground surface (examples of conventional disposal systems are absorption trenches and seepage beds).
Degrade a body of water	Reduction in the physical, chemical, or biological qualities of a body of water. It includes the release of material which could result in the exceeding the standards established in the New Mexico Water Quality Standards for Interstate and Intrastate Streams, the New Mexico Ground and Surface Water Quality Protection Regulations (20 NMAC 6.2), and the New Mexico Drinking Water Regulations (20 NMAC 7.1).
Design flow	Liquid waste flow rate for a liquid waste system must be designed in order to assure acceptable system performance. It is generally governed by regulations, standards, codes, and accepted references.

documentation package	Proposed disclosure statement for the subdivision along with all other documents needed by the reviewing agency to render an opinion as to the Subdivider's ability to meet the minimum design standards of these regulations.
Edge of a watercourse, canal or arroyo	Point of maximum curvature at the upper edge of a definite bank or, if no definite bank exists, the highest point where signs of seasonal high water flow exist.
Engineer	Licensed person authorized to practice professional engineering in the State of New Mexico.
Flood plain	Area which will be flooded by high water from a one hundred (100) year frequency storm.
Ground water	Interstitial water which occurs in saturated earth material which is capable of entering a well in sufficient amounts to be utilized as a water supply.
Hazard to public health	Indicated presence in water or soil of chemical, biological or other agents under such conditions that they may adversely impact human health.
Individual liquid waste system	Liquid waste system which receives a design flow of two thousand (2,000) or less gallons of liquid waste per day. It is subject to the New Mexico Liquid Waste Disposal Regulations (20 NMAC 7.3).
Liquid waste	Domestic wastewater (sewage) and non-liquid-carried excreta.
Liquid waste disposal system	Component of a liquid waste system which disposes of the discharge from a liquid waste treatment system.
Liquid waste system	System which is designed, constructed, operated, and maintained to receive, treat, and dispose of liquid wastes. It usually consists of collection, treatment, and disposal components.
Liquid waste treatment system	Components of a liquid waste system which removes, reduces, or alters the objectionable constituents of liquid waste.
Net lot size	Area of a lot excluding any area dedicated by easement or use to provide vehicular passage to more than one lot or more than five (5) residential or commercial units on a single lot.
Percolation rate	Rate of entry of water into soil determined from a standard percolation test performed on the soil at the depth of the proposed soil absorption system.

Potential source of contamination	Sources which could release substances resulting in the degradation of a body of water and a hazard to public health.
Private water supply system	Water supply system that has less than fifteen (15) service connections or serves less than twenty-five (25) individuals.
Privy	Receptacle for non-liquid-carried excreta by direct discharge to the soil.
Public water supply system	Water system which has at least fifteen (15) service connections or serves at least twenty-five (25) individuals under the New Mexico Drinking Water Regulations (20 NMAC 7.1).
Representative water sample	Water sample which can be expected to reflect the current quality of the water proposed for use within the subdivision. A water sample (and water quality analysis) more than three (3) years old is not considered representative.
Seasonal high ground water table	Highest level to which the upper surface of the ground water may be expected to rise within a one (1) year period.
Soil survey	National cooperative soil survey conducted by the U.S. Department of Agriculture, Natural Resources Conservation Service, in cooperation with the State's Agricultural Experiment Station; or any other survey containing information of comparable quality and detail following the federal or State standards for an Order 2 survey.
Solid waste	Garbage, rubbish, or other discarded material which results from residential, commercial, institutional, industrial or recreational activities. Collection, transportation, and disposal of solid waste are subject to the New Mexico Solid Waste Management Regulations (20 NMAC 9.1).
Total design flow	Sum of liquid waste design flows for all liquid waste systems on a lot. The maximum total design flow (gallons per day) permitted on any lot is determined by multiplying the net lot size (acres) by five hundred (500).
Water supply source	A well, spring, infiltration gallery, surface water intake structure, or other source of water, used to furnish water to a public or private water supply system.

Water supply system or water system	System which is designed, constructed, operated, and maintained to provide water suitable for domestic uses. It usually consists of source, treatment, transmission, storage, pumping, and distribution facilities.
Watercourse	River, creek, arroyo, draw, wash, or any other channel having definite banks and bed with visible evidence of at least an occasional flow of water.

II. WATER QUALITY REVIEW:

A. Subdividers must submit water quality documentation with the preliminary plat application in sufficient detail to determine compliance with the water quality requirements of these regulations.

B. New public water supply system; The following information shall be submitted as part of the water quality disclosure statement:

1. Water quality analysis of a representative water sample for antimony, arsenic, barium, beryllium, cadmium, chromium, cyanide, fluoride, lead, mercury, nickel, nitrate, nitrite, selenium, thallium, alkalinity, aluminum, calcium, chloride, color, copper, foaming agents, hardness, iron, manganese, odor, pH, silver, sodium, sulfate, total dissolved solids, turbidity, and zinc; and,
2. Areas where contamination of the proposed source water has been documented, a water quality analysis of a representative water sample for other water quality parameters listed in Table C-1 as may be required; and,
3. Location and description of the source of water sampled for the water quality analysis; and,
4. Engineer's report and preliminary plans for the proposed public water supply system; and,
5. Maps identifying and showing the location of all potential sources of contamination and the flood plan of all watercourses and surface bodies of water within one thousand (1,000) feet of the proposed water supply system source.

C. Existing public water supply system: The following information shall be submitted as part of the water quality disclosure statement:

1. Water quality analysis of a representative water sample for alkalinity, aluminum, calcium, chloride, color, copper, foaming agents, hardness, iron, manganese, odor, pH, silver, sodium, sulfate, total dissolved solids, turbidity, and zinc; and,

2. Statement of availability of water service signed by an official of the existing public water supply system; and,

3. Engineer's report and preliminary plans for the proposed connection to and an extension of an existing water system.

D. Private water supply systems: The following information shall be submitted as part of the water quality documentation package:

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

2. Areas where contamination of the proposed source water has been documented, a water quality analysis of a representative water sample for other water quality parameters listed in Table C-1 as may be required; and,

3. Location and description of the source of water sampled for the water quality analysis; and,

4. Preliminary plans for the private water supply systems if the system will serve more than one (1) connection; and,

5. Maps identifying and showing the location of all potential sources of contamination and the flood plain of all watercourses and surface bodies of water within the subdivision and within five hundred (500) feet of the proposed subdivision boundaries.

E. Documentation of approval for the construction or modification of a public water supply system from the New Mexico Environment Department will be required for final plat approval.

III. WATER QUALITY REQUIREMENTS:

Conformance with the water quality requirements of these regulations is required for preliminary plat approval.

A. The level of a contaminant in water which is delivered to any user of a public or private water supply system shall not exceed the maximum contaminant level (MCL) for any of the contaminants listed in Table C-1.

B. The level of a contaminant in water which is delivered to any user of a public or private water supply system should not exceed the secondary maximum contaminant level (SMCL) for any of the contaminants listed in Table C-2.

1. If the level for any of the contaminants listed in Table C-2 exceeds the SMCL, the subdivider must state in the disclosure statement on water quality the name of the contaminant exceeded; the contaminant level; the SMCL of the contaminant; the expected adverse effects of the contaminant for domestic water use; and, the recommended treatment method to reduce the contaminant level to or below the SMCL.

C. A water supply source shall not be located at less than the setback distances shown in Table C-3.

D. The disclosure statement for the subdivision shall contain a statement describing the quality of water available for domestic use within the subdivision.

TABLE C-1. -- PRIMARY CONTAMINANTS (HEALTH RELATED)			
Inorganic (IOC)		Microbiology	
Contaminant	MCL	Contaminant	MCL
Antimony	0.006 mg/l	<i>Giardia lamblia</i> ^(d)	TT ^(e)
Arsenic	0.05 mg/l	<i>Legionella</i> ^(d)	TT ^(e)
Asbestos	7 MFL ^(a)	Standard plate count ^(d)	TT ^(e)
Barium	2 mg/l	Total coliforms	Absent
Beryllium	0.004 mg/l	Turbidity ^(d)	PS ^(f)
Cadmium	0.005 mg/l	Viruses ^(d)	TT ^(e)
Chromium (total)	0.1 mg/l	Disinfection Byproduct	
Copper	1.3 mg/l	Contaminant	MCL
Cyanide	0.2 mg/l	Total trihalomethanes	0.10 mg/l
Fluoride	4.0 mg/l	Volatile Organic (VOC)	
Lead	0.015 mg/l	Contaminant	MCL
Mercury (inorganic)	0.002 mg/l	Benzene	0.005 mg/l
Nickel	0.1 mg/l	Carbon tetrachloride	0.005 mg/l
Nitrate (as N)	10 mg/l	Dibromochloropropane	0.0002 mg/l
Nitrite (as N)	1 mg/l	o-dichlorobenzene	0.6 mg/l
Nitrate + Nitrite (both as N)	10 mg/l	p-dichlorobenzene	0.075 mg/l
Selenium	0.05 mg/l	1,2-dichloroethane	0.005 mg/l
Thallium	0.002 mg/l	1,1-dichloroethylene	0.007 mg/l
Radionuclide		cis-1,2-dichloroethylene	0.07 mg/l
Contaminant	MCL	trans-1,2-dichloroethylene	0.1 mg/l
Gross α particle activity ^(b)	15 pCi/l	Dichloromethane	0.005 mg/l
Radium-226 & -228 ^(c)	5 pCi/l	1,2-dichloropropane	0.005 mg/l
Strontium-90	8 pCi/l	Ethylbenzene	0.7 mg/l
Tritium	20000 pCi/l	Ethylene dibromide	0.00005 mg/l

(TABLE C-1 CONTINUED ON NEXT PAGE)

TABLE C-1. -- PRIMARY CONTAMINANTS (HEALTH RELATED) (continued)			
VOC (continued)		SOC (continued)	
Contaminant	MCL	Contaminant	MCL
Monochlorobenzene	0.1 mg/l	Di(2-ethylhexyl) phthalate	0.006 mg/l
Styrene	0.1 mg/l	Dinoseb	0.007 mg/l
Tetrachloroethylene	0.005 mg/l	Diquat	0.02 mg/l
Toluene	1 mg/l	Endothall	0.1 mg/l
1,2,4-trichlorobenzene	0.07 mg/l	Endrin	0.002 mg/l
1,1,1-trichloroethane	0.2 mg/l	Glyphosate	0.7 mg/l
1,1,2-trichloroethane	0.005 mg/l	Heptachlor	0.0004 mg/l
trichloroethylene	0.005 mg/l	Heptachlor epoxide	0.0002 mg/l
Vinyl chloride	0.002 mg/l	Hexachlorobenzene	0.001 mg/l
Xylenes (total)	10 mg/l	Hexachlorocyclopentadiene	0.05 mg/l
Synthetic Organic (SOC)		Lindane	0.0002 mg/l
Contaminant	MCL	Methoxychlor	0.04 mg/l
Alachlor	0.002 mg/l	Oxamyl (Vydate)	0.2 mg/l
Atrazine	0.003 mg/l	Pentachlorophenal	0.001 mg/l
Benzo[a]pyrene	0.0002 mg/l	Picloram	0.5 mg/l
Carbofuran	0.04 mg/l	Polychlorinated biphenyls	0.0005 mg/l
Chlorodane	0.002 mg/l	Simazine	0.004 mg/l
2,4-D	0.07 mg/l	2,3,7,8-TCCD (Dioxin)	3x10 ⁻⁸ mg/l
Dalapon	0.2 mg/l	Toxaphene	0.003 mg/l
Di(2-ethylehexyl) adipate	0.4mg/l	2,4,5-TP	0.05 mg/l

Notes to Table C-1:

- Million Fibers longer than 10 [μ]m per Liter.
- Gross alpha particle activity including radium-226 but excluding radon and uranium
- Combined radium-226 and radium-228.
- For systems using surface water.
- Treatment Technique (filtration and disinfection) required.
- Performance Standard 0.5 NTU to 1.0 NTU.

TABLE C-2. -- SECONDARY CONTAMINANTS (ETHETIC RELATED)			
Contaminant	SMCL	Contaminant	SMCL
Aluminum	0.05 to 0.2 mg/l	Manganese	0.05 mg/l
Chloride	250 mg/l	Odor	3 TON
Color	15 CU	pH	6.5 to 8.5
Copper	1.0 mg/l	Silver	0.1 mg/l
Corrosivity	Non-corrosive	Sodium	100 mg/l ^(a)
Fluoride	2.0 mg/l	Sulfate	250 mg/l
Foaming Agents	0.5 mg/l	TDS	500 mg/l
Hardness	250 mg/l	Turbidity	5 NTU
Iron	0.3mg/l	Zinc	5 mg/l

Notes to Table C-2:

(a) Sodium concentration exceeding 20 mg/l must be noted in the disclosure statement.

TABLE C-3. -- SETBACK DISTANCES FOR WATER SUPPLY SOURCES		
Potential Source of Contamination	Required Minimum Setback Distance (feet)	
	Public Water Supply System Source	Private Water Supply System Source
Water Tight Sewers	50	25
Other Sewers	100	50
Community Liquid Waste Treatment System	300	150
Individual Liquid Waste Treatment System	100	50
Community Liquid Waste Disposal System	600	300
Individual Liquid Waste Disposal System	200	100
Flood Plain	Outside	Outside

APPENDIX "D"

LIQUID WASTE DISPOSAL

I. DEFINITIONS:

The definitions of these regulations, and those contained in the standards for water quality shall apply to these standards for liquid waste disposal.

II. LIQUID WASTE DISPOSAL REVIEW:

A. Subdividers must submit liquid waste disposal documentation with the preliminary plat application in order to determine compliance with the liquid waste disposal requirements of these regulations.

B. New community liquid waste system: The following information shall be submitted as part of the liquid waste disposal documentation package:

1. Engineer's report and preliminary plans for the proposed community liquid waste system; and,
2. Maps showing the location of all water supply sources and the flood plain of all watercourses and surface bodies of water within one thousand (1,000) feet of the proposed liquid waste treatment and liquid waste disposal site; and,
3. Documentation of the filing of a "Notice of Intent to Discharge" with the New Mexico Environment Department in accordance with the Water Quality Control Commission Regulations.

C. Existing community liquid waste system: The following information shall be submitted as part of the liquid waste disposal documentation package:

1. Statement of availability of liquid waste service signed by an official of the existing liquid waste system; and,
2. Engineer's report and preliminary plans for the proposed extension to the existing liquid waste system.

D. Individual liquid waste systems: The following information shall be submitted as part of the liquid waste disposal documentation package:

1. Soils investigation report (soil survey, soil boring to a minimum depth of eight (8) feet, soil test results and analysis of the soil survey, soil boring, and soil tests) defining soil depth to bedrock, seasonal high water ground water table or other limiting soil layer, and percolation rate for the soils present within the proposed subdivision; and,

2. Maps showing the location of all water supply sources and the flood plain of all watercourses and surface bodies of water within the proposed subdivision and within five hundred (500) feet of the proposed subdivision boundaries; and,

3. Liquid waste system feasibility map, superimposed on the subdivision plat, delimiting the areas of suitable, limited, and prohibitive soil categories as described in Table D-2; and,

4. Preliminary plans for the individual liquid waste systems if a system will serve more than one (1) connection.

E. Permit for the discharge plan for a community liquid waste system from the New Mexico Environment Department shall be required for final plat approval.

III. LIQUID WASTE DISPOSAL REQUIREMENTS:

Conformance with the liquid waste disposal requirements of these regulations is required for preliminary plat approval.

A. Community liquid waste systems.

1. A community liquid waste system shall be permitted, designed, and constructed, by the time of the first occupancy within the subdivision, to comply with the Water Quality Control Commission Regulations; and, operated, maintained, and expanded as necessary to insure that the system will comply with the Water Quality Control Commission Regulations.

2. The subdivider shall disclose and covenant that all lots within the subdivision must connect to the community liquid waste system at the time of occupancy.

B. Individual liquid waste systems.

1. Individual liquid waste systems shall be located, installed, operated, and maintained in a manner which will not cause a hazard to public health or degrade any body of water.

2. Individual liquid waste systems shall not be installed where an existing community liquid waste system is available for use within the subdivision; installed in subdivisions or on lots with sizes less than shown in Table D-1; installed in prohibitive soils as shown in Table D-2; installed at less than the setback distances shown in Table D-3; or, privies (outhouses) or holding tanks if a water supply system is to be used.

3. The subdivider shall disclose and covenant that the lots can not be further divided or subdivided to lot sizes smaller than those approved for the subdivision.

TABLE D-1. -- LOT SIZES FOR INDIVIDUAL LIQUID WASTE SYSTEMS			
Lot Slope	0%-10%	11%-15%	Greater than 15%
Minimum Lot Size	1.00 acres	2.00 acres	No Individual liquid waste systems

C. The disclosure statement for the subdivision shall contain a description of the method for liquid waste disposal for the subdivision.

TABLE D-2. -- SOIL CATEGORY FOR INDIVIDUAL LIQUID WASTE SYSTEMS			
Soil Characteristics	Soil Category ^(a)		
	Suitable ^(b)	Limiting ^(c)	Prohibitive ^(d)
Percolation Rate (minutes per inch)	5 - 60	Less than 5 or 61 - 120	More than 120
Slope (percent)	0 - 8	9 - 15	More than 15
Soil Depth to Seasonal High Ground Water Table or Bedrock or Other Limiting Soil Layer (feet)	8 or more	4 - 8	Less than 4
Flood Plain	Outside	Outside	Within

Notes to Table D-2:

- (a) A soil category is determined by the most limiting soil characteristic.
- (b) A suitable soil is a soil suited for the installation and functioning of a conventional disposal system. Conventional disposal systems or alternative disposal systems may be used in suitable soils.
- (c) A limiting soil is a soil unsuited for the installation and functioning of a conventional disposal system. Alternative disposal systems are used in limiting soils.
- (d) A prohibitive soil is a soil unsuited for the installation and functioning of either a conventional disposal system or an alternative disposal system. Individual liquid waste systems can not be used in prohibitive soils.

TABLE D-3. -- SETBACK DISTANCES FOR INDIVIDUAL LIQUID WASTE SYSTEMS		
Object	Required Minimum Setback Distance (feet)	
	Treatment Unit	Disposal System
Individual Water Supply System Source	50	100
Public Water Supply System Source	100	200
Edge of Watercourses Except Canals and Arroyos	50	100
Edge of Unlined Canals and Arroyos	15+depth of channel	25+depth of channel
Edge of Lined Canals	10+depth of channel	10+depth of channel
Public Lakes	50 ^(a)	100 ^(a)

Notes to Table D-3:

- (a) Setback distance to artificially controlled lakes and reservoirs is measured from the closest projected shoreline at the maximum controlled water level.

APPENDIX "E"

SOLID WASTE DISPOSAL

I. DEFINITIONS:

The definitions of these regulations, and those contained in the standards for water quality, shall apply to these standards for solid waste disposal.

II. SOLID WASTE DISPOSAL REVIEW:

A. Subdividers must submit solid waste disposal documentation with the preliminary plat application in order to determine compliance with the solid waste disposal requirements of these regulations.

B. Existing solid waste collection service: The following information shall be submitted as part of the solid waste disposal documentation package:

1. Statement of availability of solid waste collection and disposal service signed by an official of the solid waste collection service; and,
2. Name, location and owner or operator of the solid waste disposal site used by the collection service.

C. Existing solid waste disposal site: The following information shall be submitted as part of the solid waste disposal documentation package:

1. Statement of availability of solid waste disposal service signed by an official of the disposal site; and,
2. Travel distance from the center of the subdivision to the disposal site.

III. SOLID WASTE DISPOSAL REQUIREMENTS:

All residential solid waste generated by the subdivision must be brought to a permitted operating landfill or to an approved transfer station. No commercial waste will be allowed at the transfer stations. Conformance with the solid waste disposal requirements of this section is required for preliminary plat approval.

A. At the time of first occupancy of the subdivision, the subdivider shall provide for:

1. Disposal of solid wastes at an approved solid waste disposal facility; and,
2. Solid waste system to collect and transport solid wastes to the disposal facility.

B. The subdivider shall provide for an approved solid waste collection system, or, make adequate assurances that a solid waste collection system is available to collect and transport solid wastes to the disposal facility.

C. The disclosure statement for the subdivision shall contain the following:

1. Description of the means of solid waste disposal for the subdivision and the cost of maintaining such system; and,
2. Availability of such system(s) for use by the land owners and the estimated monthly cost of such collection system.

APPENDIX "F" TERRAIN MANAGEMENT

These design standards have been developed as minimum standards for Terrain Management.

I. DEFINITIONS:

The following definitions apply along with those contained in these regulations:

Cover density	Estimated percentage of canopy and basal cover for each vegetative type; canopy cover being the estimated percentage of trees and shrubs that would shade the ground at midday and basal cover being the percentage of grasses, rocks, litter, and desert pavement in direct contact with the ground.
Drainage channel	Depression into which storm water flows along a defined course.
Erosion	Soil movement due to wind or water.
Erosion control structure	Man made device for preventing or controlling erosion.
Floodplain	Area which will be flooded by water from a 100-year frequency storm.
Floodway	Area that will be flooded by water from a 25-year frequency storm.
Flood fringe	Area that will be flooded by water from a 50-year frequency storm.
Local district	U.S.D.A. Soils and Water Conservation District within the County in which the proposed subdivision is located.
Sediment	Soil or other surface material transported by wind or surface water as a product of erosion.
Soil survey	National cooperative soil survey conducted by the U.S.D.A. Natural Resources Conservation Service, in cooperation with the State Agricultural Experiment Station and other surveys following the federal and State standards for an Order 2 survey approved by the local district
Terrain management	Floods, drainage, erosion control measures required for adapting proposed development to existing soil characteristics and topography.
Watercourse	River, creek, spring, stream, arroyo, or any other like body having definite banks and/or evidencing the overland flow of water.
Terrain Management Plan	Detailed plan prepared by a New Mexico licensed engineer which explains the improvements needed to satisfy the infrastructure requirements imposed by these regulations.

II. GENERAL REQUIREMENTS

A. The Board of County Commissioners may not approve a Preliminary Plat unless it determines that:

1. The Terrain Management Plan conforms with the requirements of the New Mexico Subdivision Act and these Regulations; the Subdivider can fulfill the proposals for Terrain Management contained in his Disclosure Statement; and, the Terrain Management Plan and Disclosure Statement have been reviewed by the local Soils and Water Conservation District to determine whether proposals to control floods, drainage, and erosion, as well as other measures for adapting the proposed development to existing soil characteristics and topography are adequate.
2. Land subject to flooding or land deemed topographically unsuitable, shall not be platted for residential occupancy or for such other uses as may increase danger to health, safety, or welfare, or aggravate erosion or flood hazard unless methods to solve these problems have been approved within a Terrain Management Plan.
3. No Terrain Management Plan within the force and effect of a floodplain ordinance shall be approved unless the Plan conforms to said ordinance.
4. Every Terrain Management Plan must include drainage structures to adequately handle flow demands for the 100 year flood.

B. Drainage Facilities: The Terrain Management Plan shall contain proposals for drainage control that will:

1. Protect and preserve existing natural drainage channels except where erosion and water control measures are approved by the Board of Commissioners; Protect structures and other works from flood hazards; and,
2. Provide a system by which water within the subdivision will be removed without causing damage or harm to the natural environment, or to property or persons within the subdivision or in other areas; and,
3. Assure that waters drained from the subdivision do not contain pollutants and sedimentary materials of any greater quantity than would occur in the absence of the subdivision; and,
4. Assure that waters are drained from the subdivision in such a manner that they will not cause erosion outside of the subdivision to any greater extent than would occur in the absence of the subdivision; and,
5. Assure that custom drainage systems shall be constructed in accordance with the specifications of the local Soil and Water Conservation District and the Engineering interpretations of the soil survey; and,

6. The Board of Commissioners may require the design and construction of a drainage system that will insure that the inlet flow line elevations and the capacity are such that is capable, or may be extended as necessary to serve adequately, the entire drainage basin within which the subdivision is located when such basin is ultimately developed.

C. Drainage Strips are required when a subdivision is traversed by a watercourse, drainage channel or storm sewer, the plat must provide a right-of-way conforming substantially with the lines and flood plan of such watercourse. Channelization or disturbance of continuous flowing streams will not be allowed. Where a continuous flowing stream goes through or is adjacent to a proposed subdivision, an easement which includes all channels of the stream shall be provided. This easement which includes all channels of the stream shall be provided. This easement shall not be less than one hundred (100) feet in width.

D. Structures, excavations, or deposits of material are not permitted within the drainage strip. Drainage strips may not be developed except for planting trees or vegetation improvements. The following legend shall appear on the face of the Final Plat in each drainage strip: "This strip reserved for the planting of trees or vegetation by the developer or owner and the building of structures thereon is prohibited".

III. SOILS AND WATER CONSERVATION:

U.S. Department of Agriculture's Soils & Water Conservation District for McKinley County shall review all terrain management plans to determine:

A. Whether the Subdivider can furnish sufficient protection against flooding, inadequate drainage and erosion; and,

B. Whether the Subdivider can fulfill the Terrain Management Plan contained in his disclosure statement.

IV. TERRAIN MANAGEMENT STANDARDS:

The Subdivider shall prepare a Terrain Management Plan conforming to these standards, and a synopsis shall be included in the Disclosure Statement as follows:

A. VICINITY MAP - A map drawn to a scale of not more than two-thousand (2,000) feet to one (1) inch showing the relationship of the site to its general surroundings, and the location of all existing drainage channels, water courses and water bodies within three miles of the site. This map shall display the topographic contours at twenty (20) feet intervals (example: USGS Topographic Map).

B. NATURAL FEATURES MAP - A map of the development (at the same scale as the preliminary plat map) showing directly or by overlay:

1. The boundaries of the development; and,
2. The existing contours with intervals of not less than two (2) feet where the slope is less than eight percent (8%) and not more than five (5) feet where the slope is eight percent (8%) or greater; and,
3. All areas with natural slopes of twenty five percent (25%) or greater clearly recorded by scale, line, or color; and,
4. The location of all drainage channels, watercourses, water bodies, floodways, flood fringes, and floodplains; and,
5. The location of all major rock outcropping, faults and geologic resources; and,
6. The location of the major vegetation types showing the plant species included and the cover density.

This may be accomplished by use of a line map or aerial photo of reasonable clarity taken within the past twelve (12) months, and be of a satisfactory scale with an appropriate legend

C. SOIL SURVEY - A soil survey of the site including:

1. An overlay of the natural features map showing the location of each soil type. Soil surveys will be completed under national standards as set forth by the USDA Natural Resources Conservation Service.
2. A description of the soil types. Detailed soil profiles maybe required if deemed necessary by the U.S.D.A. Soil and Water Conservation District.
3. Interpretations of the limitations from a detailed soil survey for each soil type for the intended land uses common to the development.

D. GRADING PLAN - A series of maps, cross sections, and design profiles showing the location and impact of the planned development features to the natural land form including:

1. An overlay of the Natural Features Map showing the location of all proposed parcels, roads, bridges, water and erosion control structures, and the utility easements in relation to the existing contours; and,
2. An overlay showing the finished contours of the development after all proposals have been implemented using contour intervals equal to or less than those on the existing contour map; and,

3. The location of all cuts and fills, including the grades, lengths, and depths thereof displayed using the necessary cross section and profiles to adequately describe and display the planned action; and,
4. The location of all areas where the natural elevation of the land will be changed by more than three feet; and,
5. The location of all areas where the grading of land will disturb more than one-thousand (1,000) contiguous square feet; and,
6. Profiles showing the existing ground surface and proposed street grades and typical cross-sections of the proposed grading; and,
7. Description of methods of stabilization in areas of cut and fill, embankment compaction, and revegetation on steep slopes.

E. LANDSCAPING PLAN - A series of maps or overlays and narratives to identify those areas which will be revegetated following disturbance or to enhance the visual aesthetics of the site and the methods to be used, including:

1. Location and type of materials to be used in revegetation and slope stabilization; and,
2. Location of all areas where vegetation will be preserved and a description of the methods that will be used to protect the vegetation; and,
3. Duration of exposure of the disturbed sites before reclamation of the site and methods to be used to minimize erosion of the disturbed sites prior to reclamation; and,
4. A description of the vegetative characteristics that will be present after revegetation; and,
5. The plan for site preparation, fertilization, seeding rates, dates and amounts by species, mulching type and amount for both grass, shrubs and trees. If watering is a planned part of the revegetation procedure, a description of the planned irrigation system and amounts of water needed.

F. EROSION AND DRAINAGE PLAN - Charts, drawings, location maps, and calculations to support the plan including:

1. A watershed map showing all the upper watershed area draining into or through the site to show the water courses and topographic conditions as well as indicate the soil and vegetative types and their locations within the watershed; and,
2. Storm drainage computations for the one hundred (100)-year frequency storm both reaching and leaving the site in the pre-development conditions; and,

3. Storm drainage calculations for the post development estimates of runoff after planned full development of the site to show the estimated runoff before and after any mitigation of the increased flows; and,
4. Quantities of water carried by the major watercourses and the proposed treatment of the watercourses with calculations to be provided for pre- and post-development; and,
5. The location, type, and size of all proposed drainage and erosion control structures with adequate detail of the drawings or designs; and,
6. The location and size of all drainage easements for all floodplains, floodways, flood fringes, and other natural water courses along with adequate supporting documentation required for all watercourses with one hundred (100)-year storm flows that exceed twenty (20) cubic feet per second flow rates; and,
7. An overlay indicating the depth to ground water in all areas where the seasonal high water table is within twenty (20) feet of the ground surface; and,
8. All appropriate design details necessary to clearly explain the construction of all surface and subsurface structures.

G. CONSTRUCTION SCHEDULE - Details shall include:

1. The start and finish dates for all clearing, grubbing and grading activities; and,
2. Duration of exposure of disturbed areas; and,
3. Stabilization date for disturbed areas; and,
4. Installation date of all storm drainage system components; and,
5. Installation date for all roads and related structural measures; and,
6. Paving dates for all roads or parking areas included in the site plan; and,
7. Installation date of each utility to be provided and whether said utility will be above or below ground; and,
8. Installation date for homes, recreation structures, and other communities facilities and improvements.

APPENDIX "G" MOBILE HOME PARKS

I. DEFINITIONS:

Mobile Home Parks are included in the definition of a subdivision and are therefore subject to the McKinley County Subdivision Regulations. Design standards for mobile home parks are supplemental to the Subdivision Regulations and other design standards as set forth therein.

A. The design standards for roads, water, waste, terrain management, and easements apply to all mobile home parks.

B. Design standards for a mobile home park apply where a common owner retains legal title to all lots and/or improvements. Any mobile home park that intends to sell off individual lots must fully conform to all the McKinley County Subdivision Regulations.

C. Lot size and open space in a mobile home park shall include:

1. Lots in mobile home parks utilizing community water and liquid waste disposal systems, and with slopes less than five percent (5%), shall contain no less than four thousand (4,000) square feet; and,

2. Pads or stands shall be installed and shall occupy an area of no more than one-third (1/3) of the total lot area; and,

3. The accumulated floor area of a mobile home and its accessory structures, shall not exceed one-half (1/2) of the total area of the lot; and,

4. The open space depth (OSD) between a mobile home and its detached accessory structures shall be at least twelve (12) feet; and,

5. The open space depth (OSD) between mobile homes or mobile home pads shall be not less than twenty-four (24) feet; and,

6. Lots in a mobile home park utilizing community water and liquid waste disposal systems and with slopes five percent (5%) or greater, shall contain not less than six thousand (6,000) sq. ft.; and,

7. The front and rear setbacks of each mobile home lot shall be at least twenty (20) feet in depth; side setbacks of each lot shall be at least ten (10) feet except on the street side; and side setbacks on the street side shall be twelve (12) feet in depth; and,

8. The lot numbering and street names of the mobile home park shall be coordinated with the County Manager and/or Rural Addressing program; and,

9. Every mobile home in a subdivision, whether mobile home park, mobile home subdivision, or conventional subdivision, shall be situated on a permanent stand suitable for the location.

D. Improvements in a mobile home park shall include:

1. Roads and streets: No mobile home park roads and streets will be accepted for maintenance by the County and shall remain the responsibility of the common owner of the land; and,
2. Layout and type of roads and streets: Mobile home park roads and streets shall be made according to these regulations and sound land use planning practice for the size of development proposed; and,
3. Ingress and egress: All streets shall provide for the continuation of appropriate projections of principal streets in surrounding areas and provide reasonable means of ingress and egress for surrounding acreage tracts; and,
4. Future Connections: Streets shall be extended, when topography permits, to the boundaries of the mobile home park to provide future connections with unplatted lands; and,
5. Lighting: Out-door lighting is required in areas within mobile home parks that receive heavy pedestrian or vehicular use and in areas that are dangerous if unlit, such as ramps, intersections, or abrupt changes in grade. The following standards shall apply:

(a)	<u>PEDESTRIAN AREAS:</u>	<u>LIGHTING LEVELS*</u>
	Sidewalks	0.2
	Interior Walkways	0.5
(b)	<u>ROADWAYS:</u>	
	Collectors	0.6
	Local Streets	0.4
	Alleys	0.2

*Lighting level values are given in minimum average maintained footcandles.

6. Off-street parking: All mobile home parks shall provide off-street parking, except that the subdivider may provide for on-street parking on Type D streets if pavement width is widened by eight (8) feet.
7. Driveways: A mobile home park shall provide a driveway, either paved, graveled, or covered with similar material, on each lot with adequate provisions for multi-family parking.

APPENDIX "H"

FORMS AND SUGGESTED DISCLOSURE STATEMENTS

Disclosure Statement For Subdivisions With No More Than Four Parcels

Disclosure Statement For Subdivisions With Five or More Parcels

Claim of Exemption

Application for Preliminary Plat Approval

Application for Final Plat Approval

Application for Summary Review Plat Approval

Application for a Variance

Application for County Road Maintenance

Application for Vacation of Plat

Notice of Appeal

SUGGESTED FORM
FOR ALL SUBDIVISIONS WITH NO MORE THAN FOUR PARCELS.

Any form may be used as long as the required information is provided and it is understandable to all prospective purchasers. This is an example form only. You must describe in sufficient detail the information needed. If you use this form, you must attach extra sheets of paper and label each sheet to correspond to the information sought.

DISCLOSURE STATEMENT
FOR

YOU SHOULD READ THIS DISCLOSURE STATEMENT BEFORE YOU SIGN ANY DOCUMENTS OR AGREE TO PURCHASE ANY PARCEL IN THE SUBDIVISION.

This disclosure statement is intended to provide you with enough information to make an informed decision on the purchase, lease or acquisition of the property described in this statement. IT SHOULD FULLY DESCRIBE THE DUTIES OF THE DEVELOPER AND YOUR OBLIGATIONS AS A PROPERTY OWNER IN THIS SUBDIVISION. You should read carefully all of the information contained in this disclosure statement before you decide to buy, lease or otherwise acquire the described property. You should read carefully all the documents mentioned in this Disclosure Statement.

Various public agencies may have issued opinions on both the subdivision proposal and the information contained in this disclosure statement. Summaries of these opinions are contained in this Disclosure Statement. They may be favorable or unfavorable. You should read them closely.

The Board of County Commissioners has examined this Disclosure Statement to determine whether the Subdivider can fulfill what the Subdivider has said in this Disclosure Statement. However, the Board of County Commissioners does not vouch for the accuracy of what is said in this Disclosure Statement. This Disclosure Statement is not a recommendation or endorsement of the subdivision by either the County or the State. It is informative only.

The Board of County Commissioners recommends that you inspect the property before buying, leasing or otherwise acquiring it.

If you have not inspected the parcel before purchasing, leasing or otherwise acquiring it, you have six (6) months from the time of purchase, lease or other acquisition to personally inspect the property. After inspecting the parcel within the six (6) month period, you have three (3) days to rescind the transaction and receive all your money back from the Subdivider when merchantable title is vested in the Subdivider. To rescind the transaction, you must give the Subdivider written notice of your intent to rescind within three (3) days after the date of your inspection of the property.

The Subdivision Act and County Regulations require that any deed, real estate contract, lease or other instrument conveying an interest in a parcel in the subdivision be recorded with the County Clerk.

Building permits, wastewater permits or other use permits must be issued by the proper government officials before improvements are constructed. You should investigate the availability of such permits before you purchase, lease, or otherwise acquire an interest in the land. You should also determine whether such permits are requirements for construction of additional improvements before you occupy the property.

1. **NAME OF SUBDIVISION**
(name of subdivision); (date of all resolutions approved by the Board of Commissioners)

2. **NAME AND ADDRESS OF SUBDIVIDER**
(name and address of subdivider)

3. **CONDITION OF TITLE**
Include at least the following information where applicable: (number of mortgages); (name and address of each mortgagee); (balance owing on each mortgage); (summary of release provisions of each mortgage); (number of real estate contracts on the divided land for which the subdivider is making payments as a purchaser); (name and address of each person holding a real estate contract as owner of the subdivided land for which the subdivider is making payments as a purchaser); (balance owing on each real estate contract); (summary of default provisions of each real estate contract); (summary of release provisions of each real estate contract); (statement of any other encumbrances on the land); (statement of any other conditions relevant to the state of title).

4. **STATEMENT OF ALL RESTRICTIONS OR RESERVATIONS OF RECORD THAT SUBJECT THE SUBDIVIDED LAND TO ANY CONDITIONS AFFECTING ITS USE OR OCCUPANCY**
(list all deed, plat restrictions, restrictive covenants, etc. affecting the subdivided land)

5. **UTILITIES**

(name of entity providing
electricity, if available)

(estimated monthly cost
per parcel)

(name of entity providing
gas service, if available)

(estimated monthly cost)

(name of entity providing
water, if available)

(estimated monthly cost)

(name of entity providing
telephone, if available)

(estimated monthly cost)

(name of entity providing
liquid waste disposal,
if available)

(estimated monthly cost)

(name of entity providing
solid waste disposal,
if available)

(estimated monthly cost)

6. INSTALLATION OF UTILITIES:

(State with specificity the person or entity which bears the cost of installation, and the date of any proposed) installation.

(electricity)	(date)
-----	-----
(gas)	(date)
-----	-----
(water)	(date)
-----	-----
(telephone)	(date)
-----	-----
(liquid waste disposal)	(date)
-----	-----
(solid waste disposal)	(date)
-----	-----

7. UTILITY LOCATION

(list documents describing exact location of all easements); (if all utilities are to be provided to each parcel in the subdivision, please state here): (if utilities are to be provided to some but not all parcels in the subdivision, state which utilities will be provided to each parcel).

(check whether each utility will be above ground or underground)

	Above ground	Underground
electricity	_____	_____
gas	_____	_____
water	_____	_____
telephone	_____	_____
liquid waste disposal	_____	_____
solid waste disposal	_____	_____

8. WATER AVAILABILITY

(describe the maximum annual water requirements of the subdivision including water for indoor and outdoor domestic uses as if the land were fully developed and occupied); (describe the availability and sources of water to meet the subdivision's maximum annual water requirements); (describe the means of water delivery within the subdivision); (describe any limitations and restrictions on water use in the subdivision); (summarize the provisions of any covenants or other restrictions requiring the use of water saving fixtures and other water conservation measures); (describe what measures, if any, will be employed to monitor or restrict water use in the subdivision); (estimate monthly cost of water or well maintenance); (estimate cost of well installation).

9. FOR SUBDIVISIONS WITH COMMUNITY WATER SYSTEMS (if applicable)

(name and address of entity providing water); (source of water and means of delivery); (summary of any legal restrictions on either indoor or outdoor usage); (statement that individual wells are prohibited, if such is the case).

10. FOR SUBDIVISIONS WITH INDIVIDUAL DOMESTIC WELLS OR SHARED WELLS (if applicable)

(state whether wells will be provided by the subdivider or by the prospective purchaser/lessee/conveyee); (if wells are provided by purchaser/lessee/conveyee, state the estimated cost to complete a domestic well, including drilling, pressure tank, control devices, storage and treatment facilities); (if wells are provided by the subdivider, state the cost, if any to the purchaser/lessee/conveyee); (summary of legal restrictions on either indoor or outdoor usage); (average depth to groundwater and the minimum and maximum well depths to be reasonably expected); (recommended total depth of well); (estimated yield in gallons per minute of wells completed to recommended total depth).

11. LIQUID WASTE DISPOSAL

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

NOTE: NO LIQUID WASTE DISPOSAL SYSTEM MAY BE USED IN THIS SUBDIVISION OTHER THAN A SYSTEM APPROVED FOR USE IN THIS SUBDIVISION BY THE NEW MEXICO ENVIRONMENT DEPARTMENT

12. SOLID WASTE DISPOSAL

(describe the means of solid waste disposal {including the permitted landfill} that is proposed for use within the subdivision); (state the monthly cost for solid waste collection or disposal at nearest convenience station or landfill); (state all available solid waste collectors with capacity to serve the subdivision)

13. TERRAIN MANAGEMENT

(describe the suitability for residential use of the soils in the subdivision as defined in the Natural Resource Conservation District's soil survey for McKinley County); (describe any measures necessary for overcoming soil and topographic limitations, and who will be responsible for implementing these measures); (identify by lot and block numbers all parcels within the subdivision that are subject to flooding); (identify by lot and block numbers all parcels within the subdivision located in whole or in part on slopes in excess of 8%); (describe the surface drainage for all lots in the subdivision); (describe the subsurface drainage for all lots in the subdivision); (describe the nature, location and completion dates of all storm drainage systems constructed or required to be constructed in the subdivision).

14. SUBDIVISION ACCESS

(name of town nearest to subdivision); (distance from nearest town to subdivision and the route over which that distance is computed); (describe access roads to subdivision); (state whether or not subdivision is accessible by conventional vehicle); (state whether or not subdivision is ordinarily accessible at all times of the year and under all weather conditions); (describe the width and surfacing of all roads within the subdivision); (state the required type of road for the subdivision); (state whether the roads within the subdivision have been accepted for maintenance by the County and identify the acceptance documents); (if the roads within the subdivision have not been accepted for maintenance by the County, state how the roads will be maintained and describe lot owners' responsibilities and obligations with respect to road maintenance).

15. MAINTENANCE

(state whether the roads and other improvements within the subdivisions will be maintained by the county, the subdivider or an association of lot owners, and what measures have been taken to make sure that maintenance takes place); (identify any documents of acceptance for maintenance or creation of associations).

16. **CONSTRUCTION GUARANTEES** (if applicable)
(describe any proposed roads, drainage structures, water treatment facilities or other improvements that will not be completed before parcels in the subdivision are offered for sale); (describe all performance bonds, or other collateral securing the completion of each proposed improvement)
-

NOTE: UNLESS THERE IS SUFFICIENT BOND, OR OTHER ADEQUATE COLLATERAL TO SECURE THE COMPLETION OF PROPOSED IMPROVEMENTS, IT IS POSSIBLE THAT THE PROPOSED IMPROVEMENTS WILL NOT BE COMPLETED. CAUTION IS ADVISED.

17. **ARCHAEOLOGICAL SITES, AND UNMARKED HUMAN BURIALS**
(attach affidavit pursuant to Articles 9.1 and 9.2)(state the results of any archaeological survey and environmental assessment); (describe the general locations of any sites within the subdivision).
-

18. **ADVERSE OR UNUSUAL CONDITIONS**
(state any activities or conditions adjacent to or nearby the subdivision, such as feed lots, dairies, cement plants or airports, that would subject the subdivided land to any unusual conditions affecting its use or occupancy)
-

19. **FIRE PROTECTION**
(distance to nearest fire station from subdivision); (route over which that distance is computed); (state whether the fire department is full-time or volunteer); (state source and quantity of water available for fire suppression in the subdivision).
-

20. **POLICE PROTECTION**
(list the various police units that have jurisdiction and will patrol the subdivision).
-

21. **PUBLIC SCHOOLS**
(name of and distance to nearest public elementary school serving the subdivision): (name of and distance to nearest public junior high or middle school serving the subdivision); (name of and distance to nearest public high school serving the subdivision).
-

SIGNED _____

DATED _____

This Disclosure Statement was SUBSCRIBED AND SWORN to before me on this ____ day of _____, 19__.

Notary Public

My commission expires:

SUGGESTED FORM
FOR ALL SUBDIVISIONS WITH 5 OR MORE PARCELS

Any form may be used as long as the required information is provided and it is understandable to all prospective purchasers. This is an example form only. You must describe in sufficient detail the information needed. If you use this form, you must attach extra sheets of paper and label each sheet to correspond to the information sought.

DISCLOSURE STATEMENT
FOR

YOU SHOULD READ THIS DISCLOSURE STATEMENT BEFORE YOU SIGN ANY DOCUMENTS OR AGREE TO PURCHASE ANY PARCEL IN THE SUBDIVISION.

This disclosure statement is intended to provide you with enough information to make an informed decision on the purchase, lease or acquisition of the property described in this statement. **IT SHOULD FULLY DESCRIBE THE DUTIES OF THE DEVELOPER AND YOUR OBLIGATIONS AS A PROPERTY OWNER IN THIS SUBDIVISION.** You should read carefully all of the information contained in this disclosure statement before you decide to buy, lease or otherwise acquire the described property. You should read carefully all the documents mentioned in this Disclosure Statement.

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Building permits, wastewater permits or other use permits must be issued by the proper government officials before improvements are constructed. You should investigate the availability of such permits before you purchase, lease, or otherwise acquire an interest in the land. You should also determine whether such permits are requirements for construction of additional improvements before you occupy the property.

1. **NAME OF SUBDIVISION**
(name of subdivision); (date of all resolutions approved by the Board of Commissioners)

2. **NAME AND ADDRESS OF SUBDIVIDER**
(name and address of subdivider)

3. **NAME AND ADDRESS OF PERSON IN CHARGE OF SALES, LEASING OR OTHER CONVEYANCE IN NEW MEXICO**
(name, address and telephone number of person in charge of sales, leasing or other conveyance)

4. **SIZE OF SUBDIVISION BOTH PRESENT AND ANTICIPATED**

Present
(number of parcels)

Anticipated
(number of parcels)

(number of acres in subdivision)

(number of acres in subdivision)

5. **SIZE OF LARGEST PARCEL OFFERED FOR SALE, LEASE OR CONVEYANCE WITHIN THE SUBDIVISION**
(size of largest parcel in acres)

6. **SIZE OF SMALLEST PARCEL OFFERED FOR SALE, LEASE OR CONVEYANCE WITHIN THE SUBDIVISION**
(size of smallest parcel in acres)

7. **PROPOSED RANGE OF PRICES FOR SALES, LEASES OR OTHER CONVEYANCES**
(\$ = lowest amount) (size of parcel sold, leased or conveyed)

(\$ = highest amount)

(size of parcel sold, leased or conveyed)

8. **FINANCING TERMS**
(interest rate); (term of loan or contract); (minimum down payment); (service charges and or escrow fees); (premium for credit life or other insurance if it is a condition for giving credit); (closing costs); (any other information required by the Truth in Lending Act and Regulation Z if not set forth above).

9. NAME AND ADDRESS OF HOLDER OF LEGAL TITLE

(name and current address of person who is recorded as having legal title) (if any of the holders of legal title named above is a corporation, list the names and addresses of all officers of that corporation).

10. NAME AND ADDRESS OF PERSON HAVING EQUITABLE TITLE

(name and current address of person who is recorded as having equitable title) (if any of the holders of equitable title named above is a corporation, list the names and addresses of all officers of that corporation).

11. CONDITION OF TITLE

Include at least the following information where applicable: (number of mortgages); (name and address of each mortgagee); (balance owing on each mortgage); (summary of release provisions of each mortgage); (number of real estate contracts on the divided land for which the subdivider is making payments as a purchaser); (name and address of each person holding a real estate contract as owner of the subdivided land for which the subdivider is making payments as a purchaser); (balance owing on each real estate contract); (summary of default provisions of each real estate contract); (summary of release provisions of each real estate contract); (statement of any other encumbrances on the land); (statement of any other conditions relevant to the state of title).

12. STATEMENT OF ALL RESTRICTIONS OR RESERVATIONS OF RECORD THAT SUBJECT THE SUBDIVIDED LAND TO ANY CONDITIONS AFFECTING ITS USE OR OCCUPANCY

(state here all deed, plat restrictions, restrictive covenants, etc. affecting the subdivided land)

13. ESCROW AGENT

(name and address of escrow agent) (statement of whether or not the subdivider has any interest in or financial ties to the escrow agent)

14. UTILITIES

(name of entity providing electricity, if available)

(estimated monthly cost per parcel)

(name of entity providing gas service, if available)

(estimated monthly cost)

(name of entity providing water, if available)

(estimated monthly cost)

(name of entity providing telephone, if available)

(estimated monthly cost)

(name of entity providing liquid waste disposal, if available)

(estimated monthly cost)

(name of entity providing solid waste disposal, if available)

(estimated monthly cost)

15. INSTALLATION OF UTILITIES:

(State with specificity the person or entity which bears the cost of installation, and the date of any proposed installation).
 (electricity) _____ (date) _____

 (gas) _____ (date) _____

 (water) _____ (date) _____

 (telephone) _____ (date) _____

 (liquid waste disposal) _____ (date) _____

 (solid waste disposal) _____ (date) _____

16. UTILITY LOCATION

(list documents describing exact location of all easements); (if all utilities are to be provided to each parcel in the subdivision, please state here); (if utilities are to be provided to some but not all parcels in the subdivision, state which utilities will be provided to each parcel).

 (check whether each utility will be above ground or underground)

	Above ground	Underground
electricity	_____	_____
gas	_____	_____
water	_____	_____
telephone	_____	_____
liquid waste disposal	_____	_____
solid waste disposal	_____	_____

17. WATER AVAILABILITY

(describe the maximum annual water requirements of the subdivision including water for indoor and outdoor domestic uses as if the land were fully developed and occupied); (describe the availability and sources of water to meet the subdivision's maximum annual water requirements); (describe the means of water delivery within the subdivision); (describe any limitations and restrictions on water use in the subdivision); (summarize the provisions of any covenants or other restrictions requiring the use of water saving fixtures and other water conservation measures); (describe what measures, if any, will be employed to monitor or restrict water use in the subdivision); (estimate monthly cost of water or well maintenance); (estimate cost of well installation).

18. FOR SUBDIVISIONS WITH COMMUNITY WATER SYSTEMS

(name and address of entity providing water); (source of water and means of delivery); (summary of any legal restrictions on either indoor or outdoor usage); (statement that individual wells are prohibited, if such is the case).

19. FOR SUBDIVISIONS WITH INDIVIDUAL DOMESTIC WELLS OR SHARED WELLS (if applicable)

(state whether wells will be provided by the subdivider or by the prospective purchaser/lessee/conveyee); (if wells are provided by purchaser/lessee/conveyee, state the estimated cost to complete a domestic well, including drilling, pressure tank, control devices, storage and treatment facilities); (if wells are provided by the subdivider, state the cost, if any to the purchaser/lessee/conveyee); (summary of legal restrictions on either indoor or outdoor usage); (average depth to groundwater and the minimum and maximum well depths to be reasonably expected); (recommended total depth of well); (estimated yield in gallons per minute of wells completed to recommended total depth).

20. LIFE EXPECTANCY OF WATER SUPPLY

(state the life expectancy of each source of water supply for the subdivision under full development of the subdivision)

21. SURFACE WATER*

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

(provide a detailed statement the source and yield of the surface water supply and any restrictions to which the surface water supply is subject

22. NEW MEXICO STATE ENGINEER'S OPINION ON WATER AVAILABILITY

Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico State Engineer regarding: (whether or not the subdivider can furnish water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses); (whether or not the subdivider can fulfill the proposals in this disclosure statement concerning water, excepting water quality).

23. WATER QUALITY

(describe the quality of water in the subdivision available for human consumption): (describe any quality that would make the water unsuitable for use within the subdivision); (state each maximum allowable water quality parameter that has been exceeded and the name of the element, compound or standard that has exceeded that parameter).

24. NEW MEXICO ENVIRONMENT DEPARTMENT'S OPINION ON WATER QUALITY

Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico Environment Department on: (whether or not the subdivider can furnish water of an acceptable quality for human consumption and measures to protect the water supply from contamination in conformity with state regulations); (whether or not the subdivider can fulfill the water quality proposal made in this disclosure statement).

25. **LIQUID WASTE DISPOSAL**

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

NOTE: NO LIQUID WASTE DISPOSAL SYSTEM MAY BE USED IN THIS SUBDIVISION OTHER THAN A SYSTEM APPROVED FOR USE IN THIS SUBDIVISION BY THE NEW MEXICO ENVIRONMENT DEPARTMENT

26. **N.M. ENVIRONMENT DEPARTMENT'S OPINION ON LIQUID WASTE DISPOSAL**

Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico Environment Department on: (whether there are sufficient liquid waste disposal facilities to fulfill the requirements of the subdivision in conformity with state regulations); (whether or not the subdivider can fulfill the liquid waste proposals made in this disclosure statement).

27. **SOLID WASTE DISPOSAL**

(describe the means of solid waste disposal {including the permitted landfill} that is proposed for use within the subdivision); (state the monthly cost for solid waste collection or disposal at nearest convenience station or landfill); (state all available solid waste collectors with capacity to serve the subdivision)

28. **NEW MEXICO ENVIRONMENT DEPARTMENT'S OPINION ON SOLID WASTE DISPOSAL**

Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico Environment Department on: (whether or not there are sufficient solid waste disposal facilities to fulfill the requirements of the subdivision in conformity with state regulations); (whether or not the subdivider can fulfill the solid waste proposals made in this disclosure statement).

29. **TERRAIN MANAGEMENT**

(describe the suitability for residential use of the soils in the subdivision as defined in the Natural Resource Conservation District's soil survey for McKinley County); (describe any measures necessary for overcoming soil and topographic limitations, and who will be responsible for implementing these measures); (identify by lot and block numbers all parcels within the subdivision that are subject to flooding); (identify by lot and block numbers all parcels within the subdivision located in whole or in part on slopes in excess of 8%); (describe the surface drainage for all lots in the subdivision); (describe the subsurface drainage for all lots in the subdivision); (describe the nature, location and completion dates of all storm drainage systems constructed or required to be constructed in the subdivision).

30. **NATURAL RESOURCE CONSERVATION DISTRICT'S OPINION ON TERRAIN MANAGEMENT**

Include here the approved summary of the opinion received by the Board of County Commissioners from the Soil & Water Conservation District on: (whether or not the subdivider can furnish terrain management sufficient to protect against flooding, inadequate drainage and soil erosion); (whether or not the subdivider can satisfy the terrain management proposals made in this disclosure statement).

31. SUBDIVISION ACCESS

(name of town nearest to subdivision); (distance from nearest town to subdivision and the route over which that distance is computed); (describe access roads to subdivision); (state whether or not subdivision is accessible by conventional vehicle); (state whether or not subdivision is ordinarily accessible at all times of the year and under all weather conditions); (describe the width and surfacing of all roads within the subdivision); (state the required type of road for the subdivision); (state whether the roads within the subdivision have been accepted for maintenance by the County and identify the acceptance documents); (if the roads within the subdivision have not been accepted for maintenance by the County, state how the roads will be maintained and describe lot owners' responsibilities and obligations with respect to road maintenance).

32. MAINTENANCE

(state whether the roads and improvements within the subdivisions will be maintained by the county, the subdivider or an association of lot owners, and what measures have been taken to make sure that maintenance takes place); (identify any documents of acceptance for maintenance or creation of associations).

33. STATE HIGHWAY DEPARTMENT'S OPINION ON ACCESS

Include here the approved summary of the opinion received by the Board of County Commissioners from the State Highway and Transportation Department on: (whether or not the subdivider can fulfill the state highway access requirements for the subdivision in conformity with state regulations); (whether or not the subdivider can satisfy the access proposal made in this disclosure statement).

34. CONSTRUCTION GUARANTEES (if applicable)

(describe any proposed roads, drainage structures, water treatment facilities or other improvements that will not be completed before parcels in the subdivision are offered for sale); (describe all performance bonds, or other collateral securing the completion of each proposed improvement)

NOTE: UNLESS THERE IS SUFFICIENT BOND, OR OTHER ADEQUATE COLLATERAL TO SECURE THE COMPLETION OF PROPOSED IMPROVEMENTS, IT IS POSSIBLE THAT THE PROPOSED IMPROVEMENTS WILL NOT BE COMPLETED. CAUTION IS ADVISED.

35. ADVERSE OR UNUSUAL CONDITIONS

(state any activities or conditions adjacent to or nearby the subdivision, such as feed lots, dairies, cement plants or airports, that would subject the subdivided land to any unusual conditions affecting its use or occupancy)

36. ARCHAEOLOGICAL SITES, AND UNMARKED HUMAN BURIALS

(attach affidavit pursuant to Articles 9.1 and 9.2)(state the results of any archaeological survey and environmental assessment); (describe the general locations of any sites within the subdivision).

37. RECREATIONAL FACILITIES

(describe all recreational facilities, actual and proposed in the subdivision); (state the estimated date of completion of each proposed recreational facility); (state whether or not there are any bonds, or other collateral securing the construction of each proposed recreational facility and describe any such bond, or other collateral).

38. FIRE PROTECTION

(distance to nearest fire station from subdivision); (route over which that distance is computed); (state whether the fire department is full-time or volunteer); (state source and quantity of water available for fire suppression in the subdivision).

39. POLICE PROTECTION

(list the various police units that have jurisdiction and will patrol the subdivision).

40. PUBLIC SCHOOLS

(name of and distance to nearest public elementary school serving the subdivision); (name of and distance to nearest public junior high or middle school serving the subdivision); (name of and distance to nearest public high school serving the subdivision).

41. HOSPITALS

(name of nearest hospital); (distance to nearest hospital and route over which that distance is computed); (number of beds in nearest hospital).

42. SHOPPING FACILITIES

(description of nearest shopping facilities including number of stores); (distance to nearest shopping facilities and route over which that distance is computed).

43. PUBLIC TRANSPORTATION

(describe all public transportation that serves the subdivision on a regular basis)

SIGNED _____

DATED _____

This Disclosure Statement was SUBSCRIBED AND SWORN to before me on this ____ day of _____, 19__.

My commission expires: _____

Notary Public

CLAIM OF EXEMPTION

To claim an exemption from the requirements of the McKinley County Subdivision Ordinance, you must complete this form, sign it before a notary public and submit it together with legible copies of all required documents to the County Manager. Be sure to check all exemptions which apply and attache legible copies of all supporting documents.

The County Manager or the appropriate staff member will notify you in writing within thirty (30) days as to whether your claim of exemption has been granted. If the claim of exemption is granted you may proceed with the land division you propose without needing to comply with the requirements of the McKinley County Subdivision Regulations. If the County Manager fails to mail written notice to you within thirty (30) days after receipt of the completed claim of exemption, the exemption will be deemed denied or if your claim of exemption is denied, you may either seek approval of a subdivision or appeal the denial as provided in the McKinley County Subdivision Regulations.

I / We, _____, claim an exemption from the requirements of the New Mexico Subdivision Act and the Mckinley County Subdivision Regulations on the property described in attachment "A" hereto, and for the following reason(s). I / We certify that this transaction involves:

___ the sale, lease or other conveyance of any parcel that is thirty-five (35) acres or larger in size within any twelve (12) month period, provided that the land has been used primarily and continuously for agricultural purposes, in accordance with §7-36-20 NMSA 1978, for the preceding three (3) years. **ATTACH CERTIFIED SURVEY SHOWING SIZE AND LOCATION OF PARCEL.**

___ the sale or lease of apartments, offices, stores or similar space within a building. **ATTACH COPIES OF ALL PROPOSED SALE OR LEASE DOCUMENTS.**

___ the division of land within the boundaries of a municipality. **ATTACH CERTIFIED SURVEY SHOWING LOCATION OF PROPOSED DIVISION.**

___ the division of land in which only gas, oil, mineral or water rights are severed from the surface ownership of the land. **ATTACH COPIES OF ALL PROPOSED CONVEYANCING DOCUMENTS.**

___ the division of land created by court order where the order creates no more than one parcel per part. **ATTACH CERTIFIED COPY OF COURT ORDER.**

___ the division of land for grazing or farming activities provided that the land continues to be used for grazing or farming activities. **ATTACH COPY OF PROPOSED CONVEYANCING DOCUMENTS AND DOCUMENTS RESTRICTING FUTURE USE TO GRAZING OR FARMING ACTIVITIES. SUCH DOCUMENTS MUST CONTAIN A COVENANT RUNNING WITH THE LAND AND REVOCABLE ONLY BY MUTUAL CONSENT OF THE BOARD OF COUNTY COMMISSIONERS AND THE PROPERTY OWNER THAT THE DIVIDED LAND WILL BE USED EXCLUSIVELY FOR GRAZING OR FARMING ACTIVITIES. THE COVENANT MUST BE SIGNED BY THE PROPERTY OWNER, THE BUYERS OR LESSEE, AND THE BOARD OF COUNTY COMMISSIONERS AND MUST BE FILED OF RECORD WITH THE COUNTY CLERK.**

— the division of land resulting only in the alteration of parcel boundaries where parcels are altered for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased. **ATTACH CERTIFIED SURVEYS SHOWING ALL PARCELS AND PARCEL BOUNDARIES BEFORE AND AFTER PROPOSED ALTERATION.**

— the division of land to create a parcel that is sold or donated as a gift to an immediate family member; however, this exception shall be limited to allow the seller or donor to sell or give no more than one parcel per tract of land per immediate family member. As used herein the term "immediate family member" means a husband, wife, father, stepfather, mother, stepmother, brother, stepbrother, sister, stepsister, son, stepson, daughter, stepdaughter, grandson, stepgrandson, granddaughter, stepgranddaughter, nephew and niece, whether related by birth or adoption. **ATTACH COPY OF PROPOSED CONVEYANCING DOCUMENT AND BIRTH CERTIFICATE, ADOPTION CERTIFICATE OR OTHER DOCUMENT DEMONSTRATING FAMILY RELATIONSHIP CLAIMED. BAPTISMAL CERTIFICATES ARE NOT ACCEPTABLE DOCUMENTATION. ATTACH DOCUMENTATION OF THE LAST DIVISION OF LAND.**

— the division of land created to provide security for mortgages, liens or deeds of trust: provided that the division is not the result of a seller-financed transaction. **ATTACH COPIES OF ALL FINANCING DOCUMENTS.**

— the sale, lease or other conveyance of land that creates no parcel smaller than one hundred forty (140) acres; **ATTACH CERTIFIED SURVEY SHOWING LOCATION AND SIZE OF PARCEL(S).**

— the division of land to create a parcel that is donated to any trust or nonprofit corporation granted an exemption from federal income tax, as described in § 501(c)(3) of the United States Internal Revenue Code of 1986, as amended; school, college or other institution with a defined curriculum and a student body and faculty that conducts classes on a regular basis; or to any church or group organized for the purpose of divine worship, religious teaching or other specifically religious activity. **ATTACH COPIES OF I.R.S. EXEMPTION LETTER, AND/OR DOCUMENTS DEMONSTRATING ENTITLEMENT TO EXEMPTION AND CERTIFIED SURVEY SHOWING LAND PROPOSED TO BE DONATED.**

— the sale, lease or other conveyance of a single parcel from a tract of land, except from a tract within a previously approved subdivision, within any five (5) year period; provided that a second or subsequent sale, lease or other conveyance from the same tract of land within five (5) years of the first sale, lease or other conveyance shall be subject to the provisions of the New Mexico Subdivision Act and these Regulations; provided further that a survey shall be filed with the county clerk indicating the five (5) year holding period for both the original tract and the newly created tract. **ATTACH CERTIFIED SURVEY SHOWING SIZE AND LOCATION OF ORIGINAL TRACT, PARCEL PROPOSED TO BE DIVIDED, ANY PARCELS PREVIOUSLY DIVIDED FROM THE ORIGINAL PARCEL AND DATES OF ALL DIVISIONS.**

(CERTIFICATION AND ACKNOWLEDGEMENT CONTINUE ON NEXT PAGE)

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

Signature Print your name here

Address City, state and zip code

Telephone number(s)

This Claim of Exemption was SUBSCRIBED AND SWORN to before me on _____,
19__.

Notary Public

My commission expires:

(LEGAL DESCRIPTION OF PROPERTY MUST BE ATTACHED AS EXHIBIT "A")

FOR OFFICIAL USE ONLY

The fee for processing the foregoing Claim of Exemption was received on _____.

___ The foregoing Claim of Exemption has been approved.

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

___ The foregoing Claim of Exemption is hereby denied for the following reasons:

Date: _____

Name and title

APPLICATION FOR PRELIMINARY PLAT APPROVAL

INSTRUCTIONS

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

APPLICANT INFORMATION

1. Subdivider Name, Address, and Phone Number

2. Agent (if any) Name, Address, and Phone Number

Signature _____ Date _____

3. Engineer/Surveyor Name, Address, and Phone Number

Signature _____ Date _____

SUBDIVISION INFORMATION

4. Name of Subdivision _____
(Indicate if this is a succeeding subdivision, phased subdivision, or resubdivision)

5. This is a Type One ____ Two ____ Three ____ Four ____ Subdivision (check one), requiring type ____ roads.

6. Number of lots: _____; Total acreage: _____ Acres; Size of smallest lot: ____ Acres

7. Municipal planning and platting jurisdiction (if applicable): _____

8. If this is a succeeding subdivision, provide detailed attachments indicating the relationship between the proposed subdivision(s) and the previous subdivision.

9. If this is part of a phased subdivision, attach a master plan of all phases indicating the current proposed phase and an anticipated phasing schedule.

10. If this is a resubdivision, provide a reference to the original plat with an explanation of the proposed changes.
11. If this is a dormant subdivision, provide a reference to the original plat with an explanation of the proposed changes.
12. Supporting documentation required for the preliminary plat review as defined by the County Subdivision Regulations shall be attached to this application.
13. The required number of copies of the preliminary plat map as specified by the County Subdivision Regulations shall be attached to this application.
14. A draft copy of the disclosure statement shall be attached to this application and shall be in an reasonable format and contain all information requested in the County Subdivision Regulations.

I certify that the information provided by me in this Application for Preliminary Plat Approval is true and correct and that all documents attached to or enclosed with this Application are originals or true, complete and correct copies of the originals.

Signature

This Application for Preliminary Plat Approval was SUBSCRIBED AND SWORN to before me on _____, 19__.

Notary Public

My commission expires:

PROCEDURAL INFORMATION (to be completed by County staff.)

15. Date application received by County: _____ (fee paid? ____)

Signed _____

16. Date preliminary plat deemed complete: _____

Signed _____

17. Date documents sent to review agencies: _____

18. Date of public hearing by Subdivision Committee: _____

19. Date of preliminary plat approval by County: _____

APPLICATION FOR FINAL PLAT APPROVAL

INSTRUCTIONS

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

GENERAL INFORMATION

1. Name of Subdivision _____
2. This is a Type_____ Subdivision; Number of Lots: _____;
Total acreage:_____ Acres; Type of roads required: _____.
3. Subdivider or Agent Name, Address, and Phone Number
4. Engineer/Surveyor Name, Address and Phone Number

Signature _____ Date _____

SUPPLEMENTAL INFORMATION

5. Have any changes to the proposed subdivision been made since the preliminary plat was approved? _____ If so, attach a detailed explanation of such changes.
6. Have the required improvements been completed? _____ If not, attach improvement agreement to ensure completion of required improvements.
7. All affidavits, certificates, resolutions, permits, and statements required for final plat review as defined by the County Subdivision Regulations shall be attached to this application.

8. The original drawing and required number of copies of the final plat map shall be attached to this application.
9. The final disclosure statement shall be attached to this application.

I certify that the information provided by me in this Application for Final Plat Approval is true and correct and that all documents attached to or enclosed with this Application are originals or true, complete and correct copies of the originals.

Signature

This Application for Final Plat Approval was SUBSCRIBED AND SWORN to before me _____, 19__.

Notary Public

My commission expires:

PROCEDURAL INFORMATION (To be completed by County staff)

10. Date and resolution number of preliminary plat approval _____ Expiration Date

11. Extension dates (if any, with explanation and documentation)

12. Date this final application received by County _____ (fee paid? ___)

Signed _____

13. Date final plat deemed complete _____

Signed _____

14. Date and resolution number of final plat approval by County _____

15. Date final plat, resolution, and disclosure statement is filed with County Clerk: _____

APPLICATION FOR SUMMARY REVIEW PLAT APPROVAL

INSTRUCTIONS

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

APPLICANT INFORMATION

1. Subdivider Name, Address, and Phone Number
2. Engineer/Surveyor Name, Address, and Phone Number

Signature _____ Date _____

SUBDIVISION INFORMATION

3. Location of Subdivision (attach map if necessary) _____

4. This is a Type Three ____ Five ____ Subdivision (check one);
requiring type ____ roads.
5. Number of lots: _____; Total acreage: _____ Acres; Size of smallest
lot: ____ Acres.
6. Municipal planning and platting jurisdiction (if applicable): _____

SUPPLEMENTAL INFORMATION

7. If it is determined by the County to be necessary, attach an improvement agreement to ensure completion of required improvements.

APPLICATION FOR A VARIANCE

INSTRUCTIONS

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

APPLICANT INFORMATION

- 1. Subdivider Name, Address, and Phone Number:
2. Engineer/Surveyor Name, Address, and Phone Number:

SUBDIVISION INFORMATION

- 3. Name of Subdivision
4. Reason(s) for Variance (brief description)
5. Attach a copy of the subdivider's plan containing maps, schematics, and a narrative statement describing the full effect of the proposed development with and without the variance.

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

Signature

This Application for a Variance was SUBSCRIBED AND SWORN to before me on . 19 .

Notary Public

My commission expires:

PROCEDURAL INFORMATION (To be completed by County Staff)

- 6. Date application received by County (fee paid?)
Signed
7. Date of public hearing before the Subdivision Review Committee:
8. Date and resolution number of variance approval by County Commission:

APPLICATION FOR COUNTY ROAD MAINTENANCE

INSTRUCTIONS

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

APPLICANT INFORMATION

- 1. Subdivider Name, Address, and Phone Number:
2. Engineer/Surveyor Name, Address, and Phone Number:

SUBDIVISION INFORMATION

- 3. Name of Subdivision
4. Road Name, and length
5. Legal description of road by center line metes and bounds
6. Attach a copy of the subdivider's documents containing: As built engineering, maps, schematics, title to property, and a narrative statement describing the construction of the infrastructure and it's effects on the subdivision and surrounding land.
7. Completion date of infrastructure construction

I certify that the information provided by me in this Application for County Road Maintenance is true and correct and that all documents attached to or enclosed with this Application are originals or true, complete and correct copies of the originals.

Signature

This Application for County Road Maintenance was SUBSCRIBED AND SWORN to before me on , 19.

Notary Public

My commission expires:

PROCEDURAL INFORMATION (To be completed by County Staff)

- 8. Date application received by County (fee paid?)
Signed
9. Date County representative viewed the road: (attach comments and recommendations).
Signed
10. Date of public hearing before the Subdivision Review Committee and/or County Commission: (attach comments and recommendations of Subdivision Review Committee).
8. Date and number of Road Maintenance Resolution by County Commission:

APPLICATION FOR VACATION OF A PLAT

INSTRUCTIONS

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

APPLICANT INFORMATION

- 1. Subdivider Name, Address, and Phone Number:

- 2. Engineer/Surveyor Name, Address, and Phone Number:

SUBDIVISION INFORMATION

- 3. Name of Subdivision _____
- 4. Reason(s) for Vacation of plat (brief description) _____

- 5. Attach a copy of the subdivider's plan containing maps, schematics, and a narrative statement describing the full effect of the proposed plat vacation with and without the vacation.
- 6. Attach a copy of documents of title to the property effected by the proposed vacation

I certify that the information provided by me in this Application for Vacation of a Plat is true and correct and that all documents attached to or enclosed with this Application are originals or true, complete and correct copies of the originals.

Signature

This Application for Vacation of a Plat was SUBSCRIBED AND SWORN to before me _____, 19__.

Notary Public

My commission expires:

PROCEDURAL INFORMATION (To be completed by County Staff)

- 6. Date application received by County _____ (fee paid? ___)
- Signed _____
- 7. Date of public hearing before the Subdivision Review Committee: _____
- 8. Date and resolution number of variance approval by County Commission: _____

NOTICE OF APPEAL

INSTRUCTIONS

Print or type clearly. Use additional sheets if necessary. All required attachments shall be submitted with this form. Incomplete or inaccurate information may delay public hearing or decision dates. This form may be used by any person who is adversely affected by a decision regarding the approval or disapproval of a subdivision within the County's jurisdiction, and shall be in compliance with the requirements of the County Subdivision Regulations. This form must be accompanied by the required administrative fee.

APPELLANT INFORMATION

1. Name, Address, and Phone Number:

Signature _____ Date _____

2. Agent (if any) Name, Address, and Phone Number

Signature _____ Date _____

NATURE OF APPEAL

3. Reason for Appeal (reference to specific decision being appealed)

4. Ruling Authority for this appeal _____ . Attach a copy of the decision or order being appealed.

PROCEDURAL INFORMATION (To be completed by County Staff)

5. Date of action being appealed _____

6. Date Notice of Appeal received by County _____

Signed _____

7. Date of decision regarding appeal by Board of County Commissioners _____

APPENDIX "I"

FLOW CHARTS

Adopting, Amending, Repealing County Subdivision Regulations

Preliminary Plat Review (1, 2, 3, 4)*

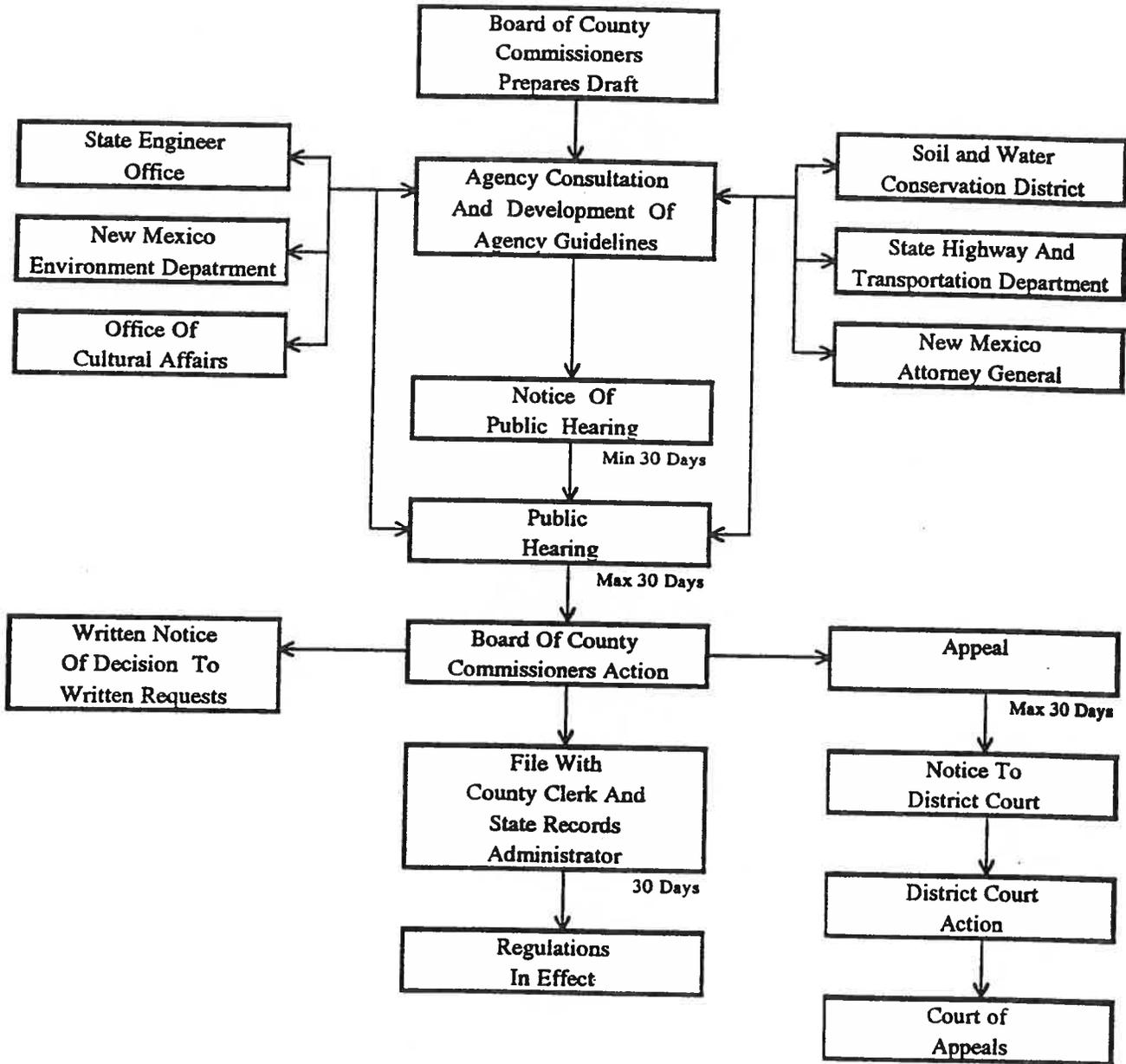
Final Plat Review (1, 2, 3, 4)*

Final Plat Summary Review (3,5)*

Appeal (Preliminary or Final Plats)

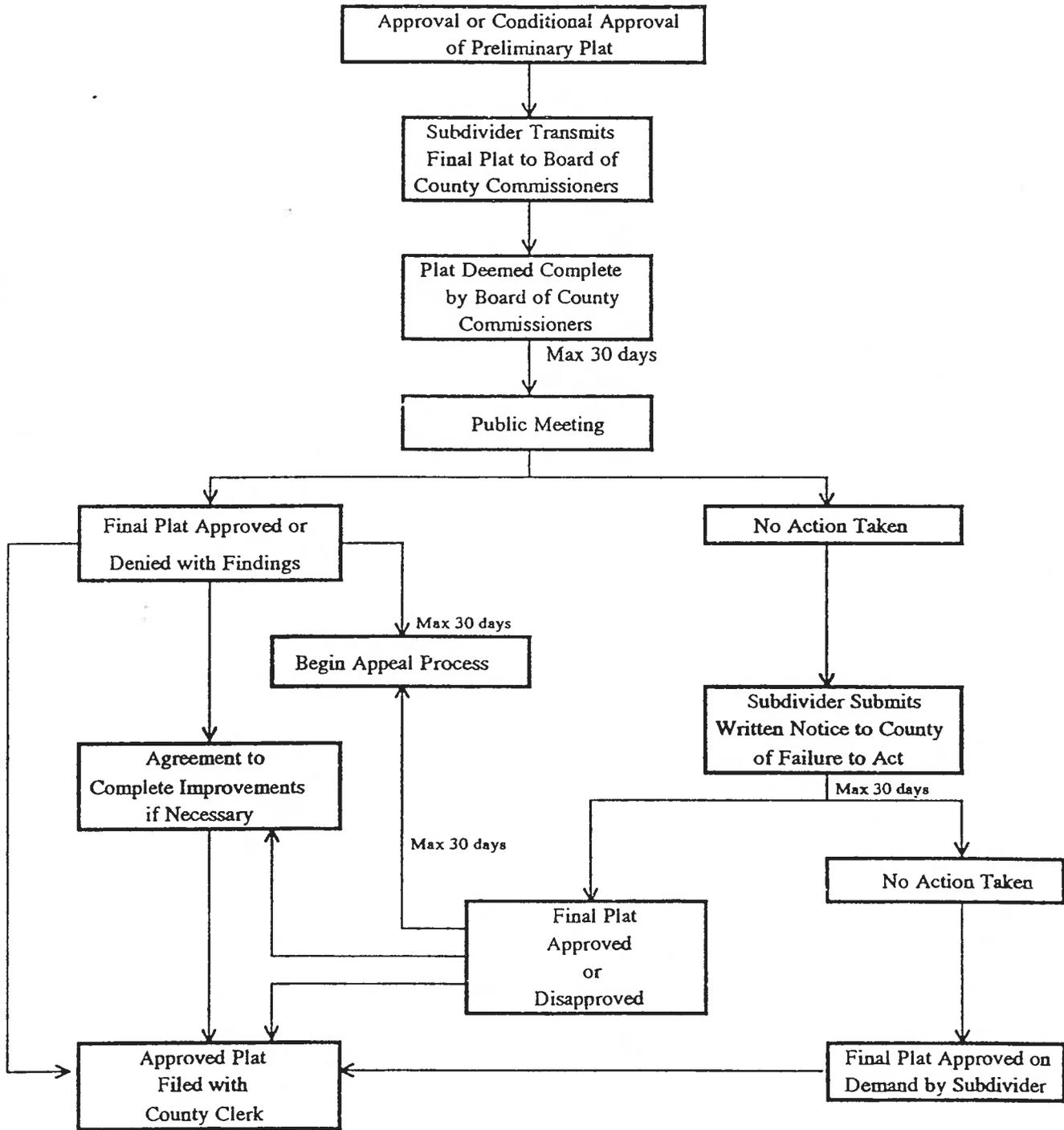
*NOT ALL TYPE 3 SUBDIVISIONS QUALIFY FOR SUMMARY REVIEW

Adopting, Amending, or Repealing County Subdivision Regulations



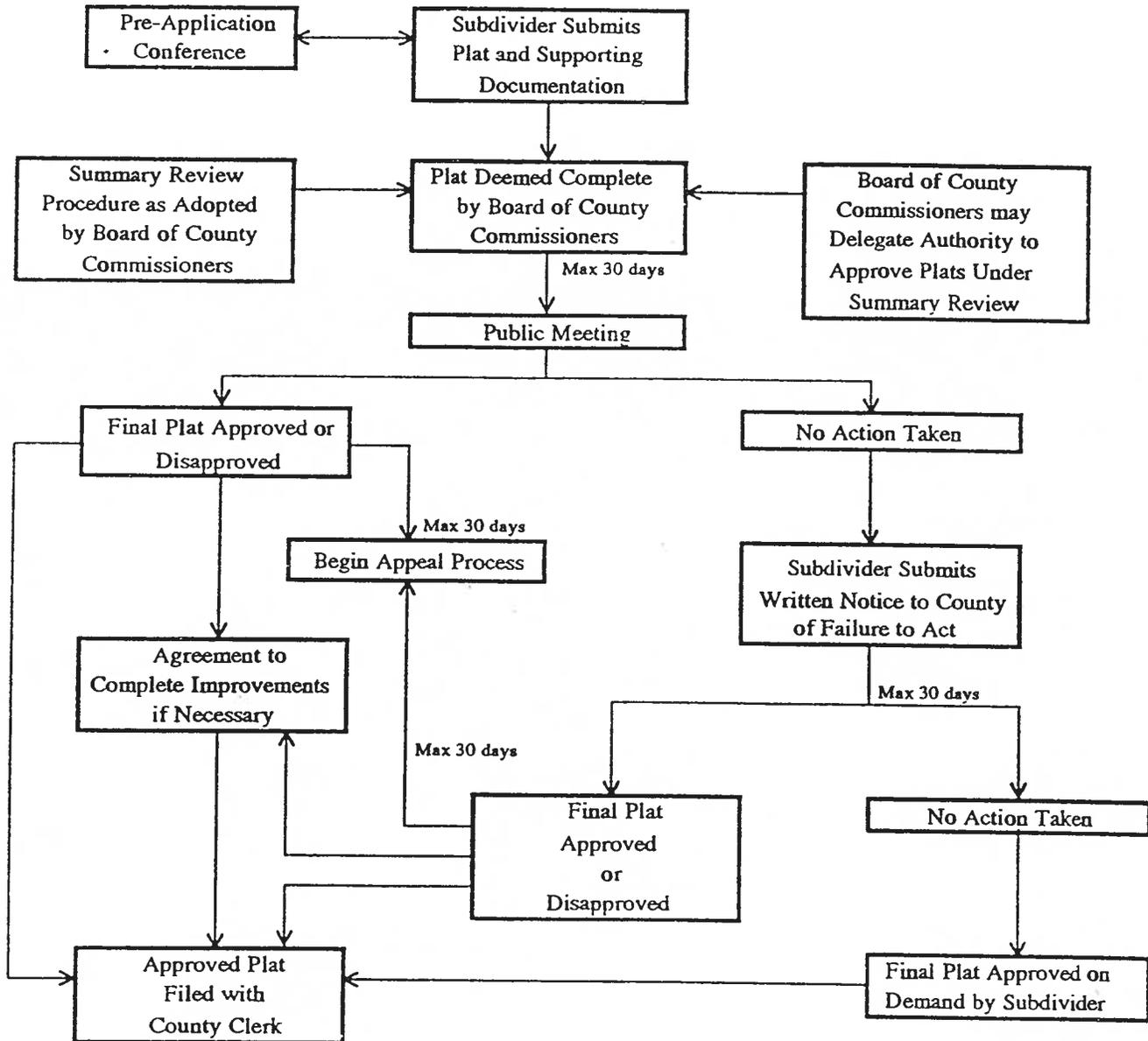
Flow Chart 1

Final Plat Review for Subdivision Types 1, 2, 3*, 4



* Not all Type 3 Subdivisions Qualify for Summary Review

Final Plat Review for Subdivision Types 3*, 5



* Not all Type 3 Subdivisions Qualify for Summary Review